

**COMMENTS OF NORTHERN PASS TRANSMISSION LLC  
ON DRAFT ENVIRONMENTAL IMPACT STATEMENT  
WILDLIFE AND VEGETATION ANALYSIS**

Northern Pass Transmission LLC (“Northern Pass” or the “Project”) submits this comment on the analysis contained in the U.S. Department of Energy (“DOE”) Draft Environmental Impact Statement (“DEIS”) of the impacts of the Project on wildlife and vegetation in the Project area. In support of its permitting application to the New Hampshire Site Evaluation Committee (“SEC”), Northern Pass undertook a parallel analysis to that performed for the DEIS of the potential for the Project to affect wildlife and vegetation.<sup>1</sup> There is a high degree of agreement in the key findings of DOE’s team of experts and those of the Northern Pass team. However, it is also not surprising that the two teams of experts have made differing findings in some respects. The purpose of this comment is to point out where there may be some issues that the DEIS team should be informed of and to identify areas where some clarification may be warranted.

**Wildlife**

Northern Pass agrees with the conclusion of the DEIS that its Project is not likely to have long-term adverse effects on wildlife. Northern Pass further agrees that, for the federally listed species that may be found in the Project area including Canada lynx (*Lynx Canadensis*), northern long-eared bat (*Myotis septentrionalis*), Karner blue butterfly (*Lycaeides melissa samuelis*), and small whorled pogonia (*Isotria medeoloides*), the Section 7 consultations under the Endangered Species Act, combined with the Best Management Practices (“BMPs”) that Northern Pass has committed to implement to avoid, minimize and mitigate any impacts, will ensure that the Project is not likely to have adverse effects on those listed species.

The DEIS includes in Section 3.1.11 a comprehensive table of the migratory bird species found in New Hampshire. The DEIS indicates that many of them could occur in all four sections into which the DEIS divides the Project for analysis. Northern Pass believes, based on its knowledge of the range and habitat preferences of New Hampshire birds, that this overstates the likely presence of the listed bird species along the Project route. A number of the listed species are alpine species (Bicknell’s, American pipit), and the GIS analysis and field work Northern Pass team performed reveals that there is no suitable alpine habitat for such species along most (and perhaps all) of the right-of-way (“ROW”). Similarly, the DEIS suggests that Fowler’s toad may occur in multiple sections of the Project route, but its range, based on current and historic

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<sup>1</sup> See <http://www.northernpass.us/assets/filings/Volume%20XXX/Appendix%2035%20Rare%20Threatened%20and%20Endangered%20Plants%20and%20Exemplary%20Natural%20Communities%20Report%20Redacted.pdf>; <http://www.northernpass.us/assets/filings/Volume%20XXXI/Volume%2031%20-%20Wildlife%20Report%20and%20Impact%20Assessment%20Redacted.pdf>.

records as published in the Wildlife Action Plan, includes only the southern section of the Project area.

When the Northern Pass team undertook its fresh water mussel survey, it did so pursuant to a work plan approved by the New Hampshire Fish and Game Department and US Fish and Wildlife Service. That work plan called for Northern Pass to sample the subset of perennial streams or rivers with expected Project-related access road crossings or tree clearing, as well as known or potential habitat for dwarf wedgemussel (*Alasmidonta heterodon*), brook floater (*Alasmidonta varicosa*), and eastern pearlshell (*Margaritifera margaritifera*). It appears that the mussel survey described in the DEIS included sampling of all streams that were of sufficient size to support mussels and that would be crossed by any of the alternatives. It is thus not surprising that the DEIS survey team found more listed species.

Where the mussel survey stations sampled by the Northern Pass team and the DEIS team overlapped, the findings were generally similar, except for the Soucook River, where the DEIS survey revealed several mussels of a rare species, and the Northern Pass survey found only common species. Northern Pass then completed a follow-up survey in the Soucook River in the vicinity of the existing ROW, and found one listed mussel that we had not previously observed. However, Northern Pass anticipates no impacts on the mussel population in the Soucook River. The Best Management Practices (“BMPs”) and other standard protective measures that Northern Pass has committed to implement will protect the integrity of the river banks and ensure no degradation of water quality over either the long- or short-term that might have an adverse effect on mussel populations.

The DEIS appropriately does not include a fish survey, nor does it model potential increases in water temperature. However, the DEIS acknowledges that vegetation clearing near rivers and streams associated with the Project could have an effect on water temperatures, which in turn could have an adverse effect on the fish population. Northern Pass agrees with that conclusion and also with the conclusion in the DEIS that Project commitments to employ erosion and sedimentation control BMPs, restore stream crossings and comply with all applicable federal and state regulations should ensure that the Project has minimal effects on aquatic resources.

Northern Pass further notes that, while such level of detail is not appropriate in an EIS in support of its application to the New Hampshire Site Evaluation Committee (“SEC”), it undertook a detailed fish survey and temperature study. Its combined approach of temperature data collection and SSTEMP modeling (a USGS freeware program that allows the user to input site specific habitat and water quality parameters and generate estimated temperature increases for short stream reaches) will enable the Project and the New Hampshire Fish and Game Department to assess impacts to coldwater fisheries under proposed conditions, thus facilitating

the identification of impact avoidance, minimization, and mitigation measures during Project design.<sup>2</sup>

## **Vegetation**

Northern Pass concurs with the conclusions in the *Vegetation Technical Report* accompanying the DEIS that: i) “no population level impacts are expected” to rare plants; and ii) the Project “may impact individuals but is not likely to result in a trend towards federal listing or loss of viability” of any plant species. Nevertheless, there are some differences between DOE’s Technical Report and the Northern Pass vegetation reports that should be noted, and some clarifications in the Final EIS may be warranted.

It is not clear whether DOE’s technical vegetation consultant obtained information on Exemplary Natural Communities in the Project Area from the New Hampshire Natural Heritage Bureau (NHB), as Northern Pass did. In New Hampshire, only the NHB can designate a community as Exemplary. If it has not done so, DOE may wish to obtain this confidential information from NHB. Any plant community that the DOE’s consultant believes could be exemplary based on field data and could be described as a potential exemplary natural community, should be reviewed and confirmed by NHB.

The technical report states that one state-listed plant, beaked sedge (*Carex rostrata*), was “potentially” found in the Project area in Whitefield. The vegetation consultants for the DEIS apparently observed a single plant and were not able to confirm the identification because they could not collect a sample. Northern Pass did not find this plant, but it would be helpful to know exactly where it was found, so that Northern Pass could take appropriate steps to protect it during construction. The DEIS team found one other state listed species along the Project route, wild lupine (*Lupinus perennis*, ST). Northern Pass also found spiked needle grass (*Aristida longespica* var. *geniculata*, SE), blunt-leaved milkweed (*Asclepias amplexicaulis*, ST), and licorice goldenrod (*Solidago odora*, SE), species that the DEIS does not identify as present. Knowing the location of these species is critical so that construction impacts can be avoided and minimized to the extent practicable, and the temporarily disturbed areas restored appropriately, as Northern Pass has proposed. Impacts to these species would be greater under Alternative 3, the underground route in the existing ROW, than in Alternative 7, the route that Northern Pass now proposes, which combines overhead in the ROW with underground in state roads.

While the conclusions in the DEIS with respect to impacts to non-exemplary plant communities are in most respects generally reasonable, the calculations with respect to the size of the areas that may be affected seem to be substantially overstated, and the DEIS does not

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<sup>2</sup> <http://www.northernpass.us/assets/filings/Volume%20XXIX/Appendix%2033%20Fisheries%20and%20Aquatic%20Invertebrates%20Resource%20Report%20and%20Impact%20Analysis.pdf>.

explain how they were derived. For example, on page 107 of the Vegetation Technical Report the DEIS identifies 45 acres of permanent loss of vegetation communities associated just with “towers” in the southern section alone. This is distinguished from the estimated 82 acres of conversion of forested communities in the section of newly cleared ROW. The additional permanent vegetation loss from the structures alone would be limited to the foundation footprints, which are 7 to 12 feet in diameter. This will be far less than the estimated 45 acres of impact.

The technical report associated with the DEIS appears to assume that burying the transmission line in public roadways would require clearing trees and wetlands. For example, in its description of the impacts of Alternative 5c, the DEIS states: “If the cable were to be buried in the road shoulder, 16 acres of the 31 acres impacted are mowed ROW, 8 acres are forested habitats and 0.5 acres are wetland communities. The forestlands would be permanently removed, although many areas would return to a scrub-shrub/young sapling state, providing many important functions of wildlife habitat, prior to being cleared again.” This conclusion is contrary to Northern Pass’ plans for construction. Only along I-93, because of the special rules associated with construction along an interstate highway, would construction along a public road impact currently undisturbed areas. *See* Northern Pass Comment on DEIS dated January 11, 2016. This is among the reasons that Northern Pass does not support construction of the Project along the I-93 corridor. Northern Pass has selected public roads for the underground portion of the route it now proposes (Alternative 7) because it will be able to limit construction to already disturbed areas without mature or natural vegetation communities.