

<b>SUBJECT:</b>	Northern Pass Amended Presidential Permit Application – Biological Surveys
<b>DATE:</b>	July 25, 2013
<b>LOCATION:</b>	USFWS – Concord, NH
<b>AUTHOR:</b>	Courtney Dohoney
<b>ATTENDEES:</b>	Maria Tur, Tony Tur, and Tom Chapman (US Fish and Wildlife Service), Dave Keddel (US Army Corps of Engineers), Mark Kern, Tim Timmerman, and Bill Walsh (US Environmental Protection Agency), Will Staats and Jill Killborn – via phone (NH Fish and Game), Caitlin Callaghan (US Department of Energy), Kent Sharp and Travis Beck (SE Group), Dan Belin, Courtney Dohoney and Sean Meegan (Ecology and Environment, Inc.),

## MINUTES:

**(PLEASE CONTACT THE AUTHOR IMMEDIATELY IF THERE ARE ANY DISCREPANCIES IN THE CONTENTS OF THIS DOCUMENT)**

### Amended Presidential Permit Application and NEPA

After introductions Kent Sharp provided a summary of the Amended Presidential Permit Application (Amended Application) that Northern Pass Transmission (Northern Pass) submitted on July 1, 2013 and the procedures moving forward for review of the Amended Application and the associated National Environmental Policy Act (NEPA) process. Sharp explained that the U.S. Department of Energy (DOE) will prepare a Notice of Amendment to the Application (NOA) to be published in the Federal Register (FR) notifying the public of DOE’s receipt of the Amended Application. The NOA is drafted and is expected to be published in early August 2013. In late August/early September 2013 DOE will file an Amended Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) and solicit comments from the public. Publishing the NOI will also address closing of the scoping period, 60 days from publication in the FR. DOE Scoping Meetings will follow in late September/early October 2013. Tim Timmerman asked if the Scoping Meetings will be held in the same locations as for the original Application. Caitlin Callaghan explained that the meeting locations will be spread out along the length of the Project, with one meeting near the White Mountain National Forest, one in the North County and two meetings between Deerfield and Campton. Travis Beck further clarified that the proposed meeting locations will be Concord, Plymouth, Whitefield, and Stewartstown. Callaghan also pointed out that Northern Pass will be holding separate public outreach meetings at each community along the route (Open Houses, not to be confused with DOE’s Scoping Meetings).

Sharp provided a handout at the meeting that summarized the Project description as contained in the Amended Application and then briefly discussed the highlights of that summary, including:

- The new Project length is 187 miles with the southern 140 miles (Deerfield to Groveton) largely unchanged from the original Application with the exception of utilizing the existing Public Service New Hampshire (PSNH) right-of-way (ROW) near the Concord Airport.
- The “North 40” is now actually 47 miles (Groveton to Pittsburg) and includes two sections where the transmission line will be located underground. The first location is a

2,500-foot portion where the Project crosses the U.S. Route 3 Bridge near Pittsburg and a 7.5 mile stretch between Clarksville and Stewartstown.

- The North 40 will go across Northern Pass Transmission-controlled land, either purchased outright or through an easement.
- All towers will be steel and depending on the location, will be lattice, tubular monopole, or H-frame. The spacing between the towers will average 600 to 650 feet and have a maximum spacing of 1,000 feet. The average tower height for the 300-kilovolt (kV) high voltage direct current (HVDC) portion of the Project (border crossing to Franklin) will be 100 feet, while the 345-kV alternating current (AC) portion from Franklin to Deerfield will average 90 feet.
- The installation methods for the belowground segments will vary depending on the final engineering design. If the line is installed via a direct bury, it will be approximately 4 feet below grade. Trenchless construction could utilize a Jack and bore method (10-15 feet below grade) or directional boring (65 feet below grade, maximum).
- The existing Deerfield substation will be upgraded.
- In the Southern 140, approximately 80 miles of existing transmission line towers will be moved to accommodate the second transmission line within the ROW and will require fully clearing the existing 150 foot ROW. Locations for tree clearing will be provided by Northern Pass at a later date.
- Temporary easements will be obtained along the ROW for access roads and construction laydown areas.

Jill Kilborn and Timmerman both questioned Northern Pass' justification for accommodating underground portions of the route when previously they had claimed it was not feasible. Callaghan explained that, for the underground stretches, Northern Pass had indicated that undergrounding was needed to address other restrictions along the roadways . Further, Callaghan noted that the Amended Application provides a brief analysis and justifications for why additional portions of the Project cannot go underground (e.g. burying the line along the Interstate 93 corridor would require shutting down the highway, which is not feasible). Sharp also explained that where the line transitions from aboveground to belowground, there are additional permanent structures that must be constructed, increasing the Project footprint. In areas where the line is buried, Staats asked if it would be buried in conduit, which Dan Belin confirmed that it would be and those details are provided in the Amended Application (exhibits).

Timmerman raised a concern that the public might perceive clearing of the full 150 foot ROW as an additional Project impact even though maintaining the full width of the existing ROW is within Northern Pass rights. Belin agreed and stated that clearing of the existing ROW will be evaluated in the EIS once Northern Pass provides those clearing locations.

Tony Tur asked whether there was detail in the Amended Application regarding the maintenance schedule for the Project. Courtney Dohoney responded that the Amended Application provides limited detail on the maintenance practices that Northern Pass will implement for the Project. In general they will maintain the Project ROW as they have the existing PSNH ROW, which includes clearing the ROW every three years and trimming of tree branches on the side of the ROW on a 10-year rotation.

### **Biological Surveys - 2013**

Belin provided a brief summary of the environmental surveys conducted to date on the southern 140 which includes:

- Wetland, vernal pool, and stream surveys
- Breeding bird surveys (including targeted Bicknell's Thrush surveys)
- Floristic/threatened and endangered plant surveys (including targeted small-whorled pogonia surveys)
- Bat surveys
  - Acoustic bat monitoring for northern myotis
  - Eastern small-footed bat habitat assessment
- Winter tracking surveys
  - Canada lynx
  - American marten
  - Deer yards
  - Moose concentration areas

The SE Group Team intends to conduct mussel and herpetofauna surveys later this summer.

Kilborn and Staats asked for confirmation as to where winter tracking surveys were conducted last winter. Belin stated that they were conducted between Campton and Groveton (approximately 50 miles) and that no Canada lynx (federally-listed threatened [FT] and state-listed endangered [SE]) or American marten (state-listed threatened; ST) tracks were identified during the surveys. All potential lynx or marten tracks were checked by Dan Hansche from White Pine Programs for species confirmation. In response to Staats' follow-up question about the number of site visits to each survey location, Belin noted that all high priority areas were surveyed twice and that all other survey locations were surveyed once. Staats reported that lynx tracks were found last winter (March 2013) on Kinsman's Ridge in the White Mountain National Forest and that they hope to install cameras in the area to determine lynx use in that area.

Mark Kern asked whether stream and vernal pool surveys included a 100-200 foot buffer assessment to aid in determining secondary impacts to those features. Sean Meegan explained that data for wetlands, streams, and vernal pools, were collected within the entire extent of the ROW but could not extend to 100 to 200 feet outside of the ROW due to access limitations. Meegan also noted that the USACE Draft Vernal Pool form was being used by E & E's survey teams. The SE Group Team will evaluate secondary impacts via a desktop analysis after all field surveys are complete. Kern noted that the height the vegetation is maintained at is important in determining the value of a vegetative buffer.

### **Federal and State-listed T&E Species**

The SE Group Team provided maps of the new Project route for review by the agency attendees. Belin explained that the North 40 contains almost 20 miles of industrial forest (Wagner Forest) which contains very different habitat from the rest of the Project. Staats agreed that although Wagner Forest is heavily harvested, that habitat type is conducive to deer yards as well as lynx

habitat. The heavy clearing and successional habitat that is present in Wagner Forest as well as its eastern location closer to Maine, which has greater lynx populations, make it more likely to contain lynx than the previous North 40 route. Tony Tur noted that since the ROW through Wagner will be new clearing, the potential for impacts to lynx denning habitat is more of a concern than in the southern 140. Sharp asked whether Wagner Forest poses more or less concern than other forested areas. Staats responded that it depends on the species; for a species like lynx, Wagner Forest is of greater concern but for plant species not as much. Kilborn also pointed out that from a larger landscape habitat view, bisecting this large contiguous forested habitat is concerning to NHFG.

Tony Tur noted that Bicknell's Thrush (state Special Concern; SC) has been petitioned for federal listing and as a result USFWS is working on their review. He recommended that the SE Group Team's surveys in the North 40 include this species. Kilborn stated that Bicknell's Thrush data was collected for the potential wind farm near Dixville and might be useful for the Project. Sharp questioned what survey season the USFWS would consider as appropriate for Bicknell's Thrush as the US Forest Service (USFS) requires surveys in June where other recommendations extend into August. Tur and Killborn agreed that the survey window in the north would be the same as on WMNF; so that surveys should be conducted in June.

In addition, Tur also advised that the USFWS has been petitioned to list the eastern small-footed bat (SE) and the northern myotis (SC). Dohoney reported that bat surveys (acoustic monitoring and habitat assessments) are being conducted in the North 40 currently in order to capture the maternity season. Tur agreed that completing the surveys this year in the North 40 was preferred.

With confirmation that the Project will utilize the existing ROW around the Concord Airport, Tur noted that the need to engage in formal Endangered Species Act Section 7 consultation will likely be necessary to address potential impacts to the Karner blue butterfly (federally-listed endangered and SE), which is known to occur within the ROW at that location.

Depending on the locations in the South 140 where tree clearing in the existing ROW might occur, Tony Tur explained that impacts to the small-whorled pogonia (FT, ST) could result and that surveys for the species should be considered but he did not feel that the species would be a concern in the North 40. Meegan explained that the SE Group Team used the Sperduto and Congalton model to identify locations in the South 140 for targeted surveys this summer and did not find any during their field surveys.

Killborn suggested that Spruce Grouse and Rusty Blackbird (SC) might be present in the North 40 and could be observed during breeding bird surveys. Similarly, Northern Harriers (SE) have been observed near Stewartstown.

Tur suggested that it would be beneficial for the USFWS to provide an updated species list to DOE based on the new Project route.

## **Work Plan Updates**

Belin explained that the SE Group Team is looking for feedback from the agencies as to whether the work plans that were prepared for the southern 140 miles will also be applicable for the North 40 and whether there are any additional biological concerns that should be incorporated into the final work plans. Based on any feedback, the SE Group Team will revise the work plan, resubmit to the agencies for final review, and then commence surveys in the North 40 as the respective survey seasons allow.

After discussion of the methodologies contained in the work plans, Sharp concluded that the previous work plans will be suitable for implementation in the North 40 however he questioned whether there were any new species concerns in the North 40 that would require additional surveys. He also asked whether we should plan on an additional field season for summer 2014 or whether data could still be collected in the North 40 this season. Tony Tur responded that it would largely depend on the habitat that is present in the North 40 and its suitability for T&E or potential T&E species like small-whorled pogonia or Bicknell's Thrush where this summer season has been missed in the North 40. Staats further confirmed that if Bicknell's Thrush habitat is present, that NHFG would like to see Bicknell's Thrush surveys and recommended using the same survey protocol as what was conducted this year. He also explained that the Bicknell's Thrush surveys conducted for the wind farm in Dixville were finding the species at lower elevations than expected. Meegan confirmed that initial habitat analyses found potential, although limited, Bicknell's Thrush habitat within the North 40.

Tur pointed out that Bicknell's Thrush habitat is also good snowshoe hare habitat, which in turn leads to good lynx habitat. Belin asked whether the lynx and marten habitat analysis and field survey protocols would be applicable to the North 40 as they were for the South 140. Staats and Tur agreed, although Tur also pointed out that because of the higher potential to encounter denning habitat in the North 40 the protocol should include a component to document potential denning areas. Kilborn pointed out that in dense spruce/fir understory, marten are more likely to stick to the edge of habitat and therefore extra effort for surveys in those areas should occur. Kilborn has research available to support this and will provide to the SE Group Team.

Staats emphasized that moose are very important and the SE Group Team should continue to document concentration areas in the North 40 and that because the North 40 is in the Diamond Watershed, concerns over native brook trout may exist and coordination with Diane Timmons (fisheries biologist for NHFG) should occur. Staats indicated he would follow up with Timmons and get her input on the Project.

From a wetlands, streams, and vernal pools perspective Kern did not feel that the current wetlands methodologies would be need to be altered for the North 40. Maria Tur asked whether the SE Group Team would revisit vernal pools next spring. Belin said that the SE Group Team would consider it, but also reminded the group of the role of the SE Group team in the EIS process. This role as NEPA contractor means that the finer points of vernal pool function and quality are not as important in this process as they are in the federal and state wetland permitting and mitigation process. Kern agreed that vernal pools can be identified during the summer season but productivity can't necessarily be determined later in the season. He followed up

asking whether the ROW would be wider in the North 40 but Belin said Northern Pass intends to stay with a 150-foot ROW.

Staats said that although methodologies will not need to change and no new species need to be considered for surveys, he would still like the opportunity to review and digest the work plan again. Belin explained that the SE Group Team might need to use placeholders in the preliminary draft EIS for the survey work for next summer. Staats asked whether the SE Group Team will be redoing winter surveys in the South 140; Belin responded that the focus for the winter surveys will likely be the North 40 due to the presence of higher quality habitat. Staats agreed that this approach was okay.

Belin confirmed that the SE Group Team will continue with wetland, stream, and vernal pool data in the North 40 while updating the T&E work plans.

## **EIS**

### **Cumulative Effects and Connected Actions**

Will Staats also mentioned that the current understanding is that a proposed wind project near Dixville could tap into the Project to deliver its energy to the grid. Because the wind project could be dependent on the Project, Staats noted this creates the potential for the wind project to be a NEPA connected action. Callaghan agreed but added that if the wind project does not tie into the Project that it's not a connected action but DOE would look into the wind project and determine if it needed to be evaluated within the cumulative effects. Belin noted that if the wind project is in the ISO New England queue, then it is reasonably foreseeable and could be included in the cumulative effects. Callaghan requested that Kilborn and Staats provide any information to the DOE regarding the wind project so they can determine how the wind project should be evaluated within the EIS.

Kilborn noted that the operational 100 megawatt Granite wind project and associated transmission line is already present in the area around Dixville and Wagner Forest on the west side of the ridge. As Staats pointed out, the cumulative effect of the wind project should be included in evaluating the impact of the Project.

### **Alternatives**

Staats asked whether alternatives have been determined for the EIS. Sharp responded that DOE has not determined their alternatives yet; there will definitely be a no action and proposed action alternative but beyond those, additional alternatives, if any, need to be determined. A discussion on technical/design alternatives (aboveground/below ground) and routing alternatives will need to be made with the cooperating agencies (USACE, USEPA, and USFS). Belin noted that the Amended Application provides technical alternatives, but DOE's alternatives will be separate. Timmerman noted that meaningful alternatives for the Clean Water Act Section 401 permit will be necessary in order to justify the permit.

### **Next Steps**

Beck mentioned that the SE Group Team would like to schedule a field visit with the USACE and USEPA on August 21, 2013 to review the wetland, stream, and vernal pool delineations conducted by the SE Group Team as compared to Normandeau (Northern Pass' environmental

contractor). Kern noted that he would especially be interested in reviewing areas where there might be secondary impacts to vernal pools and examples of locations where vegetation height was assessed to help document those impacts. Timmerman suggested that it might be helpful to visit transmission line areas where towers have been sited to avoid impacts as well as where they were not sited well. Sharp noted that we could coordinate with Northern Pass to identify PSNH areas that might be good examples. Staats recommended that Mike Marchand from NHFG and Lori Sommer from NH Department of Environmental Services should also attend.

**Action Items:**

- NHFG to provide information regarding the potential wind farm near Dixville.
- Kilborn to provide information on marten activity in dense habitats and their preference for the edge.
- Kilborn to provide Bicknell's Thrush study results.
- SE Group Team to update Spring/Summer Wildlife Work Plan, Wetlands, Vernal Pools, and Streams Work Plan, and Winter Work Plan for review.