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Agency of Natural Resources

October 10, 2014

Via email to: Brian.Mills@hq.doe.gov
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: Scoping comments for the New England Clean Power Link EIS

Mr. Mills,

On behalf of the Vermont Agency of Natural Resources (Agency), please accept the following comments regarding the scope of the environmental impact statement (EIS) the Department of Energy must conduct as part of your consideration of the New England Clean Power Link (NECPL) Presidential Permit.

In addition to the DOE's EIS process, the Agency will conduct its own, independent environmental review of the NECPL as a party to the Vermont Public Service Board Certificate of Public Good proceeding and through the processing of a range of state environmental permits issued by the Vermont Department of Environmental Conservation and Vermont Department of Fish and Wildlife, two of the three departments that comprise the Agency. We expect a robust state-level permitting process and will likely focus our limited resources on this review; however, the Agency will follow the development of the draft EIS with great interest and comment in a more detailed way once the draft report is issued. While the Agency is not participating as a Cooperating Agency in the EIS process, we are more than willing to serve as a resource and source of local information and perspective as you develop your analysis.

Regarding the scope of the EIS, as you explained at the September 16, 2014 public meeting in Burlington, VT, the DOE intends to base the scope of the NECPL EIS on the scope of the recently completed Champlain Hudson Power Express (CHPE) EIS. The Agency believes the scope of the CHPE EIS is largely an appropriate foundation for the NECPL EIS, as it includes an analysis of most of the major natural resource and recreation impacts the Agency has identified in associated with the NECPL. Therefore, Agency scoping comments are fairly limited. However, I would like to highlight areas of the scope that are a priority for the Agency or that represent unique resource considerations in the context of the NECPL project:

1. **Construction Phase Water Quality Impacts**
   The scope of the EIS should include analysis of construction-phase impacts to Lake Champlain water quality. The proposed construction techniques will re-suspend sediment that may include heavy metals, phosphorus and other pollutants. Consideration of the nature, scale and duration of sediment re-suspended in the water column and their impact on water quality is critical. Given Vermont and EPA's current effort to update the Lake Champlain TMDL, the potential impact to the lake from project-related phosphorous should be a significant consideration of the EIS.

   In addition, the EIS should consider aspects of barge operations that pertain to waste or discharge management from these vessels. This may include management of regulated waste on the barges, and any potential for direct discharge from the vessels associated with holding tank management. A final area regards the management of drilling fluid waste for directional boring applications at each terminus of the line.

2. **Operational Phase Water Quality Impacts**
   The NECPL's preliminary thermal modelling suggests the operation of the project may result in a rise in lake temperature proximate to the cable. Heat is considered a pollutant and the impact of heat on water quality, biota, and its reaction with other pollutants should be considered in the EIS. The EIS should also evaluate the effects on aquatic organisms of the anticipated magnetic fields near the cables.

3. **Impacts on Lake Recreation and Fisheries**
   Lake Champlain is a critical recreation resource for Vermonters. The lake supports a wide range of uses such as boating, swimming, fishing, and wildlife observation. Impacts from the construction and operation of the NECPL on recreation should be considered in the EIS; specifically impacts to important fisheries and constraints on access and use of the lake by the broadest range of constituents.

4. **Construction Phase Air Emissions and On-Lake Re-Fueling**
   As noted in the CHPE EIS, construction activities may have impacts on air quality; the EIS should consider these impacts and opportunities to minimize or mitigate air quality impacts. The project also proposes to operate an installation barge near-continuously for up to six months on Lake Champlain. Presumably this barge will be refueled at sea; the EIS should consider the potential impacts from fuel spills and other impacts related to the at-sea refueling of the vessel.

5. **Stream and River Crossings**
   The terrestrial portion of the NECPL will cross numerous streams and rivers. Since the alignment largely follows existing road right-of-ways, many of these streams are confined to existing culverts as they pass under the road way. The impact to streams and rivers from the construction and operation of the NECPL should be considered in the EIS; specifically impacts to water quality, stream equilibrium and geomorphology in the context of future flood resilience, and adequate aquatic organism passage.

6. **Wetland, RTE species and Significant Natural Community Impacts**
   The EIS should consider construction phase impacts to wetlands, rare, threatened and endangered plants and animals and significant natural communities, including impacts to

Indiana bat maternity roost trees, as well as the ongoing impacts to these resources associated with the operation of the project, specifically from any vegetation management or other ongoing management or maintenance activities.

7. **Invasive Species**
   Linear construction projects have the potential to serve as a vector for invasive species spread. The EIS should carefully consider the project's potential to spread or promote invasive species during construction and operation. The EIS should also look specifically at potential impacts from aquatic invasives associated with the transportation and installation of the cable by barges travelling through the Champlain Canal to Lake Champlain.

8. **Applicability of New York State sediment data for NECPL**
   The NECPL intends to rely, in part, on sediment data collected in New York State as part of the CHPE for their water quality analysis and modelling. The EIS should consider whether this data is applicable to the Vermont alignment given the distance between the proposed lines, differences in construction technique, and variability of lake bottom sediment and topography.

Thank you again for the opportunity to provide comments regarding the scope of the NECPL EIS. While the Agency's comments include many potential impacts associated with the project, we anticipate raising additional issues as we obtain more data and details about the project. We will address these emerging issues in the course of our state level environmental review and will communicated these issues to the DOE when feasible and appropriate.

Sincerely,

Billy Coster
Senior Planner and Policy Analyst