

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Todd W. Lavin
Sent: Fri 10/6/2017 5:00:33 PM
Subject: Letter
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Call when you can. I have some background and good news.

Todd Lavin

Eversource Energy

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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September 26, 2017

Jennifer McCarthy
Chief, Regulatory Division
U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742

RE: Additional comments on Public Notice 2013-02188 for the Northern Pass
Transmission Project

Dear Ms. McCarthy:

This letter provides comments on the proposal of Northern Pass LLC (NP) to fill 2.53 acres of wetland and cause temporary and secondary impacts to 320 acres of wetland, to build a 192-mile electric transmission line in northern and central New Hampshire. EPA submitted previous comments to the Corps on July 14, 2016, and this letter is intended to supplement those comments.

As you know, the Department of Energy (DOE) recently completed a Final Environmental Impact Statement (FEIS) for the NP project. In 2015 and 2016, the DOE produced a Draft Environmental Impact Statement (DEIS) and a Supplemental DEIS. The applicant's preferred project alignment (Alternative 7) would be constructed with 132 miles of overhead and 60 miles of buried transmission line on routes that primarily follow existing highway corridors.

Information generated by the DOE and the applicant regarding impacts to wetlands and streams vary widely. In this comment letter, we will use the numbers from the NP application when talking about Alternative 7, the preferred alternative (they appear to be the most accurate). Because NP impact totals are not available for the Hybrid Alternative, we used the FEIS data for comparison purposes. Below is a comparison of impact totals for Alternative 7 as provided by the DEIS, FEIS, and the applicant:

Alternative 7	DEIS	FEIS	NP #'s
Direct Wetland Impacts (acres)	23	2	2.53
Temporary Wetland Impacts (acres)	65	170	140
Secondary Wetland Impacts (acres)	7	36	182

As proposed, the Northern Pass project will cause direct impacts to wetlands (2.53 acres), including 4 vernal pools and temporary impacts to 170 acres of wetland mostly from construction mats. Secondary wetland impacts of approximately 182 acres associated mostly with cutting of forested wetlands are also anticipated. Secondary impacts to the 100' buffer of over 40 vernal pools would occur under Alternative 7.

EPA's Section 404(b)(1) Guidelines set forth the environmental standards that must be met in order for a Section 404 permit to issue. The Guidelines prohibit the discharge of dredged or fill material if there exists a practicable alternative which causes less harm to the aquatic ecosystem. This fundamental requirement is often expressed as the regulatory standard that a permit may only be issued for the "least environmentally damaging practicable alternative" or LEDPA. The term "practicable" means available and capable of being done after taking into consideration cost, existing technology and logistics in light of overall project purpose [40 CFR 230.3(q)].

Our previous comments recommended that the FEIS incorporate an additional Hybrid Alternative involving burial of the project along existing roadways to avoid impacts over the northern-most 40 miles of the project where most of the wetland impact would occur. In response to our request, the DOE presented a Hybrid Alternative in Appendix J of the FEIS. The DOE analysis shows that the Hybrid Alternative generally results in fewer impacts to the aquatic environment while also reducing other impacts from the project when compared to Alternative 7. While the FEIS did not analyze the viability of the Hybrid Alternative, we believe the general information provided supports additional analysis of this alternative in the 404 process as you work to determine the least environmentally damaging practicable alternative.

A comparison of wetland and wildlife impacts associated with the applicant's proposed alternative and the Hybrid Alternative (based on information in the FEIS) is summarized below:

	Alt 7	Hybrid
Miles below ground	60	100
Construction Cost (Billions)	1.37B	1.5B
Direct Wetland impacts(ac)	2	2
Temp. Wetland impacts(ac)	170	40
Sec. Wetland impacts (ac)	36	2
Wildlife impacts (ac)**	1,494	621

** the wildlife impacts listed in the FEIS are based on both wetland and upland impacts.

Based on the information presented to date, the Hybrid Alternative is less damaging to the aquatic environment than Alternative 7, and appears practicable. The additional 40 miles of burial provided in the northern segment of the route adjacent to existing roadways would reduce direct and secondary impacts to many streams and wetlands. Further, given the information provided by the NP application, by avoiding impacts to the 40 miles of forest in the north, the Hybrid Alternative would also avoid many impacts to vernal pools and exemplary natural communities, compared to Alt 7. (See our comments from July 14, 2016 for further details of the high value aquatic resources in 40 miles of new corridor in the northern part of the project).

The increased costs of the Hybrid Alternative, while greater than Alternative 7, represent a small portion of the overall project cost. Further work to determine the practicability of the Hybrid Alternative is clearly warranted to determine its status in the mix of practicable alternatives going forward.

We remain willing to work closely with the applicant and the Corps of Engineers regarding project alternatives, impact minimization and mitigation throughout the balance of the design and permitting process for the project. Thank you for your careful consideration of our comments. If you have any further questions, please call me or Mark Kern of my staff at (617) 918-1589.

Sincerely,



Jacqueline LeClair, Chief
Wetlands Protection Unit

cc: Lindsey Lefebvre, Corps (electronically)
Rick Kristoff, Corps (electronically)
Craig Rennie, NHDES (electronically)
Lori Sommer, NHDES (electronically)