



DOE/EIS-0503

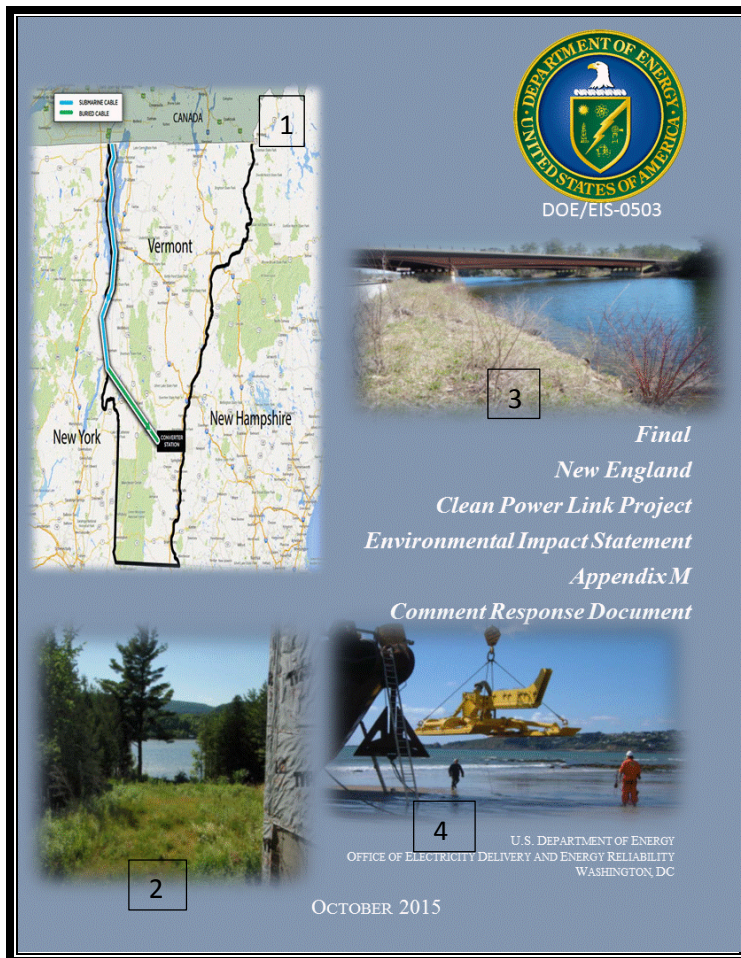


*Final
New England
Clean Power Link Project
Environmental Impact Statement
Appendix M
Comment Response Document*



U. S. DEPARTMENT OF ENERGY
OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY
WASHINGTON, DC

OCTOBER 2015



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1. TDI-NE (<http://wamc/files/styles/default/public/201410/new-england-clean-power-link-map-ctsy-tdi-new-england.jpg> alt="">)
2. NECPL exit from Lake Champlain (Benson, Vermont) courtesy of TDI-NE
3. Lake Bomoseen, Fair Haven, Vermont courtesy of TDI-NE
4. TDI-NE 2014a

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1 INTRODUCTION

1.1 OVERVIEW

On May 20, 2014, Champlain VT, LLC, d/b/a Transmission Developers, Inc.-New England (TDI-NE) submitted an application to the U.S. Department of Energy (DOE) for a Presidential permit for the New England Clean Power Link (NECPL) Project (proposed NECPL Project). An application for a Presidential permit was evaluated in accordance with Executive Order (EO) 10485, as amended by EO 12038, and the regulations codified at *10 Code of Federal Regulations* (CFR) 205.320 et seq. (2000), “Application for Presidential Permit Authorizing the Construction, Connection, Operation, and Maintenance of Facilities for Transmission of Electric Energy at International Boundaries.” The DOE Office of Electricity Delivery and Energy Reliability, National Electricity Delivery Division (OE-20) is responsible for issuing Presidential permits. The Presidential permit for the NECPL Project (OE Docket Number PP-400), if issued, would authorize TDI-NE to construct, operate, maintain, and connect the United States portion of the proposed NECPL Project.

Pursuant to the National Environmental Policy Act (NEPA) of 1969, and in considering an application for a Presidential permit, the DOE must take into account potential environmental impacts of the proposed transmission line and associated facilities before making a final decision. The DOE is using the NEPA process to involve federal, state, and local agencies; tribal governments; and the public in the environmental review of the proposed NECPL Project.

The proposed NECPL Project consists of an approximately 154-mile long, 1,000-megawatt (MW), high-voltage direct current (HVDC) electric power transmission system that would have both aquatic (underwater) (\approx 98 miles) and terrestrial (underground) (56 miles) segments in the state of Vermont. The Project includes a transmission cable that would run from the United States and Canada border to Ludlow, Vermont, and associated equipment. The Project would terminate at the existing Vermont Electric Power Company (VELCO) substation in Cavendish, Vermont, and interconnect with the transmission system operated by Independent System Operator New England (ISO-New England). In addition to the transmission line itself, the system would include a new direct current (DC)-to-alternating current (AC) HVDC converter station in the town of Ludlow, Vermont.

This document constitutes the Final EIS Comment Response Document on the NECPL Environmental Impact Statement (EIS). The Draft EIS and all other documents associated with the EIS are available on the NECPL Web site at <http://www.necplinkeis.org>.

1.2 HISTORY OF OUTREACH AND PUBLIC COMMENT PROCESS

The DOE provided a 60-day public review period starting June 12, 2015 and ending on August 11, 2015, and held public hearings for the Draft EIS. The public review period was initiated through publication of a Notice of Availability (NOA) in the Federal Register by the U.S. Environmental Protection Agency (EPA) (*Attachment 1*). The NOA was also sent to interested parties, including federal, state, and local officials; regulatory agency representatives; stakeholder organizations; and private individuals in the vicinity of the proposed transmission line. A NOA and Public Hearing Announcement was published in two Vermont newspapers with distribution along the proposed transmission line (*Table 1*). *Attachment 2* contains a copy of the NOA published in the newspapers.

During the public comment period on the Draft EIS, the DOE conducted two public hearings: one in Burlington, Vermont on July 15, 2015 and one in Rutland, Vermont on July 16, 2015 (*Table 2*). The hearings provided the public with the opportunity to provide verbal comments in person, and their comments would be transcribed by a court stenographer. There were no public comments at these hearings.

In addition, the DOE received written comment letters and emails from one private citizen and five government agencies. A copy of the comment letters received are included in **Attachment 3** and are also available on the NECPL Web site at <http://www.necplinkeis.org>.

**TABLE 1. NEWSPAPER PUBLICATION DATES
AND AREA OF DISTRIBUTION FOR THE DRAFT EIS**

Newspaper	Area of Distribution	Publication Date
Burlington Free Press	Chittenden, Grand Isle Counties, Vermont	July 1 and July 8, 2015
Rutland Herald	Rutland, Addison, Windsor Counties, Vermont	July 1 and July 8, 2015

TABLE 2. DATES AND LOCATIONS OF THE PUBLIC HEARINGS ON THE DRAFT EIS

Meeting Date	Location	Number of Attendees	Number of Commenters
July 15, 2015	Burlington, VT	9	0
July 16, 2015	Rutland, VT	4	0

1.3 COOPERATING AGENCIES

The DOE invited several federal and state agencies to participate as cooperating agencies in preparing this EIS because of their special expertise or jurisdiction by law (40 CFR 1501.6). The cooperating agencies for the Project are the U.S. Environmental Protection Agency (EPA) Region 1, the U.S. Coast Guard (USCG), and the U.S. Army Corps of Engineers (USACE), New England District. The DOE has the authority to issue the Presidential permit for the international border crossing, and the USACE issues Clean Water Act (CWA) Section 404 and Section 10 permits. No local agencies or Native American tribes made a request to participate as cooperating agencies.

2 AGENCY AND PUBLIC COMMENTS ON THE DRAFT EIS

A variety of issues and concerns were raised during the public review period. The DOE considered all comments in preparing the Final EIS. This section lists the commenters and summarizes the comment documents received during the public comment process. Commenters on the Draft EIS were primarily state and federal agencies; only one comment from an individual was received. TDI-NE provided updated information in the form of revised mileage and other editorial corrections to the Project route that are consistent with other federal and state applications filed by TDI-NE. **Table 3** provides a list of those persons and/or agencies who provided comments during the Draft EIS comment period. The DOE responded to those comments that are within the scope of and relevant to the analysis within this EIS. Vertical bars in the margins of the Final EIS mark the locations of changed text, including substantive revisions and new information based in part on comments received on the Draft EIS. Deletions are not indicated.

TABLE 3. DRAFT EIS COMMENTERS

Commenter Name	Commenter Agency or Organization
Frank Delgiudice	U.S. Army Corps of Engineers
H. Curtis Spaulding	Regional Administrator, U.S. Environmental Protection Agency
M.A. Baroody	Captain of the Port, Northern New England Sector, U.S. Coast Guard
Andrew L. Raddant	Regional Environmental Officer, U.S. Department of the Interior ¹
Bonney Hartely	Stockbridge-Munsee Tribal Historic Preservation
Laura V. Trieschmann	Vermont Division for Historic Preservation
Kris Pastoriza	Private Citizen

Table 4 summarizes the comments submitted during the Draft EIS public comment period into major representative issues and concerns, organized by general topic. All comments received are presented in their entirety in **Attachment 3** of this Comment Response Document. **Table 4** also identifies the substantive revisions that were made from the Draft EIS to the Final EIS as a result of these comments.

TABLE 4. SUMMARY OF AGENCY AND PUBLIC COMMENTS AND SUBSTANTIVE REVISIONS TO THE FINAL EIS

Subject Area	Comment Summary	Revision to Draft EIS
Summary	Multiple edits in the summary and summary table.	<ul style="list-style-type: none"> Updated the Summary to be consistent with the Final EIS, including updated information on the proposed Project, figures, and summary of impacts.
Purpose and Need	Scope. Commenter requested a broader purpose and need statement so as not to preclude consideration of other alternatives.	<ul style="list-style-type: none"> No substantive changes were made to this section.
Proposed Action	Proposed Action. Multiple commenters had updates to the cable route mileage and construction methods for the Project. USACE requested additional discussion of alternatives.	<ul style="list-style-type: none"> Updated the cable route mileage. Updated the six construction methods. Added a reference in the Final EIS to the USACE alternatives that are located in Appendix E.
Proposed Project	<p>Wetland Installation. Commenter requested additional description of wetland trenching disposal methods and recommended disposal of excess material in an upland location.</p> <p>Mitigation. Some commenters noted that Project-specific mitigation measures were not discussed in the Draft EIS.</p> <p>Crossing Techniques. Commenter requested a more detailed description of stream crossing techniques.</p>	<ul style="list-style-type: none"> Description of wetland trenching disposal method is presented in Section 5.2.8 and 5.2.9. Project specific mitigation measures are found in Appendix G. Crossing techniques are presented in detail in Section 5.2.4.1.

¹ The U.S. Department of Interior did not have comments on the Draft EIS but did provide comments related to consultation under Section 7 of the Endangered Species Act.

Subject Area	Comment Summary	Revision to Draft EIS
Land Use (1-17)		
1. Transportation and Traffic	<p>HDD Construction. Commenter requested that the short-term effect of proposed HDD construction cofferdams on lake transportation be addressed.</p> <p>Nautical Charts. Commenters requested that the cable route be depicted on nautical charts during and after construction.</p> <p>Emergency Repairs. Commenter requested clarification of conclusion that emergency repairs to the lake sections of cable would be brief.</p>	<ul style="list-style-type: none"> • Added information on cofferdams and time frame for cable installation (Section 5.1.2.1 and 5.1.9.1. and 5.1.14.1). • Section 5.1.2.1 – TDI-NE upon completion of cable installation, would provide NOAA with cable routes to use in development of nautical charts (Section 5.1.2.1). • Sections 5.1.2.2, 5.1.3.2 address emergency repairs and define “brief” as less than 30 days.
2. Water Resources	<p>Sedimentation. Commenter asked for a more detailed discussion of erosion and sedimentation control techniques; also concerned about effects of phosphorus re-suspension in shallow parts of lake, where algal blooms occur.</p> <p>Drinking Water. Commenter requested additional analysis and mapping of drinking water source protection areas and drinking water supply areas; also asked for turbidity projections to support conclusion that drinking water quality would not be affected.</p>	<ul style="list-style-type: none"> • Section 5.1.3.1 - Turbidity discussion; emphasized South lake area and potential algal blooms. • Section 3.2.11.2 - Analysis was updated and map was added for effects on drinking water and drinking water source protection areas. • Added information on TDI-NE’s blasting plan as it relates to groundwater in Section 5.2.3.1.
3. Aquatic Habitats and Species	<p>Invasive Species. Commenters requested expanded analysis of Project impact on aquatic invasive species spread and discussion of monitoring aquatic invasive species post-construction.</p> <p>Blasting. Commenter requested analysis of impact of blasting on aquatic resources.</p>	<ul style="list-style-type: none"> • Section 5.1.4.1 – Analysis was updated and expanded. • Section 5.1.4.1 – Currently no blasting is proposed within the Lake Champlain Segment which limits the potential for impacts to aquatic species within Lake Champlain.
4 .Aquatic Protected and Sensitive Species	No comments.	
5. Terrestrial Habitats and Species	<p>General. Effects of Canadian hydropower on terrestrial resources.</p> <p>Protected and Sensitive Species. Commenter asked to include northern long-eared bat in discussion of impact of magnetic fields on terrestrial species, if appropriate; also, general request for review of Project impacts on northern long-eared bat.</p>	<ul style="list-style-type: none"> • Sections 5.1.7, 5.2.7 - Analysis of impacts to northern long-eared bat was updated to reflect federally threatened status. • Section 5.2.7.2 - Added effects of magnetic fields on northern long-eared bat.

Subject Area	Comment Summary	Revision to Draft EIS
6. Terrestrial Protected and Sensitive Species	No comments.	
7. Wetlands	<p><i>Invasive Species.</i> Commenter asked for inclusion of Project invasive species management plan in the EIS.</p> <p><i>Valuation.</i> Commenter asked for clarification of statement that because potentially affected wetlands occur in previously disturbed areas, wetlands values are limited.</p> <p><i>Hazardous Materials.</i> Commenter was concerned that 100-foot buffer from hazardous materials storage was not adequately protective.</p> <p><i>Impacts.</i> Commenter requested clarification on methodology for calculating wetland and stream impacts; clarify if Project would have permanent effects on wetlands, such as loss of functions and services.</p>	<ul style="list-style-type: none"> • Section 5.1.4.1 provides information on invasive species. • No change to Section 5.2.8.1 discussion of wetlands in previously disturbed areas. • The existing buffer for hazardous materials would be outlined in the SPCC or equivalent plan and follow all appropriate federal and State of Vermont regulations regarding management of hazardous materials and wastes. • Wetland functions are discussed in Section 5.2.8.1.
8. Geology and Soil	<p><i>Effects of HDD.</i> Commenter observed that effects of dredging at HDD site in Alburgh, Vermont were not included in discussion.</p> <p><i>Phosphorus Re-suspension.</i> Commenter requested more detailed explanation of installation techniques that would minimize re-suspension of phosphorus-containing sediments in the lake.</p>	<ul style="list-style-type: none"> • HDD dredging in Alburgh was listed in Section 5.1.9.1. • Section 5.1.3.1 provides information on re-suspension of phosphorus containing sediments.
9. Cultural Resources	<p><i>Affected Environment.</i> Commenter questioned defining the area of potential effects as 50 feet wide when documents suggest staging areas would exceed this width.</p> <p><i>Impacts.</i> Consider the impact of blasting on historic properties outside the corridor; consider adverse effects on Fullam and Mott structures in Alburgh and Ludlow.</p>	<ul style="list-style-type: none"> • Section 3.1.10, 3.2.10 and Appendix I: Cultural Resources - Updated information on the status of the Section 106 process and area of potential effect. • Section 5.2.10 - Updated cultural resources effects and consultation under Section 106.
10. Infrastructure	<i>Electrical Systems.</i> Commenter observed that there are other electrical lines between Vermont and New York that should be identified and included.	<ul style="list-style-type: none"> • Edits were made to reflect updated information on infrastructure.
11. Recreation	No substantive comments.	
12. Public Health and Safety	No substantive comments.	<ul style="list-style-type: none"> • Updated information in Section 3.2.13.2 to reflect new source of

Subject Area	Comment Summary	Revision to Draft EIS
		information on guidelines for exposure to DC magnetic fields.
13. Noise	No comments.	
14. Hazardous Materials and Waste	<i>Effects on Lake.</i> Commenter asked for discussion of lake sediment testing, including disposal methods.	<ul style="list-style-type: none"> Section 5.1.15 - Added contractor requirements for hazardous spills and waste.
15. Air Quality	<p><i>Model.</i> Commenter requested more recent emissions model to be used for analysis.</p> <p><i>Mitigation.</i> Commenter asked for identification of emissions reduction mitigation measures.</p> <p><i>Greenhouse Gas Emissions.</i> Commenter asked for revision and expansion of greenhouse emissions analysis.</p>	<ul style="list-style-type: none"> Sections 5.1.16, 5.2.16 and Appendix K - Analysis was updated using MOVES emissions modeling. Section 5.1.16.1 provides a list of emission reduction measures TDI-NE proposes to implement. Regarding GHG analysis, the DOE followed EPA’s Guidelines for GHG emissions. The DOE deleted comparisons of Project GHG emissions to United States or global emissions, per EPA request.
16. Socioeconomics	No comments.	<ul style="list-style-type: none"> Section 5.1.17.2 - Added information about the recent Agreement between TDI-NE and Conservation Law Foundation.
17. Environmental Justice	<i>Scale of Analysis.</i> Commenters requested a finer scale of analysis to more accurately assess impacts to environmental justice communities.	<ul style="list-style-type: none"> Added census tract analysis in Appendix J.
Environmental Consequences of No Action	Commenter noted that updated information exists for ISO-NE.	<ul style="list-style-type: none"> Updated information on the region’s installed generating capacity from ISO-NE.
Cumulative Impacts	<p><i>Power Generation Projects.</i> Commenter noted a new transmission line that is being proposed that should be included in cumulative effects analysis.</p> <ul style="list-style-type: none"> Added information on Vermont’s Renewable Energy Standards <p><i>Growth.</i> Commenter noted cumulative effects of growth induced by the Project should be addressed.</p>	<ul style="list-style-type: none"> Added reference to the proposed Vermont Green Line Project. Added additional updated information regarding Vermont’s renewable portfolio standards. Sections 5.1.17.1 and 5.2.17 discuss (Socioeconomics), potential temporary effects of construction growth.
Appendices	<i>Navigation Risk Assessment.</i> Commenter asked if the Applicant would be developing a NRA for Coast Guard review and approval.	<ul style="list-style-type: none"> Added text in Section 5.1.2.2 - Applicant has not prepared a NRA for this Project; however, TDI-NE will prepare a NRA sufficiently prior to construction, so as to allow for review by interested stakeholders, such as the USCG and Lake Champlain Ferry operators who are the primary commercial operators on the Lake. Since there are minimal commercial

Subject Area	Comment Summary	<i>Revision to Draft EIS</i>
		operators on the Lake, TDI-NE expects the NRA would be quite straight forward.
Appendix H: ESA Section 7 Documentation	No comments.	<ul style="list-style-type: none"> • Added letters from USFWS and agreement with VTANR to Appendix H.
Appendix I: NHPA Section 106 Documentation	No comments.	<ul style="list-style-type: none"> • Added letters from Vermont Department of Historic Preservation and TDI-NE stipulations in their Agreement with the Vermont Department of Historic Preservation to Appendix I.
Appendix J: Environmental Justice	Commenter requested Environmental Justice analysis use census tract data instead of county data.	<ul style="list-style-type: none"> • Census tract data table was added to Appendix J.
Appendix K:	Commenter requested updated MOVES analysis.	<ul style="list-style-type: none"> • Provided MOVES analysis in Appendix K.

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Attachment 1: EPA Notice of Availability

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fifth year. Some sources revised and resubmitted their RMPs between the five-year deadlines, because of changes occurring at the source that triggered an earlier resubmission. These sources were then assigned a new five-year compliance deadline based on the date of their most recent revised plan submission. However, since most sources are not required to resubmit earlier than their five-year compliance deadline, the next RMP submission deadline for most sources occurs in 2019. The remaining sources have been assigned a different deadline in 2016, 2017, 2018, or 2020 based on the date of their most recent submission. Only the first three years are within the period covered by this ICR.

In this ICR, EPA has accounted for burden for new sources that may become subject to the regulations, currently covered sources with compliance deadlines in this ICR period (2016 to 2018), sources that are out of compliance since the last regulatory deadline but are expected to comply during this ICR period, and sources that have deadlines beyond this ICR period but are required to comply with certain prevention program documentation requirements during this ICR period.

Form numbers: Risk Management Plan Form: EPA Form 8700-25; CBI Substantiation Form: EPA Form 8700-27; CBI Unsanitized Data Element Form: EPA Form 8700-28.

Respondents/affected entities: Entities potentially affected by this action are chemical manufacturers, petroleum refineries, water treatment systems, agricultural chemical distributors, refrigerated warehouses, chemical distributors, non-chemical manufacturers, wholesale fuel distributors, energy generation facilities, etc.

Respondent's obligation to respond: Mandatory (40 CFR part 68).

Estimated number of respondents: 12,600 (total).

Frequency of response: Sources must resubmit RMPs at least every five years and update certain on-site documentation more frequently.

Total estimated burden: 80,546 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: \$6,736,212 (per year), includes \$0 annualized capital or operation & maintenance costs.

Changes in estimates: The above burden estimates are based on the current approved ICR. In the final notice for the renewed ICR, EPA will publish revised burden estimates based on updates to respondent data and unit costs. The revised burden estimates may decrease slightly from the current ICR,

as the total universe of respondents has decreased slightly, and also because the new ICR period will not include a major (five-year) reporting cycle year. The most recent five-year reporting cycle year was 2014, which is covered by the current approved ICR. The next major five-year reporting cycle year is 2019, which is after the period covered by the new ICR. However, wage inflation may offset this decrease or even result in a marginal increase in burden compared with the ICR currently approved by OMB.

Dated: June 1, 2015.

Reggie Cheatham,
Acting Director, Office of Emergency Management.

[FR Doc. 2015-14445 Filed 6-11-15; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9021-4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7146 or <http://www.epa.gov/compliance/nepa/>.

Weekly receipt of Environmental Impact Statements (EISs)
Filed 06/01/2015 Through 06/05/2015
Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>.

EIS No. 20150160, Draft, USFWS, HI, Na Pua Makani Wind Project and Habitat Conservation Plan, Comment Period Ends: 08/11/2015, Contact: Jodi Charrier 808-792-9400.

EIS No. 20150161, Draft, DOE, VT, New England Clean Power Link Transmission Line Project, Comment Period Ends: 08/11/2015, Contact: Brian Mills 202-586-8267.

EIS No. 20150162, Draft Supplement, FTA, CA, Regional Connector Transit Corridor, Comment Period Ends: 07/27/2015, Contact: Mary Nguyen 213-202-3960.

EIS No. 20150163, Final, BLM, CA, Soda Mountain Solar Project Proposed Plan Amendment, Review Period Ends: 07/13/2015, Contact: Jeff Childers 760-252-6000.

EIS No. 20150164, Draft Supplement, BLM, UT, Alton Coal Tract Lease by Application, Comment Period Ends:

08/11/2015, Contact: Keith Rigtrup 435-865-3063.

EIS No. 20150165, Final, APHIS, National, Feral Swine Damage Management—A National Approach, Review Period Ends: 07/13/2015, Contact: Kimberly Wagner 608-837-2727.

EIS No. 20150166, Final, USFS, CO, Invasive Plant Management for the Medicine Bow- Routt National Forests and Thunder Basin National Grasslands, Review Period Ends: 07/27/2015, Contact: Misty Hays 307-358-7102.

EIS No. 20150167, Final, USFS, MT, Como Forest Health Project (FHP), Review Period Ends: 07/13/2015, Contact: Sara Grove 406-821-3269.

Dated: June 9, 2015.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2015-14435 Filed 6-11-15; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, June 16, 2015, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' Meetings.

Memorandum and resolution re: Regulatory Capital Rules: Regulatory Capital, Revisions Applicable to Banking Organizations Subject to the Advanced Approaches Risk-Based Capital Rule.

Memorandum and resolution re: Final Rule to Implement Requirements of the Biggert-Waters Flood Insurance Reform Act and the Homeowner Flood Insurance Affordability Act.

Summary reports, status reports, reports of the Office of Inspector General, and reports of actions taken pursuant to authority delegated by the Board of Directors.

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Attachment 2: Sample Newspaper Notice of Availability

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legal notices

DEADLINE | two business days prior to publication.

802-863-3441 | 802-862-5622/fax
legals@bfp.burlingtonfreepress.com

Legal Notices

STATE OF VERMONT

SUPERIOR COURT
CHITTENDEN UNIT

PROBATE DIVISION
Docket No. 767-6-15Cnpr

In re ESTATE OF ROY L. ROBINSON
LATE OF BURLINGTON, VERMONT

NOTICE TO CREDITORS

To The Creditors of: Roy L. Robinson
Late of Burlington, Vermont

I have been appointed a personal representative of the above named estate. All creditors having claims against the estate must present their claims in writing within 4 months of the date of first publication of this notice. The claim must be presented to me at the address filed with the register of the Probate Court. The claim will be forever barred if it is not presented as described above within the four month deadline.

Dated: 3 June 2015
/s/ Roy R. Robinson, II
c/o P.O. Box 638
Burlington, VT 05402
802-863-3494

Name of Publication:
Burlington Free Press
Date of Publication: July 8, 2015

Address of Court:
Chittenden Probate Court
P.O. Box 511
Burlington, VT 05402.

NOTICE OF PUBLIC HEARING TOWN OF BOLTON DEVELOPMENT REVIEW BOARD

The Bolton DRB will hold public hearings on Thursday, July 23rd, 2015, starting at 6:30 pm at the Bolton Town Office, 3045 Theodore Roosevelt Highway (RT. 2), to consider the following applications:

Re-open hearing for application 2014-31-CU: Automotive Services International, Inc., d/b/a the 4x4 Center and Catamount/Bolton Land, LLC and Mountain Operations and Development, LLC (d/b/a Bolton Valley Resort), have filed an application to reopen the hearing for conditional use approval of expansions to the 4x4 Center Driver Training Facility located on roads and trails on lands at and adjacent to the Bolton Valley Ski Resort in the Rural II, Resort Residential, Forest and Conservation Zoning Districts, off of the Bolton Valley Access Road.

Construction of a Small Barn (in the flood hazard overlay district. Michael E. Thompson & Lisa L. Fuller, have request determination the structure qualifies as an Accessory Structure (max: 500 sq.) and can be placed in the Flood Hazard Area Overlay District (FHO I). The proposed structure will not be used for human habitation; be designed to have low flood damage potential, baffling as required; offer minimal resistance to the flow of floodwaters; anchored to prevent flotation; will not have electrical service. Located at 3251 Theodore Roosevelt Highway in the Village District.

Participation in the hearing process is required to appeal a decision of the Development Review Board. Plans and application information may be viewed

at the Bolton Town Office during regular business hours.

Miron C Malboeuf
Zoning Administrator
TOWN OF BOLTON

July 8, 2015

Public Notice

The Department of Vermont Health Access (DVHA) is filing Vermont Medicaid State Plan Amendment (SPA) #15-011 to support the continued implementation of the Vermont Medicaid Shared Savings Program (VMSSP). The VMSSP is a three-year program beginning in 2014. The program enacts a methodology that is based on retrospective expenditures dating back to January 1, 2014. Now in its second performance year (calendar year 2015), the VMSSP is an agreement between Medicaid and provider organizations aimed to improve efficiency and quality of care delivery to Medicaid beneficiaries as well as share in any savings gained as a result of the providers care delivery transformation activities. This SPA will update the VMSSP attribution methodology for Year 2 to allow for better identification of beneficiaries being served by the provider organizations participating in the program, and will introduce additional performance metrics for which participating providers will be accountable during the second program year. The estimated annual impact of this change is neutral and does not increase or decrease the DVHA budget.

The Medicaid State Plan is being changed because it is one of the documents that providers rely upon for notice of payment methodologies and rates made by DVHA. The State Plan is also the guiding document for changes applicable to the Children's Health Insurance Program (CHIP). The methodology changes in this Announcement will also apply to the Global Commitment (GC) to Health Waiver population. Changes to the GC population are being made pursuant to the flexibility authorized under the GC Waiver, specific to Sections 1902(a)(13) and 1902(a)(30) of the Social Security Act, which allows the State, through DVHA, to establish rates with providers on an individual or class basis without regard to the rates currently set forth in the approved State Plan. The GC Waiver can be viewed at: <http://dvha.vermont.gov/administration/global-commitment-to-health-1115-waiver-2015-documents>.

The draft SPA provides additional details on the proposed changes; copies of the draft SPA can be requested from local Department for Children and Families (DCF) offices or from DVHA at (802) 879-5937, or can be found on the DVHA website: <http://dvha.vermont.gov/administration/draft-versions-of-state-plan-changes>.

Submit written comments to the Agency of Human Services Medicaid Policy Unit, 208 Hurricane Lane, Williston, VT 05495, or submit via e-mail to AHS.Medicaidpolicy@state.vt.us. Comments must be received no later than 4:00 pm on July 15, 2015. Please reference the SPA number for which you are commenting. The DVHA hopes to post all comments received to the DVHA website for viewing no later than 4:00pm on July 24, 2015. There is no public meeting scheduled at this time. If one should be scheduled, that information can be found at: <http://dvha.vermont.gov/> either through the calendar or listed under upcoming events.

July 8, 2015

The Lebanon School District is soliciting requests for Qualifications for Educational Facility Master Planning Services. For more information visit www.sau88.net/departments/current-bids and contact the Facilities Director, Dana Arey at darey@sau88.net.

July 2, 6-10, 2015

U.S. Department of Energy New England Clean Power Link Transmission Line Project Draft Environmental Impact Statement Notice of Availability and Public Hearing Announcement

The U.S. Department of Energy (DOE) has prepared a Draft Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) of 1969 as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality (CEQ) NEPA regulations (40 CFR 1500-1508), and the DOE NEPA implementing procedures (10 CFR 1021). The analysis considers the potential environmental impacts from the proposed Federal action of granting a Presidential permit to Champlain VT, LLC, doing business as TDI-New England (TDI-NE), to construct, operate, maintain, and connect a new electric transmission line across the U.S.-Canada border in northern Vermont. The project is known as New England Clean Power Link.

DOE invites public and agency input on the Draft EIS. The document is available online at <http://necplinkeis.com>. Copies of the Draft EIS can also be obtained from Mr. Brian Mills at the contact information given below, or are available for review at South Hero Free Library, the Fletcher Free Library in Burlington, the Winooski Public Library, the Middlebury Library, the Rutland Free Library, the West Rutland Library, the Shrewsbury Library, the Gilbert Hart Library in Wallingford, the Fair Haven Public Library, the Mount Holly Town Library in Belmont, and the Bailey Memorial Library in North Clarendon. DOE will conduct public hearings commencing at the times identified below to receive comments on the Draft EIS analysis at the following locations:

Wednesday,

July 15, 2015

Sheraton Burlington Hotel and
Conference Center
870 Williston Road
South Burlington, Vermont 05403
6 p.m.

Thursday,

July 16, 2015

Holiday Inn Rutland-Killington Area
476 Holiday Drive Rutland
Rutland, VT 05701
6 p.m.

Comments on the Draft EIS can be submitted verbally during public hearings or in writing to Mr. Brian Mills at: Office of Electricity Delivery and Energy Reliability (OE-20), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585; via e-mail to Brian.Mills@hq.doe.gov; by facsimile to (202) 586-8008; or through the project website at <http://necplinkeis.com>. Please mark envelopes and electronic mail subject lines as "NECP Draft EIS Comments." Written comments must be received by August 11, 2015. Comments submitted after that date will be considered to the extent practicable.

July 1 and 8, 2015

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Attachment 3: Draft EIS Comment Letters

U.S. Army Corps of Engineers, New England District	August 6, 2015
U.S. Environmental Protection Agency	August 11, 2015
U.S. Coast Guard	August 26, 2015
U.S. Department of the Interior	August 11, 2015
Stockbridge-Munsee Tribal Historic Preservation	June 30, 2015
Vermont Division of Historic Preservation	August 11, 2015
Pastoriza, Kris	July 17, 2015

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DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

August 6, 2015

Regulatory Division
CENAE-R-PEC-NAE-2013-2689

Mr. Brian Mills
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue
Sw., Washington, DC 20585

Dear Mr. Mills:

We appreciate the opportunity to comment on the "Draft New England Clean Power Link Project Environmental Impact Statement".

The document generally addresses the environmental impacts of the project and of the preferred alternative. However, we believe additional information should be provided within Section 2 of the Draft EIS on alternative routes considered in evaluating the proposed project. These alternatives should include overland routes that are alternatives to the Lake Champlain Segment. We suggest that Appendix D include the information on alternatives provided in the Corps application. This information will be required for our permit review. The attached sheets detail these and other specific comments concerning the Draft EIS.

USACE 1

USACE 1: Appendix D contains the applicant's full description of routing alternatives considered but eliminated; Appendix E provides the link to the applicant's USACE 404 application. The full application can be found at http://necplink.com/docs/army_corps/Narrative_Final_11-07-14.pdf.

If you have any questions, please contact Mr. Michael S. Adams at our Vermont Project Office at 802 872-2893.

Sincerely,

Michael C. Hicks
for Frank Delgiudice
Chief, Permits and Enforcement Branch C
Regulatory Division

Attachment

Copies furnished:
Mr. Brian Mills
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Brian.Mills@hq.doe.gov

Ms. Beth Alafat
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Mr. Josh Bagnato
Champlain VT, LLC, d/b/a TDI-NE
Josh.Bagnato@chvtllc.com

Comments
Draft New England Clean Power Link Project
Environmental Impact Statement

Summary

Page S-8 – The description indicates that at depths greater than 150' the cables will be protected with concrete mats. This is not the case, at this depth the cable will lay on the lake bottom and over time they are expected to settle into the lake bottom.

USACE 2

USACE 2. All instances where the description of depth includes concrete mats was edited to reflect that the cable would lay on the lake bottom at depths greater than 150 feet.

Page S-10 – Construction and Schedule: The project is expected to start in 2016 and be completed in 2018. On Page 6-4 the construction is anticipated to occur between 2017 and 2019.

USACE 3

USACE 3. All references to the construction schedule of the NECPL Project, specifically in Sections 5.1.17 and 6.1.3, have been edited to reflect 2016-2018.

Page S-10 – The description on how deep the aquatic transmission cable will be buried in the lake bottom varies throughout the document.

USACE 4

USACE 4. The depth of aquatic transmission cable burial was changed to “3 to 5 feet”.

Page S-12 – In the US Army Corps of Engineers (COE) application the terrestrial transmission cable will be buried 4 to 6 feet deep, in the Draft EIS it will be buried 4’.

USACE 5

USACE 5. The Final EIS was edited to reflect a terrestrial burial depth of 4-6 feet, as provided by TDI-NE. This is not inconsistent with the USACE application.

Page S-13 – It’s not clear in the description on whether the trench plugs will be left in place or removed before the trench is backfilled.

USACE 6

USACE 6. In S.6.1.2., text was added to detail that the bags/plugs cannot be left in place if they will present a heat dissipation issue during operation.

Page S-16 – Table S-2: Installation of the cable in the lake is expected to take 7 months. Later in the document, page 5-10, the work will take 8 months. Does this time period include the grapnel run?

USACE 7

USACE 7. The grapnel run is expected to be performed during the construction season (June 1 to November 1) one year before the submarine cable installation. The grapnel run is expected to take approximately 30 calendar days to complete.

Pages S-17 and 2-22 – Transportation and Traffic: There is a potential for a short-term effect to commercial and recreational navigational use of the lake in and around the location of the proposed cofferdams. There is no mention on how long these structures will be in the lake.

USACE 8

USACE 8. Potential effects to commercial and recreational navigational use of the lake around the proposed cofferdams is addressed in Section 5.1.2.1. The cofferdams are expected to be in place approximately 3 months (Section 5.1.9.2).

Pages S-18 and 2-23 – Aquatic Habitats and Species: In the COE application about 2.5 acres of lake bottom will be filled by the concrete mats.

USACE 9

USACE 9. Acreage of lake bottom filled by concrete mats has been edited in the Summary Table, Table 2-2, and Section 5.1.4 to be consistent with the application to the USACE.

Pages S-20 and 2-25 – Wetlands: In the COE application the project will temporarily impact about 4.5 acres of wetlands. About 1.95 acres of forested wetland will be cleared, with about 1.21 acres being allowed to grow back. About 0.74 acre of forested wetland will be permanently converted to palustrine emergent or palustrine scrub-shrub wetlands.

USACE 10

USACE 10. The wetlands temporarily affected is consistent between the Final EIS and the 404 application.

Sections

Page 1-2 – Identify the specific mitigation measures that have been incorporated into the project.

USACE 11

USACE 11. TDI-NE has revised its General Mitigation Strategies (Appendix G of the Final EIS) which has been updated based on the stipulation reached with various parties in July, 2015. These mitigation strategies will be incorporated into Construction Management Plan(s) and any contracts TDI-NE has with contractors, as well as any additional permit requirements set by the USACE, DOE or the State of Vermont. Construction Managements Plan(s) have not been developed at this time and are not anticipated to be completed until after the permitting phase of the Project.

Pages 2-7, 2-15 and 5-21 – At depths greater than 150' the cables will be laid on the lake bottom and over time will settle into the lake bottom.

USACE 12

USACE 12. Final EIS was edited in the Summary, Section 2, Section 3, and Section 5 regarding cable laying on lake bottom at depths greater than 150 feet.

Page 2-18 – Discuss how excess material from the overland trench will be disposed of. The excess material should be disposed of in an upland, non wetland location. Move the discussion on how to dispose of debris removed from the lake to Section 2.4.7.1.

Page 2-19 – Other Alternatives: It would be helpful to include a detailed discussion of the alternatives considered, including the Overland Alternatives, in this Section. The evaluation should include a comparison of the alternatives and a conclusion on why the proposed action is the preferred alternative.

Page 3-1 – 3.1.1.2: Vermont has jurisdiction within Lake Champlain below the mean lake level (95.5') and the Corps has jurisdiction beyond the ordinary high water (98') mark in the lake.

Page 3-25 – Electrical Systems: There are several electrical lines between Vermont and New York. These lines needs to be identified and includes in the final EIS.

Sheet 3-46 – The project will terminate at the Coolidge Substation located in Cavendish, Vermont.

Page 3-61 – Include the scientific name for all tree species.

Page 3-67 – Table 3-25 describes the four field-identified archeological resources not Table 3-24.

Page 5-2 – Discuss the effects the work barges and cofferdams/guide shaft used during HDD will have on navigation in the lake. How long will the HDD process take? The 10' diameter conduits that will be pulled into the drill holes may temporarily affect traffic on the lake before being installed. Will the conduits be assembled as they are being pulled or before and floated on the lake surface then pulled into the drill holes? These conduits are a minimum of 1200' and 700' long and have the potential to temporally impact navigation on the lake.

Page 5-2 – Clarify that the cable route will be depicted on nautical charts after the construction is completed and not just during construction.

Pages 5-4 and 5-21 – No concrete mats at depth greater than 150'.

Page 5-9 – Aquatic habitat and Vegetation: During the installation of the transmission cable the project has the potential to disturb and spread invasive species in the lake. Include a discussion on the potential effects the project will have on invasive species and how they will be monitored during and after construction.

Pages 5-10 and 5-15 – About 2.5 acres of lake bottom will be covered with concrete mats according to the description in the COE application.

Pages 5-18 and 5-19 – What is the rate of installation for the terrestrial portion of the Lake Champlain?

Page 5-21 – Include the effect of dredging at the HDD site in Alburgh, not just Benson.

Page 5-24 – The project will cross several existing electrical lines within the Lake Champlain Segment ROI.

USACE 13

USACE 14

USACE 15

USACE 16

USACE 17

USACE 18

USACE 19

USACE 20

USACE 21

USACE 22

USACE 23

USACE 24

USACE 25

USACE 26

USACE 27

USACE 13. Added text to the Summary, Section 2.4.7.1 and 2.4.7.2 - Should circumstances dictate that debris be removed from the lake and disposed of on land, disposal would be arranged in accordance with applicable federal, state and local codes, regulations and guidelines.

USACE 14. A sentence was added in Section 2.5.2 in the Final EIS noting the USACE's alternatives analysis is included in Appendix E.

USACE 15. In Section 3.1.1.2, text was added clarifying Vermont's and the USACE's jurisdiction in Lake Champlain; the USACE has jurisdiction beyond the ordinary high water mark (98 feet) in the lake.

USACE 16. Electrical system information was updated in Sections 3.1.11, 3.2.11, 5.1.11, and 5.2.11.

USACE 17. The Final EIS notes that the Project would terminate at the Coolidge substation located in Cavendish, Vermont.

USACE 18. All species, upon first mention in the Final EIS, have the scientific names listed. After first mention, the scientific names are not repeated.

USACE 19. Table 3-25 has been corrected.

USACE 20. The following text was added to Section 5.1.2.1: "The navigational effects due to HDD in the lake may result from the presence of the barges and cofferdams, if cofferdams are used. In the event cofferdams are used in Benson and Alburgh, they are likely to remain in place for approximately three months. The transitional HDDs would be initiated from land. The drilling rig would be set up on TDI-NE controlled land and the pilot bore would be drilled from the land into the lake. The reaming bore would then be pulled from the lake back to the land location. The conduits would be located on the barge and would be pulled into the drill hole behind the back reamer. It is not anticipated that the conduits would be floated on the lake surface."

USACE 21. See Section 5.1.2.1 for revised text, as follows: Upon completion of the cable instruction, TDI-NE would notify the National Oceanic and Atmospheric Administration and provide as-built information on the location of the cables in accordance with existing NOAA specifications."

USACE 22. All instances where the description of depth includes concrete mats were edited to reflect that the cable would lay on the lake bottom at depths greater than 150 feet.

USACE 23. See revised text in Section 5.1.4.1: TDI-NE developed an invasive species control plan to mitigate the spread of invasives into the lake during Project construction. This plan has been reviewed by the VANR.

USACE 24. The Final EIS correctly notes the acres of lake bottom that is covered with concrete mats (in Summary Table, Section 2, and Section 5.1.4.1.

USACE 25. The rate of installation for the terrestrial portion of Lake Champlain is 1-8 miles per day, as reflected in Section 5.1.6.1.

USACE 26. Section 5.1.9.1 – added text to address effects of dredging at HDD sites in Alburgh and Benson.

USACE 27. Section 5.1.11.1 – added text regarding seven utility crossings (electrical, telecommunication and/or ferry cables) that have been identified within the Lake Champlain Segment ROI.

Page 5-27 – There will be a longer temporary impact to recreational boaters in the area of the HDD.

Page 5-51 – Does the northern long-eared bat detect magnetic fields? If so, include them in this discussion.

Page 5-52 – In the COE application the project will temporarily impact about 4.5 acres of wetlands. About 0.74 acre of forested wetland will be permanently cleared and converted to emergent and scrub-shrub wetland. An additional 1.21 acres of forested wetland will be cut and allowed to grow back. Table 5-7 does not include impacts to wetland buffers.

Page 5-54 – The COE Vermont In-Lieu Fee Program will be used to mitigate for the proposed permanent and temporary change in cover type to forested wetlands by the project. The project will impact about 4.5 acres of wetlands, not 4.01 acres.

Page 5-55: Include a discussion on how invasive species in the lake will be monitored after construction and for how long.

Page 5-65 – Table 5-8 provides comparable noise levels within 100 feet of construction, not Table 3-7.

Page 6-1 – The Vermont Green Line is a new HVDC transmission line being proposed between Beekmantown, New York and New Haven, Vermont. The proposal by Anbaric and National Grid will involve similar lake and terrestrial impacts as the NECPL Project. This project should be included.

Page 7-1 – U.S. Army Corps of Engineers New England District, not “Vermont District”.

USACE 28 USACE 28. Section 5.1.12 – added language addressing length of time of impact at approximately 2 months: “ Since the platform is located in Alburgh and would be the first HDD location where the cable would enter Lake Champlain, the closure or restricted use of this site would be limited to approximately 2 months, thereby not having a long-term effect on recreational users.”

USACE 29 USACE 29. Section 5.2.7.2 – added text addressing magnetic field effects on the northern long-eared bat.

USACE 30 USACE 30. Table 5-7 has been updated to include impacts to wetland buffers.

USACE 31 USACE 31. Section 5.2.8.1 has been edited to include the following sentence: The USACE Vermont In-Lieu Fee Program would be used to mitigate for the proposed and temporary change in cover type of forested wetlands by the Project.

USACE 32 USACE 32. Section 5.2.8.2 has been edited to include TDI-NE’s plan (TRC/VHB 2014) to monitor invasive species following construction.

USACE 33 USACE 33. Table 5-8 has been corrected to reflect the appropriate table number.

USACE 34 USACE 34. Section 6 includes a description of the Vermont Green Line and discussion of potential cumulative impacts.

USACE 35 USACE 35. The request to delete “Vermont District” was completed in the Final EIS.

August 11, 2015

Brian Mills
Office of Electricity Delivery and Energy Reliability, OE-20
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

RE: EPA Region 1 comments on NEPA Draft Environmental Impact Statement for the New England Clean Power Link Transmission Line Project (NECPL)

Dear Mr. Mills:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we submit the following comments on the Draft Environmental Impact Statement (DEIS) for the Department of Energy's (DOE) NEPA process regarding the New England Clean Power Link Transmission Line Project ("project") proposed by TDI-New England (TDI-NE) in Vermont.

Our comments are based on information provided in DOE's May 2015 Draft Environmental Impact Statement as well as its August 26, 2014 Notice of Intent (NOI) document for the project and information contained in the May 20, 2014 TDI-NE application for a Presidential Permit for the Clean Power Link (high Voltage Direct Current) HVDC Transmission Project. According to this information, the objective of the project is to deliver renewable power from Quebec, Canada into Vermont (and ISO-NE) through a new 154-mile 1000 MW high-voltage electric power transmission system. The proposed transmission system will have two cables that will run from Quebec to an HVDC converter station in Ludlow, VT. Approximately 98-miles (or 60 percent) of the alignment will be installed in Lake Champlain (beneath, or in deeper segments on top of the lake bed) with the balance of the alignment over land generally following existing roadway right-of-way alignments. The applicant proposes to have the project in service by 2019.

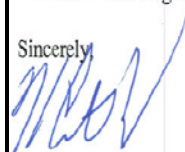
The construction and operation of the project could result in range of direct, indirect and cumulative impacts to resources that are within EPA's jurisdiction and expertise. Based on our review of the project information available, we believe the DEIS has covered many of the environmental concerns. We look forward to reviewing the Final Environmental Impact Statement. Our comments focus on impacts during construction, operation and maintenance of the project to wetlands, water quality, drinking water, environmental justice and air quality. Our detailed comments on these issues and project alternatives are attached.

EPA acknowledges the potential air quality benefits for New England associated with increased use of imported renewable energy and the role the project could play in providing additional capacity to deliver that energy. We encourage the DOE to develop an FEIS for the project that addresses the environmental issues articulated in this letter.

In accordance with EPA's national rating system, a description of which is attached to this letter, we have rated the DEIS EC-2-Environmental Concerns-Insufficient Information. As noted in our detailed comments, additional information is needed on the full extent of the impacts of the alternatives. Hopefully, our recommendations regarding additional information will be helpful to you in moving the NEPA process forward.

Thank you for the opportunity to provide these comments on the New England Clean Power Link Transmission Line Project DEIS. We believe the issues we have identified can be fully addressed in the FEIS and we are willing to work with your agency to develop a strategy to achieve that goal. Should you have any questions or wish to discuss our concerns, please contact William Walsh-Rogalski, Acting Director, Office of Environmental Review at 617-918-1035.

Sincerely,



H. Curtis Spalding
Regional Administrator

Attachment
Submitted to Brian.Mills@hq.doe.gov

Summary of Rating Definitions and Follow-up Action

Environmental Impact of the Action

LO--Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO--Environmental Objections

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1--Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3--Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

Detailed Comments for the New England Clean Power Link Project

Purpose and Need Statement

The DEIS states that the purpose and need for the Department of Energy's (DOE's) action is to decide whether to issue a Presidential permit for the project. This is such a narrow statement of purpose and need that it eliminates the development of a reasonable range of alternatives. As DOE's own guidance states: "A statement of the agency's underlying purpose and need is critical to identifying the range of reasonable alternatives. If the purpose and need is defined too broadly, the number of alternatives that might require analysis would be virtually limitless. It is inappropriate in most situations, however, to define purpose and need so narrowly that only a single alternative could be identified for analysis. The proposed action is generally only one means of meeting the agency's underlying purpose and need for action." (NEPA guidance: Revised Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements (the Green Book), December 23, 2004).

The FEIS should explain the underlying purpose and need to which the DOE is responding in proposing the alternatives including the proposed action (40 CFR 1502.13). Typically the purpose identifies specific objectives of the proposed action and the need for the proposed action identifies a broader underlying problem to be addressed.

We acknowledge that the DEIS includes a section that lays out the applicant's objectives. Were that to be a statement of the purpose of the project, it would allow for a broader set of alternatives to be considered in the FEIS, such as competing transmission projects, new in-region generation, or alternative sources of low GHG electricity. Such a purpose, of course, would require a discussion of the needs to be addressed by the project.

Alternatives

As noted above, the narrow purpose and need statement restricts DOE from generating an adequate range of alternatives. With respect to the single alternative offered, EPA supports the overland routing approach for the project adjacent to and within existing transportation corridor right-of-way (ROW) alignments. This approach is logical and should result in reduced project impacts in areas already maintained in existing ROW areas. Even with reduced impacts, proper mitigation to address impacts from project construction and operation will be an important part of the project design.

The 100 mile segment of the project proposed within Lake Champlain appears to be designed to avoid impacts to shallow water areas. We support the use of horizontal directional drilling (HDD) to achieve that objective. HDD should minimize aquatic impacts discussed below.

Water Supply/Water Resources

EPA 1

EPA 1. DOE has determined that the purpose and need statement is accurate. DOE's role is limited to deciding whether issuance of a Presidential permit is in the public interest, and the purpose and need for DOE's action is to respond to the applicant's request for a Presidential permit.

EPA 2

EPA 2. DOE has determined that the purpose and need statement is accurate. DOE's role is limited to deciding whether issuance of a Presidential permit is in the public interest, and the purpose and need for DOE's action is to respond to the applicant's request for a Presidential permit.

DOE acknowledges EPA's support of TDI-NE's proposed use of HDD for the NECPL Project.

The DEIS indicates ninety-nine public water systems draw water from Lake Champlain; however, none are known to occur within the region of impact (ROI) of the proposed project. The overlaid segment of the ROI includes nine public water supply systems using groundwater sources (wells) that have either designated source protection areas (SPAs) or sources within the immediate vicinity. It also contains four small private wells. EPA recommends that DOE map the locations of these systems and wells along with existing or potential wellhead protection areas, watershed protection areas, and sole source aquifers. Maps of the water supply systems and protection areas should include an overlay of the project. The DOE should work with the Vermont Department of Environmental Conservation (VT DEC), Drinking Water and Ground Water Protection Division, to obtain this information, as well as data on drinking water infrastructure that could potentially be affected during construction, operation, and maintenance of the proposed electric transmission line.

EPA 3

EPA 3. A map of the SPAs and associated text was added to Section 3.2.11.2, water supply systems. No change needed to Section 5.2.11.1 because the water supply infrastructure section describes potential impacts to SPAs.

EPA also recommends that the FEIS describe how the proposed project would meet state regulations and any state guidance for protection of surface and groundwater drinking supplies. The EIS should also describe existing and proposed activities that occur in drinking water source protection areas, the distance between the proposed NECPL activities and those sources and any existing local land use restrictions (health regulations, watershed protection bylaws, etc.) in place for the protection of those water sources. Potential costs to human health and the environment from contamination of drinking water sources are well documented and it is extremely important that the TDI-NE consider all state and local restrictions that are designed to protect consumers and private citizens.

EPA 4

EPA 4. Section 3.1.3.1 discusses federal and state programs that address protection of drinking water. Section 3.1.11.2 also addresses the source protection areas and the 10 identified Vermont public water supply intakes. Section 3.1.3.1 includes a discussion of watershed protection laws and policies.

In addition, the FEIS should specifically describe what impacts, if any, can be expected to these water supply protection areas and water supply sources as a result of construction and operation of the project, including potential impacts from the proposed activities on the water quality and quantity.

EPA 5

EPA 5. The Project would avoid water supply protection areas; however, as discussed in Section 5.1.11.1, the Project would pass within 100 feet of the deep intake for the Grand Isle Consolidated Water District. According to the operator, the public water system could operate solely using the shallow intake during Project construction. TDI-NE would work closely with the Grand Isle Consolidated Water District to limit impacts to the deep water intake resulting from routine or emergency maintenance.

For example the FEIS should discuss how the changes in turbidity (duration and measurement), as well as the real-time monitoring, could be shared with the water suppliers drawing from Lake Champlain. Although it appears based on current projections that the suppliers will not be affected, the FEIS should provide turbidity projections related to the location information on the ninety nine water supply systems to support its conclusions in the FEIS. This information should be shared with the water suppliers so they can make informed decisions as to whether turbidity changes might affect their treatment processes and plan accordingly. Federal and state regulations require water supply systems to monitor turbidity closely, as significant changes may require public notification and treatment modifications.

EPA 6

EPA 6. TDI-NE proposes to use a receiver casing to minimize turbidity in Lake Champlain associated with the HDD operations.

When responding to contamination events, water suppliers must know the nature and quantity of a contaminant spill in order to properly evaluate risk to public health and treatment options to mitigate that risk. For this reason, it is important that the FEIS describes measures to be used to avoid or minimize impacts from spills of contaminants.

EPA 7

EPA 7. The existing discussion in Section 5.1.15 and 5.2.15 provides discussion about hazardous materials, the effect of potential spills on public health, and the mitigation measures (Appendix G) that would be implemented to avoid spills.

Appendix G provides a list of the measures that TDI-NE has proposed to minimize effects on water quality, including use of an Environmental Inspector responsible for monitoring construction activities to ensure compliance with the Environmental Management and

Construction Practices (EMCP) Plan and a Spill Prevention, Containment and Countermeasure Plan (SPCC). However details of the EMCP and SPCCPs are not provided and should be contained in the FEIS and the plans provided in an Appendix. These plans should include provisions for notification of the state environmental agency and public water suppliers in the event of a spill during construction or operation of the project. They should also provide for notification of the owners of private wells should a spill occur near the draw-down areas of those wells or within 1000 feet. These plans should describe all project activities with the potential to contaminate drinking water sources from spills during construction or with the potential to damage drinking water infrastructure; included should be the types of pollutants that could potentially be spilled. Information presented in the FEIS should be coordinated with state, and local water supply utilities.

Lake Champlain

Background

Lake Champlain was designated as a resource of national significance by the Lake Champlain Special Designation Act (Public Law 101-596) that was signed into law on November 5, 1990, (amended in 2002). A management plan for the watershed, "Opportunities for Action," (revised 2010) was developed to achieve the goal of the Act: to bring together people with diverse interests in the lake to create a comprehensive pollution prevention, control, and restoration plan for protecting the future of the Lake Champlain Basin. The Lake Champlain Basin Project (LCBP) produced such an action plan.

EPA's efforts to protect Lake Champlain support the successful interstate, interagency, and international partnerships undertaking the implementation of the Plan. "Opportunities for Action" address various threats to Lake Champlain's water quality, including phosphorus loadings, invasive species, and toxic substances. The goals of Opportunities for Action include, but are not limited to:

- Reduce phosphorus inputs to Lake Champlain to promote a healthy and diverse ecosystem and provide for sustainable human use and enjoyment of Lake Champlain;
- Reduce contaminants posing risks to public health and the Lake Champlain ecosystem;
- Maintain resilient and diverse communities of fish, wildlife, and plants;
- Prevent the introduction, limit the spread of, and control the impact of non-native aquatic invasive species to preserve the integrity of the Lake Champlain ecosystem;
- Identify potential changes in climate and develop appropriate adaptation strategies to minimize adverse impacts on Lake Champlain's ecosystem and socioeconomic resources; and
- Promote healthy and diverse economic activity and sustainable development principles while improving water quality and conserving natural and cultural heritage resources.

Many of these "opportunities for action" are addressed in the DEIS. Several are not and EPA recommends that they be examined. For example, the DEIS does not address potential changes in climate and the development of appropriate adaptation strategies to minimize adverse impacts. The FEIS should, as appropriate, consider practicable changes to the proposal to make it more

EPA 8 **EPA 8.** TDI-NE's NECPL Web site at www.NECPLINK.com contains all existing and updated plans that have been developed to date. TDI-NE notes that construction management plans have not been developed at this time and are not anticipated until after the permitting phase of the Project.

EPA 9 **EPA 9.** Climate change is addressed in Sections 3.1.16, 5.2.16.2, and 6.1.13. In addition, Appendix K contains updated EPA MOVES analysis, which was coordinated directly with EPA staff. The adaptation strategy identified involves using various installation methods that were described in detail in Section 5.2.4.1. Since 98 miles of the line would be buried under Lake Champlain and the remaining buried underground, no practicable changes to the applicant's proposal were identified by the DOE that would address resiliency to climate change. Since the power source (hydroelectric power plant) is located in Canada, a global commitment by Canada to address climate change would be encouraged but is beyond the DOE's scope to require. The government of Canada is implementing a sector-by-sector regulatory approach to reduce GHG emissions that protects the environment and supports economic prosperity. The government has already taken action on two of Canada's largest sources of GHG emissions: transportation and electricity. Canada became the first major coal user to ban the construction of traditional coal-fired electricity generation units. In the first 21 years of this approach, the coal regulations are expected to result in a cumulative reduction in GHG emissions of about 214 megatonnes (Mt)—the equivalent of removing 2.6 million personal vehicles from the road per year over this period. Canada is requiring 2025 passenger vehicles and light trucks emit about half as many GHGs as 2008 models and 2025 vehicles would also consume up to 50 per cent less fuel than 2008 vehicles—leading to significant savings at the pump. GHG emissions from 2018 model-year heavy-duty vehicles would be reduced by up to 23 per cent (source: <http://climatechange.gc.ca/default.asp?lang=En&n=72F16A84-1>).

resilient to anticipated climate change. EPA further recommends that the Record of Decision commit to implementation of reasonable mitigation measures that would reduce or eliminate project-related GHG emissions.

With respect to maintaining a diverse community of wildlife, the U.S. Fish and Wildlife Service issued an interim 4(d) rule for the northern long-eared bat on June 17, 2015. DOE should review this interim rule to determine whether it requires modifications to the project or further consultations with the USFWS.

EPA 10

EPA 10. The Final EIS reflects additional consultation with the FWS regarding the northern long-eared bat (Appendix H) and includes a Biological Assessment for the species.

Sediments and Water Quality

Excess phosphorous from a variety of sources has impaired the water quality of Lake Champlain. In 2002, Vermont prepared a plan to reduce phosphorous loadings by developing a Total Maximum Daily Load (TMDL), which was subsequently challenged. EPA is now working to prepare a new phosphorus TMDL, and expects to release it for public comment in August, 2015. The TMDL will undoubtedly require reductions in phosphorus loads into the Lake. As a result, the FEIS should consider all methods to eliminate or minimize the introduction of and re-suspension of phosphorus during project construction, operation and maintenance.

EPA 11

EPA 11. No change needed. Water quality analysis in Section 5.1.3 discusses phosphorus impacts. Stream crossings have been analyzed and coordinated with the USACE and State of Vermont.

The DEIS states that “between the U.S and Canadian border, and approximately MP 74, the aquatic transmission cables would be installed within the lakebed sediment at a depth of approximately four feet using jet plowing. This would cause temporary increase in turbidity as a result of the re-suspension of sediments from trenching and disturbance of the lakebed. Shear plowing would be used to bury the transmission cable...south of MP 74.....Shear plowing results in less sediment re-suspension and dispersion compared to jet plowing.”

The project will also involve crossing of and modification to streams or other water bodies that ultimately discharge to Lake Champlain. The FEIS should discuss how the project will include best management practices that will reduce phosphorus discharges to Lake Champlain from any sources related to the project. While the precise reduction allocations in the TMDL will not be finalized until later this year, it is certain that the TMDL will require phosphorus loading reductions from many sources. The FEIS should discuss all reasonable measures that could be taken to reduce phosphorus loadings through the use of best management practices or other design, construction, operation and management measures, wherever possible.

For every stream that is crossed, the FEIS should discuss how such work will be coordinated with the VT DEC Stream Management Section to support efforts to restore stream system equilibrium (or stability) within the affected stream corridor. Discussions would include mitigation opportunities where appropriate. Disruption to one part of the stream can have unanticipated effects upstream and downstream. Vermont has been working to restore whole stream systems (especially the whole affected stream reach), and many Vermont streams have stream corridor plans with a set of actions to accomplish this overall system goal. The FEIS should identify actions in the final project that will help implement the stream corridor plan. Under the circumstances, this would be an effective way to minimize harmful impacts.

Where no corridor plans yet exist for affected streams, the FEIS should include plans of how to coordinate with Vermont DEC to design specific actions that would minimize harm.

Page 5-21 states that “TDI-NE would use installation techniques that minimize re-suspension of sediments and would adjust the rate of installation to reduce suspension of sediment, if appropriate.” The FEIS should provide a detailed explanation of the installation techniques and equipment that would minimize re-suspension of sediments as well as how decisions would be made to adjust the rate of installation to reduce sediment suspension. Given the fact that sediments contain high levels of phosphorus, it should be assumed that these techniques are always appropriate. The FEIS should identify when these techniques would not be appropriate.

On pages 5-26, 5-27 and other places, the DEIS references the text of the Champlain Hudson Power Express (CHPE) FEIS. The relevant facts contained in the CHPE FEIS to which the reader is directed should be summarized in the text of the FEIS to make the discussion more easily understood. The relevant pages of the CHPE EIS should be appended to the FEIS.

Invasive Species

As noted above the “Opportunities for Action” section of the Lake Champlain management plan identifies various threats to Lake Champlain’s water quality, including invasive species. Among the Opportunities for Action is a priority to prevent the introduction, limit the spread, and control the impact of non-native aquatic invasive species (AIS) to preserve the integrity of the Lake Champlain ecosystem. The LCBP has developed a program to help achieve this goal.

Although the DEIS acknowledges the presence of AIS and the resulting impairments, we encourage the TDI-NE to commit to engage LCBP and VT ANR in the early planning stages of the project to seek their expertise to ensure that measures are taken to limit and control the spread of AIS. Also, part of this planning will need to include coordinating activities with the LCBP in areas where the cable installation will potentially conflict with LCBP AIS removal activities. Specifically, LCBP has an active water chestnut removal program in South Lake, where water chestnut is removed by a mechanical harvester and hand-pulling is performed by volunteers. The link below provides further information on this topic.

<http://www.lcbp.org/water-environment/aquatic-invasive-species/ais-in-the-lak/#VLM>

The DEIS notes that barges, ships or other vessels would be cleaned according to applicable regulations and Best Management Practices (BMPs) to minimize the risk of spreading invasive species to Lake Champlain. The FEIS should explain how those regulations and best management practices will assure that the spread of invasive species does not occur.

A mussel survey was conducted in 2014 and observed that the invasive zebra mussel is the dominant species among the shellfish communities, and stated that the effects on native mussel species are expected to be minimal because native species are generally low and widely dispersed due to the zebra mussel’s invasion. Considering that native mussel populations are dwindling and widely dispersed, extra precautions should be taken to preserve these dwindling communities.

EPA 12. *EPA 12.* This comment has been addressed in the Geology and Soils section 5.1.9.1 of the Final EIS.

EPA 13. *EPA 13.* No change needed; incorporating Champlain Hudson Power Express EIS by reference is accepted and encouraged practice by Council on Environmental Quality.

EPA 14. *EPA 14.* The potential impact of the spread of invasive species is addressed in the Final EIS; however, best management practices for the Final EIS are based on industry-accepted best management practices. Additionally, TDI-NE has developed plans to address aquatic invasive species that have been coordinated with state resource agencies and those plans are awaiting final state of Vermont approval.

The TDI-NE application summarizes the Lake Champlain Sediment Toxics Assessment Program studies, which document the presence of various contaminants, including metals, pesticides and PCBs. The FEIS should discuss how sediments will be tested for contaminants and how the results will affect the disposal methods and options and mitigation for potential impacts. In addition the FEIS should address any circumstances under which contaminated soils, even low level contaminated soils, will be used to backfill trenched areas. EPA is willing to assist the DOE with the consideration of these issues.

EPA 15

While the DEIS notes that soils contaminated with hazardous wastes will likely be encountered in excavations near railroads, there will also likely be other areas where hazardous wastes are found in the overland segment excavations. The FEIS should discuss how the wastes encountered during excavations will be managed and disposed of.

Overall, the model simulations for the re-suspension of dissolved and total phosphorus were adequate (p 5-5). Five points along the cable were modeled, four in the deeper sections of the lake (MP6, MP20, MP50 MP68) and one point (MP83) in South Lake, which is shallow. A more representative simulation would have included additional shallow points in South Lake. The shallow regions are of particular concern for potential algal blooms because shallow conditions allow light to penetrate, and raise water temperatures. These are ideal conditions for algae to proliferate.

EPA 16

Air Quality

Page 5-34 of the DEIS states that, "EPA's MOBILE 6.2 Mobile Vehicle Emissions Factor Model was used in developing onroad emissions." EPA replaced the MOBILE emission Factor model with MOVES (MOtor Vehicle Emission Simulator) in 2009. We encourage the latest model and version of MOVES to be used in any onroad air quality analyses prepared for the New England Clean Power Link Project. Please coordinate with the EPA's Regional Office and the Vermont Department of Environmental Conservation on the use of MOVES in any new onroad air quality analysis.

EPA 17

Page 5-35 of the DEIS states that, "TDI-NE has proposed the following measures to reduce emissions: maintaining construction equipment properly, minimizing idling, using low-emission construction equipment, applying soil stabilizers or wetting dry soil on roads to limit dust releases, covering loads, and reseeded construction areas in the Alburgh and Benson areas.

As we commented earlier, we are encouraged that TDI-NE has proposed measures to reduce emissions, such as maintaining construction equipment properly, minimizing idling, and using low-emission construction equipment. TDI-NE should make a binding commitment to ensure mitigation measures are implemented during construction to help reduce and minimize air quality impacts from the construction phase of the proposed project. This commitment should also specify the individual mitigation measures in detail. For example, the commitment to use low emission construction equipment should be more specific, as there are a number of different emission levels possible from such equipment depending on the year of manufacture and corresponding Tier level of emission control.

EPA 15. As discussed in the revised Overall Oil and Hazardous Materials Spill Prevention and Contingency Plan, TDI-NE would require its contractors to adhere to Vermont Hazardous Waste Management Regulations as well as its own procedures as outlined in the Spill Plan. Contractors would be responsible for the clean-up of any spills. Hazardous materials would only be disposed of at licensed, regulated facilities and non-hazardous materials would be disposed in accordance with all appropriate laws, rules and regulations. In terms of previously contaminated soils, construction personnel would be alerted to indicators of unknown buried or illegally deposited hazardous materials. If any indicator(s) of contamination is observed during construction (e.g. stained soils or unusual odors), contractors would be required to stop work and adhere to applicable regulations and TDI-NE requirements in terms of notifications. TDI-NE would work cooperatively with state regulators to identify the potentially responsible party or parties, who would in turn would be held liable for the clean-up process.

EPA 16. The water quality modeling report prepared for NECPL included projections of total suspended solids (TSS), particulate phosphorus, dissolved phosphorus (DP), and eight metals at five locations throughout Lake Champlain. One location was in the northern portion of the lake, three were in the main lake, and one was located in the southern portion of the lake. The modeling site in the southern portion of the lake (Mile Point 83) was chosen to represent shallow water in an area where the shear-plow cable installation method will be used. This is the only site modeled south of Crown Point. At Mile Point 83, dissolved phosphorus (the form more readily available for algal growth) temporarily increases approximately 2 µg/l as a result of cable installation and returns to background levels in less than 2 hours. In comparison, the annual average DP in Lake Champlain based on VTDEC data from 1992-2013 is 11 µg/l (range 2 to 68 µg/l). This information is included in Section 5.1.3.1.

EPA 17. The DOE updated the analysis using EPA's MOVES Program for Air Quality by coordinating directly with EPA. A reference to MOVES was added to the Final EIS. Regarding GHG analysis, the DOE followed EPA's Guidelines for GHG emissions. The DOE deleted comparisons of Project GHG emissions to United States or global emissions, per EPA request.

Appendix K, identifies the kind of construction equipment to be used (such as 18-yard dump, flatbed truck, pickup truck, generator, small bulldozer, etc.) but the DEIS lacks any commitment to use recent model year equipment or use older equipment with installed retrofits to insure minimal emissions from construction equipment.

EPA 17
Continued

EPA 17. Continued - Addressed in page above.

Page 6-8 of the DEIS states, "Adverse impacts would be minimized with implementation of TDI-NE-proposed mitigation measures and BMPs as part of the proposed NECPL Project." As stated in our comment above, EPA requests that the specific mitigation measures be identified in detail, and be part of a binding commitment. "Appendix G - TDI-NE General Mitigation Strategies," does not identify or describe mitigation commitments to reduce emissions by maintaining construction equipment properly, minimizing idling, or using low-emission construction equipment. TDI-NE should commit to implementing emission reduction measures during construction to help reduce and minimize air quality impacts from the construction phase of the proposed project. These measures could include adding contract specifications that would require construction vehicles and equipment to include retrofit control equipment (oxidation catalysts or particulate filters installed on the exhaust of the diesel engine). These commitments should specify the individual mitigation measures in detail.

The Northeast Diesel Collaborative has prepared model construction specifications that could be used in developing contract specifications for construction of the transmission line. The model construction specifications can be found on the Northeast Diesel Collaborative web site at URL address <http://northeastdiesel.org/pdf/NFDC-Construction-Contract-Spec.pdf>.

EPA 18

EPA 18. The emissions provided in the Final EIS were developed using the EPA MOVES model, which includes the NONROAD2008 model, and is the official EPA model used for estimating emissions from on road and nonroad vehicles. The MOVES model incorporates the most up-to-date EPA emission standards and rules.

The FEIS should provide information to assess the sources of the electricity to be imported, and compare the emissions profile of that electricity with that of the electricity it would likely displace from the New England power grid. While the DEIS states that the proposed project is intended to reduce criteria pollutants and GHG emission by alleviating the need to operate older, more emissive power plants and that the proposed project is expected to have long term, beneficial, cumulative impacts on air quality, the FEIS should provide an analysis that supports that statement, including an assessment of the environmental impacts related to criteria pollutants and GHG. To estimate the GHG emissions associated with the proposal and the no action alternative, DOE could use tools for estimating and quantifying GHG emissions that can be found on CEQ's NEPA.gov website. In most cases quantification of GHG emissions involves a relatively straightforward calculation. The FEIS should also contain a discussion of the environmental effects that the project would have on decreasing the need to run power plants with significant cooling water needs. The older plants generating energy that would be supplanted by this project are usually steam units with once through cooling and as a result, have significant water impacts. There is no analysis or discussion of any environmental impacts that would be alleviated by offsetting the need to run power plants with significant cooling needs.

EPA 19

EPA 19. DOE does not include emissions from the source of power imported. DOE provided a similar level of analysis in the Champlain Hudson Power Express EIS, with the exception of comparisons to emission thresholds because Vermont is in attainment for all criteria pollutants.

Over the first 10 years of the NECPL Project's operation (April 2019 to March 2029), power plant emissions of CO₂, SO₂, and NO_x in New England are predicted to be reduced by 32.9 million tons (8.6 percent), 13.6 thousand tons (5.8 percent), and 6.4 thousand tons (5.4 percent), respectively (Testimony of Seth G. Parker December 8, 2014).

Page 5-35 of the DEIS provides an estimate of the tons of GHG emissions created by the project over the entire construction period. It then compares that number to emissions in Vermont, the United States and globally. Recognizing that climate impacts are not attributable to any single action, but are exacerbated by a series of smaller decisions, we do not recommend comparing GHG emissions from a proposed action to global emissions. As noted by the CEQ revised draft guidance, "[t]his approach does not reveal anything beyond the nature of the climate change challenge itself: [t]he fact that diverse individual sources of emissions each make relatively small

EPA 20

EPA 20. DOE deleted reference to global GHG emissions data.

additions to global atmospheric GHG concentrations that collectively have huge impact.” We also recommend that the analysis does not compare GHG emissions to total U.S. emissions, as this approach does not provide meaningful information for a project level analysis. Consider providing a frame of reference, such as an applicable Federal, state, tribal or local goal for GHG emission reductions, and discuss whether the emissions levels are consistent with such goals. VT’s GHG reduction emissions goals are stated on their Climate Change Team web site. See <http://www.anr.state.vt.us/anr/climatechange/Index.html>

EPA 20
Continued EPA 20. Continued

Environmental Justice

Environmental Justice (EJ) is the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Executive Order 12898 requires each Federal agency to address the disproportionately high and adverse impacts from activities affecting minority and low-income populations. The DEIS compares the percentage of the population within Rutland and Windsor counties who are minorities with the percentage within Vermont, concluding that the county percentages are far less than those reported for Vermont. It also states that the percent of the total number of families that earned below the poverty level for Rutland County was slightly higher than that for the state of Vermont. It then concludes that the potential effects of proposed project construction would be equal throughout the population and would not be considered to effect minority and low-income populations disproportionately.

EPA 21 EPA 21. Comment addressed by adding tract-level EJ analysis in the Final EIS and Appendix J. EPA’s request for the EJ analysis to contain map of proximity of ROI to sensitive populations such as residences or schools and should consider that pollutants may reach sensitive populations is not needed for this Project.

Regarding the public’s ability to comment, all potentially affected communities had opportunity to attend two public meetings on the Draft EIS in July 2015. Each meeting was advertised in the newspaper and 11 local libraries along the Project route had the Draft EIS for review by the public.

Comparing the demographics and income of the counties through which the project will run with the demographics and income of the State of Vermont does not identify minority and low income populations as they may be disproportionately affected by the project. Minority and low-income populations vary wildly within a single county in Vermont. An earlier analysis noted that Chittenden County had the highest median household income of the four counties examined while also having the largest number of individuals and families living in poverty compared to the other three counties. Environmental impacts from the construction and operation of the project will not be county wide but are most likely to be localized. Thus, the FEIS should examine the impacts on EJ population pockets as they may exist along the alignment.

Although the Final EIS does not contain a detailed map of where the ROI may be close to sensitive population areas, a table was added to the analysis to examine EJ populations by census tract across the entire project area. Analysis in the air quality, public health and safety, hazardous materials, and other sections of the Final EIS conclude that there would not be adverse effects of pollutants on any populations, including sensitive populations.

The FEIS should identify minority and low-income populations by examining the demographics at a scale such as at the municipal level. EPA Region 1 has a tool called EJSCREEN that identifies EJ populations at that level. The Region is willing to help DOE identify EJ communities that may be affected by the project. The FEIS should also consider in its EJ analysis that negative impacts from the project, such as air pollution, water pollution, increased storm water, increased traffic, exposure to dust, vehicle exhaust and exposure to contaminated soil will vary, depending on the distance between the project and affected populations.

The DEIS concludes that there will be no effect on children or the environmental justice population on the overland route because the Region of Influence (ROI) “encompasses the geographic area that would reasonably be affected by the project during construction, operations, maintenance and emergency repair activities, either when hazardous materials were used and generated, or when existing contaminants are encountered.” While this statement may be true in many instances, there will be occasions when the ROI is sufficiently close to an area with

sensitive populations, including children, that wind, stormwater or other forces may move contaminants, including lead, close enough to sensitive populations to be of concern. The DEIS does not contain a detailed map of the overland segments that would indicate the proximity of the ROI to residences, schools or other places where people, and particularly children, are likely to be present, but Table 3-17 indicates that thirty seven acres of residential land use is in the ROI. The FEIS should take into account the possibility that pollutants, particularly those generated by the construction and repair of the project, may reach sensitive and EJ populations within and beyond the ROI.

EPA 21
Continued

Finally, where appropriate, DOE should actively encourage public input from EJ communities and should provide information in different languages, where there are populations with limited English proficiency. Effective outreach in EJ communities may require using forums most likely to reach EJ populations such as churches, community groups, neighborhood clubs, local non-English newspapers or bulletins and the like, where appropriate.

Wetlands

Page 5-51 states that TDI "would avoid storing hazardous materials, chemicals or lubricating oils; refueling vehicles and equipment; or parking vehicles overnight within 100 feet of the edge of a wetland, unless no reasonable alternative is available." The FEIS should explain why restricting such activities within 100 feet of a wetland is adequately protective, given the potential mobility of such pollutants either overland or through groundwater. Also, DOE should condition such storage on compliance with state and local law.

EPA 22

Page 5-51 states that "because the potentially affected wetlands occur along existing roadway ROIs that have been disturbed previously, the wetlands values of recreation, education/scientific value, uniqueness/heritage and visual quality would be limited or non-existent." The FEIS should support this broad conclusion.

EPA 23

Page 5-52 states that "emergent wetland vegetation would be expected to re-establish quickly following construction, and woody species would return more slowly." This is one of many statements describing expectations of how natural recovery will occur in wetlands and other sensitive areas. EPA suggests that DOE establish as a condition of the permit that a monitoring plan be established over the appropriate time period to assess whether such natural recovery is occurring. The permit should include a condition and TDI-NE should make a commitment for monitoring and active restoration where natural recovery is not occurring in a reasonable time.

EPA 24

Page 5-52 states that "potential effects of storm water runoff and sedimentation would be avoided or minimized through the use of BMPs (e.g. silt fences). Many highly efficient stormwater BMPs have been developed in recent years. The FEIS should examine the most effective BMPs where discharges would occur to sensitive areas. Also, BMPs that capture and treat phosphorus should be considered wherever phosphorus could contribute to water quality impairments.

EPA 25

Page 5-52 states: that to reduce the effects of invasive species, a management, and monitoring and control plan has been developed to control noxious weeds and minimize the effects of

EPA 26

EPA 21. Continued - Addressed in page above.

EPA 22. Added to Section 5.2.8.1 - The 100-foot buffer is detailed in TDI-NE's New England Clean Power Link Project Overall Oil and Hazardous Materials Spill Prevention and Contingency Plan, February 2015, and complies with state and local laws.

Buffer distances required to adequately filter pollutants depend on slope and vegetation type. For non-point sources, recommended buffers in agricultural settings range from 25–50 feet (Grismer et al. 2006). In the Vermont wetland program, Class One wetlands require a 100-foot protective buffer. Based on the ability of vegetated buffer strips to filter pollutants (as described in Grismer et al. 2006) and state wetland standards for high quality wetlands, 100 feet was selected as a buffer distance for wetland riparian areas to allow filtration following an accidental spill.

Grismer, Mark E., A.T., O'geen, and D. Lewis. 2006. Vegetative Filter Strips for Nonpoint Source Pollution Control in Agriculture. University of California, Division of Agriculture and Natural Resources.

EPA 23. For previously disturbed wetlands (such as the ones in agricultural fields or mowed ROW) the functions are still there, but for wildlife in particular vegetation management (or tilling) significantly reduces the ability of the wetland to provide habitat. Also services such as recreation or visual quality are reduced since the wetlands are not maintained in a natural state.

EPA 24. Due to the small amount of wetland vegetation potentially disturbed and the restoration activities described in Section 5.2.8.1, DOE concluded that the area would recover and a monitoring plan is not necessary

EPA 25. Comment noted. TDI-NE will be working with the USACE and state of Vermont on BMPs.

EPA 26. The Invasive Species Management Plan is referenced in Appendix G. The Plan would be in effect for 3 years as proposed by the Applicant and agreed to by the Vermont agencies, and the impacts addressed in the EIS are similar to those addressed in the 404 permit application.

invasive species on important natural resources. This management plan should be included in the EIS. The EIS should also explain why this plan need only be in effect for three years. The impacts described in the DEIS are not consistent with what is included in the Revised Individual Section 404/Section 10 permit applications. In addition, it is unclear whether the term "temporary impacts" in the DEIS is the same as what is described in the Section 404 permit application.

EPA 26
Continued

For example, the DEIS (Page 2-25) states that for construction of the overland portion of the NECPL project there will be temporary direct impacts to 4.01 acres of wetlands and permanent secondary direct impacts to .84, totaling 4.85 acres of impact. Page 37 of the Revised Individual Section 404/Section 10 permit application states that the direct temporary impacts to wetlands will be 3.76 acres with secondary impacts to .74 acres with a total of 5.95 acres of impact. The FEIS should reconcile this discrepancy.

EPA 27

EPA 27. The DOE has addressed the comments on wetlands and 404 permitting in Section 5.2.8 of the Final EIS and the acreage is consistent between the Final EIS and the 404 permit.

The DEIS and the Section 404 permit application do not clearly identify the locations of any required temporary access roads, equipment staging areas and potential impacts to wetland areas. The FEIS and permit application should clearly identify areas on the project plans and describe how wetland ecosystems will be protected from indirect impacts from these structures.

EPA 28

EPA 28. Natural resource impacts, including wetlands, wetland buffers, streams, and locations of protected resources (including bat roosting trees and rare plants) are included in Appendix E of the USACE 404 permit. These maps also show the Project route and proposed lay down yards and storage areas.

The DEIS and 404 permit application states that the project will not have any permanent loss of wetlands and that no wetlands would be filled for the project. These statements should be corrected to reflect that there will be permanent direct and secondary impacts (i.e., losses of wetland functions and services) due to the construction and operation of the project. The FEIS should clarify that placing fill over the new buried transmission line in wetlands or waters of the U. S. is considered a permanent direct impact. Also, permanent conversion of one type of wetland to another type is a permanent secondary impact. 13

EPA 29

EPA 29. Section 5.2.8 identifies the potential for permanent direct and secondary impacts.

Page 13 continued)

The FEIS should clearly explain the methodology for the calculation of wetland and stream impacts. Additional secondary impacts should be considered and factored into the assessment of project impacts. These kinds of secondary impacts include, but are not limited to: impacts to riparian buffer and forest canopy over stream channels; impacts associated with stream bank stabilization; and alteration of ground or surface water flow patterns. On Page 37 of the 404 Permit application, the applicant describes a method for determining stream impacts. It states the "in order to conservatively account for impacts due to temporary dewatering/diversion structures required during construction, five linear feet were added to all impacted streams culverted and non culverted and multiplied by the stream OHW width. The additional 5 feet were added to the summarized total impacts for a given stream or culverted stream". The final EIS and final permit application should discuss the origin of the stream impact method and its intended uses.

The FEIS should provide more detailed information regarding the potential impacts from proposed blasting in waterbodies, especially in areas with ephemeral and headwater streams, as well as more information on practicable alternatives to blasting. The FEIS should more clearly

13

EPA 30

EPA 31

EPA 30. The VHB report outlines the method used for delineation of wetland areas within the Study Area. Methods for calculation of impact numbers, shown in the Appendix K of the 404 permit, are included as a foot note on the summary table:

Note: GIS impact analysis conducted using Limits of Disturbance created by TRC-engineering- Drafted 03/18/2015

- 1 VHB/TRC wetland delineations have been field-reviewed (representative areas) by USACE and VT DEC personnel.
- 2 Wetland classifications based on Cowardin, L.M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitat of the United States. U.S. Fish and Wildlife Service. FWS/OBD-79/31. 103pp.
- 3 Permanent Impacts are calculated as areas of direct fill or grading. There will be no permanent wetland impacts as a result of project construction.
- 4 Temporary Impacts have been divided into three types, for the purpose of calculating compensatory mitigation credits required, in consultation with the USACE. Temporary wetland impacts consist of: 1) impacts from trenching and/or earthwork; 2) impacts from tree clearing in forested areas and 3) impacts from non-trenching/earthwork type activities in non-forested areas. Details are provided in footnotes 6, 7, and 8.
- 5 Temporary impacts from trenching/earthwork will occur within the approximately 12-foot wide Permanent Project Corridor as a result of excavation of an approximately 4-foot wide trench for the cable. Following construction, these areas will be restored per the project EPSC plan (see Block 18 Attachment of 404 Permit Application).
- 6 Temporary impacts in forested areas will occur as a result of required tree clearing in Temporary Workspaces, which will be allowed to regenerate after construction.
- 7 Temporary impacts in non-forested areas will occur in the Temporary Workspace where construction mats will be utilized to minimize rutting and compaction from equipment. These areas will be allowed to regenerate after construction.
- 8 Secondary impacts will occur in the Permanent Project Corridor as a result of permanent tree clearing, which will result in the conversion of forested wetlands to emergent or scrub-shrub wetlands.
- 9 Butte information, including mailing addresses and Line List Numbers are found in the Adjoining Property Owners table in the 404 Permit Application.

EPA 31. In Section 5.2.3 the DOE identifies blasting effects and measures that TDI-NE plans to implement to reduce potential effects and to notify property owners of blasting.

and definitively demonstrate that no adverse effects on water quality, fish and wildlife or other aquatic resources would result from blasting.

Mitigation for blasting should be discussed in greater detail. Time of year restrictions on blasting activities may be necessary to protect sensitive aquatic species. Instream monitoring may be necessary to assure no adverse impacts to the aquatic ecosystem.

Construction Period Issues

Erosion/Sedimentation Control
The FEIS should discuss measures to prevent erosion and sedimentation during construction for a range of conditions spanning normal precipitation levels to severe weather events.

Stream crossings
We recommend that stream crossing techniques be described in detail in the FEIS and that protocols be established for determining the technique to be utilized for each crossing. The use of open cut construction techniques should include advance notification and be implemented with contingency plans to address severe weather events that could cause excessive erosion and sedimentation.

Blasting
The FEIS should discuss how the project will monitor groundwater wells in the area of the blasting activities and how well owners whose water quality or quantity may be adversely affected will be notified of blasting activities. TDI-NE should also make a specific commitment to potentially affected well-owners should harm to their wells occur.

Cumulative Impacts

The FEIS should address induced growth, e.g., additional residential, commercial or industrial development and the like that might be spawned by this project.

On Page 4-2 the discussion should not be limited to the generation portfolio in Vermont. Vermont is part of a six state interconnected power grid where electricity flows between states twenty-four hours a day. A project such as NECPL will impact the utilization and dispatch of power plants across the region and the associated environmental impacts may in fact occur outside of VT. To say that this project will impact only the electricity portfolio in Vermont does not account for how the power grid works and is in contrast with the discussion of regional system planning done by ISO NE on the previous page.

14

EPA 32

EPA 33

EPA 34

EPA 35

EPA 36

EPA 32. Currently no blasting is proposed within the Lake Champlain Segment which limits the potential for impacts to aquatic species within Lake Champlain (TRC 2014). It is possible, although not confirmed, that blasting may be required along the terrestrial segment in the towns of Benson, Ludlow, and Alburgh. Specific methodologies for blasting and regulatory compliance are included in the project Blasting Plan (TRC 2014). TDI-NE, as described in the FEIS (Section 5.2.7.1) would work with federal and state agencies to implement measures to avoid and minimize adverse effects on bald eagles and their habitat. If construction were to occur within 660 feet of an active nest during the nest-building or breeding season (December to August), TDI-NE would contact FWS and VFWD according to FWS National Bald Eagle Management Guidelines (FWS 2007) to obtain guidance for avoiding and minimizing potential effects of construction noise. In addition, TDI-NE has proposed measures to avoid and minimize effects on potential roosting trees, including retention of vegetative buffers or selective removal of vegetation. If large live or dead trees with peeling bark (e.g., shagbark hickory), or trees larger than 3 inches in diameter at breast height (dbh) (as preferred by the northern long-eared bat) are located, site-specific removal prescriptions would be implemented because the northern long-eared bat and Indiana bat prefer tree characteristics such as loose or shaggy bark, crevices, and hollows over a specific tree species for roosting. Potential Indiana bat roosting trees would be avoided by construction and operation of the proposed Project, and should removal of potential roosting trees be required, a Phase 2 assessment for bats would be completed (i.e., visual and/or acoustic bat exit surveys and assessment of the surrounding area for appropriate alternative roosting sites) (FEIS Section 5.2.7.1).

EPA 33. Construction - No change needed. Section 5.1.3.1 discusses stormwater pollution prevention and erosion control plans. Section 5.2.3.1 says erosion control measures would be required. A description of TDI-NE's proposed mitigation measures can be found in Appendix G.

EPA 34. Stream Crossings --Potential stream crossing methods are discussed in Sections 5.2.4.1 and Figure 3-4 of the Final EIS. The specific stream crossing method would be selected with prior approval from state and federal agencies as required by permit conditions

EPA 35. Blasting effects on groundwater are addressed in Sections 5.2.3.1 and 5.2.11.1 in the Final EIS.

EPA 36. Cumulative Impacts - Section 5.1.17.1 and 5.2.17.1 discusses (Socioeconomics), potential temporary effects of construction growth. Final EIS includes information in Section 4 from the independent system operator for NE.



16670
26 AUG 2015

Mr. Brian Mills
U.S. Department of Energy
Senior Planning Advisor
Office of Electricity Delivery and Energy Reliability (OE-20)
1000 Independence Avenue, SW
Washington, DC 20585

Dear Mr. Mills,

Thank you for the opportunity to comment on the New England Clean Power Link (NECPL) Draft Environmental Impact Statement (DEIS).¹ The U.S. Coast Guard (USCG) Sector Northern New England, with input from First Coast Guard District, evaluated the DEIS to determine how the project may impact navigational safety along the transmission line route under the authority of the Ports and Waterways Safety Act (PWSA), 33 U.S.C. § 1231, and the Rivers and Harbors Act, 33 U.S.C. § 471.

As this is a similar project and route to the Vermont portion of the Champlain Hudson Power Express (CHPE) project, all of the comments submitted by the USCG are applicable to this project in addition to the following:

1. Consistency on Mitigation for Depths Greater than 150 feet:

The cable is described as either laying on top of the surface of the lake bottom or being covered with articulated concrete mats.² Based on the CHPE project environmental review, the USCG anticipates the cable will lie on the surface of the lake bottom for depths greater than 150 feet.

USCG 1

2. Emergency Repairs:

The document states that repair time would be brief; however, the DEIS provides no definition of brief.³ Additionally, there is no evidence to substantiate that repair time of a submarine cable can be brief. In a report completed by Dr. Malcolm Sharples⁴, one particular cable repair took 26 days, working 7-day weeks to complete, which we do not consider brief.

USCG 2

3. Vessel Traffic Services:

¹001_05-31-2015-FINAL-Draft-EIS-to-DOE.

²Page 2-15, paragraph 3 vice Page 2-16, paragraph 2-3.

³Page 5-4, paragraph 1.

⁴<http://www.bsee.gov/Technology-and-Research/Technology-Assessment-Programs/Projects/Project-671/> Page 156

USCG 1. Edits regarding the depth of the cable and use of concrete mats has been addressed in the Final EIS in the Summary and Section 2.

USCG 2. The DOE replaced “brief” with “up to 30 days” (see Section 5.1.2.1). Repair time would depend on the maintenance issue; however, the underwater cable is expected to be “maintenance free” and not require regularly scheduled maintenance.

16670
26 AUG 2015

The document states that the applicant will coordinate with USCG Vessel Traffic Services (VTS) according to an Aquatic Safety and Communications Plan⁵. The USCG does not operate a VTS on Lake Champlain.

USCG 3

4. Route on Nautical Charts:

The DEIS does not display the project route on nautical charts. The USCG requests that at least one figure is shown on a National Oceanic Atmospheric Administration (NOAA) nautical chart for the Lake Champlain portion of the project to ensure there are no conflicts with existing waterway uses or environmental features.

USCG 4

5. Appendix G, TDI-NE General Mitigation Strategies:

This section has no mention of the Navigation Risk Assessment (NRA) that the USCG expects to review and provide a recommendation concerning the impact to waterway safety. Although the document makes reference to minimizing the risk of snagging from anchors through burial and concrete protection⁶, this would be one of several impacts assessed in a thorough NRA. Other potential impacts include the project's effects on Coast Guard missions and effects on electronic navigation systems due to the presence of the submarine transmission cable.

USCG 5

Thank you for this opportunity to participate as a cooperating agency. Should you have additional questions, feel free to contact Lieutenant David Bourbeau, Chief, Waterways Management Division, at 207-347-5015 or david.t.bourbeau@uscg.mil.

Sincerely,



M.A. BAROODY
Captain, U.S. Coast Guard
Captain of the Port
Sector Northern New England

Copy: Commander, First Coast Guard District (dp)

⁵ Page 5-28, paragraph 3.

⁶ Appendix G, Page 3.

USCG 3. The reference to the Vessel Traffic Services on Lake Champlain has been deleted.

USCG 4. Upon completion of the cable installation, TDI-NE would notify the National Oceanic and Atmospheric Administration and provide as-built information on the location of the cables in accordance with existing NOAA specifications.

USCG 5. A Navigation Risk Assessment has not been developed for this Project; however, TDI-NE would prepare a NRA prior to construction (see Section 5.1.2.2), to allow for review by interested stakeholders, such as the USCG and Lake Champlain Ferry operators who are the primary commercial operators on the lake. Since there are minimal commercial operators on the lake, TDI-NE expects the NRA would be quite straightforward.



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
15 State Street – Suite 400
Boston, Massachusetts 02109-3572

August 11, 2015

9043.1
ER 15/336

Brian Mills
Senior Planning Advisor
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Ave. SW
Washington, DC 20585

RE: COMMENTS
Draft Environmental Impact Statement (DEIS)
New England Clean Power Link Transmission Line
Department of Energy, (DOE/EIS-0503), Vermont

Dear Mr. Mills:

The U.S. Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement for the proposed New England Clean Power Link Transmission Line, Vermont. The Department's U.S. Fish and Wildlife Service submitted comments on July 13, 2015, and coordination regarding the Endangered Species Act and the Migratory Bird Treaty Act is ongoing. The Department has no further comment on the DEIS at this time.

DOI 1

Thank you for the opportunity to review and comment on this project. Please contact me at (617) 223-8565 if I can be of assistance.

Sincerely,

Andrew L. Raddant
Regional Environmental Officer

DOI 1. The FWS letter, dated July 13, 2015, is included in Appendix H of the final EIS.

Stockbridge-Munsee Tribal Historic Preservation

*Main Office
W13447 Camp 14 Rd
Bowler, WI 54416*

*New York Office
P.O. Box 718
Troy, NY 12181*

Mr. Brian Mills
National Environmental Policy Act (NEPA) Document Manager
Office of Electricity Delivery and Energy Reliability, OE-20
U.S. Department of Energy
Washington, DC 20585
Via email only

June 30, 2015

**RE: New England Clean Power Link Project
Grand Isle, Chittenden, Addison, Rutland, and Windsor Counties, Vermont
Comment from Stockbridge-Munsee Mohican Tribe on Draft EIS**

Dear Mr. Mills:

By a CD received this month, we have received from Kleinschmidt Associates a copy of the Draft Environmental Impact Statement for the New England Clean Power Link Project. We have reviewed the materials per our cultural resource responsibilities for Section 106 of the National Historic Preservation Act.

On behalf of the Stockbridge-Munsee Community Band of Mohican Indians, I offer the following comments:

- We confirm that the project is within our cultural area of interest. Our tribe wishes to serve as a consulting party for areas that fall within Addison, Rutland, and Windsor Counties of Vermont.
- We note that there is a reference to a Phase 1A cultural resource study that was undertaken for three archeological sites that are underwater. If the sites are Native American, we ask to be furnished with a copy for review and comment.

Thank you & Kind regards,



Bonney Hartley
Tribal Historic Preservation Officer
New York Office

Cc: Kelly Schaeffer, Kleinschmidt Group, *via email only*

(518) 326-8870

Email: bonney.hartley@mohican-nsn.gov

Stockbridge-Munsee Mohican Tribe I. Comment noted. A copy of the Phase 1A study is available from TDI-NE and was transmitted to Ms. Hartley. No changes needed to the Final EIS.



Vermont Division for Historic Preservation
Agency of Commerce and Community Development
One National Life Drive
Davis Building, 6th Floor
Montpelier, VT 05620
http://accd.vermont.gov/strong_communities/preservation/

[phone] 802-828-3211
[fax] 802-828-3206

August 11, 2015

Brian Mills
Office of Electricity Delivery and Energy Reliability (OE-20)
U.S. Department of Energy
1000 Independence Avenue SW
Washington, DC 20585

Re: VT SHPO Comments on the New England Clean Power Link (NECPL) Transmission Line Project Draft Environmental Impact Statement (DEIS), Grand Isle, Chittenden, Addison, Rutland, and Windsor Counties, Vermont. U.S. Department of Energy DOE/EIS-0503.

Dear Mr. Mills:

Thank you for the opportunity to comment on the above referenced project. The following comments will assist the U.S. Department of Energy (DOE) in their review responsibilities under Section 106 of the National Historic Preservation Act.

The Vermont Division for Historic Preservation (VDHP) is providing the DOE with the following comments pursuant to 36 CFR 800.4, regulations established by the Advisory Council on Historic Preservation to implement Section 106 of the National Historic Preservation Act (NHPA). Project review consists of identifying the project's potential impacts to historic buildings, structures, historic districts, historic landscapes and settings, and known or potential archeological resources.

The VDHP generally concurs with cultural resource summaries presented in the NECPL DEIS and subsequent actions referenced to comply with Section 106 of the NHPA. By way of this letter, the Vermont SHPO is also formally acknowledging initiation of Section 106 consultation on the NECPL project as indicated in the your letter of February 6, 2015, and continued during a consultation meeting held in Montpelier, Vermont on July 16, 2015 with you, Ms. Kelly Schaeffer from the Kleinschmidt Group, and VDHP staff.

As you know, the VDHP has been working closely with Champlain VT, LLC doing business as TDI-New England (TDI-NE) since December 2013 under Section 248, a state regulatory review process administered by the Vermont Public Service Board. The VDHP has reviewed and concurred with the following cultural resource reports: *Phase IA Archaeological Assessment in Support of the New England Clean Power Link Project-Lake Portion: Grand Isle County, Chittenden County, Addison County, and Rutland County (November 2014)* produced by the Lake Champlain Maritime Museum; *Phase IA Archaeological Resource Survey, New England Clean Power Link Project-Overland Portion: Windsor, Rutland, and Grand Isle Counties in Vermont (November 2014)*, and *Historical Reconnaissance Survey, New England Clean Power Link Project-Overland Portion: Windsor, Rutland, and Grand Isle Counties in Vermont (November 2014)*, produced by the Public Archaeology Laboratory, Inc. These reports form the basis of testimony provided to the PSB under the Section 248 process and serve a similar function underpinning the cultural resource sections of the NECPL DEIS.

The VDHP is continuing to work with TDI-NE under the Section 248 process and signed a stipulation between TDI-NE, Vermont Public Service Department, and the Vermont Agency of Natural Resources on July 17, 201 which will essentially function as an agreement document under any Certificate of Public Good granted by the



August 11, 2015
Vermont SHPO Comments on NECPL DEIS
Page 2 of 2

PSB. Attachment III of the stipulation contains six general conditions and seven conditions specific to underwater or terrestrial historic resources dictating treatment of known or potential historic properties that could be affected by the NECPL project. The VDHP understands that similar conditions will be developed between the consulting parties for the Section 106 process and presented in the agreement documents such as the Programmatic Agreement (PA) and Cultural Resource Management Plan referenced in the DEIS.

Several minor points regarding the Area of Potential Effect (APE) definition presented in your April 16, 2015 letter and the DEIS, as well as the identification and expected mitigation of adverse effects bear mention. The definition of a 50 ft. corridor centered on the transmission line as the APE for both direct and indirect effects along the terrestrial segment does not seem to be sufficient in all cases. Current engineering documents indicate that laydown/staging areas exceeding this width do occur along the alignment. In addition, the VDHP has asked TDI-NE for a blasting plan so that potential direct/indirect effects to standing historic properties at greater distances from the corridor can be adequately addressed. For the underwater segment, TDI-NE has agreed to provide any additional mapping or remote sensing data derived from engineering and design work along the corridor to its underwater consultant to maximize site identification beyond the currently defined underwater resources. Finally, any direct adverse effects through use, modification, or sale of the National Register eligible Fullam and Mott residential structures under TDI-NE ownership in Alburgh and Ludlow will need to be addressed.

The VDHP notes that DEIS contains multiple references for additional consultation to resolve issues such as the above and present more detailed analysis in the final EIS. We look forward to continued interaction on developing appropriate Section 106 agreement documents with the consulting parties, including comments on the draft PA later this month. Thank you for your cooperation in protecting Vermont's irreplaceable historic and archeological heritage. R. Scott Dillon reviewed this project and prepared this letter. I concur with the findings and conclusions described above.

Sincerely,
VERMONT DIVISION FOR HISTORIC PRESERVATION

E-SIGNED by Laura Trieschmann
on 2015-08-12 01:03:18 GMT
Laura V. Trieschmann
State Historic Preservation Officer

Cc: Kelly Schaeffer, Kleinschmidt Group



VTSHPO 1. The ROI in the Overland Segment has a note that indicates the ROI may expand slightly to accommodate additional lay down/staging areas. Laydown/staging areas have been selected at properties controlled by TDI-NE in Alburgh, Benson and Ludlow. These properties were evaluated for archaeological sensitivity by PAL as part of the Phase 1A study (November 2014). Any additional laydown/staging areas along the proposed route would be identified prior to construction and TDI-NE would conduct all appropriate studies in accordance with the stipulation signed with the Vermont Division for Historic Preservation. This stipulation identified that no Project ground disturbance would occur in any known historic site or archaeologically sensitive area prior to the completion of all required studies and the implementation of any necessary mitigation measures.

VTSHPO 2. TDI-NE supplemented their existing blasting plan with best management practices recommended by the Vermont Agency of Natural Resources. In addition, TDI-NE has committed to not use perchlorates during blasting activities. If, in the unlikely event, that more than 5,000 cubic yards need to be blasted in a single work zone, TDI-NE would evaluate the potential impacts to groundwater from such blasting.

VTSHPO 3. These structures are not listed on the National Register but are listed on the State Register. TDI-NE does not intend to register these properties but does intend to meet the condition in the Stipulation with Vermont Division for Historic Preservation: "Any sale, transfer of property or other conveyance of historic sites owned by TDI-NE within the Project area must be reviewed by VDHP and have the appropriate deed restrictions in place prior to disposition of a property." This language has been added to the Final EIS.

VTSHPO 4. In Sections 5.1.10 and 5.2.10 references to the final PA have been added to the Final EIS.

New England Clean Power Link Project
Website Comment Receipt

Refers to Comment Placed on July 17, 2015

Name Kris Pastoriza
Address
Email
Phone
Subject Quebec

Message I object to this project on behalf of the terrain (stolen and destroyed) and its inhabitants, (damaged and displaced) by the dams, impoundments and corporations that provide power to provide for the conveniences of those on the New England Grid. New England residents are not well-served by projects which simply prolong their dependence on the grid and the corporations that profit from it, but if we are determined to do damage for conveniences, at least it should be to our own terrain.

Site <http://necplinkeis.com>

Sent from (ip address):

Date/Time: July 17, 2015 7:50 am

Sent from (referer): http://necplinkeis.com/?page_id=150

Using (user agent):

KP 1

KP 1. Comment noted.