

## APPENDIX F

### INDIAN ORCHARD PROJECT

#### Cultural Resource Protection

The Facility is in compliance with all requirements regarding cultural resource protection, mitigation or enhancement included in its FERC exemption from license. In view of the results of discovery efforts during the licensing process and the State Historical Preservation Officer's determination at that time, the FERC found that the Facility would have no effect on any structure, site, building, district, or object listed in or eligible for listing in the National Register of Historic Places.

During the licensing process, Commission staff specifically determined that exempting the proposed project would have no effect on National Register or eligible properties based on the Exemptee proposal to use the existing project works for its historic purpose. Article 11 was included to require the Exemptee to notify the Commission of any property transfers.<sup>40</sup> Commission staff found that no properties of historic significance would be adversely affected by continued use of the project for hydropower as proposed. In addition, the possibility exists that properties could be adversely affected by unforeseen ground-disturbing activities or by project operation not already considered in the Environmental Assessment. For these reasons, Articles 12<sup>41</sup> and 13<sup>42</sup> were included to ensure that the Exemptee, before engaging in any ground

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<sup>40</sup> Article 11 states that "In addition to the notification of the Commission required by standard article 9, and within 30 days of transferring any property interests, the exemption holder must inform the Commission's New York Regional Director of the identity and address of the transferee."

<sup>41</sup> Article 12 states that "The Exemptee shall, before undertaking any construction activities at the project that would result in any modification of the existing historic facilities: (1) consult with the State Historic Preservation Officer (SHPO) concerning preliminary design of the new facilities to be constructed at the project to establish specific design criteria consistent with the Secretary of the Interior's "Standards for Rehabilitation; (2) afford the SHPO the opportunity to review preliminary and final design drawings of the new facilities; and (3) file the final design drawings, along with the SHPO's comments on the final design drawings, for Commission approval. The Exemptee shall undertake no construction activities at the project that would result in any modification of the existing historic facilities until informed by the Commission that the final design drawings have been approved."

<sup>42</sup> Article 13 states that "The Exemptee, before starting any land-clearing or land-disturbing activities within the project boundaries, including recreation developments at the project and any construction activities or alterations at or within the historic Indian Orchard Generating Station -- other than those land-clearing and land-disturbing activities, and construction activities and alterations at and within the historic Indian Orchard Generating Station that are specifically authorized in this license -- shall consult with the State Historic Preservation Officer (SHPO).

"If the Exemptee discovers previously unidentified archeological or historic properties during the course of constructing or developing project works or other facilities at the project, the Exemptee shall stop all land-clearing and land-disturbing activities in the vicinity of the properties and consult with the SHPO.

"In either instance, the Exemptee shall file for Commission approval a cultural resource management plan (plan) prepared by a qualified cultural resource specialist after having consulted with the SHPO. The plan shall include the following items: (1) a description of each discovered property indicating whether it is listed on or eligible to be

disturbance not already considered in the Environmental Assessment, takes protective measures.

Articles 12 and 13 of the exemption preclude adverse impacts to historic resources. Article 12 required CEEI to: (1) consult with the State Historic Preservation Officer (“SHPO”) before undertaking any construction activity that would result in any modification of the project's existing historic facilities; and (2) file, for Commission approval, its final design drawings, including SHPO's comments on these drawings. Article 13 required that CEEI consult with the SHPO and, if necessary, develop and implement a cultural resource management plan before undertaking any project-related construction activity that is not specifically authorized by the 1992 exemption order.

Presently, Essential Power has no plans to engage in any land-disturbing, land-clearing or spoil-producing activities at the Indian Orchard Project. If these conditions change, it will be required to obtain pre-construction approvals from the Soil Conservation Service, the Massachusetts Division of Fisheries and Wildlife or other appropriate federal or state agencies.

During the LIHI In-take Review Process, the Massachusetts Historical Commission was contacted numerous times via telephone, e-mail and regular mail for its opinion on the LIHI application. However, no response was received to any inquiry other than to use the U.S. mails for inquiries. A copy of such an inquiry letter to the Massachusetts Historical Commission is attached to this filing.

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listed on the National Register of Historic Places; (2) a description of the potential effect on each discovered property; (3) proposed measures for avoiding or mitigating effects; (4) documentation of the nature, extent, and results of consultation; and (5) a schedule for mitigating effects and conducting additional studies. The Commission may require changes to the plan.

“The Exemptee shall not begin land-clearing or land-disturbing activities within the project boundaries, including recreation developments at the project and any construction activities or alterations at or within the historic Putts [Bridge] Generating Station complex -- other than those land-clearing and land-disturbing activities, and construction activities and alterations at and within the historic Indian Orchard Generating Station complex that are specifically authorized in this license -- or resume such activities in the vicinity of a property, discovered during construction, until informed by the Commission that the requirements of this article have been fulfilled.”