



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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OFFICE OF THE
REGIONAL ADMINISTRATOR

October 7, 2005

Dr. Jerry Pell, Project Manager
Office of Electricity Delivery and Energy Reliability, OE-20
U.S. Department of Energy
Washington, DC 20585

Re: Draft Environmental Impact Statement for the Bangor Hydro-Electric Company Northeast Reliability Interconnect, CEQ # 20050347

Dear Dr. Pell:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act we have reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Bangor Hydro-Electric Company Northeast Reliability Interconnect project proposed by the Bangor Hydro-Electric Company (BHE) in Hancock, Penobscot, and Washington Counties, Maine.¹

According to the DEIS, the BHE proposal entails the construction and operation of an 85 mile long single circuit, 345,000 volt (345-kV) alternating current (AC) electric transmission line. The line would originate at the Orrington Substation and extend eastward to the U.S.-Canada border near Baileyville, Maine and then would continue into New Brunswick, Canada. According to the DEIS, the project would enhance the sharing of generation capacity between the Maritimes and New England, reducing requirements for reserve generation, increasing the reliability of the overall transmission system and facilitating expanded exports of energy to the Maritimes from the New England Power Pool.

Four alternative routes, including the applicant's preferred transmission line route, are evaluated in detail in the DEIS including: the Modified Consolidated Corridors Route (MCCR)—BHE's proposed action and DOE's preferred alternative; the Consolidated Corridors Route (CCR); (3) alternative three, the previously permitted route; and the MEPCO South Route. All of the routes originate and end at the same locations, namely the Orrington Substation and the crossing of the St. Croix River near Baileyville. Also, the initial 12.2 miles from the Orrington substation would be identical for all four routes. EPA agrees that the DEIS presents a reasonable range of alternative routes. Based on the information provided it appears that the MCCR or CCR alternatives have the potential to qualify as the least environmentally damaging practicable

¹ EPA New England (EPA) plans to submit additional formal Clean Water Act Section 404 comments in response to the Corps of Engineers' public notice.

alternative (LEDPA). The DEIS includes a list of permits that will be required for this project which includes a Section 404 Clean Water Act permit from the US Army Corps of Engineers (Corps). A public notice for this project was issued by the Corps on September 20, 2005. However, because the information presented in the public notice is inconsistent with what is presented in the DEIS, the Corps plans to issue a revised public notice.

A Section 404 permit was issued to BHE in January 1995 for a transmission line alignment along the Stud Mill Road route that would have impacted approximately 2.5 acres of wetland and would have created 71 miles of new right of way from Baileyville to Bradley Maine. The project impacts to wetlands would have resulted from the construction of permanent and temporary access roads. EPA and the US Fish and Wildlife Service (FWS) provided comments on the project in November 1991. The 1995 federal Section 404 permit expired prior to the project being constructed. In 1999 Maritimes and Northeast Pipeline, L.L.C. constructed a natural gas pipeline in the same general area as the Stud Mill Road route proposed by BHE. According to the DEIS, in 2001 in response to a BHE request for a State permit extension for the project, the Maine Board of Environmental Protection indicated a preference for BHE to modify the transmission line route to develop a route that would more closely follow the established linear corridors including the recently constructed gas pipeline corridor. Those changes are reflected in the preferred alternative described in the DEIS.

The preferred alternative described in the DEIS consists of 15 miles of new right of way, 58 miles of clearing adjacent to the M&N gas pipeline and/or Stud Mill road and 12 miles of clearing adjacent to the existing MEPCO 345-kV transmission line. According to the DEIS the primary impacts to wetlands would occur where forested wetlands are cleared and replaced over time by scrub-shrub or emergent wetlands. The following wetland impacts are anticipated (by alternative):

- MCCR--70 acres of clearing out of 133 acres of wetland within the ROW
- CCR--53 acres of clearing out of 108 acres of wetland within the ROW
- Previously permitted Route--103 acres of tree clearing out of 152 acres of wetland within the ROW
- MEPCO south Route--73 acres of tree clearing out of 173 acres of wetland within the ROW

While the four alternative routes evaluated in the DEIS present both a reasonable range of alternatives for purposes of NEPA and an adequate number of options from which to determine a potential LEDPA under Section 404, it is unclear how the MCCR was selected as the preferred alternative. We recommend that the FEIS discuss the advantages and disadvantages associated with each of the alternatives considered and the rationale for selecting the preferred alternative.

The DEIS states that four wetlands of unusual significance occur along the MCCR that support rare and exemplary natural communities. While these systems are located outside the right of way, we recommend that the FEIS describe specific mitigative measures, such as the establishment of protective buffers to ensure that they will be protected from potential indirect and cumulative impacts associated with the powerline. For example, the locations of temporary access roads should be clearly identified relative to these unique wetland areas and a discussion provided to explain how the wetland ecosystems will be protected from indirect impacts associated with the temporary roads.

The most significant impact on wetlands would occur in areas where forested wetlands were cleared and subsequently converted to scrub-shrub or emergent wetlands. For the MCCR a total of 34 support structures would be located within wetland areas. The DEIS describes mitigation measures that establish a buffer zone 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 clearing. This section should also, to the degree feasible, identify the forested wetland types within the corridor and include mitigative measures such as buffers to protect wetlands not associated with a stream corridor. The mitigative measures listed may help to limit indirect impacts to water quality within the wetland system but they do not mitigate for the loss of wildlife habitat. We also believe the FEIS should discuss how the new transmission line will be managed to provide habitat for the species identified in Appendix D. For example, the applicant may want to consider creating a more gradual transition area within the ROW to minimize impacts to existing species and/or create a more diverse habitat mosaic to encourage other wildlife use. There may be locations along the route that could be enhanced with additional shrub or old field cover type (if currently maintained as meadow). The discussion of buffer zones as measure to avoid or reduce indirect effects of clearing near wetlands should also be expanded in the FEIS. The FEIS should include a more thorough description of buffers (which may vary depending on the wetland community type described) adjacent to wetland areas. It would also be helpful if the FEIS includes specific illustrations that show where the wide variety of wetland types (i.e., inland marshes, wet meadows, peatlands, shrub swamps and forested swamps (both deciduous and evergreen), forested floodplain wetlands, and vernal pools) are located in the project area. This information is necessary to assess the potential impacts of the proposed action and to determine the effectiveness of the mitigative measures proposed.

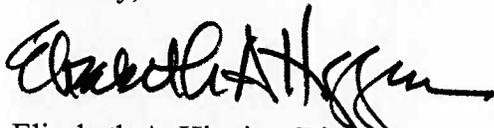
We believe the discussion of potential impacts on amphibians and reptiles on page 4-23 fails to capture the potential impacts of forest clearing adjacent to vernal pool habitat. We recommend that the location of potential vernal pools be identified along the project corridor and that mitigative measures be developed to help protect these habitats during construction and in association with the maintenance and operation of the corridor right-of-way. The analysis should also discuss the increase potential for predation from clearing activities and the resulting loss of forest cover.

Additional discussion of right-of-way maintenance techniques in the FEIS would make the analysis of potential impacts more complete. In particular, it would be helpful to know: whether burning will be used, how often, and if fire lanes will be necessary; the types of cutting, chopping, or mowing equipment to be used and frequency of use; whether soil seeding and fertilization will be done; whether techniques will be used to control the vegetative species to enhance use of the corridor by local biota; and, the effects of maintenance techniques on plant life and wildlife habitat. We note the discussion of herbicide use during construction and maintenance of the project in Appendix E and G of the DEIS and suggest that the recommendations provided be incorporated into the record of decision and other related state and federal permits for the project.

Finally, we note that a large diversity of wildlife species occurs in the project area because of the variety of habitat types present. Included are at least 45 species of mammals, 150 species of birds and 25 species of reptiles and amphibians. We recommend that the FEIS discuss how the power line will be monitored during and after construction to assess impacts to these species and to develop methods to alleviate any unforeseen adverse effects.

For the reasons discussed above, EPA has rated this EIS "EC-2-Environmental Concerns-Insufficient Information" in accordance with EPA's national rating system, a description of which is attached to this letter. We look forward to reviewing responses to the issues and concerns highlighted in this letter. Please feel free to contact me or Timothy Timmermann of EPA's Office of Environmental Review at 617/918-1025 if you wish to discuss these comments further.

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth A. Higgins", with a long horizontal flourish extending to the right.

Elizabeth A. Higgins, Director
Office of Environmental Review

Attachment

Summary of Rating Definitions and Follow-up Action

Environmental Impact of the Action

LO--Lack of Objections

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

EC--Environmental Concerns

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

EO--Environmental Objections

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

EU--Environmentally Unsatisfactory

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

Adequacy of the Impact Statement

Category 1--Adequate

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

Category 2--Insufficient Information

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

Category 3--Inadequate

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