



CONNECTICUT RIVER WATERSHED COUNCIL

The River connects us.

P.O. Box 206 Saxtons River, VT 05154

Electronic filing

UNITED STATES OF AMERICA
BEFORE THE OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY
DEPARTMENT OF ENERGY

In re :)

Northern Pass Transmission LLC
Presidential Permit Application
OE Docket No. PP-371

COMMENTS OF THE CONNECTICUT RIVER WATERSHED COUNCIL, INC.

On scoping issues for OE Docket No. PP-371

Proposed for review as part of the Environmental Impact Statement

I. Statement of Interest

The Connecticut River Watershed Council (CRWC) founded in 1952 is a nonprofit membership public interest organization that has an interest in protecting environmental values that directly and indirectly support the State, regional, and local economies and quality of life in the Project area and downstream. The Connecticut River is a resource that defines this region of New Hampshire.

The Clean Water Act, the Federal Power Act and the creation of the Connecticut River Atlantic Salmon Commission has led to improved water quality and provisions for fish passage at the dams on the Connecticut River and its tributaries. The river provides water-related recreational opportunities for swimming, boating and fishing, as well as drawing both residents and tourists who enjoy walking, bicycling, hiking, camping, and nature observation along its banks.

The interests and goals represented by CRWC include improving water quality; enhancing habitat for fish and other aquatic biota; safeguarding and improving wildlife habitat; protecting threatened and endangered species; protecting wetlands; preserving undeveloped shore lands; enhancing public recreation and promoting recreational safety; protecting aesthetic values;

protecting archeological, cultural, and historical resources; fostering sustainable economic development and preserving the local tax base.

II. Description of CRWC

The Connecticut River Watershed Council, Inc. is a nonprofit membership citizen group established to advocate for the protection, restoration, and sustainable use of the Connecticut River and its four-state watershed. CRWC's organizational mission is directly impacted by the construction, presence and operation of the Northern Pass project PP-371 and CRWC's members use and are concerned about the area of the Connecticut River watershed affected by the construction, presence and operation of the proposed power line.

CRWC members have an interest in all facilities on the Connecticut River and its tributaries. Examples of previous permitting involvement are: CRWC is an intervener in FERC licenses for the Holyoke Dam (Project No. 2004), Canaan Dam (Project No. 7528) and Fifteen Mile Falls Dams (Project No. 2077), and for license amendments at Vernon Dam (Project No. 1904) and Northfield Mountain Pumped Storage project (P-2485). CRWC was an Intervener in TransCanada's purchase of hydroelectric projects on the Connecticut River and Deerfield Rivers in 2005. CRWC is an active participant in the National Pollutant Discharge Elimination System (NPDES) permit for not only the Entergy Vermont Yankee nuclear power plant in Vernon, VT but also for all discharges that we expect will have a high impact on the watershed anywhere in all four states of the watershed.

III. Statement of Position

CRWC feels there are a number of concerns that the Environmental Impact Statement should address. CRWC identified the issues by reviewing the revised Northern Pass application and supplemental information. We are hopeful that DOE will consider the issues we discuss here as they develop the Environmental Impact Statement for this project.

We raise our concerns in part because the proposed power line will cross Halls Stream and the main Connecticut River in Pittsburg, NH. The project will also cross either the Upper Ammonoosuc River in Northumberland, NH; the Israel River in Lancaster, NH; the Johns River in Whitefield, NH; the Ammonoosuc River in Bethlehem, NH and the Gale River in Sugar Hill,

NH before leaving the Connecticut River watershed. This listing does not include the numerous small drainage area ‘tweener’ streams that flow across the proposed route of the line into the Connecticut River. These are all parts of the Connecticut River watershed and therefore of interest to the members of CRWC.

The applicant shows the proposed route for the power on USGS topographic maps and although these maps do show the blue line streams and rivers, unfortunately there are no maps of impacted wetlands or vernal pools along the route of the power line provided in any of the application documentation. The listing of wetlands and rivers in Exhibit 12 does not place those items on a map and show their relation to and distance from the project route.

IV CRWC proposed issues for the Environmental Impact Statement

Given the large number of known streams and rivers and the estimated large number of wetlands and vernal pools that will be impacted by the construction, presence and maintenance of the power line CRWC asks that the DOE consider the following environmental issues in developing the Environmental Impact Statement including:

- That since the existing National Wetland Inventory maps are less than 100% reliable as to whether or not all wetlands are shown on the NWI map and whether those shown on the maps are shown in the right location or show the actual accurate size, the applicant be required to collect and compile data on wetlands and vernal pools along the project route from on the ground review and from data available from federal, state, municipal and private sources;
- That given the shortcomings of the NWI maps, the applicant be required to map locations of wetlands and vernal pool depressions and the associated 250’ upland habitat area for each depression in relation to the power line route. The delineation of the wetland and vernal pool depressions and associated upland habitats should include those areas of habitat that extend beyond the proposed corridor and those habitat areas that fall within the proposed corridor associated with pool depressions outside of the proposed corridor.

- These newly created maps of wetlands and vernal pools and their associated upland areas should be submitted to DOE, NH DES, NH Fish and Game and should be available to interested parties prior to submission of a complete application;
- That all wetlands regardless of whether they are shown on the NWI or other source map once identified on the ground receive full protection under NH and federal law;
- That the applicant develop an impact analysis of the construction of the line on all water resources including the number of stream crossings, square footage of disturbance of wetlands and vernal pools along with their associated buffer areas and the amount of forest cover that will be removed in any newly cleared areas that impact habitat associated with rivers, streams, wetlands and vernal pools along entire length of the line. The analysis should be submitted to DOE, NH DES, NH Fish and Game and should be available to interested parties prior to submission of a complete application;
- That the disturbance of large amounts of land by project construction activities will greatly increase the chances for the spread of invasive terrestrial and aquatic plant species along the project route, the applicant should be required to develop an invasive species vegetation monitoring and spread prevention plan. The vegetation monitoring plan should have an implementable objective of preventing the introduction of invasive species because of construction and maintenance activities. The plan should be submitted to DOE, NH DES, NH Fish and Game and should be available to interested parties prior to submission of a complete application;
- That slash generated by the cutting operations be kept back from all waterways of NH at least 50 feet;
- That since insufficient safeguards to prevent erosion could lead to large sediment discharges to the waters of NH from the cutting of native cover itself and from the roads to access the construction sites, especially if the torrential rains experienced in the spring of 2011, 2012, and 2013 should occur anytime after the start of construction, DOE should require that during the construction phase every precaution be required to prevent erosion

that could lead to sediment discharges into any of the waters of NH the power line crosses;

- That DOE require the applicant to develop a strategic plan for the location of the last tower before the line crosses a stream or wetland and first tower after the line crosses a stream or wetland. The location of the last and first towers should be set so that disturbance of the streamside riparian zone or wetland buffer zone will be minimal and that both zones will recover as quickly as possible to clearance line height after the completion of construction. The plan should be submitted to DOE, NH DES, NH Fish and Game and should be available to interested parties prior to submission of a complete application;
- That since the appropriate strategic location of the last and first towers would also allow for the riparian zone to permanently restore itself to maximum safe height and this would also aid in restoring the viewshed from the rivers as best as can be done under the circumstances of a power line crossing. The screening of as much of the constructed project facilities as possible will benefit any river users and their enjoyment of the riverine wild places of NH. This viewshed consideration should be part of the plan submitted to DOE, NH DES, NH Fish and Game and should be available to interested parties prior to submission of a complete application;
- That during construction equipment will need to cross streams in the path of the line. Fords are notorious for the amount of sediment they can release into a stream in crossing the stream itself and by the degrading of bank stability as equipment moves into or exits the stream. When a stream crossing situation occurs only as a last resort should construction equipment be permitted to ford streams. The applicant should be required to use portable logging bridges in all situations where stream crossings are necessary during construction and maintenance of the power line;
- That the approaches to the portable bridges should be constructed to the highest standards to prevent erosion at those locations of concentrated vehicle traffic, especially during times of wet soil conditions;

- That if as a last resort fording streams or wetlands is required that the highest standards for construction and maintenance be required for the ford approaches and for the in stream pathway itself. The pathway in the water should be constructed according to US Forest Service Shallow Stream Ford and Gully Crossing standards. Once any work, whether construction or maintenance is completed the waterway should be returned to its natural state and there should be proper re-grading of the approaches to the stream fords to prevent sediment discharges and bank erosion;
- That as with all power lines that cross NH it will be necessary to control the regrowth of forest trees and shrubs to keep them below the clearance line. DOE should be sensitive that areas under this power line will not all be equal in their environmental importance. Stream side cutting should be kept to a minimum to protect the important riparian zone next to any waterways and that those zones be allowed to return as close to their former structure below the clearance line so that they can serve all of the functions of an intact riparian zone including: runoff retention; contribution to the in stream food chain of large woody debris; provide shade with an intact canopy over the stream keeping water temperature as low as possible; increase in stream bank stability; provide wildlife migration corridors and provide suitable bird nesting and rearing habitat. The applicant should be required to develop a plan to address how it will minimize the impacts of such disturbances on riparian zones and buffers. The plan should be submitted to DOE, NH DES, NH Fish and Game and should be available to interested parties prior to submission of a complete application;
- That use of chemical pesticides close to water presents a significant risk to the waters of NH. DOE should set minimum separation distance for storage and use of pesticides/herbicides of any kind of 100 feet near a waterway. The distance should be increased if the terrain is sloping toward the waterway;
- That road construction will extend the entire length of the power line and these roads will be unpaved gravel roads prone to erosion and washout during even normal rain events. The EIS should recognize that road maintenance over time post construction will be as important to preventing sediment releases to the waters of NH as proper road construction is during the construction phase. Along with meeting the highest standards

to prevent erosion during construction the applicant should be required to submit a long range upkeep plan for all roads if they will stay in service once construction is complete. The plan should be submitted to DOE, NH DES, NH Fish and Game and should be available to interested parties prior to submission of a complete application;

- That if roads will be retired once construction is complete than the applicant should submit a plan detailing what roads will be retired, how quickly and in what geographic priority order. It would seem appropriate to retire roads closer to sensitive areas or those that cut wildlife travel corridors first. The plan should show how the applicant would return the land under and around all retired roads to preconstruction conditions to restore habitat pathways for wildlife and to prevent ongoing erosion and sediment releases. The plan should be submitted to DOE, NH DES, NH Fish and Game and should be available to interested parties prior to submission of a complete application;
- That because the extensive road network and the towers and lines as proposed for this project will cut across habitat that is used by species other than threatened or endangered species, DOE should require the applicant to assess those and develop a plan to minimize breaks in continuous habitat such as bear corridors, deer wintering yards and other migratory pathways used by wildlife especially those corridors associated with waterways. The plan should be submitted to DOE, NH DES, NH Fish and Game and should be available to interested parties prior to submission of a complete application;
- That during construction and maintenance of the line there will be toxic substances on the construction sites and once in the operational phase toxic substances will be brought onto work sites as needed for under growth control or during power line repairs. DOE should require the applicant to conduct an in depth review of all such substances and create and maintain an up to date inventory of what pesticides, herbicides, fuel oils, hydraulic fluids and other toxic substances that will be brought on site during construction and the post construction life of project itself. DOE should require the applicant to develop and implement a spill prevention and emergency spill response plan to prevent any releases of any of these substances into the waters of Connecticut and Merrimack River watersheds. The plan should be submitted to DOE, NH DES, NH Fish and Game and should be available to interested parties prior to submission of a complete application;

- The DOE should include a requirement for independent 3rd-party inspectors to provide compliance oversight for the entire geographic length and time duration of the project for all of the areas of concern expressed here about environmental impacts on river, streams, wetlands and vernal pools. An annual report should be made to DOE, NH DES, NH Fish and Game and be made available to interested parties;
- That since the application only makes rudimentary reference to the NH shoreland protection act provisions and the provisions only apply for only those streams that are 4th order or higher, the relationship of that law to practices on the ground during construction and maintenance of the line on all streams, those streams protected by the law and those that are not should be investigated as part of developing the EIS. Those streams not covered by the NH law should be afforded the same protections as fourth order and higher streams. The results of that investigation should be submitted to DOE, NH DES, NH Fish and Game and should be available to interested parties prior to submission of a complete application;
- That NH regulations have minimum jurisdictional sizes (4th order for shoreland protection, two acres for significant wetland) and the actual on the ground size of a stream or wetland may or may not be trigger their review of the impact of this project on any particular waterbody. DOE should not rely solely on NH regulations for protection of streams and wetlands. DOE should require the highest level of protections under the Clean Water Act on all water bodies and the applicant should prepare an analysis of the highest level of protection and make that analysis available to DOE, NH DES, NH Fish and Game and it should be available to interested parties; and
- That since with any project this large stretching over so many miles across so many bodies of water, common sense says there will be discharges to the waters of NH during construction and operation of the power line. Although there is no expectation on the part of CRWC that any of the discharges would be intentional, DOE should require that the applicant submit an application for a CWA Section 401 Water Quality Certificate to the State of New Hampshire prior to submission of a complete application for the power line.

V. Service and Communication

Service of process and all other communications concerning the above-referenced project should be made to:

David L. Deen River Steward
Connecticut River Watershed Council, Inc.
PO Box 206
Saxtons River, VT 05154
802-869-2792
ddeen@ctriver.org

VI. Conclusion

For the reasons stated above, CRWC respectfully requests that DOE require the Northern Pass project meet the highest environmental standards both during construction and for its ongoing operations. The overall federal and state licensing and permitting processes will decide if this power line project moves forward to fruition but if the project is built, CRWC feels that there has to be meaningful protection for the rivers, streams, vernal pools, wetlands, wildlife habitat and associated corridors and respect for the expectations of river users for wild experiences. These are all existing values and uses of the waters of NH that should not be compromised simply because they lie in the path of the power line.

Once those environmental protections are established DOE and NH DES should make it clear to the applicant that there will be swift and appropriate enforcement of any violations of the water quality, habitat and river use protections established in the EIS.

The techniques that offer appropriate protections to the waters of NH are known to all and must be used despite the fact that they cost more to implement than just lumbering ahead to get the job done. CRWC calls on DOE to make sure that water quality and the habitat values of the waters and land of NH are not asked to provide an environmental subsidy that will reduce the construction cost to the applicant, costs that will be borne instead by the environmental degradation of the land and waters of the Connecticut River watershed.

Notification list:

Anne Bartosewicz, Northeast Utilities,
107 Selden Street, Berlin, CT 06037.

Mary Anne Sullivan, Hogan Lovells,
LLP, 555 13th St. NW. Washington,
DC 20004.