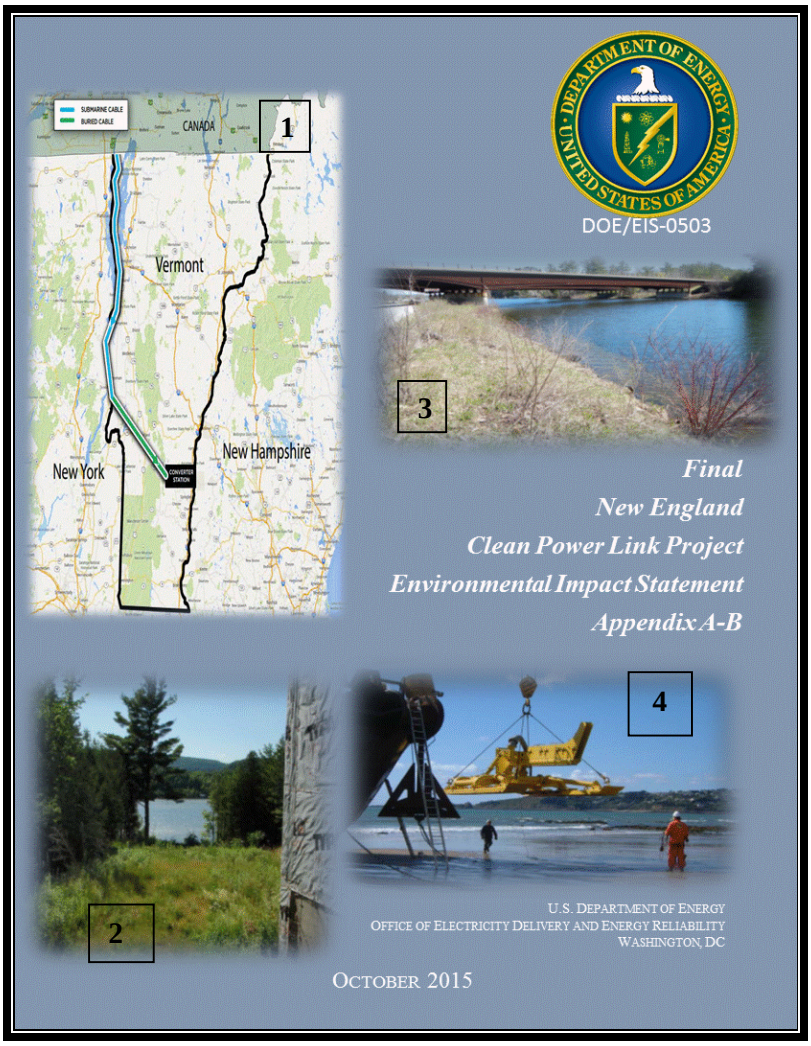
DOE/EIS-0503

Final New England Clean Power Link Project Environmental Impact Statement Appendix A-B

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

OCTOBER 2015



Cover Photo Credits

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

FINAL

NEW ENGLAND CLEAN POWER LINK PROJECT
ENVIRONMENTAL IMPACT STATEMENT

DOE/EIS-0503

VOLUME II: APPENDICES

U.S. DEPARTMENT OF ENERGY
OFFICE OF ELECTRICITY DELIVERY
AND ENERGY RELIABILITY

COOPERATING AGENCIES

U.S. ENVIRONMENTAL PROTECTION AGENCY
U.S. ARMY CORPS OF ENGINEERS
U.S. COAST GUARD

OCTOBER 2015

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SCOPING SUMMARY REPORT

NEW ENGLAND CLEAN POWER LINK
TRANSMISSION LINE PROJECT
ENVIRONMENTAL IMPACT STATEMENT

U.S. Department of Energy
Office of Electricity Delivery and Energy Reliability
Washington, DC 20585

Cooperating Agencies:
U.S. Environmental Protection Agency
U.S. Army Corps of Engineers
U.S. Coast Guard

November 2014

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ACRONYMS AND ABBREVIATIONS

AC	Alternating Current
CFR	Code of Federal Regulations
CHPE	Champlain Hudson Power Express
DC	Direct Current
DOE	U.S. Department of Energy
EIS	Environmental Impact Statement
EMF	Electromagnetic Field
E.O.	Executive Order
HVDC	High Voltage Direct Current
ISO-NE	Independent System Operator-New England
km	kilometer
kV	kilovolt
MW	megawatt
NECPL	New England Clean Power Link Project
NEPA	National Environmental Policy Act
NOI	Notice of Intent
ROD	Record of Decision
ROW	Right of Way
RTE	Rare/Threatened/Endangered
TDI-NE	Transmission Developers, Inc., New England
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USCG	U.S. Coast Guard
USEPA	U.S. Environmental Protection Agency
VANR	Vermont Agency of Natural Resources
VELCO	Vermont Electric Power Company

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SCOPING SUMMARY REPORT
NEW ENGLAND CLEAN POWER LINK

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1.0 INTRODUCTION

1.1 OVERVIEW

On May 20, 2014, Champlain VT, LLC, d/b/a Transmission Developers Inc., New England (TDI-NE) applied to the U.S. Department of Energy (DOE) for a Presidential permit [1] for a new approximately 154.1 mile-long, 1000-megawatt (MW) high voltage direct current (HVDC) electric transmission line that would cross the international border between the United States and the Canadian Province of Quebec, near the village of Alburgh, Vermont, and terminate at the existing Coolidge Substation in the towns of Ludlow and Cavendish, Vermont (Figure 1-1). The DOE National Electricity Delivery Division in the Office of Electricity Delivery and Energy Reliability (OE-20) is responsible for issuing Presidential permits. The Presidential permit for TDI-NE (OE Docket Number PP-400), if issued, would authorize TDI-NE to construct, operate, maintain and connect the United States' portion of the proposed New England Clean Power Link (NECPL) Project.

A Project overview is provided in Section 1.5, and additional Project details are provided in TDI-NE's May 20, 2014, Presidential permit application letter to DOE, located at http://energy.gov/oe/downloads/application-presidential-permit-oe-docket-no-pp-400-tdi-new-england-new-england-clean. All Project documents are available on the DOE Web site at http://necplinkeis.com

1.2 ENVIRONMENTAL REVIEW

Pursuant to the National Environmental Policy Act (NEPA) of 1969, when considering an application for a Presidential permit, DOE must take into account possible environmental impacts of the proposed facility. DOE determined that an Environmental Impact Statement (EIS) is the appropriate level of environmental review for the proposed NECPL Project. The EIS is being prepared in accordance with NEPA as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality (CEQ) NEPA regulations (40 CFR Parts 1500–1508), the DOE NEPA implementing procedures (10 CFR Part 1021) and the DOE implementing procedures for Compliance with Floodplain and Wetland Environmental Review Requirements (10 CFR Part 1022).

DOE's federal action is the granting of the Presidential permit for the proposed international border crossing. The proposed construction, operation, maintenance, and connection of the portion of the transmission line within the United States is a connected action to DOE's proposed federal action under NEPA. DOE will use the NEPA process to encourage agency and public involvement in the review of the proposed NECPL Project, and to identify the range of reasonable alternatives, including a No Action alternative[2], and scope of appropriate issues to be to be analyzed in detail in the EIS.

1.2 PUBLIC OUTREACH

On August 26, 2014, DOE published in the *Federal Register* the Notice of Intent (NOI) to prepare an EIS and to Conduct Public Scoping Meetings; Notice of Floodplains and Wetlands Involvement; and the NECPL Project (79 FR 50901). The NOI, provided in Appendix A, explains that DOE would be

[1] In accordance with Executive Order (EO) 10485, as amended by EO 12038, and the regulations 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."

[2] For the purposes of DOE's proposed federal action, the No Action alternative is defined as non-issuance of the Presidential permit for the proposed NECPL Project border crossing.

assessing potential environmental impacts and issues associated with the proposed NECPL Project and reasonable alternatives. The NOI was sent to interested parties including federal, state, and local officials; agency representatives; stakeholder organizations; and private entities in the vicinity of the proposed transmission line. Issuance of the NOI commenced a 45-day public scoping period that ended on September 10, 2014; however, the NOI did note that comments submitted after the deadline "would be considered to the extent practicable."

During the public scoping period, DOE conducted two scoping meetings: one in Burlington, Vermont, and one in Rutland, Vermont. Figure 1-1 provides an overview of the proposed transmission line route along with locations of the scoping meetings. Table 1-1 provides the scoping meeting locations and number of attendees.

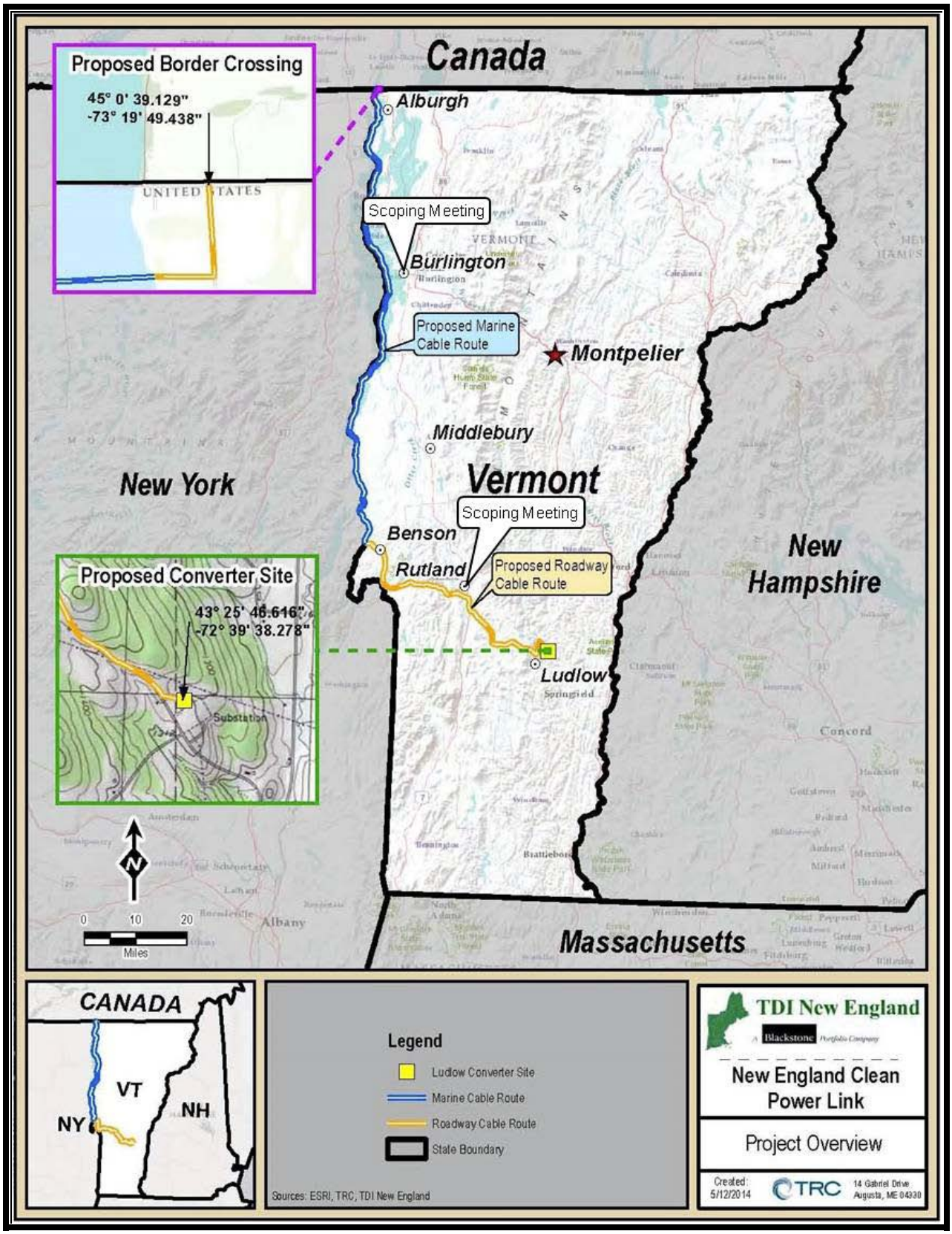

FIGURE 1-1 U.S. DEPARTMENT OF ENERGY SCOPING MEETING LOCATIONS

TABLE 1-1 SCOPING MEETING INFORMATION

Meeting Date	Location	Number of Attendees
September 16, 2014, 6:00 pm	Sheraton, Burlington, Vermont	8
September 17, 2014, 6:00 pm	Holiday Inn, Rutland, Vermont	4

The meetings provided the public with the opportunity to learn more about the proposed NECPL Project and to provide comments on potential environmental issues associated with the Project. One member of the public gave verbal comments, which were transcribed by a court reporter. Appendix B contains transcripts of the scoping meetings.

DOE received 12 written scoping comment letters or emails from private citizens, government agencies, and non-governmental organizations. Appendix C and the Project Web site at http://necplinkeis.com contain the comments received during the scoping period, along with any materials that were submitted for the record. DOE's Draft EIS will also contain a subsection that summarizes all of the comments received during the scoping period.

1.3 COOPERATING AGENCIES

DOE invited several federal and state agencies to participate in preparing the EIS to ensure that it satisfies those agencies' environmental requirements and to engage their specialized expertise. Region 1 of the U.S. Environmental Protection Agency (USEPA), the Vermont Office of the U.S. Army Corps of Engineers (USACE), and the U.S. Coast Guard (USCG) are cooperating agencies in preparing the NECPL Project EIS.

Each agency's requirements for the NECPL Project EIS are outlined below.

USACE. The USACE will use the EIS in their decision-making for the permits that would be required under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. In accordance with 33 CFR part 325 Appendix B (8)(c), the USACE will coordinate with DOE to ensure that USACE can adopt the NECPL Project EIS in support of its decision-making requirements on the Section 10 and Section 404 permit applications by TDI-NE.

USCG. The USCG will serve as a subject matter expert to the DOE regarding impact to navigation under the authority of the Ports and Waterways Safety Act, 33 U.S.C. § 1231, and the Rivers and Harbors Act, 33 U.S.C. § 471. Specifically the USCG will make recommendations regarding navigational safety and security along the proposed NECPL Project route.

USEPA. The USEPA, like other federal agencies, prepares and reviews NEPA documents. However, EPA has a unique responsibility in the NEPA review process. Under Section 309 of the Clean Air Act, EPA is required to review and publically comment on the environmental impacts of major federal actions including actions with are the subject of EISs. In this case, even though the USEPA does not have a permitting responsibility for the NECPL Project, it will review and comment on the draft and final EISs and will work with DOE to help the project avoid, minimize, and mitigate adverse environmental impacts.

1.4 PROJECT CHRONOLOGY TO DATE

The following timeline summarizes the scoping process events previously described:

May 20, 2014	DOE received TDI-NE application for a Presidential permit
August 26, 2014	DOE issued *Federal Register* NOI (79 FR 50901) to Prepare an EIS
September 16-17, 2014	DOE conducted two scoping meetings in Vermont (Table 1-1)
October 9, 2014	DOE received TDI-NE letter outlining minor adjustment to the NECPL Project proposed route
October 10, 2014	Scoping period ended

1.5 PROJECT OVERVIEW

The applicant's purpose and need for the NECPL Project is to diversify fuel supply in Independent System Operator-New England (ISO-NE), reduce carbon emissions, improve economic competitiveness, and provide economic benefits to Vermont and the other New England states. To meet its purpose and need, TDI-NE proposes to construct, operate, and maintain a new approximately 154.1-mile, 1000 MW HVDC transmission system comprised of a bipole line and an aboveground HVDC converter station. A bipole line consists of two transmission cables, one positively charged (+) and the other negatively charged (-). This two-cable bipole would be laid between Quebec, Canada, and a converter station in Ludlow, Vermont (Figure 1-1), consisting of both aquatic (underwater) and terrestrial (underground) segments. The proposed NECPL Project is described in the May 20, 2014 application letter to DOE, which is posted on the DOE Project Web site at http://necplinkeis.com.

Detailed maps showing the entire proposed NECPL Project route are included in Appendix D and posted on DOE's Web site at http://necplinkeis.com. The NECPL Project's precise final route is subject to factors including resource issues, federal and state permitting considerations, land acquisitions, and stakeholder agreements.

The NECPL Project would originate at an HVDC converter station in the Canadian Province of Québec to the international border between the United States and Canada, crossing the border at the Town of Alburgh, Vermont, where the HVDC transmission line would be buried underground within the Town of Alburgh, Vermont for approximately 0.5 miles (0.8 kilometers [km]). The HVDC line would enter Lake Champlain and be installed beneath, or in deeper waters on top of, the Lake Champlain lake bed for approximately 97 miles. These waters are entirely under the jurisdiction of Vermont. The overland portion of the HVDC transmission line would begin in the Town of Benson, Vermont, on private property owned by TDI-NE where the cables would be buried. The HVDC transmission line would follow Town of Benson, Vermont, roads east to Route 22A for approximately 4.5 miles and then Route 22A right of way (ROW) for approximately 8 miles south to Route 4 in Fair Haven, Vermont. The HVDC transmission line would then follow the Route 4 ROW east for approximately 17 miles to Route 7 in Rutland, Vermont. The HDVC transmission line then follows Route 7 ROW for approximately 2.6 miles to Route 103 in North Clarendon, Vermont and then proceeds south/southeast on Route 103 ROW to Route 100 in Ludlow, Vermont. The HVDC transmission line would then follow the Route 100 ROW north for 0.8 miles to town roads and from there, approximately 5 miles to the proposed HVDC converter station in Ludlow, Vermont. The new HVDC converter station will convert the electrical power from direct current (DC) to alternating current (AC) and then connect to the existing 345-kilovolt (kV) Coolidge Substation in Cavendish, Vermont owned by the Vermont Electric Power Company (VELCO).

In addition to DOE's scoping activities, TDI-NE is directly engaging stakeholders along the proposed route in order to refine its proposed route for the NECPL project and avoid resources valued by the state of Vermont. In response to stakeholder input from this outreach, TDI-NE proposed to change the NECPL Project route to avoid the Village of Cuttingsville, Vermont because the village is listed as a historic district in the Vermont State Register of Historic Places and also because of discussions with stakeholders. On October 9, 2014, TDI-NE submitted a letter outlining this minor adjustment to the NECPL Project proposed route. The revised route would go through an existing railroad ROW (instead of Route 103), approximately 2 miles southeast of Clarendon/Shrewsbury border and then travel down the railroad ROW for approximately 3.6 miles and exit near the elevated railroad trestle (Figure 1-2).

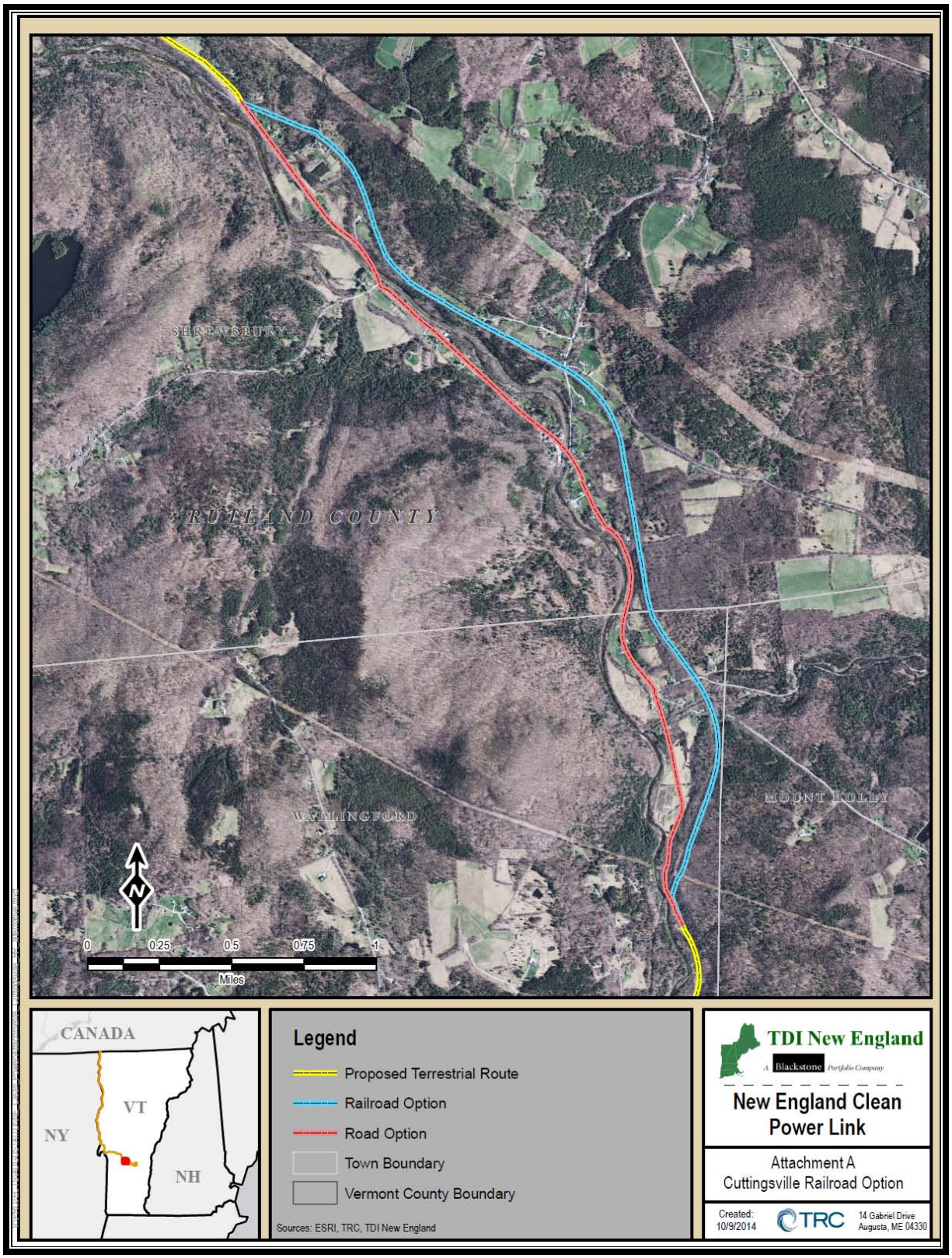

FIGURE 1-2 NEW ENGLAND CLEAN POWER LINK PROJECT REVISED PROPOSED ROUTE

2.0 SCOPING COMMENTS

Various state and federal entities, non-governmental organizations, and members of the public raised a variety of issues and concerns during the public scoping period. DOE considered the content of all comments in determining the scope of the EIS and identified the following representative issues and concerns.

- Some commenters requested that the EIS consider co-locating the cables in the proposed location for the Champlain-Hudson Power Express project.
- Several commenters are concerned about construction impacts from burying the transmission line in Lake Champlain, particularly resuspension of sediments and resultant effects, especially from phosphorus and mercury, on water quality, drinking water, and recreation (fishing, boating and swimming). There is concern that trenching techniques stir up solid sediments that contain phosphorus, mercury, and other contaminants and potentially cause them to dissolve and become active pollutants in Lake Champlain.
- Some commenters requested that the EIS analyze the effects of the Electromagnetic Fields (EMFs), its affect on magnetic compass deviation, and the thermal effects produced by the cable on aquatic and geologic/soil resources.
- One commenter noted that the EIS should address navigation impacts related to identifying and verifying sufficient burial depth and protection to prevent anchor fouling and damage to the transmission line.
- Two commenting parties raised concerns regarding the potential spread of invasive species during construction and use of construction vessels.

A complete summary of the comments received during the public scoping comment period is included in Table 2-1. Table 2-2 lists the individuals or organizations that submitted comments along with the date those comments were received by the DOE.

TABLE 2-1 SUMMARY OF COMMENTS PROVIDED IN SCOPING MEETINGS OR RECEIVED BY DOE

Source of Comment	EIS Resource Topic	Comments
Letter Sandra Levine Senior Attorney Conservation Law Foundation August 7, 2014	Aquatic Environment	As a major infrastructure project under Lake Champlain, Conservation Law Foundation (CLF) urges the Department of Energy (DOE) to take a hard look at the potential aquatic impacts of the proposed Project. Lake Champlain is a valuable drinking water, recreation, and navigation source for the region. Aquatic impacts should be carefully evaluated, avoided, and minimized prior to awarding any permit for the Project. The application's analysis relies on several unsupported and conclusory statements and, therefore, contains insufficient information to adequately assess the Project's impact on the aquatic environment. It is incumbent on the DOE to develop this information during its review of the Project.
	Aquatic Environment	First, the application inadequately addresses the impact of sediment disruption and redeposition on aquatic species.
	Aquatic Environment	Second, the application does not support its assertion that the estimated temperature increase at the sediment surface during Project operation will be "negligible".
	Aquatic Environment	Third, the application states that there is the potential for hazardous spills during construction because each of the construction vessels contains fuel, hydraulic fluid, and other potentially hazardous materials, but downplays the risks by saying that fish will likely avoid water contaminated with hydrocarbons.
	Aquatic Environment	Fourth, the proposed cofferdam would disrupt the sediment on which shoreland plants and animals rely, and the application contains no assurance that these vital conditions will be restored after construction.
	Other Issues	According to the application, the purpose of the Project is "[t]he delivery of clean, renewable power from the Canadian province of Quebec into Vermont," in order "[t]o further the New England States' energy and environmental policy goals, diversify fuel supply in Independent System Operator-New England (ISO-NE), lower energy prices for consumers, reduce carbon emissions in New England, improve the economic competitiveness of the New England States, and to provide economic benefits to Vermont and other New England States." However, the application lacks support for these statements and fails to identify

Source of Comment	EIS Resource Topic	Comments
		specific power sources, the economic terms of power delivery, or the environmental characteristics of the power sources. Moreover, the application does not mention the significant greenhouse gas (GHG) emissions associated with large scale Canadian hydropower, which appears to be the Project's likely power source.
	Other Issues	The application is the second pending Presidential Permit application seeking approval of an international transmission project that would deliver power from Quebec to New England, together with Northeast Utilities' Northern Pass project COE Docket No. PP-371). CLF urges the DOE to study the two projects together in the first instance, consistent with its proposal to the DOE for the Northern Pass permitting process.
Oral Comment, Jerry Chichester, Private Citizen, September 17, 2014	Location of cable and environmental impacts	I live in Ludlow on a dirt road that this project is proposed to come down. Let me say first of all that I've done some homework on this and I feel that this is a company that has done a credible job of explaining what they're going to do and appears to have done these kinds of projects in other areas successfully and that gives me some level of comfort. I do have some apprehensions about one aspect of their routing where their underwater and underground cable comes above ground to go over a bridge that's a couple hundred yards from my house, which I understand is the only place on the entire routing where the cable is not expected to be underground. So, I have some environmental concerns about what the impact is of having this sort of cable not underneath the water or not underneath the ground in terms of any kind of interference, whether it's radio, television, or electromagnetic waves or noise, anything that might be deleterious for my health or comfort point of view. I just want to make sure those things get considered in this project. I'll be happy to answer any questions if anyone has any.
Email Kris Pastoriza Private citizen September 24, 2014	Cultural Resources/Biological Resources	I request that the DOE consider the environmental and cultural destruction caused by Hydro-Quebec's flooding of vast areas of terrain, including destruction of carbon-sequestering forest, creation of methane due to rising and lowering of impoundment levels and theft of land from the native Canadians.
	Other Issues	The DOE, being engaged in regulatory capture itself, should be in a good position to examine the ethical and environmental consequences of Hydro-Quebec being owned by the Province of Quebec. Any

Source of Comment	EIS Resource Topic	Comments
		environmental impact statement (EIS) that does not assess the source of the power transmitted by the Project, is incomplete.
Email Anthony Mallette Private citizen October 3, 2014	Health and Safety	Our property is adjacent to the Route 4 right-of-way (ROW). There is extensive ledge here that the highway was carved through. We are concerned any disturbance of that ledge could affect our water supply and the foundation of our house which has cracked just from vibrations of heavy trucks on Route 4. We are also just west of the channel on Lake Bomoseen that needs to be crossed somehow.
Email Rosmarie P. Dobler Private citizen October 8, 2014	Geology and Soils	I researched and found an interesting study made by the German Ministry of Environment which addresses the impact of transmissions lines and you will see that one of the main concerns is soil warming. http://oecos.com/fileadmin/downloads/Runge-BMU-380kV-Zuerich-2013-2-13_English.pdf My questions are: • Is the line sufficiently insulated to reduce soil warming? • Are there any other environmental impacts? • Can the soil warming affect water lines running over the transmission line?
Email Rosmarie P. Dobler Private citizen October 8, 2014	Geology and Soils	I am writing about the underground power transmission line being proposed through Shrewsbury. My property, Parcel ***[removed for public posting]*** and Parcel ***[removed for public posting]***, is effected as the power line will follow along Route 103 between the highway and railroad tracks and our reservoirs are located there with a water line coming down from the hill above the VELCO line and going under the railroad and highway down to our farm. The reservoir feeds four residences and the barn. No mention has been made about environmental impact as you may have read in the Rutland Herald (see two attached copies). After meeting with Mr. Bagnato, I researched and found an interesting study made by the German Ministry of Environment which seems to be very well done and you will see that one of the main concerns is soil

Source of Comment	EIS Resource Topic	Comments
		warming. My questions are: • Is the line sufficiently insulated to reduce soil warming? • How will this affect the water line? • Are there any other environmental impacts?
Email Robert Buermann Private citizen October 9, 2014	Aquatic Resources	I have concerns with the disruption of sediments in Lake Champlain. Lake Champlain is in violation of the daily phosphorous load, so Environmental Protection Agency (EPA) and the State of Vermont are currently discussing how to reduce that load. While the Jet Plow and Shear Plow trenching techniques do not add new phosphorous, they do stir up the solid sediments that contain phosphorous, mercury, and other contaminants and potentially cause them to dissolve and become active pollutants. The act of laying the cables on the bottom (below 150 feet) could also stir up sediments. The early studies presented by Transmission Developers Inc. (TDI) show that the Jet Plow is the most aggressive at disrupting the sediments. The best solution is no disruption, second choice is to minimize it to the level that no contaminants can change into solution.
Letter Brian S. Gilda, Captain United States Coast Guard Captain of the Port Sector Northern New England October 9, 2014	Navigation	The EIS should address the following: how the applicant will identify and verify sufficient burial depth and protection to prevent anchor fouling and damage to the transmission line.
	Navigation	How the applicant will account for lake ice and seasonal locks/canals during the construction process and during maintenance periods.
	Biological Resources	How the applicant will avoid the introduction of aquatic nuisance species though proper ballast water management.
	Navigation	How the applicant will quantify the effect on magnetic compass deviation.
	Health and Safety	How the applicant will ensure the safety of personnel during construction, to include the recovery of personnel who may fall overboard from construction vessels.
	Navigation	How the applicant will minimize impact to the marine transportation system

Source of Comment	EIS Resource Topic	Comments
		during the construction and operation of the proposed transmission line, to include commercial vessels such as the operators of cable and self-propelled ferries, and recreational vessels, some of which are operated by individuals who may not speak fluent English.
	Navigation	We also request the EIS include exhibits that show the transmission line's route on nautical charts, in addition to maps, to most effectively demonstrate impacts to affected waterways and waterway users.
Email Anonymous Private citizen October 10, 2014	Proposed Action and Alternatives	I disagree with the plan to build an underground electric transmission line through Lake Champlain and its surrounding environment. Rather than running the transmission line through the aquatic environment, the Project should more seriously consider alternative routes.
	Health and Safety	The installment of a transmission line through the lake will certainly create unwanted noise pollution and construction activity that will disrupt the beauty of the landscape.
	Aquatic Resources	The installation also has the potential to disrupt significant ecosystems in both the lake and in the surrounding floodplain and nearby wetlands.
	Economics/ Socioeconomics	Underground transmission lines are more expensive and inconvenient to build, and require more expensive maintenance management.
	Proposed Action and Alternatives	I believe that the potential impacts for the lake will be too great. An alternative route that avoids the lake and follows local roads and highways should be considered.
Letter Billy Coster Senior Planner and Policy Analyst Vermont Agency of Natural Resources Office of Planning & Legal Affairs October 10, 2014	Aquatic Resources	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 total maximum daily load (TMDL), the potential impact to the lake from project-related phosphorous should be a significant consideration of the EIS.
	Aquatic Resources	In addition, the EIS should consider aspects of barge operations that pertain to

Source of Comment	EIS Resource Topic	Comments
		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.
	Aquatic Resources/Biological Resources	The New England Clean Power Link's (NECPL) preliminary thermal modeling 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.
	Recreation	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.
	Air Quality	As noted in the Champlain Hudson Power Express (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.
	Aquatic Resources	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.
	Land Use and Infrastructure	The terrestrial portion of the NECPL will cross numerous streams and rivers. Since the alignment largely follows existing road ROWs, 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.
	Biological Resources	The EIS should consider construction phase impacts to wetlands, rare, threatened and endangered (RTE) plants and animals and significant natural communities,

Source of Comment	EIS Resource Topic	Comments
		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.
	Biological Resources	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 ETS 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.
	Aquatic Resources	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 modeling. The ETS 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.
Letter Sandra Levine Senior Attorney Conservation Law Foundation, October 10, 2014	NEPA Process	DOE should broaden its purpose and need statement. DOE should frame its description of purpose and need in terms of the purpose the Project seeks to serve, and the need in New England that the Project seeks to fulfill (taking into account the nature and impacts of the Project), and enabling an analysis of a full range of reasonable alternatives. More specifically, we urge DOE to adopt a purpose and need framework for the EIS that (i) is based on the purpose of importing energy into Vermont and New England from Hydro-Québec or other Canadian sources, and (ii) requires an assessment of whether and the what extent Vermont and the broader New England region has a need for imports to advance the goals of a clean, low-carbon energy future, and whether and how the proposed project (and alternatives) can fulfill any such need.
	Proposed Action and Alternatives	The EIS must provide a complete discussion of all relevant impacts associated with the Project and its alternatives (from either construction activities or permanent infrastructure), including… Impacts to forest, wetland, and other wilderness areas, including fragmentation or disruption of wildlife habitat and other losses of ecological services.
	Biological Resources	The EIS must provide a complete discussion of all relevant impacts associated with the project and its alternatives (from either construction activities or

Source of Comment	EIS Resource Topic	Comments
		permanent infrastructure), including… Impacts to protected and sensitive species of animals and plants, whether under federal or state protection, including all species with ranges near the proposed route (per the application, lake sturgeon, Eastern sand darter, stonecat, fragile papershell mussel, giant floater mussel, pink heelsplitter mussel, pocketbook mussel, dwarf wedgemussel, fluted-shell mussel, Indiana Bat, bald eagle, little brown bat, Northern long-eared bat, grasshopper sparrow, Jesup's milk-vetch, Northeastern bulrush, Eastern rat snake, Upland sandpiper, timber rattlesnake, white adder's mouth. *See* Application, 3-26 to 3-49). As discussed below, this assessment should include all sensitive species near the proposed route—not simply those designated threatened or endangered under federal or state law.
	Air Quality	The EIS must provide a complete discussion of all relevant impacts associated with the Project and its alternatives (from either construction activities or permanent infrastructure), including… Impacts to air quality, including vehicle and equipment emissions associated with construction and, as discussed below, relative to the Project's energy implications and GHG emissions, the reductions on conventional and toxic air emissions from displacement of other electric generation.
	Land Use and Infrastructure	The EIS must provide a complete discussion of all relevant impacts associated with the Project and its alternatives (from either construction activities or permanent infrastructure), including… Impacts to public lands and/or waters dedicated to conservation uses.
	Health and Safety	The EIS must provide a complete discussion of all relevant impacts associated with the Project and its alternatives (from either construction activities or permanent infrastructure), including… Noise impacts, including construction and any operational effects, such as at substations.
	Economics and Socioeconomics	The EIS must provide a complete discussion of all relevant impacts associated with the Project and its alternatives (from either construction activities or permanent infrastructure), including… Socio-economic impacts to communities along the route as well as to Vermont and the region as a whole, including to employment generally, agriculture, the forest industry, tourism, recreational attraction, local property tax revenues, property values for land held by existing landowners, and the construction and skilled trades.

Source of Comment	EIS Resource Topic	Comments
	Cultural Resources	The EIS must provide a complete discussion of all relevant impacts associated with the Project and its alternatives (from either construction activities or permanent infrastructure), including…Impacts to historic sites and districts, and to geographic areas with cultural importance.
	Economics and Socioeconomics	The EIS must provide a complete discussion of all relevant impacts associated with the Project and its alternatives (from either construction activities or permanent infrastructure), including…Disproportional impacts in "environmental justice areas," including all areas with high levels of poverty, as measured relative to state-wide per capita income.
	Land Use and Infrastructure	The EIS must provide a complete discussion of all relevant impacts associated with the Project and its alternatives (from either construction activities or permanent infrastructure), including… Impacts on implementation of local, regional, state, and federal land use, conservation, and other plans, including Vermont's Comprehensive Energy Plan and the Lake Champlain Total Maximum Daily Load.
	Aquatic Resources/ Biological Resources	The impact of increased turbidity, sediment disruption, and redeposition as a result of the Project on the aquatic community and water quality is a point which the application briefly addresses, and DOE should thoroughly assess… In conducting its independent analysis, DOE should investigate and analyze these impacts on not only the immobile species, but the entire aquatic ecosystem along the proposed route.
	Aquatic Resources	In addition to the direct impacts of turbidity, sediment disruption, and redistribution, DOE must assess the potential for resuspension and release of phosphorus and mercury accumulated in sediments.
	Aquatic Resources	Resuspension of mercury in sediments could make this toxic metal bioavailable to organisms in the food chain. DOE should analyze the potential for resuspension and methylation of mercury in sediments as a result of Project activities and the impact on bioaccumulation in the food chain.
	Biological Resources	Similarly, DOE should independently investigate the impacts on aquatic life and water quality from temperature increases caused by the Project at the sediment surface.
	Aquatic Resources/Biological	DOE should also address any risk of release of hydrocarbons, hydraulic fluid, and other hazardous materials into Lake Champlain. DOE should fully

Source of Comment	EIS Resource Topic	Comments
	Resources/Health and Safety/Recreation	characterize the risk of impacts from released hydrocarbons on fish species (including reactions to released hydrocarbons beyond avoidance), other animals and plants, drinking water quality, and recreational uses of the lake, as well as evaluate the likelihood of spillage. DOE should also obtain a detailed emergency response plan from the applicant and describe any necessary provisions to protect aquatic life, both generally and also with respect to equipment that may be unique to a transmission installation and maintenance activities.
	Biological Resources	Any major disruption to the shoreline, such as the cofferdams proposed, has the potential to seriously impact plants and animals which rely on that sediment for survival. A rigorous evaluation of these impacts is necessary. DOE's EIS should not only address this major disruption to shoreline plants and animals, but take steps with the applicant to develop a plan which fully restores shoreline sediment to pre-construction conditions after the cofferdam is removed.
	Biological Resources	Noise from construction can have profound physiological effects on aquatic life and must therefore be analyzed by DOE. Absent from the application is a statement quantifying the levels of underwater noise that the cable laying activity itself is expected to generate. DOE should address this issue through an independent assessment of the impact of construction noise on the aquatic life of Lake Champlain.
	Biological Resources	Aquatic invasive species control, particularly in the context of ballast water management, was raised by the EPA in its comments regarding the CHPE EIS, and the DOE should comprehensively address the issue in the NECPL EIS.
	Biological Resources	Although the application describes the use of anchors in its pre-installation route clearance operation, it does not discuss the potential benthic habitat loss due to anchor chain sweep or the effects on water quality… DOE took this issue into consideration when drafting the final EIS in the CHPE Project; it should do so again for NECPL
	Biological Resources	DOE should assess the impacts of NECPL on at least the same aquatic species that it considered in the CHPE EIS. DOE should expand its scope of analysis to include the impact of the Project on all sensitive species near the project route.
	Mitigation	DOE should consider obtaining from the applicant and posting publicly a draft Environmental Management and Construction Plan before preparing the draft EIS.

Source of Comment	EIS Resource Topic	Comments
	Cumulative Impacts	DOE should also incorporate a cumulative impact assessment of all present and reasonable foreseeable construction projects in Lake Champlain as part of its EIS.
	Other Issues	Environmental and other impacts associated with the source of the electric power that would be transmitted by NECPL are relevant to a complete account of environmental effects of the project as a whole, and therefore within the scope of the NEPA analysis… DOE should look closer at the claimed source of power and whether there are any obligations to supply power from Hydro Quebec. The DOE should evaluate closely the availability and commitment to supply power from Hydro Quebec, which is already being claimed as part of other projects. DOE should identify all other commitments of Hydro Quebec power to be available in the northeast. Without any commitment from specific generation or from Hydro Quebec DOE should carefully evaluate the claim that the project will carry clean power from Canada.
	Other Issues	DOE should characterize and evaluate the impacts of Canadian hydropower facilities as part of the EIS. In particular, the potential net effects of the Project and their power sources on GHG emissions is a specific issue that warrants DOE's detailed analysis in the EIS… In addition, DOE must analyze the overall implications for GHG emissions, in Canada and the United States, of the imports enabled by NECPL.
	Other Issues	DOE should closely examine how this large-scale hydro project fits into a diversified Vermont and New England power grid and the development of renewable energy resources.
	Other Issues	DOE should independently assess the extent to which the power carried by this Project will displace emissions from power plants as part of its EIS.
	Other Issues	DOE should also address, in detail, how substantial new energy into the New England electric grid may diminish the economic incentives for demand management, demand response, energy efficiency, and conservation efforts to continue to grow—and the value of the many federal, state, local, and utility investments promoting them.
	Other Issues	In addressing the Project's effect on energy resources, the EIS must fully

Source of Comment	EIS Resource Topic	Comments
		describe the impacts of the proposal, and alternatives, on the regional transmission system, wholesale energy markets, other markets for capacity and ancillary services, and retail energy prices for New England and Vermont customers.
	Other Issues	DOE should not only consider how additional imports from the Project will affect Vermont's strategy for meeting its renewable energy goals, but also the Projects implications for the State of Connecticut and the region as a whole… More broadly, DOE should examine the potential impact of the Project and its imports on the renewable energy marketplace in New England, including whether the Project displaces existing renewable power or diminishes the economic prospects for additional renewable deployment
	Proposed Action and Alternatives	DOE should study in detail alternative route and sites, alternative technologies and designs (including other high-voltage direct current technologies other than that proposed by the applicant and the combination of high-voltage direct current with alternating current configurations that would permit Vermont-based generation to access the grid), alternative means of providing energy resources (such as utility-scale renewables, demand management, distributed generation, energy efficiency, and conservation, in combination and separately), and no action in the EIS, as well as provide rationales for the selection or rejection of any alternatives it considers...In particular, DOE should consider all pending and announced transmission projects providing import capability between Canada and the northeastern United States as reasonable alternatives to the Project for purposes of the EIS's comparative analysis.
	Other Issues	CLF urges DOE to initiate a broad, comprehensive EIS to study (i) the nature and extent of the Northeast's need for Canadian hydro-power, taking into account the nation's and region's energy policies and goals, and (ii) the most efficient, least impacting means of importing Canadian power to meet any such need. Such an analysis would be akin to a programmatic EIS and effectively establish a master plan for the region's importation of Canadian power, including whether and how that power fits into the region's broader energy needs and policies—for which ample DOE precedent exists.

Source of Comment	EIS Resource Topic	Comments
Letter Timothy L. Timmermann Associate Director Office of Environmental Review October 16, 2014	Alternatives	EPA supports the overland routing approach within existing transportation corridor ROW alignments. This approach should result in reduced Project impacts in areas already maintained in existing ROW areas. Proper mitigation to address impacts from Project consturction and opearion will be an important part of the Project design.
	Alternatives	We support the use of Horizontal directional drilling (HDD); however, one over-riding question presented by the application that should be addressed in the EIS is whether an alternative can be implemented that would co-locate part of the New England Clean Power Link Project and the Champlain Hudson Power Express Project, proposed by the same applicant. Co-locating the cables could provide an opportunity to minimize potential environmental harm in Lake Champlain through potential efficiencies gained during Project construction. While it is clear that the two projects are meant to serve independent energy markets, an analysis of an alternative to co-locate the cables as they pass through Lake Champlain should be provided in the EIS. EIS should discuss why the co-location of four appropriately spaced cables from the two Projects combined in the same trench would cause negative environmental and transmission impacts. EIS should also address reliability issues since these Projects will serve different energy grids.
	Water Supply/Water Resources	EIS should thoroughly describe the types and locations of current surface and ground water supplies (private and public) along the proposed route. EIS should also show the proximity of the Project to any existing or potential future groundwater and/or surface water source protection areas, such as source water protection areas, wellhead protection areas, watershed protection areas, sole source aquifers and areas served by private wells.
	Water Supply/Water Resources	Project protocols should require the applicant to contact Vermont Department of Environmental Conservation, Drinking Water and Ground Water Protection Division, to identify all drinking water infrastructure, sources and protection areas that could potentially be affected during construction, operation, and maintenance of the proposed Project. EIS should provide information to describe all Project activities with the potential to contaminate drinking water sources due to spills during construction or potential to damage drinking water infrastructure (e.g. water mains). EIS should describe how the proposed Project would meet

Source of Comment	EIS Resource Topic	Comments
		state regulations and any state guidance for protection of surface and ground drinking water supplies.
	Water Supply/Water Resources	If portions of the Project or associated infrastructure are proposed to cross over or overlie any existing or potential future ground water and/or surface water protection areas, the EIS should: • Provide a map of those areas. • Describe impacts, if any, that could be expected to those water supply protection areas and sources as a result of construction and operation of the Project. • Include location of nearby private wells and impacts on quality or quantity of water of those wells. • Include a description of measures to be used to avoid or minimize all impacts. • Describe existing and proposed activities which occur in drinking water source protection areas, the distance between the proposed activities and those sources and any existing local land use restrictions in place to protect those water sources.
	Lake Champlain	EPA efforts to protect Lake Champlain support the successful interstate, interagency, and international partnerships undertaking the implementation of the management plan "Opportunities for Action" that address various threats to Lake Champlain's water quality, including phosphorus loadings, invasive species and toxic substances. Goals are: • 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 contaminant posing risks to public health and Lake Champlain ecosystem; • Maintain resilient and diverse communities of fish, wildlife, and plants; • Prevent the introduction, limit the spread, and control the impact of non-native aquatic invasive species to preserve the integrity of Lake Champlain ecosystem; • Identify potential changes in climate and develop appropriate adaption

Source of Comment	EIS Resource Topic	Comments
		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.
	Sediments and Water Quality	EPA is working to prepare a new phosphorus TMDL, and expects to complete it in late spring, 2015. Because phosphorus is found in Lake Champlain sediment, re-suspension of the sediments due to Project construction is also a concern. The EIS should: • Consider the potential effects that construction could have on the availability of phosphorus and resulting potential to cause algae blooms. • Consider timing and location of the construction—avoid construction in mid-to-late summer in areas that experience blooms. • Discuss how sediments would be tested for contaminants and how the results would affect the disposal methods and options and mitigation for potential impacts. • Address any circumstances under with contaminated soils, even low level contaminated soils will be used to backfill trenched areas.
	Air Quality	Primary concern for the Project is related to minimizing construction period emissions through reduced idling, prioritizing the use of new construction equipment with latest emission standards, and the use of retrofit emissions reduction devices on older equipment. We encourage DOE to specifically address minimizing construction emissions from marine vessels (i.e., cable-laying vessel, barges, and construction platforms) and equipment used in installing the transmission line under Lake Champlain, as well as on-road and non-road construction equipment. EPA would like the DOE's Record of Decision to commit to implementing measures during construction to help reduce and minimize air quality impacts from the construction phase of the proposed Project.
	Air Quality	EIS should address sources of electric power that will be imported by the proposed Project along with a characterization of whether/how the Project will impact air and water emissions from the electric sector in the New England

Source of Comment	EIS Resource Topic	Comments
		power pool. EIS should provide information to assess the sources of electricity to be imported and characterize the emissions profile of that electricity as compared to the electricity it would likely displace from the New England power grid.
	Wetlands	EIS should provide a detailed description of wetlands/water bodies and vernal pools along the route that includes their location as well as an assessment of their functions and values. EIS should also describe the portions of the construction work that will involve discharging dredged or fill material in wetlands or the waters of the United States subject to the permit requirements of Section 404 of the Clean Water Act. Discharge activities must comply with EPA regulations issued under Section 404 (b) (1). EIS should evaluate ways in which each alternative alignment can be designed/sited to avoid impacts to wetlands.
	Wetlands	Unavoidable impacts to wetlands, surface water resources and wildlife should be disclosed in the EIS. EPA recommends that the EIS identify appropriate options for compensatory mitigation for unavoidable direct and secondary aquatic impacts and impacts to state and federally listed endangered species. EIS should discuss the potential use of Vermont's In-Lieu fee program.
	Wetlands	EIS should provide comprehensive information to expand upon the discussion provided in the TDI-NE application to explain how stream and river crossings will be conducted to avoid and minimize impacts. We recommend the EIS: • Identify any wetlands along the route that support rare and exemplary natural communities. If these areas exist, we recommend the EIS describe species mitigation measures to ensure that they will be protected from potential indirect and cumulative impacts. • Clearly identify the locations of any required access roads, impacts to wetland areas and describe how wetland ecosystems will be protected from indirect impacts from these roads. • Describe long term ROW maintenance techniques, including herbicide use and specific buffer zones around wetlands. Expand analysis to include the potential for instruction of invasive species and methods to control their spread as a result of the project. • Include a comprehensive discussion of measure to further reduce impacts to water bodies and aquatic organisms along the Project route including the use of HDD and time of year restrictions to control in-stream construction

Source of Comment	EIS Resource Topic	Comments
		work periods. EIS should provide detailed contingency plans that fully describe the process that will be followed should the chosen construction technique prove unsuitable. • Discuss increased temperatures in sediment and water directly above the proposed cables, including potential aquatic impacts and the effect on sensitive aquatic species.
	Construction Period Issues	
	Erosion /Sedimentation	• EIS should discuss measures to prevent erosion and sedimentation during construction for a range of conditions spanning normal precipitation to severe weather events.
	Cable Burial	• EIS should describe the potential for impacts for both full and partial burial installation options across the range of potential impact areas including water quality, habitat disruption/loss, impacts to rare species, constructability, etc.
	Construction Equipment	• EIS should describe differences in impacts associated with differing types of construction equipment. The analysis should provide a detailed description of mitigation measures to address the range of impacts identified.
	Stream Crossings	• Stream crossing techniques should be described in detail in the EIS and protocols be established for determining the technique to be used for each crossing.
	Horizontal Directional Drilling	• EIS should include a description of the criteria that will be applied to determine if HDD should be applied to other areas where impacts could be avoided.
	Revegetation	• The EIS should describe criteria that will be used to determine whether regrading and revegetation will be deemed necessary.
	Blasting	• The EIS should discuss how the Project will identify and monitor private and public groundwater wells in the area of blasting activities and how well owners whose water quality or quantity may be adversely affected will be notified of blasting activities. Also discuss planned follow up activities should harm to the wells occur.

Source of Comment	EIS Resource Topic	Comments
	Analysis of Indirect and Cumulative Impacts	EIS must evaluate growth-inducing changes in the pattern of land use, population growth rate, and related effects on air and water and other natural systems that result from the proposed action and alternatives. EPA is willing to assist DOE to develop a strategy to address cumulative impacts of the proposed Project.

TABLE 2-2 DIRECTORY OF STAKEHOLDER COMMENTS

Stakeholder Name and Affiliation	Comment Date and Source
Federal Agencies	
Brian S. Gilda, Captain, United States Coast Guard Captain of the Port, Sector Northern New England	October 9, 2014 letter to DOE
Timothy L. Timmermann, Associate Director Office of Environmental Review U.S. Environmental Protection Agency – Region 1	October 16, 2014 letter to DOE
State Agencies	
Billy Coster, Senior Planner and Policy Analyst Vermont Agency of Natural Resources Office of Planning & Legal Affairs	October 10, 2014 letter to DOE
Applicant	
Josh Bagnato, Project Manager TDI-NE	October 9, 2014 letter to DOE
Non-Governmental Organizations and Individuals	
Sandra Levine, Senior Attorney Conservation Law Foundation	August 7, 2014 Letter to DOE
Jerry Chichester Private citizen	September 17, 2014 Public Scoping Meeting
Kris Pastoriza Private citizen	September 24, 2014 Email to DOE
Anthony Mallette Private citizen	October 3, 2014 Email to DOE
Rosmarie P. Dobler Private citizen	October 8, 2014 Email to DOE
Rosmarie P. Dobler Private citizen	October 8, 2014 Email to DOE
Robert Buermann Private citizen	October 9, 2014 Email to DOE
Anonymous Private citizen	October 10, 2014 Email to DOE
Sandra Levine, Senior Attorney Conservation Law Foundation	October 10, 2014 Letter to DOE

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APPENDIX A
FEDERAL REGISTER NOTICE

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ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection must be received on or before October 27, 2014. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Written comments may be sent to: Eva Auman, GC–63, Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585; Fax: 202–586–0971; or email at: *eva.auman@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Eva Auman, GC–63, Department of Energy, 1000 Independence Ave. SW., Washington, DC 20585; Fax: 202–586–0971; or email at: *eva.auman@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No. 1910–5165; (2) Information Collection Request Title: Davis-Bacon Semi-Annual Labor Compliance Report; (3) Type of Request: three-year extension with minor change to reflect the end of Recovery Act grant database; (4) Purpose: To obtain information from the Department of Energy Management and Operation, Facilities Management Contractors, and recipients of financial assistance whose work is subject to the Davis-Bacon Act; (5) Annual Estimated Number of Respondents: 100; (6) Annual Estimated Number of Total Responses: 100; (7) Annual Estimated Number of Burden Hours: 200; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: $0.00 annually.

Statutory Authority: 29 CFR Part 5, Section 5.7(b).

Issued in Washington, DC, on August 20, 2014.

Eva M. Auman,

Acting, Assistant General Counsel for Labor and Pension Law, Office of the General Counsel.

[FR Doc. 2014–20290 Filed 8–25–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. PP–400]

Notice of Intent To Prepare an Environmental Impact Statement and To Conduct Public Scoping Meetings, and Notice of Floodplains and Wetlands Involvement; New England Clean Power Link Project

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare an environmental impact statement (EIS) to assess the potential environmental impacts from its proposed federal action of granting a Presidential permit to Champlain VT, LLC, doing business as TDI-New England (TDI–NE; the Applicant), to construct, operate, maintain, and connect a new electric transmission line across the U.S.-Canada border in northern Vermont. The *New England Clean Power Link Environmental Impact Statement* (DOE/EIS–0503) will address potential environmental impacts from the proposed action and reasonable alternatives.

The U.S. Army Corps of Engineers (USACE)—New England District, the U.S. Environmental Protection Agency (EPA)—Region 1 (New England), and the U.S. Coast Guard (USCG) are cooperating agencies in the preparation of the EIS. The purpose of this Notice of Intent (NOI) is to inform the public about the proposed action, announce public scoping meetings, and solicit public comments regarding the scope of the EIS. Because the proposed project would involve actions in floodplains and wetlands, in accordance with DOE regulations, the EIS will include a floodplain and wetland assessment.

DATES: The public scoping period starts with the publication of this Notice in the **Federal Register** and will continue until October 10, 2014. Written and oral comments will be given equal weight, and DOE will consider all comments submitted or postmarked by October 10, 2014 in defining the scope of this EIS. Comments submitted or postmarked after that date will be considered to the extent practicable.

Two public scoping meetings will be held as follows:

1. *Burlington, VT:* Sheraton Burlington Hotel and Conference Center, 870 Williston Road, Burlington, VT 05403, Tuesday, September 16, 2014, starting at 6:00 p.m.
2. *Rutland, VT:* Holiday Inn Rutland, 476 Holiday Drive, Rutland, VT 05701, Wednesday, September 17, 2014, starting at 6:00 p.m.

ADDRESSES: Comments on the scope of the EIS and requests to be added to the document mailing list should be addressed to: Brian Mills, Office of Electricity Delivery and Energy Reliability (OE–20), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; by electronic mail to *Brian.Mills@hq.doe.gov;* or by facsimile to 202–586–8008.

FOR FURTHER INFORMATION CONTACT: Brian Mills at the addresses above, or at 202–586–8267. For general information on the DOE National Environmental Policy Act (NEPA) process, contact Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54) at: U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; by electronic mail at *askNEPA@hq.doe.gov;* by facsimile at 202–586–7031; by phone at 202–586–4600 or leave a message at 800–472–2756.

For information on the USACE's role as a cooperating agency and its permit process, contact Michael S. Adams by electronic mail at *Michael.S.Adams@usace.army.mil;* by phone at 978–318–8485; or by mail at U.S. Army Corps of Engineers, New England District, 11 Lincoln Street, Room 210, Essex Junction, VT 05452.

For information on the EPA's role as a cooperating agency, contact Timothy Timmermann by electronic mail at *Timmermann.Timothy@epa.gov;* by phone at 617–918–1025; or by mail at 5 Post Office Square, Suite 100 (Mail code: ORA–17–1), Boston, MA 02109–3912.

For information on the USCG's role as a cooperating agency, contact Daniel Hubbard by electronic mail at *daniel.l.hubbard@uscg.mil;* or by phone at 617–223–8372; or by mail at Maritime Energy & Marine Spatial Planning, First Coast Guard District (dpw–3), 408 Atlantic Avenue, Boston, MA 02110.

SUPPLEMENTARY INFORMATION: Executive Order (E.O.) 10485, as amended by E.O. 12038, requires that a Presidential permit be issued by DOE before electric transmission facilities may be constructed, operated, maintained, or connected at the U.S. international border. The E.O. provides that a Presidential permit may be issued after a finding that the proposed project is consistent with the public interest and after favorable recommendations from the U.S. Departments of State and Defense. In determining consistency with the public interest, DOE considers the potential environmental impacts of the proposed project pursuant to the National Environmental Policy Act

(NEPA), determines the project's impact on electric reliability (including whether the proposed project would adversely affect the operation of the U.S. electric power supply system under normal and contingency conditions), and considers any other factors that DOE may find relevant to the public interest. The regulations implementing the E.O. have been codified at 10 CFR Part 205. DOE's issuance of a Presidential permit indicates that there is no federal objection to the project, but does not mandate that the project be undertaken.

TDI–NE applied on May 20, 2014, to DOE's Office of Electricity Delivery and Energy Reliability (OE) for a Presidential permit to construct, operate, maintain, and connect an electric transmission line across the U.S.-Canada border in northern Vermont. The proposed project, the New England Clean Power Link (NECPL), is a high voltage direct current (HVDC) electric transmission line with an operating voltage of +/ −300 to 320 kilovolts (kV). The project would be constructed in both aquatic (underwater) and terrestrial (underground) environments.

As proposed, the NECPL project would have a transfer rating of 1,000 megawatts (MW). The proposed project would originate in the Canadian province of Quebec, cross the border in Alburgh, Vermont, and terminate at the existing Coolidge Substation in the towns of Ludlow and Cavendish, Vermont. The total length of the proposed project from the U.S. border to the Coolidge Substation is approximately 154.1 miles (248 km). The proposed route is described in more detail below, under Applicant's Proposal.

The NECPL Presidential permit application, including associated maps and drawings, can be viewed or downloaded in its entirety from the OE program Web site at: *http://energy.gov/oe/services/electricity-policy-coordination-and-implementation/international-electricity-regulatio-2.* The July 9, 2014, **Federal Register** Notice of Receipt of Application (79 FR 38869) is also available at this same Web site.

The proposed federal action is the granting of the Presidential permit for the international border crossing. The proposed construction, operation, maintenance, and connection of the portion of the transmission line within the United States are connected actions to DOE's proposed action. DOE will analyze potential environmental impacts from the proposed federal action and the connected actions in the EIS. The EIS will be prepared in accordance with NEPA as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality (CEQ) NEPA regulations (40 CFR Parts 1500–1508), and the DOE NEPA implementing procedures (10 CFR Part 1021). Because the proposed project may involve actions in floodplains and wetlands, in accordance with 10 CFR Part 1022, *Compliance with Floodplain and Wetland Environmental Review Requirements,* the EIS will include a floodplain and wetland assessment. DOE will include a floodplain statement of findings in the Record of Decision.

DOE invites Tribal governments and federal, state, and local agencies with jurisdiction by law or special expertise with respect to environmental issues to be cooperating agencies in the preparation of the EIS, as defined at 40 CFR 1501.6.

The U.S. Army Corps of Engineers (USACE), New England District, is a cooperating agency on this EIS. A Department of the Army permit is expected to be required for proposed discharges of dredged or fill material into waters of the United States, including wetlands, under Section 404 of the Clean Water Act (33 U.S.C. 1344), and also for proposed crossing(s) of navigable waterways under Section 10 of the Rivers and Harbors Act (33 U.S.C. 403). TDI–NE will apply to the USACE for the required Department of the Army permits. EPA Region 1 and the USCG are cooperating agencies due to their special expertise related to the proposed action.

Applicant's Proposal

TDI–NE describes its proposed route for the Project in terms of two segments, the Lake Champlain Segment and the Overland Segment. The U.S. portion of the proposed project is entirely within the State of Vermont.

The Lake Champlain segment would begin in Vermont at the U.S.-Canada border. The HVDC transmission line would be located underground within the Town of Alburgh, VT, for approximately 0.5 miles (0.8 km). The HVDC transmission line would then enter Lake Champlain via horizontal directional drilling (HDD) on privately-owned property, and the transmission line would be buried in the bed of Lake Champlain, or placed on the bottom of the lake at lake depths of 150 feet (46 m) or more. The total distance through the lake is approximately 97.6 miles (157.1 km), entirely within the jurisdictional waters of the State of Vermont.

The Overland Segment would begin at the southern end of Lake Champlain in the Town of Benson where the HVDC transmission line would exit the water, via HDD installation on privately-owned property. The cables would be buried within the rights-of-way (ROW) of town roads east for approximately 4.4 miles (7.1 km) to Route 22A and then travel south within the Route 22A ROW for approximately 8.1 miles (13.0 km) to Route 4 in the Town of Fair Haven. The cables would be buried within the Route 4 ROW east for approximately 17.2 miles (27.7 km) to Route 7 in the Town of Rutland before travelling south buried within the Route 7 ROW for approximately 2.6 miles (4.2 km) to Route 103 in the Town of North Clarendon. Within the Route 103 ROW the cables would be buried for approximately 17.8 miles (28.6 km) south by southeast to Route 100 in the Town of Ludlow where the cables would be buried for approximately 0.8 miles (1.3 km) in the Route 100 ROW to connect with Town of Ludlow roads. The cables would be buried for approximately 4.8 miles (7.6 km) before terminating at the proposed HVDC converter station. Underground single-circuit 345–kV AC cables would be installed for approximately 0.3 miles (.5 km) to the south to connect the proposed HVDC converter station with the existing Coolidge Substation, which connects to the electric grid. The Applicant represents that the Project's precise final route would be subject to a number of factors, including resource issues, federal and state permitting, land acquisition, and stakeholder input.

In addition to the proposed route, TDI–NE's Presidential permit application describes four segment alternatives that it considered but decided not to incorporate into its proposed route. These include one alternative for the Lake Champlain segment and three alternatives for the overland segment (i.e., from Lake Champlain to the proposed HVDC converter station).

The alternative considered by TDI–NE for the Lake Champlain segment would have overlapped the proposed route within the lake and then proceeded for an additional 3 miles (4.8 km) south in Lake Champlain to exit the lake via HDD in the Town of West Haven, rather than Benson. The routing would proceed east through West Haven undergrounded along local roads (Cold Spring Road, Pettis Road, and Main Street) for approximately 8 miles (12.9 km) before transferring to the Route 22A ROW. At this point the alternative would continue south in the Route 22A ROW, approximately 3.4 miles (5.6 km) to the Town of Fair Haven.

The three Overland segment alternatives included a Western Segment alternative whereby the

transmission cables would exit Route 4 at the intersection with Route 4A and would travel along Route 4A and then a railroad ROW to the Town of West Rutland for a distance of 13 miles (20.9 km). The route would then re-enter Route 4 and continue along the proposed route to the proposed converter station location. Additionally, there were two Eastern Segment alternatives that considered routing the cables: (1) within the railroad ROW in the Town of North Clarendon and travel south, then east, to Route 103 in Ludlow for a distance of 23.3 miles (37.5 km), at which point it would overlap again with the proposed route to reach the proposed HVDC converter station location in 7.5 miles (12.1 km); or (2) in the Vermont Electric Power Company ROW beginning in West Rutland for approximately 24 miles (38.6) to the proposed HVDC converter station location.

Agency Purpose and Need, Proposed Action, and Alternatives

DOE's proposed action is to grant a Presidential permit to TDI–NE to construct, operate, maintain, and connect a new electric transmission line across the U.S.-Canada border near Alburgh, Vermont. The *New England Clean Power Link Transmission Line Environmental Impact Statement* (DOE/EIS–0503) will address potential environmental impacts from the proposed action and the range of reasonable alternatives. The purpose and need for DOE's action is to decide whether to grant TDI–NE a Presidential permit. DOE's decision will be based on the NEPA review, the impact of the proposed action on electric reliability, and any other factors that DOE may find relevant to the public interest.

Under the Proposed Action, DOE would grant a Presidential permit to TDI–NE to construct, operate, maintain, and connect a new electric transmission line across the U.S.-Canada border in northern Vermont.

Under the No Action alternative, DOE would not grant a Presidential permit for the proposed project. Under the No Action alternative, the EIS assumes for purposes of analysis that the proposed line and associated facilities would not be constructed.

Identification of Environmental Issues

The EIS will examine potential public health and safety effects and environmental impacts in the U.S. from the proposed transmission facilities. This notice is intended to inform agencies and the public of the proposed project, and to solicit comments and suggestions for consideration in the preparation of the EIS. To help the public frame its comments, the following is a list of examples of several potential environmental issues that DOE has identified for analysis:

1. *Protected, threatened, endangered, or sensitive species of animals or plants, or their critical habitats:* The EIS will consider the potential effects of the construction and operation of the project on protected or candidate species, including but not limited to the Indiana bat, dwarf wedgemussel, and Northeastern bulrush (federally listed endangered species) and northern long-eared bat (proposed federally listed endangered species as of June 30, 2014).

2. *Biological resources:* The EIS will consider the potential effects of the construction and operation of the project on fish and shellfish, insects, birds and other wildlife, as well as effects on forests, shrubland, wetland, and grassland plant species, and the potential for introduction of invasive species.

3. *Floodplains and wetlands:* The EIS will consider the potential effects of the construction and operation of the project on floodplains and wetlands, including those associated with lowland forest type vegetation.

4. *Cultural or historic resources:* The EIS will consider the potential effects of the construction and operation of the project on archeological, architectural, and Traditional Cultural Properties (i.e., properties of religious and cultural importance), National Historic Landmarks, historic properties currently listed and potentially eligible for listing on the National Register of Historic Places, prehistoric sites, and cultural landscape.

5. *Human health and safety:* The EIS will consider the nature and potential effects of electric and magnetic fields that may be generated by the operation of the project.

6. *Air quality:* The EIS will consider the potential effects of the construction and operation of the project on air quality, including the emission and effects of greenhouse gases such as carbon dioxide.

7. *Soil:* The EIS will consider the potential effects of the construction and operation of the project on the loss or disturbance of soils.

8. *Water resources:* The EIS will consider the potential effects of the construction and operation of the project on a diverse set of water resource types that are found throughout the proposed project area including, but not limited to, major watersheds, public water inventory watercourses and basins, groundwater, and impaired water bodies.

9. *Land use:* The EIS will consider the potential effects of the installation and operation of the project on land uses, including agricultural lands, parks, recreational areas, and other public lands.

10. *Noise:* The EIS will consider the potential effects of the installation and operation of the project on noise levels at locations along the proposed line as well as at the location of the proposed HVDC converter station in Ludlow.

11. *Socioeconomics:* The EIS will consider potential impacts on community services and the potential for disproportionately high and adverse impacts on minority or low-income populations.

This list is not intended to be all inclusive or to imply any predetermination of impacts. DOE invites interested parties to suggest specific issues within these general categories, or other issues not included above, to be considered in the EIS.

Scoping Process

Interested parties are invited to participate in the scoping process, both to help define the environmental issues to be analyzed and to identify the range of reasonable alternatives. DOE invites interested agencies, organizations, Native American tribes, and members of the public to submit comments to assist in identifying significant environmental issues and in determining the appropriate scope of the EIS. Written and oral comments will be given equal weight. All comments received by DOE will be publicly available on the project EIS Web site at: *http://www.NECPLinkEIs.com.* Personally identifiable information, other than individuals' names, will be withheld.

The scoping meetings will be structured in two parts: first, a ''workshop'' period with presentations on the proposed NECPL project, and the associated federal decisions, followed by informal discussion that will not be recorded; and, second, the formal taking of comments with transcription by a court reporter. The meetings will provide interested parties the opportunity to view proposed project exhibits, ask questions, and make comments. The Applicant, DOE, and cooperating agency personnel will be available to answer questions.

Persons submitting comments during the scoping process, whether orally or in writing, will receive either paper or electronic copies of the draft EIS, according to their preference. Persons who do not wish to submit comments or suggestions at this time but who would like to receive a copy of the draft EIS for review and comment when it is issued

should notify Brian Mills as provided above, with their paper-or-electronic preference.

EIS Preparation and Schedule

In preparing the draft EIS, DOE will consider comments submitted during the scoping period. Comments can be submitted to Brian Mills either electronically or by paper copy; if the latter, consider using a delivery service because materials submitted by regular mail are subject to security screening, which both causes extended delay and potential damage to the contents. DOE will summarize all comments received in a ''Scoping Report'' that will be available on a project EIS Web site, and will be distributed either electronically to all parties of record or by mailing paper copies upon request. DOE expects to issue the draft NECPL EIS in April 2015 and the final EIS in October 2015.

Issued in Washington, DC, on August 20, 2014.

Patricia A. Hoffman,

Assistant Secretary, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2014–20270 Filed 8–25–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a combined meeting of the Environmental Monitoring and Remediation Committee and Waste Management Committee of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico (known locally as the Northern New Mexico Citizens' Advisory Board [NNMCAB]). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, September 10, 2014 2:00 p.m.–4:00 p.m.

ADDRESSES: NNMCAB Office, 94 Cities of Gold Road, Santa Fe, NM 87506.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board, 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *menice.santistevan@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Purpose of the Environmental Monitoring and Remediation Committee (EM&R): The EM&R Committee provides a citizens' perspective to NNMCAB on current and future environmental remediation activities resulting from historical Los Alamos National Laboratory (LANL) operations and, in particular, issues pertaining to groundwater, surface water and work required under the New Mexico Environment Department Order on Consent. The EM&R Committee will keep abreast of DOE–EM and site programs and plans. The committee will work with the NNMCAB to provide assistance in determining priorities and the best use of limited funds and time. Formal recommendations will be proposed when needed and, after consideration and approval by the full NNMCAB, may be sent to DOE–EM for action.

Purpose of the Waste Management (WM) Committee: The WM Committee reviews policies, practices and procedures, existing and proposed, so as to provide recommendations, advice, suggestions and opinions to the NNMCAB regarding waste management operations at the Los Alamos site.

Tentative Agenda

1. 2:00 p.m. Approval of Agenda
2. 2:02 p.m. Approval of Minutes from July 9, 2014
3. 2:05 p.m. Update from Executive Committee—Carlos Valdez, Chair
4. 2:10 p.m. Update from DOE—Lee Bishop, Deputy Designated Federal Officer
5. 2:30 p.m. Public Comment Period
6. 2:45 p.m. Sub-Committee Breakout Session
   - Draft Committee Work Plans for Fiscal Year 2015
   - Discuss Topics for Committee Sponsored Draft Recommendations
   - General Committee Business
7. 4:00 p.m. Adjourn

Public Participation: The NNMCAB's Committees welcome the attendance of the public at their combined committee meeting and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Committees either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.energy.gov/.*

Issued at Washington, DC, on August 20, 2014.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2014–20297 Filed 8–25–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of Open Meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, September 24, 2014, 1:00 p.m.–5:15 p.m.

ADDRESSES: Sagebrush Conference Center, 1508 Paseo del Pueblo Sur, Taos, New Mexico 87571.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board (NNMCAB), 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *Menice.Santistevan@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1:00 p.m. Call to Order by Deputy Designated Federal Officer (DDFO),

APPENDIX B
MEETING TRANSCRIPTS

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PUBLIC HEARING

On NECPL Project

REVISED ORIGINAL

NECPL PROJECT HEARING PRESENTATION

Held on Tuesday, September 16, 2014 at the Sheraton Burlington Hotel and Conference Center Burlington, Vermont.

CHAIRPERSON: Brian Mills

COURT REPORTER: Megan R. Thomas

GREEN MOUNTAIN REPORTERS

P.O. Box 1311

Montpelier, VT 05601

(802) 229-9873 (802) 288-9578

(800) 595-9873

(Commencing at approximately 6:30 p.m.)

MR. MILLS: Hello, my name is Brian Mills. I work for the United States Department of Energy or DOE. I'm with the DOE Office of Electricity Delivery and Energy Reliability. I would like to thank you for taking your time to attend this meeting today. Your presence and input are vital to a robust public participation process.

The reason we are here is that Transmission Developers Incorporated, New England, or TDI New England, is proposing to construct an international transmission line and has asked the DOE for a Presidential Permit to cross the border. Before the DOE can issue a Presidential Permit, we must comply with the National Environmental Policy Act, or NEPA. For this proposed project, the DOE has determined that the appropriate level of NEPA analysis to be an Environmental Impact Statement or EIS.

The EIS will analyze the foreseeable environmental impacts that might flow from granting the permit. The EIS will also identify steps that might be needed to mitigate environmental impacts. The other federal agencies involved in the preparation of the EIS are the U.S. Army Corps of Engineers with Mike Adams here from Vermont Corps of Engineers. The New England

District U.S. Coast Guard, and Ed Green is here, and Bill Walsh-Rogalski from the(EPA) Region 1 is here.

This is an EIS scoping meeting. We are here to listen and get your comments and suggestions for the issues we should be addressing in the EIS. We would also like to know any suggested alternative routes for the proposed project. This scoping meeting is an opportunity for you to provide comments on the proposal.

For this meeting, the stenographer is here to write down what you say during your comments. Whether you choose to speak or not, you are invited to send us written comments. All comments, whether written or oral, are treated the same and have equal weight. We will accept scoping comments until October 10, 2014. We will consider your comments submitted after that date to the extent we can.

Once the scoping period closes on October 10, 2014, we will get to work preparing the draft EIS. Once the draft is completed it will be posted on our website and distributed to everyone on our mailing list. If you want to be on the mailing list, you can sign up here at the table, by the door, or on our website. There will be a 45 day comment period for you to review the draft EIS and submit comments. During the comment period on the draft EIS, you will be able to submit comments in

writing or by e-mail. We will also hold public hearings to receive oral comments on the draft EIS. After the close of the comment period on the draft EIS, we will begin to prepare the final EIS. Comments received on the draft EIS will be included in the final EIS, and we will respond in the document to the comments received. When the final EIS is completed, it will be sent to everyone on the mailing list and posted on our website.

The Department of Energy may not make a final decision on the TDI New England Presidential Permit Application until 30 days after publication of the final EIS. At the completion of the EIS process, the DOE may or may not issue a Presidential Permit. If the DOE were to issue a Presidential Permit, the transmission line and associated facilities could not be built unless and until all the other state, local, and federal permits are obtained.

If you have specific questions about the project itself, representatives from TDI New England are here to discuss them with you. Again, thank you for coming. And we have no speakers listed, pre-listed to speak, but does anybody else in the audience wish to make a scoping comment? Then our scoping meeting is over. Thank you.

(Whereupon, the hearing was concluded at 6:39 p.m.)

CERTIFICATE

I, Megan R. Thomas, Court Reporter, certify:

That the foregoing proceedings were reported stenographically by me at the time and place herein set forth;

That the foregoing is a true and correct transcript of my shorthand notes so taken;

That I am not a relative or employee of any attorney of the parties nor financially interested in the action.

The certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

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Megan R. Thomas, Court Reporter

My Commission expires February 10, 2015.

PUBLIC HEARING

On NECPL Project

REVISED ORIGINAL

NECPL PROJECT HEARING PRESENTATION

Held on Wednesday, September 17, 2014
at the Holiday Inn
Rutland, Vermont.

CHAIRPERSON: Brian Mills

COURT REPORTER: Megan R. Thomas

GREEN MOUNTAIN REPORTERS

P.O. Box 1311

Montpelier, VT 05601

(802) 229-9873 (802) 288-9578

(800) 595-9873

(Commencing at approximately 6:30 p.m.)

MR. MILLS: Hello, my name is Brian Mills. I work for the United States Department of Energy or DOE. I'm with the DOE Office of Electricity Delivery and Energy Reliability. I would like to thank you for taking your time to attend this meeting today. Your presence and input are vital to a robust public participation process.

The reason that we are here is that Transmission Developers Incorporated, New England, or TDI New England, is proposing to construct an international transmission line and has asked the DOE for Presidential Permit to cross the border. Before the DOE can issue a Presidential Permit, we must comply with the National Environmental Policy Act, or NEPA. For this proposed project, the DOE has determined that the appropriate level of NEPA analysis to be an Environmental Impact Statement or EIS.

The EIS will analyze the foreseeable environmental impact that might flow from granting the permit. The EIS will also identify steps that might be needed to mitigate environmental impacts. The other federal agencies involved in the preparation of EIS are the U.S. Army Corps of Engineers, New England District, the U.S. Coast Guard, and the U.S. Environmental

Protection Agency, (EPA) Region 1.

This is an EIS scoping meeting. We are here to listen and to get comments and suggestions for the issues we should be addressing on the EIS. We would also like to know any suggested alternative routes for the proposed project. This scoping meeting is an opportunity for you to provide comments on the proposal.

For this meeting, the stenographer is here to write down what you say during your comments. Whether you choose to speak or not, you are invited to send us written comments. All comments, whether written or oral, are treated the same and have equal weight. We will accept scoping comments until October 10, 2014. We will consider your comments submitted after that date to the extent we can. Once the scoping period closes on October the 10th, 2014 we will get to work preparing the draft EIS. Once the draft is completed, it will be posted on our website and distributed to everyone on our mailing list. If you want to be on the mailing list you can sign up at the table in front of the door or on our website. There will be at least a 45 day comment period for you to review the draft EIS and submit comments. During the comment period on the draft EIS you will be able to submit comments in writing or by e-mail. We will also hold public hearings to receive oral comments

on the draft EIS. After the close of the comment period on the draft EIS, we will begin to prepare the final EIS. Comments received on the draft EIS will be included in the final EIS and we will respond in the document to the comments received. When the final EIS is completed, it will be sent to everyone on the mailing list and posted on our website.

The Department of Energy may not make a final decision on the TDI New England Presidential Permit Application until 30 days after publication of the final EIS. At the completion of the EIS process, the DOE may or may not issue a Presidential Permit. If the DOE were to issue a Presidential Permit, the transmission line and associated facilities could not be built unless and until all other state, local, and federal permits are obtained. If you have specific questions about the project itself, representatives from TDI New England are here to discuss them with you. And again, thank you for coming. And we now have -- our first speaker is Jerry Chichester.

MR. CHICHESTER: My name is Jerry Chichester, I live in Ludlow on a dirt road that this project is proposed to come down. Let me say first of all that I've done some homework on this and I feel that this is a company that has done a credible job of explaining

what they're going to do and appears to have done these kinds of projects in other areas successfully and that gives me some level of comfort. I do have some apprehensions about one aspect of their routing where their underwater and underground cable comes above ground to go over a bridge that's a couple hundred yards from my house, which I understand is the only place on the entire routing where the cable is not expected to be underground. So, I have some environmental concerns about what the impact is of having this sort of cable not underneath the water or not underneath the ground in terms of any kind of interference, whether it's radio, television, or electromagnetic waves or noise, anything that might be deleterious for my health or comfort point of view. I just want to make sure those things get considered in this project. I'll be happy to answer any questions if anyone has any.

MS. SMITH: Would you please spell your last name just for purposes of our court reporter.

MR. CHICHESTER: My last name is Chichester, it's spelled C-H-I-C-H-E-S-T-E-R. Okay. Thank you.

MR. MILLS: Thank you very much. If anyone else would like to speak, please come forward and speak. We only have -- Jerry is the only one registered to speak this evening, and thank you. And if anybody else would

like to speak, and if not, this scoping meeting is over. Thank you.

(Whereupon, the hearing was concluded at 6:33 p.m.)

CERTIFICATE

I, Megan R. Thomas, Court Reporter, certify:

That the foregoing proceedings were reported stenographically by me at the time and place herein set forth;

That the foregoing is a true and correct transcript of my shorthand notes so taken;

That I am not a relative or employee of any attorney of the parties nor financially interested in the action.

The certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying reporter.

_____

Megan R. Thomas, Court Reporter

My Commission expires February 10, 2015.

APPENDIX C
COMMENT LETTERS

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clf

conservation law foundation

US Department of Energy

AUG 07 2014

Electricity Delivery and Energy Reliability

For a thriving New England

CLF Vermont
15 East State Street, Suite 4
Montpelier, VT 05602
P: 802.223.5992
F: 802.223.0060
www.clf.org

August 7, 2014

Via Electronic Mail (Christopher.Lawrence@hq.doe.gov)

Christopher Lawrence
Office of Electricity Delivery and Energy Reliability (OE–20)
U.S. Department of Energy
1000 Independence Avenue SW.
Washington, DC 20585

Re: TDI-New England (TDI-NE) Application for Presidential Permit for the New England Clean Power Link Project (OE Docket No. PP-400)

Dear Mr. Lawrence:

Enclosed for filing, please find two copies of Conservation Law Foundation's Comments and Motion to Intervene regarding the above-referenced matter. An electronic copy of this filing, as well as a hard copy sent via U.S. Mail, has been sent this day to Mr. Donald Jessome, General Manager of TDI-New England.

If you have any further questions, please do not hesitate to contact me.

Respectfully submitted,

Sandra Levine

Sandra Levine, Senior Attorney
Conservation Law Foundation, Inc.
15 East State Street, Suite 4
Montpelier, VT 05602
(802) 223-5992
(802) 223-0060 (fax)
slevine@clf.org

cc: Mr. Donald Jessome, General Manager, TDI-New England, P.O. Box 155, Charlotte, VT 05445, Donald.Jessome@chvtllc.com

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

TDI-New England
Application for Presidential Permit

OE Docket No. PP – 400

COMMENTS AND MOTION TO INTERVENE OF CONSERVATION LAW FOUNDATION REGARDING APPLICATION FOR PRESIDENTIAL PERMIT

Conservation Law Foundation ("CLF") provides the following comments and Motion to Intervene regarding the application (the "Application") by TDI-New England for a Presidential Permit for a proposed transmission project known as the Clean Power Link project (the "Project"). As described, the Project is worthy of consideration as a potential means for helping meet New England's energy needs as older, less efficient, more polluting energy sources retire. The Project provides a potential option for comparison to other transmission proposals and other energy alternatives; in particular, it would utilize underground and underwater transmission technology that helps address legitimate community concerns with new transmission towers and corridors.

Our comments below focus on several shortcomings in the Application that should be addressed as part of the U.S. Department of Energy (the "Department") review of the Application under Executive Order ("EO") 10,485, as amended by EO 12,038, and the National Environmental Policy Act ("NEPA").

I. The Application's Analysis of the Project's Impacts on the Aquatic Environment Relies on Unsupported and Conclusory Statements.

As a major infrastructure project under Lake Champlain, CLF urges the Department to take a hard look at the potential aquatic impacts of the proposed Project. Lake Champlain is a

valuable drinking water, recreation, and navigation source for the region. Aquatic impacts should be carefully evaluated, avoided, and minimized prior to awarding any permit for the Project.

The Application repeatedly states that the Project will not cause significant impacts on the aquatic environment. CLF agrees that whether and to what degree the Project will affect the aquatic environment is essential to the public interest review to be conducted by the Department in determining whether to grant a Presidential Permit. However, the Application's analysis relies on several unsupported and conclusory statements and, therefore, contains insufficient information to adequately assess the Project's impact on the aquatic environment. It is incumbent on the Department to develop this information during its review of the Project.

First, the Application inadequately addresses the impact of sediment disruption and redeposition on aquatic species. The Application states that construction activities will displace sediment along the lake floor but then concludes that the "displaced sediment will settle out, and the trench will naturally refill following the installation of the transmission cables." Application at 3-13. Not only does the Application provide no support for this assertion, it later states that redeposition could in fact change the sediment composition and that these changes "will affect the species composition of the benthic community" and will likely cause immobile species to die off if they cannot adapt to the new conditions. Application at 3-19. The Application addresses these concerns with only the unsubstantiated statement that these impacts "will neither result in population level impacts nor result in the inability of the species to survive." *Id.*

Second, the Application does not support its assertion that the estimated temperature increase at the sediment surface during Project operation will be "negligible." The Application estimates a rise in sediment temperature of 1.8 degrees Fahrenheit at the sediment surface directly above the buried cables. Application at 3-13. The Application then states that "[a]

slightly greater impact, but still negligible, will be expected in a few places where the transmission line is not buried . . ." *Id.* The Application provides no support for its statement that a temperature increase of 1.8 degrees Fahrenheit and greater will be negligible. Plants and animals rely on the existing sediment temperature, and the Applicant should investigate the temperature change's effect on species instead of relying only on the unsupported and conclusory statement that "any heat generated will still be quickly dissipated." *Id.*

Third, the Application states that there is the potential for hazardous spills during construction because each of the construction vessels contains fuel, hydraulic fluid, and other potentially hazardous materials, but downplays the risks by saying that fish will likely avoid water contaminated with hydrocarbons. Application at 3-21. This response does not address the potential impact of hydrocarbons on immobile species, drinking water quality, or recreational uses of the lake. The Application does state that the applicant has "committed to developing an emergency response plan to address these accidental spills"; however, such vague language does not instill confidence that the applicant will adequately address the impact of hazardous spills on the aquatic environment. *Id.*

Fourth, the proposed cofferdam would disrupt the sediment on which shoreland plants and animals rely, and the Application contains no assurance that these vital conditions will be restored after construction. The Application states that a 16x30 foot temporary cofferdam will be built at the offshore exit-hole location, causing approximately 119 to 179 cubic yards of sediment to be excavated from within the cofferdam. Application at 2-12. After construction the application states the area will be filled with clean sand and "restored and revegetated as appropriate to reconstruction grades and conditions to the extent practicable." *Id.* This vague

language suggests that the applicant is aware of negative impacts to the shoreland environment but is declining to commit to restoring the environment to its pre-construction condition.

The Application's inadequate analysis makes it difficult to determine the Project's true effect on the aquatic environment. All of the foregoing considerations must be addressed in the Department's NEPA and public interest analyses to determine whether and to what extent the Project will impact the aquatic environment.

II. The Application Lacks Analysis of the Environmental and Energy Implications of the Project.

According to the Application, the purpose of the Project is "[t]he delivery of clean, renewable power from the Canadian province of Québec into Vermont," in order "[t]o further the New England States' energy and environmental policy goals, diversify fuel supply in ISO-NE, lower energy prices for consumers, reduce carbon emissions in New England, improve the economic competitiveness of the New England States, and to provide economic benefits to Vermont and other New England States." Application at 2-1. However, the Application lacks support for these statements and fails to identify specific power sources, the economic terms of power delivery, or the environmental characteristics of the power sources. Moreover, the Application does not mention the significant greenhouse gas emissions associated with large-scale Canadian hydropower, which appears to be the Project's likely power source. *See, e.g.*, Conservation Law Foundation, Third Supplemental Scoping Submission, Presidential Permit Application of Northern Pass Transmission LLC (OE Docket No. PP-371), dated Feb. 14, 2012, at http://northernpasseis.us/comments/1655/. Nor does the Application address the potential economic impacts of the competition of the energy delivered by the Project with Vermont and New England energy resources.

These omissions should be corrected during the Department's review of the Project. During the Department's public interest and NEPA analyses, it will be critical for the Department to conduct a comprehensive evaluation of the environmental and economic impacts of the Project, and reasonable alternatives, on both sides of the border, including the greenhouse gas emissions associated with the power sources and the potential effects on New England-based energy resources. The Department's studies of these issues should be appropriately broad, encompassing related Project activities in Canada, the net greenhouse gas emissions impacts of the Project, the aquatic impacts discussed above, and the terrestrial impacts of the development of the underground transmission line along Vermont roads.

III. The Department Should Consider Coordinating Its Review of the Project with Its Ongoing NEPA Review of the Northern Pass Project, Through a Comprehensive EIS Addressing Common Issues.

The Application is the second pending Presidential Permit application seeking approval of an international transmission project that would deliver power from Québec to New England, together with Northeast Utilities' Northern Pass project (OE Docket No. PP-371). CLF urges the Department to study the two projects together in the first instance, consistent with its proposal to the Department for the Northern Pass permitting process. *See, e.g.*, Motion to Stay Proceedings and for Preparation of Comprehensive Assessment of Need for Imports of Canadian Energy into Northeastern United States, Presidential Permit Application of Northern Pass Transmission LLC (OE Docket No. PP-371), dated April 28, 2011, *at* http://www.northernpasseis.us/comments/1714/ ; Response to Scoping Report Alternatives Addendum, Presidential Permit Application of Northern Pass Transmission LLC (OE Docket No. PP-371), dated June 27, 2014, *at* http://www.northernpasseis.us/comments/8172/. This approach would help the Department address common issues in both proposals, such as their respective net greenhouse gas emissions

impacts, their implications for New England's energy resources, the full range of transmission and other energy alternatives to new energy imports, and the projects' potential cumulative impacts. A comprehensive Environmental Impact Statement ("EIS") consistent with CLF's proposal would allow for a study framework that could efficiently and expeditiously incorporate additional Presidential Permit applications for similar projects that may be forthcoming.

MOTION TO INTERVENE

Conservation Law Foundation ("CLF") hereby incorporates into this Motion to Intervene, as if fully set forth herein, the substance of the foregoing comments.

CLF is a non-profit, member-supported advocacy organization that works to solve the problems facing New England's environment and communities. With offices in Vermont, New Hampshire, Massachusetts, Maine, and Rhode Island, CLF has a long history of advocacy in the areas of energy and natural resources protection. CLF and its members share a concern about the impacts of this proposed Project, including but not limited to its impacts on Lake Champlain, and on climate change and energy resources in Vermont and the region.

No other party can adequately represent the interests of CLF in this proceeding. Unless permitted to intervene and participate fully in this proceeding, CLF's and its members' interests may be adversely affected by the actions and outcomes of this proceeding. It is critical, therefore, that CLF have an opportunity for its interests and concerns to be heard and considered by the Department of Energy. CLF's intervention and participation in this proceeding is in the public interest.

CLF respectfully requests it be granted intervention as a party in this proceeding.

CORRESPONDENCE & COMMUNICATIONS

Conservation Law Foundation, Inc., is a Massachusetts non-profit corporation with offices in Vermont, New Hampshire, Maine, Massachusetts, and Rhode Island. The name and principal business address of CLF is:

Conservation Law Foundation, Inc.
62 Summer St.
Boston, MA 02110-1016

All notices and other communications with respect to this proceeding should be addressed to the following:

Christopher Kilian, Esq.
V.P. and Director, CLF Vermont and Clean Water Healthy Forests
Conservation Law Foundation, Inc.
15 East State Street, Suite 4
Montpelier, VT 05602
(802) 223-5992
(802) 223-0060 (fax)
ckilian@clf.org

Dated: August 7, 2014

Respectfully submitted,

Sandra Levine

Sandra Levine, Senior Attorney
Conservation Law Foundation
15 East State Street, Suite 4
Montpelier, VT 05602
(802) 223-5992
(802) 223-0060 (fax)
slevine@clf.org

cc: Mr. Donald Jessome, General Manager, TDI-New England, P.O. Box 155, Charlotte, VT 05445, Donald.Jessome@chvtllc.com

As of: 10/14/14 9:59 AM
Received: September 08, 2014
Status: Pending_Post
Tracking No. 1jy-8e95-kzao
Comments Due: October 10, 2014
Submission Type: Web

PUBLIC SUBMISSION

Docket: DOE-HQ-2014-0016
Environmental Impact Statements; Availability, etc.: Floodplains and Wetlands Involvement; New England Clean Power Link Project, Vermont

Comment On: DOE-HQ-2014-0016-0001
Environmental Impact Statements; Availability, etc.: Floodplains and Wetlands Involvement; New England Clean Power Link Project, Vermont

Document: DOE-HQ-2014-0016-DRAFT-0001
Comment on FR Doc # 2014-20270

Submitter Information

Name: Anonymous Anonymous
Address:
Anonymous
Anonymous
[redacted]

General Comment

I disagree with the plan to build an underground electric transmission line through Lake Champlain and its surrounding environment. Rather than running the transmission line through the aquatic environment, the project should more seriously consider alternative routes. Although the list of potential impacts to be investigated in the EIS seems to cover all facets, Im concerned that some environmental impacts will not be weighed as significantly as they should be.

Lake Champlain and its surrounding terrain is a beautiful and attractive area for both non-human and human activity as it is both underdeveloped and abundant with recreational pastimes. The installment of a transmission line through the Lake will certainly create unwanted noise pollution and construction activity that will disrupt the beauty of the landscape. The instillation also has the potential to disrupt significant ecosystems in both the lake and in the surrounding floodplain and nearby wetlands.

Aside from the serious effects that this project could have on the ecology of the area, underground transmission lines are more expensive and inconvenient to build, and require more expensive maintenance management.

Although I understand that underground transmission lines are often installed for aesthetic purposes, I believe that the potential impacts for the lake will be too great. An alternative route that avoids the lake and follows local roads and highways should be considered.

New England Clean Power Link Project
Website Comment Receipt

Refers to Comment Placed on September 24, 2014

Name	Kris Pastoriza
Address	
Email	
Phone	
Subject	Environment and ethics
Message	I request that the DOE consider the environmental and cultural destruction caused by Hydro-Quebec's flooding of vast areas of terrain, including destruction of carbon-sequestering forest, creation of methane due to rising and lowering of impoundment levels and theft of land from the native Canadians. The DOE, being engaged in regulatory capture itself, should be in a good position to examine the ethical and environmental consequences of Hydro-Quebec being owned by the Province of Quebec. Any environmental impact statement that does not assess the source of the power transmitted by the project, is incomplete.
Site	http://necplinkeis.com
Sent from (ip address):	
Date/Time:	September 24, 2014 7:08 am
Sent from (referer):	http://necplinkeis.com/?page_id=150
Using (user agent):	

New England Clean Power Link Project
Website Comment Receipt

Refers to Comment Placed on October 3, 2014

Name	Anthony Mallette
Address	
Email	
Phone	
Subject	Rte 4 right of way of Power Link route
Message	Our property is adjacent to the rte 4 right of way . There is extensive ledge here that the highway was carved thru . We are concerned any disturbance of that ledge could effect our water supply and the foundation of our house which has cracked just from vibrations of heavy trucks on rte 4 . We are also just west of the channel on lake Bomoseen that needs to be crossed somehow . Thank You
Site	http://necplinkeis.com
Sent from (ip address):	
Date/Time:	October 3, 2014 9:07 am
Sent from (referer):	http://necplinkeis.com/?page_id=150
Using (user agent):	

New England Clean Power Link Project
Website Comment Receipt

Refers to Comment Placed on October 8, 2014

Name	Rosmarie P. Dobler
Address	
Email	
Phone	
Subject	Environmental Impact
Message	I researched and found an interesting study made by the German Ministry of Environment which addresses the impact of transmissions lines and you will see that one of the main concerns is soil warming. http://oecos.com/fileadmin/downloads/Runge-BMU-380kV-Zuerich-2013-2-13_English.pdf My questions are: Is the line sufficiently insulated to reduce soil warming? Are there any other environmental impacts? Can the soil warming affect water lines running over the transmission line?
Site	http://necplinkeis.com
Sent from (ip address):	
Date/Time:	October 8, 2014 12:52 pm
Sent from (referer):	http://necplinkeis.com/?page_id=150
Using (user agent):	

New England Clean Power Link Project
Email Comment Receipt

Refers to Comment Emailed on October 8, 2014

Name	Rosmarie P. Dobler
Address	
Email	
Phone	
Subject	New England Clean Power Link Project
Message	Good Afternoon, Mr. Mills, Town Clerk, Mark and Town of Shrewsbury, I am writing about the underground power transmission line being proposed through Shrewsbury. My property, Parcel ***[removed for public posting]*** and Parcel ***[removed for public posting]***, is effected as the power line will follow along Rte 103 between the highway and railroad tracks and our reservoirs are located there with a water line coming down from the hill above the Velco line and going under the railroad and highway down to our farm. The reservoir feeds four residences and the barn. We met with Mr Josh Bagnato, Project Manager, who explained that the power line would probably go under the water line. Mr. Baganato has been quite helpful in explaining the route and also promised to put it on the map. Apparently there are not many situations like this, however he did mention there was one case in Benson. No mention has been made about environmental impact as you may have read in the Rutland Herald (see two attached copies). After meeting with Mr. Bagnato, I researched and found an interesting study made by the German Ministry of Environment which seems to be very well done and you will see that one of the main concerns is soil warming. My questions are: Is the line sufficiently insulated to reduce soil warming? How will this affect the water line? Are there any other environmental impacts? The website http://www.necplink.com/about.php is very good and you can see a description of the construction. We look forward to receiving feedback concerning my questions.

Thank you.
Best regards,
Rosmarie P. Dobler

[removed for public posting]

Date/Time: October 8, 2014 1:55 pm

New England Clean Power Link Project
Website Comment Receipt

Refers to Comment Placed on October 9, 2014

Name	Robert Buermann
Address	
Email	
Phone	
Subject	Environmental Impact of Underwater Cable
Message	After participating in a number of public meetings to learn about the construction process, I have concerns with the disruption of sediments in Lake Champlain. Lake Champlain is in violation of the daily phosphorous load, so EPA and the State of Vermont are currently discussing how to reduce that load. While the Jet Plow and Shear Plow trenching techniques do not add new phosphorous, they do stir up the solid sediments that contain phosphorous, mercury, and other contaminants and potentially cause them to dissolve and becoming active pollutants. The act of laying the cables on the bottom (below 150 feet) could also stir up sediments. The early studies presented by TDI show that the Jet Plow is the most aggressive at disrupting the sediments. The best solution is no disruption, second choice is to minimize it to the level that no contaminants can change into solution. Respectfully submitted, Bob Buermann
Site	http://necplinkeis.com
Sent from (ip address):	
Date/Time:	October 9, 2014 4:00 pm
Sent from (referer):	http://necplinkeis.com/?page_id=150
Using (user agent):	

TDI New England

A Blackstone Portfolio Company

October 9, 2014

VIA EMAIL

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

RE: SCOPING COMMENT - MINOR ADJUSTMENT TO PROPOSED ROUTE NEW ENGLAND CLEAN POWER LINK PROJECT (PP-400)

Dear Mr. Mills:

On May 20, 2014, Champlain VT, LLC d/b/a TDI-New England ("TDI-NE") filed an application ("Application") for a Presidential permit with the Office of Electricity Delivery and Energy Reliability of the Department of Energy ("DOE"). TDI-NE is proposing to construct and operate a submarine and underground high-voltage direct current (HVDC) electric transmission line that will originate at an HVDC converter station in Quebec, Canada, and ultimately terminate at a HVDC converter station in Ludlow, Vermont (the "New England Clean Power Link" or "Project").

In response to the Application, DOE issued a "*Notice of Intent to Prepare an Environmental Impact Statement and to Conduct Public Scoping Meetings, and Notice of Floodplains and Wetlands Involvement; New England Clean Power Link Project*" ("Notice") on August 26, 2014. Scoping meetings were subsequently held in Burlington and Rutland, Vermont on September 16 and 17, 2014. DOE also solicited written comments on the scope of the draft Environmental Impact Assessment ("DEIS"), which were due on or before October 10, 2014.

In addition to the public scoping meetings conducted by DOE, TDI-NE is engaging in ongoing stakeholder outreach regarding the New England Clean Power Link. This outreach has included, among other things, six public open houses, presentations to local governments and planning organizations, a

Lake Champlain Symposium, meetings with public interest organizations, and ongoing communications with potentially affected landowners.

Scoping Comment: Adjustment to the Proposed Route Based on Stakeholder Feedback

As set forth in TDI-NE's Application, the proposed Project would be located, in part, in approximately 3.4 miles of a roadway right-of-way in the Village of Cuttingsville, which is listed in the Vermont State Register of Historic Places as a historic district. The district consists of about 34 properties along Route 103. Two of the resources in the district, Laurel Hall and the associated Laurel Glen Mausoleum, are listed in the National Register of Historic Places.

As a result of feedback received from Village residents and businesses located in Cuttingsville, as well as information provided by Cuttingsville's Select Board, TDI-NE is proposing to make a minor adjustment to the Project route in this location. Specifically, TDI-NE has determined that routing the Project through an existing railroad right-of-way (as opposed to Route 103) will result in less disruption to Village residents and businesses. As depicted in Attachment A, the Project would now enter the railroad right of way approximately 2 miles southeast of the Clarendon/Shrewsbury border and travel down the railroad right-of-way for approximately 3.6 miles, and exit near the elevated railroad tressel.

Accordingly, TDI-NE respectfully requests that this proposed modification to the Project route be reflected in the DEIS. As part of its ongoing studies, TDI-NE has modified relevant resource study scopes to ensure that DOE will have the necessary information to analyze this route modification in the DEIS. Information pertinent to the railroad right-of-way will be provided to DOE as soon as it becomes available.

Please feel free to call me if you have any questions or require additional information.

Sincerely,

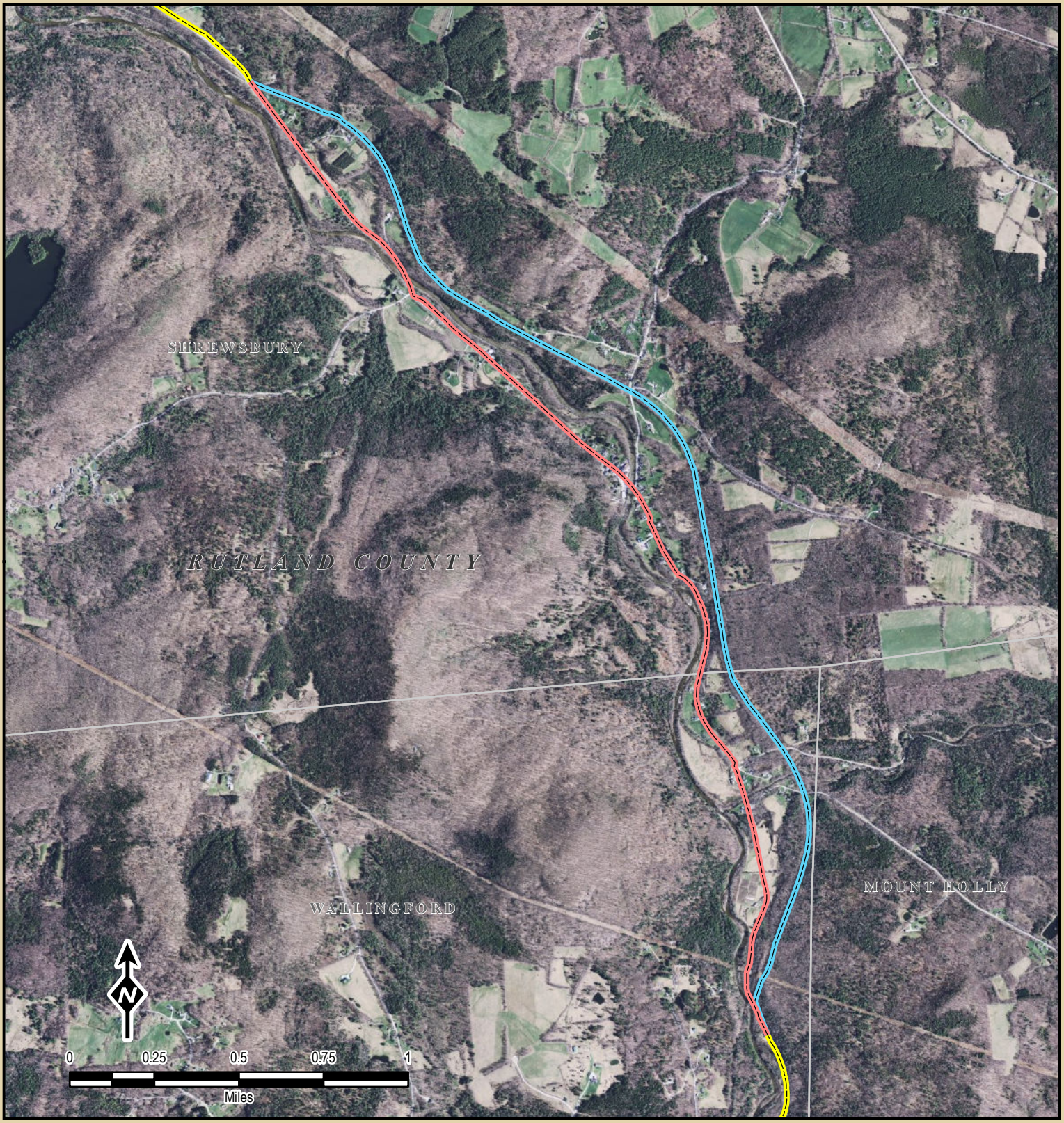
TDI NEW ENGLAND

Josh Bagnato
Project Manager

New England Clean Power Link
802-885-3890
info@chvtllc.com

cc: Via Email
Kelly Schaeffer, Kleinschmidt
Julie Smith, Department of Energy
Sean Murphy, HDR
Jay Ryan, Baker Botts

ATTACHMENT A



Legend

- Proposed Terrestrial Route
- Railroad Option
- Road Option
- Town Boundary
- Vermont County Boundary

Sources: ESRI, TRC, TDI New England

TDI New England
A Blackstone Portfolio Company

New England Clean Power Link

Attachment A
Cuttingsville Railroad Option

Created: 10/9/2014

TRC
14 Gabriel Drive
Augusta, ME 04330

V:\PROJECTS\AUGUSTA\TDINE_Clean_Power\Attachment A_Cuttingsville_RR_alternative.mxd

U.S. Department of Homeland Security

United States Coast Guard

Commander
United States Coast Guard
Sector Northern New England

259 High Street
South Portland, ME 04106
Staff Symbol: spw
Phone: 207-767-0303
Fax: 207-347-5024

16670
October 9, 2014

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

Dear Mr. Mills:

Under the authority of the Ports and Waterways Safety Act, 33 U.S.C. § 1231 and the Rivers and Harbors Act, 33 U.S.C. § 471, the U.S. Coast Guard provides the following comments to better define the scope of the Environmental Impact Statement (EIS) for the New England Clean Power Link Project, as described in OE Docket No PP-400.

There are several navigational safety risks that existing waterway users and the environment might experience during construction and operation of the subject project. Therefore, the EIS should address the following: how the applicant will identify and verify sufficient burial depth and protection to prevent anchor fouling and damage to the transmission line; how the applicant will account for lake ice and seasonal locks/canals during the construction process and during maintenance periods; how the applicant will avoid the introduction of aquatic nuisance species though proper ballast water management; how the applicant will quantify the effect on magnetic compass deviation; how the applicant will ensure the safety of personnel during construction, to include the recovery of personnel who may fall overboard from construction vessels; and how the applicant will minimize impact to the Marine Transportation System during the construction and operation of the proposed transmission line, to include commercial vessels such as the operators of cable and self-propelled ferries, and recreational vessels, some of which are operated by individuals who may not speak fluent English. We also request the EIS include exhibits that show the transmission line's route on nautical charts, in addition to maps, to most effectively demonstrate impacts to affected waterways and waterway users.

Thank you for this opportunity to provide comments and participate as a cooperating agency. We want to ensure early, often, and thorough discussion among your office, the applicant, and affected stakeholders to discuss how the subject project may impact navigational safety along the route of the proposed transmission line. If you have any questions or concerns, please contact my Waterways Management Division Chief, Lieutenant junior grade David Bourbeau at (207) 347-5015 or by email at david.t.bourbeau@uscg.mil.

Sincerely,

B. S. Gilda
Captain, United States Coast Guard
Captain of the Port
Sector Northern New England

Copy: Commander, U.S. Army Corps of Engineers New York District (New England)
Commander, First Coast Guard District (dpw3)

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conservation law foundation

For a thriving New England

CLF Vermont 15 East State Street, Suite 4
Montpelier, VT 05602
P: 802.223.5992
F: 802.223.0060
www.clf.org

October 10, 2014

Via Electronic Mail (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: U.S. Department of Energy Environmental Impact Statement
TDI-New England Presidential Permit Application, OE Docket No. PP-400

Dear Mr. Mills:

With regarding to the above-referenced matter, enclosed please find Scoping Comments of the

Conservation Law Foundation.

Respectfully submitted,

Sandra Levine

Sandra Levine, Senior Attorney
Conservation Law Foundation, Inc.
15 East State Street, Suite 4
Montpelier, VT 05602
(802) 223-5992
(802) 223-0060 (fax)
slevine@clf.org

cc: Mr. Donald Jessome, General Manager, TDI-New England, P.O. Box 155, Charlotte, VT 05445, Donald.Jessome@chvtllc.com

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Scoping Comments of the Conservation Law Foundation

U.S. Department of Energy Environmental Impact Statement

TDI-New England Presidential Permit Application, OE Docket No. PP-400

Introduction

Conservation Law Foundation ("CLF"), an intervener in the above-referenced docket, respectfully submits the following comments on the scope of the U.S. Department of Energy ("DOE") Environmental Impact Statement ("EIS") in connection with the application of TDI-New England ("TDI-NE") for a Presidential Permit (the "Application") to construct and operate the New England Clean Power Link ("NECPL"), an electric transmission line that crosses the United States-Canada border. These comments expand on and incorporate by reference CLF's Comments and Motion to Intervene filed in this docket, dated August 7, 2014. We offer these comments without prejudice to any and all legal rights CLF may have, which are hereby expressly reserved.

CLF is a member-supported non-profit environmental advocacy organization with offices in Vermont, Massachusetts, Maine, Rhode Island, and New Hampshire. We use law, science, and markets to achieve solutions that protect New England's environment and communities. CLF has substantial interests in environmental and energy implications of the Application. CLF is working to secure a clean energy future for Vermont and New England—one which our energy system (1) is cleaner and far less carbon-intensive, (2) provides reliable power with minimal environmental impact and at a reasonable cost, and (3) is supported by a robust, local clean-energy economy built on energy efficiency and renewables.

TDI-NE is the third in a series of transmission proposals before DOE that seek to enable greater imports of large-scale Canadian hydropower into the northeastern United States. The first—the 1,000-megawatt Champlain Hudson Power Express ("CHPE") in New York proposed by TDI-NE's affiliate Transmission Developers, Inc.—has already received DOE and state approvals. The second—the 1,200-megawatt Northern Pass transmission project in New Hampshire—has been beset by public opposition and remains under review by DOE as the agency prepares a draft EIS for the project. As DOE is aware, CLF has been deeply engaged in the National Environmental Policy Act ("NEPA") process for the Northern Pass project and remains profoundly concerned that that process is failing, among other things, to meet the requirement of federal law to provide a comprehensive and robust analysis of reasonable project alternatives. The NECPL project now before DOE

and the subject of these comments very much resembles CHPE, except that NECPL is located mere miles away in Vermont and proposes to connect to the New England electric system. These three projects—and several others that have been publicly proposed but are not before DOE—share important characteristics and energy implications for the region. While the advanced underground and underwater infrastructure reflected in NECPL and CHPE may offer certain advantages over overhead transmission lines of the kind proposed for the Northern Pass project, the DOE's EIS for NECPL must nonetheless fully address the project's significant impacts on the environment and on regional energy resources.

It is critical to the region's energy future that DOE exercise its authority in the Presidential Permit process and under NEPA to help manage this wave of proposals in a way that results in project approvals, modifications, or denials that protect the public interest In other words, DOE's reviews can and should require that these projects protect the environment; secure substantial and verifiable clean energy, reduce emissions and garner economic benefits; and avoid unnecessary and damaging infrastructure development. These comments are offered to help DOE accomplish this objective in the context of its review of the NECPL project.

In brief, and as discussed in our detailed comments below, CLF urges DOE to:

(1) Define the purpose and need for agency action on this proposal more broadly;

(2) Conduct a rigorous and independent assessment of the project's environmental impacts, with a particular focus on impacts to Lake Champlain's water quality and aquatic environment;

(3) Scrutinize the environmental impacts, including greenhouse gas emissions, associated with Canadian power sources of the project;

(4) Assess the energy implications of the project on the Vermont and New England markets;

(5) Assess the impacts of large-scale hydropower imports enabled by NECPL on state and regional renewable resource development;

(6) Study all reasonable alternatives to the current proposal—including siting and routing alternatives; alternative project designs, technologies, and strategies; and the no action alternative—and provide a well-supported rationale for excluding any alternatives from detailed review; and

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(7) Undertake a comprehensive EIS, an innovative mechanism proposed by CLF and others in the Northern Pass Presidential Permit process, addressing imports of electricity into New England from Canada before further site-specific review of the NECPL proposal (and completion of the Northern Pass draft EIS).

Detailed Comments

I. DOE Should Define the Purpose and Need for Action More Broadly

In its notice of intent to prepare an EIS and conduct a scoping process, DOE describes the purpose and need for the project as follows:

> The purpose and need for DOE's action is to decide whether to grant TDI–NE a Presidential permit. DOE's decision will be based on the NEPA review, the impact of the proposed action on electric reliability, and any other factors that DOE may find relevant to the public interest.

Notice of Intent to Prepare an Environmental Impact Statement and Conduct Public Scoping Meetings, and Notice of Floodplains and Wetlands Involvement; New England Clean Power Link Project, 79 Fed. Reg. 50901-01 (2014).

The above statement confines DOE to one of two alternatives: either the permit is granted in its entirety or denied wholesale. This narrow purpose and need statement runs counter to recent federal court direction: "An agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative from among the environmentally benign ones in the agency's power would accomplish the goals of the agency's action, and the EIS would become a foreordained formality." *Nat'l Parks & Conservation Ass'n v. Bureau of Land Mgmt.,* 606 F.3d 1058, 1070 (9th Cir. 2010) (citations omitted).[1] As written, DOE's purpose and need statement does not allow it to meet NEPA's

[1] DOE's own NEPA guidance contains a similar caution:

> The 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

mandate that agencies consider a reasonable range of alternatives—including alternative project configurations and designs—as well as permit conditions requiring mitigation of environmental impacts.

A purpose and need statement must be defined by the nature of a proposed project and associated impacts. The statement must be framed in such a way as to allow for reasonable range of alternatives to be identified and analyzed. *See Border Power Plant Working Group v. Dept. of Energy*, 260 F. Supp. 2d 997, 1030 (S.D. Cal. 2003). In this case, TDI-NE's stated purpose is to import into Vermont and New England 1,000 MW of energy generated in Canada via an underground/underwater merchant transmission line. New England Clean Power Link Presidential Permit Application, 2-1, (May 20, 2004) *available at* http://necplink.com/docs/Application_for_a_Presidential_Permit.pdf (hereinafter "Application").

The need is, according to TDI-NE:

> To further the New England States' energy and environmental policy goals, diversify fuel supply in ISO-NE, lower energy prices for consumers, reduce carbon emissions in New England, improve the economic competitiveness of the New England States, and to provide economic benefits to Vermont and other New England states.

Id.

In light of the foregoing, DOE should broaden its purpose and need statement. DOE should frame its description of purpose and need in terms of the purpose the project seeks to serve, and the need in New England that the project seeks to fulfill (taking into account the nature and impacts of the project), and enabling an analysis of a full range of reasonable alternatives. More specifically, we urge DOE to adopt a purpose and need framework for the EIS that (i) is based on the purpose of importing energy into Vermont

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> be identified for analysis. The proposed action is generally only one means of meeting the agency's purpose and need for action.

Department of Energy, Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements, 5, (2nd. Ed. Dec. 2004) *available at* http://energy.gov/sites/prod/files/nepapub/nepa_documents/RedDont/G-DOE-greenbook.pdf (hereinafter, "DOE NEPA Guidance") (emphasis added).

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and New England from Hydro-Québec or other Canadian sources,[2] and (ii) requires an assessment of whether and the what extent Vermont and the broader New England region has a need for imports to advance the goals of a clean, low-carbon energy future, and whether and how the proposed project (and alternatives) can fulfill any such need.

II. Environmental and Community Impacts

The project as proposed is likely to have significant environmental, cultural, and socio-economic impacts along its route. The environmental impacts on Lake Champlain are of special importance. DOE should engage the assistance of cooperating federal and state resource agencies to describe and analyze these impacts. Ultimately, the EIS must provide a complete discussion of all relevant impacts associated with the project and its alternatives (from either construction activities or permanent infrastructure), including but not limited to:

- Impacts to forest, wetland, and other wilderness areas, including fragmentation or disruption of wildlife habitat and other losses of ecological services;

- Impacts to protected and sensitive species of animals and plants, whether under federal or state protection, including all species with ranges near the proposed route (per the Application, lake sturgeon, Eastern sand darter, stonecat, fragile papershell mussel, giant floater mussel, pink heelsplitter mussel, pocketbook mussel, dwarf wedgemussel, fluted-shell mussel, Indiana Bat, bald eagle, little brown bat, Northern long-eared bat, grasshopper sparrow, Jesup's milk-vetch, Northeastern bulrush, Eastern rat snake, Upland sandpiper, timber rattlesnake, white adder's mouth. *See* Application, 3-26 to 3-49). As discussed below, this assessment should include all sensitive species near the proposed route—not simply those designated threatened or endangered under federal or state law;

- Impacts to air quality, including vehicle and equipment emissions associated with construction and, as discussed below, relative to the project's energy implications and greenhouse gas emissions, the reductions on conventional and toxic air emissions from displacement of other electric generation;

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[2] The purpose statement must not include specific project parameters proposed by TDI-NE, such as the volume of electricity proposed to be imported; the entry- and end-points of the proposed transmission line; and the proposed transmission route and design. *See* DOE NEPA Guidance at 5 (stating "Do not include requirements (e.g., conceptual design specifications) in statement of purpose and need that unreasonably narrow or bias the range of reasonable alternatives.").

- Impacts to public lands and/or waters dedicated to conservation uses;

- Noise impacts, including construction and any operational effects, such as at substations;

- Socio-economic impacts to communities along the route as well as to Vermont and the region as a whole, including to employment generally, agriculture, the forest industry, tourism, recreational attraction, local property tax revenues, property values for land held by existing landowners, and the construction and skilled trades;

- Impacts to historic sites and districts, and to geographic areas with cultural importance;

- Disproportional impacts in "environmental justice areas," including all areas with high levels of poverty, as measured relative to state-wide per capita income; and

- Impacts on implementation of local, regional, state, and federal land use, conservation, and other plans, including Vermont's Comprehensive Energy Plan and the Lake Champlain Total Maximum Daily Load.

III. DOE Should Conduct a Rigorous Independent Assessment of the Project's Impact on the Aquatic Environments of the Proposed Route

A thorough NEPA analysis requires DOE to utilize its extensive resources in order to conduct a rigorous and independent assessment of the environmental impacts of any proposed project. *See* 40 C.F.R § 1502.1. To this end, DOE should work with an applicant to obtain project-specific data in furtherance of this goal. In this case, DOE should pay special attention to the impacts of the project on water quality and the delicate aquatic ecosystems along the proposed project route, particularly in the Lake Champlain segment. Any conclusory statement made in the application should be examined by DOE according to the best information available. Furthermore, any potential impacts on water quality and aquatic life omitted from the Application should be addressed in the EIS.

Lake Champlain is a priceless natural resource of immeasurable value to the State of Vermont. It is critical that all potential impacts to the Lake resulting from the Project are fully considered and addressed. The Lake is one of the primary drivers in Vermont's economy and quality of life. Lake-related tourism includes swimming, fishing, boating, birding, and incredible scenic beauty. Unfortunately, the Lake does not meet water quality standards for phosphorus and mercury and, in many areas, is afflicted with pathogen contamination as well. Recent analyses by the Environmental Protection Agency indicate

that phosphorus-related impairments are likely to get much worse as a result of climate change as well. Outlined below are areas identified by CLF which require comprehensive scrutiny on the part of DOE. This list is meant to be illustrative, not exhaustive.

A. *The EIS Must Independently Examine Conclusory or Unsupported Statements Regarding Environmental Impacts to Water Quality and Aquatic Life in the Application*

During its review of the Application, DOE should identify and independently assess any statements that are conclusory or unsupported. In particular, the EIS should rigorously analyze the following areas.

1. *Impact of Increased Turbidity, Sediment Disruption, and Redistribution*

The impact of increased turbidity, sediment disruption, and redeposition as a result of the project on the aquatic community and water quality is a point which the Application briefly addresses, and DOE should thoroughly assess. The Application explains that the "displaced sediment will settle out, and the trench will naturally refill following the installation of the transmission cables." Application at 2-20. However, support for this statement appears to be lacking. Redeposition could change the sediment composition; these changes "will affect the species composition of the benthic community" and will likely impact immobile flora and fauna; however, the Application does not anticipate population level impacts. Application at 3-19. In conducting its independent analysis, DOE should investigate and analyze these impacts on not only the immobile species, but the entire aquatic ecosystem along the proposed route.

In addition to the direct impacts of turbidity, sediment disruption, and redistribution, DOE must assess the potential for resuspension and release of phosphorus and mercury accumulated in sediments. Lake Champlain's well-publicized plights due to excessive phosphorus and mercury levels are a grave concern throughout the Lake.

Phosphorus binds readily with soil particles and accumulates in the bottom sediments of the Lake. Disturbance of sediments provides a significant pathway for discharge of phosphorus from project activities into sections of the Lake that currently do not meet water quality standards. Most likely, project activities will fall within the jurisdictional scope of the Clean Water Act and may require a discharge permit. In any case, the likely resuspension and release of phosphorus from disturbed sediments is a significant concern that must be assessed.

Similarly, mercury has been deposited in the Lake for decades as a result of emissions from power plants and other sources. Resuspension of mercury in sediments

could make this toxic metal bioavailable to organisms in the food chain. DOE should analyze the potential for resuspension and methylation of mercury in sediments as a result of project activities and the impact on bioaccumulation in the food chain.

2. *Impact of Projected Temperature Increases*

Similarly, DOE should independently investigate the impacts on aquatic life and water quality from temperature increases caused by the project at the sediment surface. The Application estimates a rise in sediment temperature of 1.8 degrees Fahrenheit at the sediment surface directly above the buried cables, the effects of which should be negligible. Application at 3-13. The proposed cable route, however, is home to many species that could be affected by these temperature increases. DOE should thoroughly assess any temperature increases in order to independently determine their impacts on aquatic life.

3. *Impacts of Hydrocarbon Releases*

DOE should also address any risk of release of hydrocarbons, hydraulic fluid, and other hazardous materials into Lake Champlain. The Application notes that spills of hydrocarbons, ranging from minor releases of fuel from construction vessels to more serious widespread spills of hydraulic fluid and other hazardous materials, may occur during installation. Application at 3-21. Any releases could have a lethal effect on aquatic species. *Id*. The Applicant states the fish would likely avoid water contaminated with hydrocarbons, and articulates a commitment to "developing an emergency response plan to address these accidental spills."*Id.* DOE should fully characterize the risk of impacts from released hydrocarbons on fish species (including reactions to released hydrocarbons beyond avoidance), other animals and plants, drinking water quality, and recreational uses of the lake, as well as evaluate the likelihood of spillage. DOE should also obtain a detailed emergency response plan from the Applicant and describe any necessary provisions to protect aquatic life, both generally and also with respect to equipment that may be unique to a transmission installation and maintenance activities.

4. *Impacts of Proposed Cofferdams*

Any major disruption to the shoreline, such as the cofferdams proposed, has the potential to seriously impact plants and animals which rely on that sediment for survival. A rigorous evaluation of these impacts is necessary. The Application states that a 16x30 foot temporary cofferdam will be built at the offshore exit-hole location, causing approximately 119 to 179 cubic yards of sediment to be excavated from within the cofferdam. Application at 2-12. After construction, the area will be filled with clean sand and "restored and revegetated as appropriate to reconstruction grades and conditions to the extent practicable." *Id*. Notably absent is a commitment to restore the shoreline to pre-construction conditions. DOE's EIS should not only address this major disruption to

shoreline plants and animals, but take steps with the applicant to develop a plan which fully restores shoreline sediment to pre-construction conditions after the cofferdam is removed.

5. *Impacts of Construction Noise on Aquatic Life*

Noise from construction can have profound physiological effects on aquatic life and must therefore be analyzed by DOE. In this particular project, noise is expected to be temporary and localized, and may cause temporary hearing interference or loss, flight, startle, or alarm responses, and physical damage to the ear region. Application at 3-21. The Application likens the underwater noise levels of the construction vessels to that of other ships and boats, to which the fish in question are presumably habituated. *Id*. Absent from the Application is a statement quantifying the levels of underwater noise that the cable laying activity itself is expected to generate. DOE should address this issue through an independent assessment of the impact of construction noise on the aquatic life of Lake Champlain.

B. *The EIS Should Also Address Impacts to Aquatic Life and Water Quality Not Discussed in the Application*

In the EIS, DOE should also identify and address reasonably foreseeable impacts to aquatic organisms that are not raised within the Application. For example, CLF notes specifically the omission of potential impacts of invasive species and anchor chain sweep. As above, these examples are intended to be illustrative, not exhaustive.

1. *Potential Impacts of Invasive Species on Lake Champlain Aquatic Life and Water Quality*

Construction activities which could introduce invasive species, which could wreak havoc on the ecosystem of Lake Champlain, are well within the scope of DOE's EIS analysis. The Applicant mentions invasive species control measures in other segments of the proposed route, but nothing specific to the aquatic ecosystems. Aquatic invasive species control, particularly in the context of ballast water management, was raised by the U.S. Environmental Protection Agency ("EPA") in its comments regarding the CHPE EIS, and the DOE should comprehensively address the issue in the NECPL EIS. *See* CHPE Final EIS Comment Response DocumentP-254, *available at* http://chpexpresseis.org/docs/library/final-eis/easy/2_CHPE%20FEIS%20Vol%20III%20Appendix%20P_Aug14%20(2%20of%207).pdf (hereinafter "CHPE Comment Responses").

2. *Impact of Anchor Chain Sweep on Benthic Habitats and Water Quality*

A thorough analysis of impacts on aquatic life includes any aspects of a project which could result in habitat destruction. In its scoping comments regarding the CHPE project, the EPA expressed concern with the lack of information regarding habitat loss due to anchor chain sweep. *See* CHPE Comment Responses at P-239. Although the Application describes the use of anchors in its pre-installation route clearance operation, it does not discuss the potential benthic habitat loss due to anchor chain sweep or the effects on water quality. Application at 2-17. DOE took this issue into consideration when drafting the final EIS in the CHPE project; it should do so again for NECPL *See* CHPE Comment Responses at P-239.

C. *The EIS Should Analyze All Sensitive Species Along the Proposed Project Route*

As part of its rigorous and independent assessment of the proposal, DOE should consider the impact to all sensitive species along the proposed route. TDI-NE correctly notes that "[n]o federally ESA-listed aquatic threatened or endangered species are known to occur in the Lake Champlain Segment." Application at 3-26. Environmentally responsible development, however, requires the EIS to consider any sensitive or protected species, even if the species in question is not afforded federal or state legal protection at the time of drafting. This includes, for example, the American eel, which could be adversely affected by the electromagnetic fields which the line creates. In its comments on the draft EIS for CHPE, the Department of the Interior voiced concerns regarding the impact of the project on the American Eel, a potential candidate for ESA listing; DOE took note of its concerns. *See Id at* P-238. Since the NECPL follows a very similar route along the Lake Champlain, DOE should assess the impacts of NECPL on at least the same aquatic species that it considered in the CHPE EIS. DOE should expand its scope of analysis to include the impact of the project on all sensitive species near the project route.

D. *DOE Should Obtain a Best Management Practice Plan from Applicant in Order to Evaluate and Improve the Adequacy of Planned Impact Avoidance, Minimization, and Mitigation Measures*

DOE should consider obtaining from the Applicant and posting publicly a draft Environmental Management and Construction Plan before preparing the draft EIS. Early availability of such a document would allow DOE to understand in detail the Applicant's planned responses to specific construction and maintenance impacts to the aquatic environment. Although the Applicant refers several times to implementing best management practices in order to minimize damaging environmental effects of the project,

identifying and describing such practices in a formal plan would allow DOE to scrutinize them and determine whether such practices adequately avoid, minimize, or mitigate identified impacts. *See e.g.,* Application at 3-10, 3-30, 3-40. Such practices would include continuous monitoring, both pre- and post- construction, of sediment redistribution, temperature, magnetic fields, and other relevant measures to ensure construction has a minimal impact on water quality and aquatic species. At the very least, DOE should request further information about avoidance and minimization measures in order to decrease the aquatic impact of the project. Given the advanced stage of CHPE's permitting, similar documents for that project are likely available. [3]

E. *Cumulative Impacts of Construction Projects on the Aquatic Life and Water Quality of Lake Champlain Are Within the Proper Scope of the EIS*

DOE should also incorporate a cumulative impact assessment of all present and reasonable foreseeable construction projects in Lake Champlain as part of its EIS. As a federal agency, DOE has a vantage point from which it can view environmental impacts of a project based on a broader context. Other construction projects are currently planned or underway in the Lake Champlain area, most notably the CHPE transmission line. DOE must assess the cumulative impact of these projects on water quality and the aquatic life of Lake Champlain and other water-based segments of the proposed project. *See* 40 C.F.R. §1508.8

IV. DOE Must Scrutinize the Environmental Impacts Associated with Power Sources of the Proposed NECPL Transmission Project

Environmental and other impacts associated with the source of the electric power that would be transmitted by NECPL are relevant to a complete account of environmental effects of the project as a whole, and therefore within the scope of the NEPA analysis. DOE's prior statements to the contrary are at odds with federal law, and the agency should take the opportunity to correct its erroneous views in this and all pending similar permit proceedings. TDI-NE maintains that the dominant, if not exclusive, source for the power to be transmitted by the project will be Canadian hydropower facilities.[4] DOE should look

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[3] The Application makes note of monitoring efforts by Vermont Department of Environmental Conservation, but it is unclear if TDI-NE will be relying on these measurements to assess the environmental impact of the project, or if they will take their own. Application at 3-17. DOE should work with the Applicant to clarify this point.

[4] *See* Application at 2-1 (stating the purpose of the project is to import "clean, renewable power from the province of Québec"); New England Clean Power Link Brochure, *available at*

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closer at the claimed source of power and whether there are any obligations to supply power from Hydro Quebec. The DOE should evaluate closely the availability and commitment to supply power from Hydro Quebec, which is already being claimed as part of other projects. DOE should identify all other commitments of Hydro Quebec power to be available in the northeast. Without any commitment from specific generation or from Hydro Quebec DOE should carefully evaluate the claim that the project will carry clean power from Canada.

The Canadian hydropower facilities have massive ecological and community impacts in Canada, and there is ample evidence that new facilities currently under development in Quebec and in Newfoundland/Labrador are intended to supply New England customers through transmission projects like NECPL.[5] DOE should characterize and evaluate the impacts of Canadian hydropower facilities as part of the EIS.

In particular, the potential net effects of the project and their power sources on greenhouse gas ("GHG") emissions is a specific issue that warrants DOE's detailed analysis in the EIS. While DOE would be required to conduct such an analysis in any event, understanding the net GHG impacts of the project is especially important because TDI-NE maintains that one of the project's goals is the reduction of GHG pollution.[6] DOE should fully vet and evaluate these claims as part of the EIS.

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http://necplink.com/docs/New_England_Clean_Power_Link_Brochure.pdf (stating the project is being proposed response to New England's desire for clean, affordable hydroelectricity);

5 *See, e.g.*, Hydro-Québec Strategic Plan (2009-2013),19-27, *available at* http://www.hydroquebec.com/publications/en/strategic_plan/pdf/plan-strategique-2009-2013.pdf, ("As a result of recent and ongoing hydroelectric development projects, Hydro-Quebec Production expects to have generating capacity needed to ensure export growth"); Quebec Energy Strategy (2006-2015) 9-10, *available at* http://www.mern.gouv.qc.ca/english/publications/energy/strategy/energy-strategy-2006-2015-summary.pdf. ("The 4,500 MW added capacity will be sufficient to meet Quebec's long-term demand, promote wealth-creating industrial development, and support exports…The Government also intends to ensure that Quebec is able to increase its electricity exports, once its own needs have been met. It has therefore mandated Hydro-Quebec to begin discussions with potential partners in view of signing electricity export agreements.").

6 Despite a flawed approach to this issue in the CHPE EIS, DOE repeatedly noted the potential for that project to reduce emissions as relevant and important to its review. *See* Champlain Hudson Power Express Transmission Line Project Final Environmental Impact Statement Summary, S-60, *available at* http://www.chpexpresseis.org/docs/library/final-eis/full/1_CHPE%20FEIS_Summary_Aug14.pdf ("no direct emission would occur from the proposed CHPE Project"); *id.* at S-61, (noting that New York State

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Without an accurate accounting of power source GHG emissions and the power sector emissions that are likely to be displaced, any analysis of the net environmental impacts of the project will be incomplete. Courts have recognized three legal principles that dictate the scope of a NEPA analysis in cases such as this. First, the environmental impacts of a foreign generating facility that will export power to the United States through an international transmission line must be considered by DOE during DOE's NEPA review of the line. *Border Power Plant Working Group, v. Department of Energy,* 260 F. Supp.2d. 997, 1012-18 (S.D. Cal. 2003). Second, any increase in GHG emissions as a result of a permitting activity—regardless of the geographic location of such emissions—is an environmental impact subject to analysis.[7] Third, the lifecycle emissions of a project *and any associated activity*—not merely the direct emissions from the project infrastructure itself—are subject to NEPA analysis.[8] This requirement encompasses emissions associated with federally permitted transmission projects and reasonably foreseeable direct, indirect, and cumulative pollution associated with their power sources. The law on this point is clear:

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power generation emissions would be reduced significantly, but making no mention of net emission reductions); *id.* at S-66 ("The proposed CHPE Project is intended to reduce criteria pollutant and GHG emissions by alleviating the need to operate older, more emissive fossil-fueled power plants. New York State currently derives approximately 21 percent of its electricity generation needs from renewable resources, most of which comes from hydroelectric power, and the majority of the remaining generation is fossil-fuel based….as older, more emissive fossil-fueled sources of power generation are retired, the proposed CHPE Project would be expected to have long-term, beneficial, cumulative impacts on air quality, particularly in the New York City area where there are many fossil-fueled generating units and high energy demand.").

7 *See* Province of Manitoba v. Salazar, 691 F. Supp. 2d 37, 51 (D.D.C. 2010) (requiring analysis of effects in Canada of interbasin water transfer project); Center for Biological Diversity v. NHTSA, 538 F.3d 1172, 1217 (9th Cir. 2008) (The impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct."); ; *see also* CEQ, Guidance on NEPA Analyses for Transboundary Impacts (July 1, 1997) *available at* http://energy.gov/sites/prod/files/2014/08/f18/CEQTransboundaryGuidance_07_01_97.pdf (citing, inter alia, Swinomish Tribal Cmty. v. FERC, 627 F.2d 499 (D.C. Cir. 1980); Wilderness Soc'y v. Morton, 463 F.2d 1261 (D.C. Cir. 1972)).

8 *See* High Country Conservation Advocates v. United States Forest Serv., No. 13-CV-01723-RBJ, 2014 WL 2922751 (D. Colo. June 27, 2014) (rejecting defendants' argument that GHG emissions would remain the same regardless of project approval because customers would simply pay to have the same amount of coal mined elsewhere and requiring the EIS address the reasonably foreseeable effect of an increased supply of coal on GHG emissions.); Mid States Coalition for Progress v. Surface Transportation Board, 345 F.3d 520, 549 (8th Cir. 2003) (holding an agency violated NEPA when it failed to consider the indirect effects of reasonably foreseeable increased coal consumption due to a proposed railway extension project.)

DOE must take source generation emissions into consideration when evaluating the impacts of this project.

According to Hydro-Québec's own science, hydropower facilities—particularly large, new facilities recently built, under construction, or to be constructed in Canada—result in significant net GHG emissions, including carbon dioxide and other pollutants. *See, e.g.* Conservation Law Foundation, Third Supplemental Scoping Submission, Presidential Permit Application for Northern Pass Transmission LLC (OE Docket No. PP-371), 2, dated Feb. 14, 2012, *available at* http://northernpasseis.us/comments/1655/; Conservation Law Foundation, Fifth Supplemental Scoping Submission, Presidential Permit Application for Northern Pass Transmission LLC (OE Docket No. PP-371), 10-12, dated Nov. 5, 2013, *available at* http://northernpasseis.us./comments/5604. Both the science and the law require DOE to scrutinize these emissions impacts in its review of TDI-NE's proposed project and provide a complete accounting of the emissions from its power sources. [9]

In addition, DOE must analyze the overall implications for GHG emissions, in Canada and the United States, of the imports enabled by NECPL. TDI-NE states one of the benefits of the project is the displacement of fossil-fired power generation and their GHG emissions. Application at 2-1. The extent of this supposed benefit should be analyzed in detail in the EIS, taking to account the potential that the incremental power exported to New England could be replaced with additional fossil-fired power generation imports into the exporting Canadian provinces, resulting in no net GHG benefits from the project. *See, e.g.* Conservation Law Foundation, Third Supplemental Scoping Submission, Presidential Permit Application for Northern Pass Transmission LLC (OE Docket No. PP-371), dated Feb. 14, 2012, *available at* http://northernpasseis.us/comments/1655/; Conservation Law Foundation, Fifth Supplemental Scoping Submission, Presidential Permit Application for Northern Pass Transmission LLC (OE Docket No. PP-371), dated Nov. 5, 2013, *available at* http://northernpasseis.us./comments/5604.

V. Energy Implications of the Project for the Vermont and New England Energy Markets

DOE must also consider the implications of this proposal on the energy market of both Vermont and the New England region. In this regard, the EIS should examine the extent of the project's consistency (or inconsistency) with existing planning efforts of

[9] Because the precise sources of supply may not be clear at this time, DOE must endeavor to consider the generation facilities that are reasonably foreseeable sources for the project and in particular compare the potential GHG emissions of such sources.

federal, regional, state, and local decisionmakers—including, but not limited to the U.S.-Canada Energy Dialogue, DOE's own renewable energy initiatives, transmission siting and congestion studies performed by DOE and the Federal Energy Regulatory Commission, grid operator ISO-NE's transmission and wholesale electric market planning, Vermont energy policies and initiatives, including the Vermont Comprehensive Energy Plan Vermont's Long Range Transmission Plan, Vermont's renewable energy goals and Vermont utility least cost plans and similar policies and plans of other New England states, and local plans and efforts intended to maintain and facilitate development of renewable energy facilities. A thorough EIS should address the project's impacts on energy resources, use, markets, reliability, and prices. In particular, DOE should focus on the effects of the project and all reasonable alternatives on the specific issues described below.

A. *Renewable Energy Resources in Vermont and the Northeastern United States*

An influx of Canadian hydropower into the market through this project could negatively impact the development and maintenance of domestic energy resources, including new renewable such as solar, wind, efficient low-emitting biomass, and small-scale hydroelectric facilities. Creating incentives for the development of these resources in Vermont has been a focus at all levels of government in recent years. According to the 2011 Comprehensive Energy Plan ("CEP"), the goal is for Vermont to obtain 90% of total energy from renewable sources by 2050.[10] DOE should closely examine how this large-scale hydro project fits into a diversified Vermont and New England power grid and the development of renewable energy resources.

B. *Displacement of Fossil Fuel Generation*

DOE must address the potential effect of the project on nonrenewable energy resources, including the extent of the environmental impacts and benefits of imported power from Canada from reduced utilization of New England's fossil-fuel generating facilities. In media statements and regulatory filings, TDI-NE has made representations that approval of the project will result in displacement of fossil fuel generation.[11] Using electric

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[10] Vermont Department of Public Service, Comprehensive Energy Plan Overview, 1 (December 2011), *available at* http://publicservice.vermont.gov/sites/psd/files/Pubs_Plans_Reports/State_Plans/Comp_Energy_Plan/2011/CEP%20Overview%20Page_Final%5B1%5D.pdf.

[11] *See, e.g.* Press Release, TDI-New England, Innovative New Clean Energy Transmission Line Proposed (October 31, 2013), available at http://necplink.com/press-releases/103113.php; Press Release, TDI-

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system modeling and scrutinizing the Applicant's own analyses on this effect, DOE should undertake to evaluate and characterize the extent of this effect, if any, and its effect on New England air pollutant emissions. [12]DOE should independently assess the extent to which the power carried by this project will displace emissions from power plants as part of its EIS.

C. *Impacts on Demand Management, Demand Response, Energy Efficiency, and Conservation*

DOE should also address, in detail, how substantial new energy into the New England electric grid may diminish the economic incentives for demand management, demand response, energy efficiency, and conservation efforts to continue to grow—and the value of the many federal, state, local, and utility investments promoting them.

D. *Impacts on Transmission System, Energy Markets, and Rates*

In addressing the project's effect on energy resources, the EIS must fully describe the impacts of the proposal, and alternatives, on the regional transmission system, wholesale energy markets, other markets for capacity and ancillary services, and retail energy prices for New England and Vermont customers.

E. *Implications for Renewable Energy Resources Based in New England*

DOE should not only consider how additional imports from the project will affect Vermont's strategy for meeting its renewable energy goals, but also the projects implications for the state of Connecticut and the region as a whole. Notably, Vermont is the sole New England state that unconditionally labels large scale hydroelectric power production renewable, and the availability of additional imports may dramatically change the renewable resource mix that Vermont and its utilities use to further renewable energy objectives.[13] Similarly, Connecticut recently enacted legislation that permits Canadian

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New England,TDI New England Files Presidential Permit Application for New England Clean Power Link (May 20, 2014), *available at* http://necplink.com/press-releases/052014.php.

[12] The Application touts the project's reduction of carbon emissions associated with the burning of fossil fuels in New England. New England Clean Power Link Presidential Permit Application, May 20, 2014, p. 2-1, *available at* http://necplink.com/docs/Application_for_a_Presidential_Permit.pdf.

[13] *See* An Act Relating to Renewable Energy, Act 159, sec. 13, Vermont 2009-2010 Legislative Session (codified at Vt. Stat. Ann. tit. 30, § 8002).

hydropower to qualify as renewable in some circumstances, and the imports from NECPL could affect how Connecticut achieves its Renewable Portfolio Standard goals. An Act Concerning Connecticut's Clean Energy Goals, Pub. Act No. 13-303 (2013). More broadly, DOE should examine the potential impact of the project and its imports on the renewable energy marketplace in New England, including whether the project displaces existing renewable power or diminishes the economic prospects for additional renewable deployment (e.g., through claimed price suppression effects)..

VI. DOE Should Study All Reasonable Alternatives to the Project

DOE's analysis of alternatives to the proposal "should present the environmental impacts of the proposal and alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public." 40 C.F.R. § 1502.14 (emphasis added).[14] DOE should consider the "no action" alternative and all reasonable alternatives, including any which are practical or feasible from a technical or economic standpoint, as opposed to those which are simply desirable from the standpoint of the applicant. *See* 40 C.F.R. § 1502.14(c)-(d). DOE should study in detail alternative route and sites, alternative technologies and designs (including other high-voltage direct current technologies other than that proposed by the Applicant and the combination of high-voltage direct current with alternating current configurations that would permit Vermont-based generation to access the grid), alternative means of providing energy resources (such as utility-scale renewables, demand management, distributed generation, energy efficiency, and conservation, in combination and separately), and no action in the EIS, as well as provide rationales for the selection or rejection of any alternatives it considers.

In particular, DOE should consider all pending and announced transmission projects providing import capability between Canada and the northeastern United States as reasonable alternatives to the project for purposes of the EIS's comparative analysis.

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[14] *See also* 40 C.F.R. §§1502.14(a)-(b) (stating agencies shall "rigorously explore and objectively evaluate all reasonable alternatives…devot[ing] substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.").

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VII. DOE Should Consider Coordinating its Review of the Project with Its Ongoing NEPA Review of the Northern Pass Project, through a Comprehensive EIS Addressing Common Issues

The proposed importation of 1,000 megawatts ("MW") of Canadian-generated electricity through NECPL is intended to pair with a long-term, large-scale strategy on the part of Canadian provinces to expand hydropower generation and increase exports to the United States. This strategy necessarily has significant implications for New England and the Northeast region of the United States (the "Northeast"). As such, it is a critical question whether additional imports of Canadian power are in the best interest of the United States generally, and the New England and other Northeast states in particular. DOE's NEPA processes for the related transmission projects are clear opportunities to develop a single record on this issue, for use in DOE's public interest determinations on Presidential Permit applications and in fulfillment of its obligations under NEPA.

CLF urges DOE to initiate a broad, comprehensive EIS to study (i) the nature and extent of the Northeast's need for Canadian hydro-power, taking into account the nation's and region's energy policies and goals, and (ii) the most efficient, least impacting means of importing Canadian power to meet any such need. Such an analysis would be akin to a programmatic EIS and effectively establish a master plan for the region's importation of Canadian power, including whether and how that power fits into the region's broader energy needs and policies—for which ample DOE precedent exists.[15]

CLF has submitted extensive comments on the need for a comprehensive, regional EIS in its Northern Pass scoping submissions, as well as a motion to stay proceedings in order to prepare a comprehensive assessment of the need for Canadian energy imports. They are incorporated by reference here. *See* Scoping Comments of the Conservation Law Foundation, Presidential Permit Application for Northern Pass Transmission LLC (OE Docket No. PP-371), dated April 12, 2011, *available at* http://www.clf.org/wp-

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[15] *See, e.g.,* Department of Energy, Final Programmatic Environmental Impact Statement For Solar Energy Development in Six Southwestern States, July 2012, *available at* http://www.doi.gov/news/pressreleases/loader.cfm?csModule=security/getfile&pageid=310791*;* Upper Great Plains Wind Draft Programmatic Environmental Impact Statement, March 2013, *available at* http://energy.gov/sites/prod/files/EIS-0408-DEIS-2013.pdf*;* Final Uranium Leasing Program Programmatic Environmental Impact Statement, March 2014, *available at* http://energy.gov/sites/prod/files/2014/03/f11/ULP-PEIS-Summary_March%202014_0.pdf; Hawaii Clean Energy Draft Programmatic Environmental Impact Statement, April 2014, *available at* http://energy.gov/sites/prod/files/2014/04/f14/EIS-0459-DEIS-2014_0.pdf.

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content/uploads/2011/04/2011-4-12-DOE-Northern-Pass-Scoping-Comments-_FINAL.pdf; Conservation Law Foundation's Motion to Stay Proceedings for Preparation of Comprehensive Assessment of Need for Imports of Canadian Energy Into Northeastern United States, (OE Docket No. PP-371), filed April 28, 2011, *available at* http://northernpasseis.us/media/comments/SCI_CCou_42811.pdf; Northern Pass Transmission LLC, Presidential Permit Application, OE Docket No. PP-371 Response to Scoping Report Alternatives Addendum, filed June 27 2014, *available at* www.clf.org/wp-content/uploads/2014/07/Northern-Pass-Alternatives-Addendum-Comments-Jun.-27-2014.pdf. Responsible energy policy and development demand that DOE comprehensively analyze the regional impact of this massive influx of Canadian hydropower before proceeding any further.

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CLF appreciates the opportunity to provide these comments on the proper scope of the EIS for the TDI-NE's NECPL project.

Respectfully submitted,

Sandra Levine

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October 10, 2014

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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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

OFFICE OF THE
REGIONAL ADMINISTRATOR

October 16, 2014

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 NEPA Scoping Comments for the New England Clean Power Link Project in Vermont

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 as part of the Department of Energy (DOE) NEPA scoping process for the New England Clean Power Link Project proposed by TDI-New England (TDI-NE) in Vermont.

Our comments are based on information provided in DOE's 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 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 exiting 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 NOI has identified many of the environmental concerns that should be fully examined in the EIS. We are concerned about impacts during construction and operation of the project to wetlands, water quality, drinking water, 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 EIS for the project that addresses the environmental issues articulated in this letter and the NOI.

Thank you for the opportunity to provide scoping comments on the New England Clean Power Link Project EIS. We look forward to serving as a cooperating agency for the purposes of preparing the EIS, and in that role review draft documents and attend coordination meetings as appropriate and as resources permit. We believe the issues we have identified can be fully addressed in the EIS 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 me at 617/918-1025.

Sincerely,

Timothy L. Timmermann
Associate Director, Office of Environmental Review

Attachment

Detailed Scoping Comments for the New England Clean Power Link Project

Alternatives

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 miles 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. However, one over-riding question presented by the TDI-NE Presidential Permit application that should be addressed in the EIS is whether an alternative can be implemented that would co-locate part of the New England Clean Power Link Project and the Champlain Hudson Express project proposed by the same applicant. Co-locating the cables could provide an opportunity to minimize potential environmental harm in Lake Champlain through potential efficiencies gained during project construction. The TDI-NE application for a Presidential Permit (Section 4) does not reference the planned Champlain Hudson Express project and potential ways to connect that project with the New England Clean Power Link Project. While it is clear that the two projects are meant to serve independent energy markets, an analysis of an alternative to co-locate the cables as they pass through Lake Champlain should be provided in the EIS.

We also note that during the public forum in Burlington on September 16, 2014, TDI-NE representatives stated that one of the reasons that the Champlain Hudson Express electrical transmission line should not be co-located with the New England Clean Power Link transmission line was that the co-location of the cables would cause electrical transmission inefficiencies. The EIS should discuss why it is believed that the co-location of four appropriately spaced cables from the two projects combined in the same trench would cause negative environmental and transmission impacts. Another reason provided by TDI-NE for not having the routes co-located was reliability, noting concerns that if the cables from both lines were damaged at the same time, it would create a serious problem to the overall electric transmission system. Consistent with the first comment above, the EIS should discuss this issue in greater detail in light of the fact that these projects will be serving different energy grids.

Water Supply/Water Resources

The EIS should thoroughly describe the types and locations of current surface and ground water supplies (including both public and private water supplies) along the proposed project route. We also recommend that the EIS show the proximity of the project to any existing or potential future groundwater and/or surface water source protection areas, such as source water protection areas, wellhead protection areas, watershed protection areas, sole source aquifers and areas served by private wells.

To protect Vermont ground water and surface water sources, project protocols should require the applicant to contact the Vermont Department of Environmental Conservation, Drinking Water and Ground Water Protection Division, to identify all drinking water infrastructure, sources and protection areas that could potentially be affected during construction, operation, and maintenance of the proposed electric transmission line. The EIS should provide information to describe all project activities with the potential to contaminate drinking water sources due to spills during construction (e.g. fuel or hydraulic fluids) or with the potential to damage drinking water infrastructure (e.g. water mains). Information presented in the EIS should be coordinated as appropriate with state environmental agencies, towns, and public and private water systems during the development of the EIS and later for review and concurrence as part of the project approval process. The EIS should describe how the proposed project would meet state regulations, and any state guidance for protection of surface and ground drinking water supplies.

If portions of the project or associated infrastructure are proposed to cross over or overlie any existing or potential future ground water and/or surface water protection areas, the EIS should provide a map illustrating the water supply protection area and the source location(s). The EIS should describe what impacts, if any, can be expected to these water supply protection areas and sources as a result of construction and operation of the project. It should also include the location of nearby private wells and potential impacts from the proposed activities on the quality and quantity or water of those wells. In addition to reporting on project coordination with relevant agencies described above, the EIS should include a description of measures to be used to avoid or minimize all impacts. Any Spill Prevention, Containment and Countermeasure Plans (SPCC) should include provisions for notification of public water suppliers in the event of a spill during construction or operation of the project. The EIS should also describe existing and proposed activities which occur in drinking water source protection areas, the distance between the proposed 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.

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.

EPA's efforts to protect Lake Champlain support the successful interstate, interagency, and international partnerships undertaking the implementation of the Plan. "Opportunities for Action" addresses 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, 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.

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). A TMDL places a cap on the maximum amount of phosphorous that is allowed to enter the Lake and still meet Vermont's water quality standards. EPA disapproved the Vermont 2002 Lake Champlain Phosphorus TMDL because it did not provide sufficient assurance that phosphorus reductions from polluted runoff would be achieved, and did not provide an adequate margin of safety to account for uncertainty in the analysis. EPA is now working to prepare a new phosphorus TMDL, and expects to complete it in late spring, 2015. Because phosphorus is found in Lake Champlain sediment, re-suspension of the sediments due to project construction is also of concern.

The EIS should consider the potential effects that construction could have on the availability of phosphorus and the resulting potential to cause algae blooms. In particular, the EIS should consider the location and timing of the construction. For instance, construction should be avoided during mid- to late-summer in areas that either experience, or could potentially experience algae blooms. Construction methods to minimize sediment re-suspension need to be considered and discussed in the EIS.

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 EIS 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 particular the EIS 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 water quality issues.

Air Quality

The State of Vermont is attainment for all National Ambient Air Quality Standards, hence general conformity and transportation conformity are not currently applicable to the New England Clean Power Link Project. Our primary air quality concern for the project is related to minimizing construction period emissions through reduced idling, prioritizing the use of new construction equipment with latest emission standards and the use of retrofit emission reduction devices on older construction equipment. We encourage DOE to specifically address minimizing construction emissions from marine vessels (i.e., cable-laying vessel, barges, construction platforms) and equipment used in installing the transmission line under Lake

Champlain, as well as on-road and non-road construction equipment used in burying the overland portion of the project. EPA would like to see the EIS and DOE Record of Decision commit to implementing 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). The Northeast Diesel Collaborative has prepared model construction specifications which 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/NEDC-Construction-Contract-Spec.pdf.

We also recommend that the EIS address the sources of electric power that will be imported by the proposed project along with a characterization of whether/how the project will impact air and water emissions from the electric sector in the New England power pool. In particular, given the existing and proposed Federal and state rules around greenhouse gas emissions and other air pollutants from the power sector, it would be helpful if the EIS provides information to assess the sources of the electricity to be imported, and characterizes the emissions profile of that electricity as compared to the electricity it would likely displace from the New England power grid.

Wetlands

The TDI-NE application for a Presidential Permit provides a good basis to understand the potential for wetland impacts associated with the project. Our comments below provide guidance to the DOE to help scope the analysis of wetland issues in the EIS.

The EIS should provide a detailed description of the wetlands/water bodies and vernal pools along the route that includes their location as well as an assessment of their functions and values.[1] The EIS should also describe the portions of the construction work that will involve discharging dredged or fill material in wetlands or other waters of the United States that will be subject to the permit requirements of Section 404 of the Clean Water Act. Discharge activities must comply with EPA regulations issued under Section 404 (b) (1), referred to as EPA's 404 Guidelines (40 CFR Part 230), which require the following: that there be no less environmentally damaging practicable alternative to the proposed action; that the activity not cause or contribute to violations of state water quality standards or jeopardize endangered or threatened species; that the activity not cause or contribute to significant degradation of waters of the United States; and that all practicable and appropriate steps be taken to minimize potential adverse impacts to the aquatic ecosystem (Section 230.10). The guidelines further establish a presumption, which the applicant has an opportunity to rebut, that for projects that are not water-dependent, a practicable

[1] We recommend that the wetland assessment be prepared in a manner consistent with the Army Corps of Engineers New England District (formerly the New England Division) descriptive approach to wetland assessment as presented in The Highway Methodology Workbook Supplement Wetland Functions and Values, A Descriptive Approach, NEDEP-360-1-30a, dated November 1995.

alternative to the filling of wetlands exists. The EIS should include an evaluation of ways in which each alternative alignment (or other project related infrastructure) can be designed/sited to avoid impacts to wetlands.

Unavoidable impacts to wetlands, surface water resources (impacts to rivers/streams quality and flow), and wildlife should be fully disclosed in the EIS. These impacts include but are not limited to: direct filling of wetland for construction and/or operation; temporary impacts to wetlands resulting from access to wetland areas for construction purposes; indirect impacts, such as clearing impacts resulting in a change (either permanent or temporary) of cover type within a wetland (e.g. converting a forested wetland to an emergent or scrub/shrub wetland); indirect impacts resulting from erosion or sedimentation into wetlands or waterbodies; and secondary impacts which can result from construction of the project (i.e. additional development induced by the development of the project). EPA recommends that the EIS identify appropriate options for compensatory mitigation for unavoidable direct and secondary aquatic impacts and impacts to state and federally listed endangered species. [2] For example, the document could discuss the potential use of the Vermont In-lieu fee program.

In addition, all construction practices which will be utilized to minimize impacts should be documented. Specifically, standard conditions to protect wetlands should be documented in addition to steps which may be taken to reduce impacts to particularly sensitive areas such as vernal pools. The EIS should also provide comprehensive information to expand upon the discussion provided in the TDI-NE application to explain how stream and river crossings will be conducted to avoid and minimize impacts. In addition, we recommend that the EIS:

- identify any wetlands along the route (either within the right-of-way or immediately adjacent to it) that support rare and exemplary natural communities. If any of these areas exist we recommend that the EIS describe specific mitigative measures to ensure that they will be protected from potential indirect and cumulative impacts. Even though the project is designed to use existing right-of-way areas, the EIS should clearly identify the locations of any required access roads, impacts to wetland areas and a description of how the wetland ecosystems will be protected from indirect impacts from these roads.

- describe the long-term right-of-way maintenance techniques planned for the project. The discussion should explain whether herbicides will be used and whether specific buffer zones will be established around wetlands where herbicide application would be prohibited. We recommend that the analysis be expanded to discuss the potential for the introduction of invasive species and methods to control their spread as a result of the project.

- include a comprehensive discussion of measures to further reduce impacts to water bodies and aquatic organisms along the project route including the use of HDD and time

[2] The US Army Corps of Engineers (Corps) New England District Compensatory Mitigation Guidance can be found at : **http://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/CompensatoryMitigationGuidance.aspx.** Also, the EIS should describe how the project will be consistent with the Corps 2008 Mitigation Rule (also discussed in detail at the Corps website).

of year restrictions to control in-stream construction work periods. The EIS should also provide detailed contingency plans that fully describe the process that will be followed should the chosen construction technique prove unsuitable (for example, failure of HDD). The EIS should identify other potential construction techniques and associated approvals needed to comply with agreed-upon (and permitted) construction protocols.

→ include a discussion of increased temperatures in sediment and water directly above the proposed cables. The EIS should provide a discussion of the potential aquatic impacts from increased temperatures in sediment where heat from the cable could affect sensitive aquatic species. For example, the TDI-NE application (page 3-18) notes that that the overland segment of the cable route crosses perennial streams that are sizeable enough to contain various fish species and spawning fish. The analysis should consider areas where the cables pass near or through perennial streams, near vernal pools or shallow streams where containing the cable in a heat absorbing material may not be possible.

Construction Period Issues

Erosion/Sedimentation Control

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

Cable Burial

The TDI-NE application explains that in Lake Champlain cables will be buried in areas shallower than 150' or in areas where there is a conflict with other cables, etc. It is our understanding that the Champlain Hudson Express project is to be buried for its entire alignment in Lake Champlain. Because it is uncertain whether full burial will be required or necessary for the New England Clean Power Link Project, the EIS should describe the potential for impacts for both full and partial burial installation options across the range of potential impact areas including water quality, habitat disruption/loss, impacts to rare species, constructability, etc.

Construction Equipment

The EIS should describe differences in impacts associated with differing types of construction equipment. For example the TDI-NE application describes the potential use of cable barges and/or dynamically positioned cable ships (that do not require bottom anchoring and therefore reduce the potential for sediment re-suspension). The application also indicates that construction equipment is to be selected by the project contractor. Therefore we believe the EIS should describe the range of impacts that could occur during project construction associated with each construction approach. The analysis should also provide a detailed description of mitigation measures to address the range of impacts identified.

Stream crossings

We recommend that stream crossing techniques be described in detail in the EIS and that protocols be established for determining the technique to be utilized for each crossing. As noted above, the use of open cut construction techniques should include advance notification and be implemented with contingency plans to address severe weather events that could result in excessive erosion and sedimentation.

Horizontal Directional Drilling (HDD)
The TDI-NE application states that HDD will be used to install the transmission cables in transition areas between aquatic and terrestrial portions of the proposed route, and may also be used in limited situations to install cables under roadway or railway crossings where trenching is not possible, or under environmental sensitive areas such as lakes or rivers. We support the use of HDD to avoid sensitive areas. Given the potential environmental benefits of HDD, we recommend that the EIS include a description of the criteria that will be applied to determine if HDD should be applied to other areas where impacts could be avoided.

Revegetation
The TDI-NE application states that "[f]ollowing completion of the transmission cable installation, the excavated area will be backfilled, regraded and revegetated as necessary." The EIS should describe the criteria that will be used to determine whether regrading and revegetation will be deemed necessary.

Blasting
The EIS should discuss how the project will identify and monitor private and public 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. It should also discuss the planned follow-up activities should harm to the wells occur.

Analysis of Indirect and Cumulative Impacts

The Council on Environmental Quality's (CEQ) NEPA regulations require EISs to evaluate growth-inducing changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems that result from the proposed action and alternatives. The regulations define indirect (sometimes called 'secondary') effects as those "which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." The regulations state that impacts include ecological, aesthetic, historical, cultural, economic, social, or health impacts, whether direct, indirect, or cumulative. The CEQ NEPA regulations define cumulative impacts as "...the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." We are willing to assist DOE to develop a strategy to address the cumulative impacts of the proposed project.

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APPENDIX D
DETAILED ROUTE MAPS

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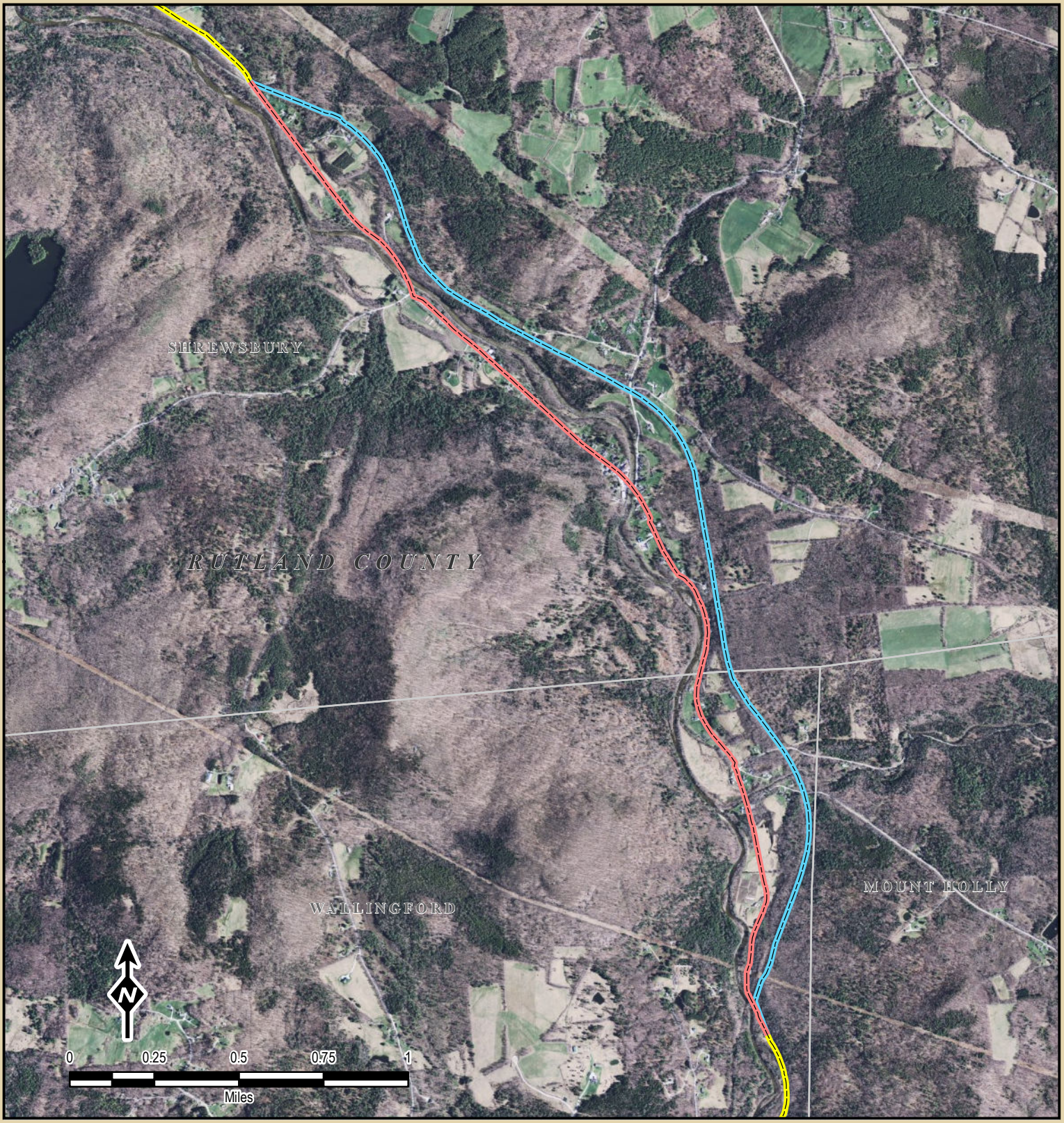
Proposed Border Crossing
45° 0' 39.129"
-73° 19' 49.438"
UNITED STATES
Canada
Alburgh
Scoping Meeting
Burlington
VERMONT
Proposed Marine Cable Route
Montpelier
Middlebury
New York
Vermont
Scoping Meeting
Benson
Rutland
Proposed Roadway Cable Route
New Hampshire
Proposed Converter Site
43° 25' 46.616"
-72° 39' 38.278"
Substation
Ludlow
Springfield
Concord
Albany
0 10 20
Miles
Massachusetts
CANADA
VT
NH
NY
Legend
Ludlow Converter Site
Marine Cable Route
Roadway Cable Route
State Boundary
Sources: ESRI, TRC, TDI New England
TDI New England
A Blackstone Portfolio Company
New England Clean Power Link
Project Overview
Created: 5/12/2014
TRC
14 Gabriel Drive
Augusta, ME 04330



Legend

- Proposed Terrestrial Route
- Railroad Option
- Road Option
- Town Boundary
- Vermont County Boundary

Sources: ESRI, TRC, TDI New England

TDI New England
A Blackstone Portfolio Company

New England Clean Power Link

Attachment A
Cuttingsville Railroad Option

Created: 10/9/2014

TRC
14 Gabriel Drive
Augusta, ME 04330

V:\PROJECTS\AUGUSTA\TDINE_Clean_Power\Attachment A_Cuttingsville_RR_alternative.mxd

APPENDIX B EIS DISTRIBUTION LIST

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Organization	City/State	Last Name	First Name	Title
Addison County Chamber of Commerce	Middlebury, VT			
Addison County Regional Planning Commission	Middlebury, VT	Lougee	Adam	Director
Addison Town Historical Society	Addison, VT	Clark	Erwin	Co-President
Advisory Council on Historic Preservation	Washington, DC	Nelson	Reid	Director, Office of Federal Agency Programs
Alburgh Historical Society, Inc.	Alburgh, VT	Tepper	Christine	Co-President
Alburgh Historical Society, Inc.	Alburgh, VT	Mumley	Lorraine	Co-President
Baker Botts, LLP	Washington, DC	Ryan	John T.	
Benson Museum	Benson, VT	Tutor	Genevieve	Curator
Castleton Historical Society	Castleton, VT	Hitchcock	Holly	President
Cavendish Historical Society	Cavendish, VT	Caulfield	Margo	Coordinator
Chittenden County Historical Society	Burlington, VT	Casey	Carol	President
Conservation Law Foundation, Inc.	Montpelier, VT	Kilian, Esq	Christopher	VP and Director, CLF Vermont and Clean Water Healthy Forests
Conservation Law Foundation, Inc.	Montpelier, VT	Levine	Sandra	Senior Attorney
DHS/FEMA Region I	Boston, MA	Sullivan	Jack	Regional Environmental Officer
Fair Haven Historical Society	Fair Haven, VT	Eaton	Cynthia	Secretary
Fair Haven Public Library	Fair Haven, VT			
Fletcher Free Library	Burlington, VT			
Fort Ticonderoga Ferry Company	Whiting, Vermont			
Gilbert Hart Library	Wallingford VT			
Grand Isle Free Library	Grand Isle, VT			
Grand Isle Historical Society	Grand Isle, VT	Chamberlin	Fay	
Lake Champlain Maritime Museum	Vergennes, VT			

Organization	City/State	Last Name	First Name	Title
Lake Champlain Transportation Company	Burlington, VT			
Middlebury Library	Middlebury, VT			
Mount Holly Historical Society	Belmont, VT	Devereux	Dennis	Board of Directors Chair
Mount Holly Town Library	Belmont, VT			
North Clarendon Bailey Memorial Library	North Clarendon, VT			
Rutland Free Library	Rutland VT			
Rutland Historical Society	Rutland VT	Davidson	James	Curator
Shrewsbury Historical Society	Cuttingsville, VT	Winkler	Ruth	
Shrewsbury Library, Inc.	Cuttingsville, VT			
Society for the Protection of NH Forests	Concord, NH	Abbott	Will	VP for Policy and Reservation Stewardship
State of Vermont	Montpelier, VT	Recchia	Christopher	Commissioner, Department of Public Service
State of Vermont	Montpelier, VT	Shumlin	Peter	Governor
Stockbridge-Community Band of Mohican Indians	Bowler, WI			Historic Preservation
Stockbridge-Munsee Band of Mohican Indians	Bowler, WI	White	Sherry	Stockbridge-Cultural Preservation Officer
Stockbridge-Munsee Mohican Tribal Historic Preservation	Troy, NY	Hartley	Bonney	Tribal Historic Preservation Assistant- NY Office
TDI-NE	Charlotte, VT	Bagnato	Josh	
The Nature Conservancy, Vermont Chapter	Montpelier, VT	Huffman	Phillip B.	Director, Office of Federal Agency Programs
Town of Grand Isle	Grand Isle, VT			Town Clerk
Town of Ira	Ira, VT			
U.S. Army Corps of Engineers	Washington, DC	Furry	John C.	Senior Policy Advisor (3-I-23), Civil Works Policy and Policy Compliance Division
U.S. Army Corps of Engineers, New England District	Essex Junction, VT	Adams	Michael	Senior Project Manager

Organization	City/State	Last Name	First Name	Title
U.S. Coast Guard	Boston, MA	Hubbard	Daniel	Branch Chief, Maritime Energy and Marine Planning
U.S. Coast Guard	Boston, MA	DesAutels	Michele	
U.S. Coast Guard	Burlington, VT	Green	Ed	
U.S. Coast Guard	South Portland, ME	Gilda	Brian S.	Captain of the Port
U.S. Coast Guard	South Portland, ME	Bourbeau	David	Sector Northern New England
U.S. Coast Guard Office of Environmental Management	Washington, DC	Wendelt	Edward	Commandant (CG-47)
U.S. Department of the Interior	Boston, MA	Raddant	Andrew L	Regional Environmental Officer
U.S. Department of the Interior	Washington, DC	Taylor	Willie R.	Director, Office of Environmental Policy and Compliance
U.S. Department of State	Washington, DC	Hassell, CEP	Mary	Bureau of Oceans and International Environment and Scientific Affairs
U.S. Environmental Protection Agency Office of Environmental Policy and Compliance	Boston, MA	Raddant	Andrew	Regional Environmental Officer
U.S. Environmental Protection Agency	Washington, DC	Rountree	Marthea	Office of Federal Activities
U.S. Environmental Protection Agency, New England, Region 1	Boston, MA	Timmerman	Timothy	Associate Director, Office of Environmental Review
U.S. Environmental Protection Agency, New England, Region 1	Boston, MA	Walsh-Rogalski	William	Acting Director, Office of Environmental Review
U.S. Fish and Wildlife Service	Concord, NH	Chapman	Tom	New England Field Office
U.S. House of Representatives	Washington, DC	Welch	Peter	Congressman
U.S. Senate	Washington, DC	Leahy	Patrick	Senator
U.S. Senate	Washington, DC	Sanders	Bernard	Senator

Organization	City/State	Last Name	First Name	Title
Vermont Agency of Natural Resources	Montpelier, VT	Coster	Billy	
Vermont Department of Environmental Conservation	Montpelier, VT	McDonald	Elizabeth	Office of General Counsel
Vermont Division of Historic Preservation	Montpelier, VT	Trieschmann	Laura	State Historic Preservation Officer
Vermont Fish and Wildlife Department-ANR	Rutland, VT	Blodgett	Doug	
Vermont Historical Society	Barre, VT			
Village of Ludlow	Ludlow, VT	Heald	Frank	Municipal Manager
Wallingford Historical Society	Wallingford, VT	Bannerman	Chris	President
West Haven Historical Society	West Haven, VT	Mandel	Tad	President
West Rutland Historical Society	West Rutland, VT	Kulig	Peter	President
West Rutland Library	West Rutland, VT			
Windsor Historical Society	Windsor, VT	Rhoad	Barbara	President
Winooski Memorial Library	Winooski, VT			

In addition to the table above, a notice of availability will be sent to 189 parties who requested notification by email.