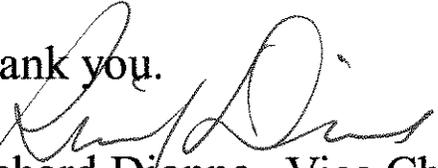


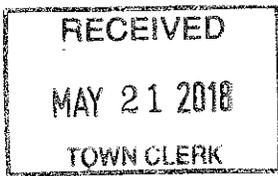
May 17, 2018

Dear Mr. Pacheco

Enclosed is a letter that was sent to the US Fish and Wildlife Service relating to the application to construct a power plant in Burrillville by Clear River Energy Center.

This correspondence serves as a courtesy to the Burrillville Town Council and no action by The Council is necessary at this time.

Thank you.

Richard Dionne, Vice Chair BCC



Burrillville Conservation Commission

105 Harrisville Main Street
Harrisville, Rhode Island 02830



May 16, 2018

Ms. Wendi Weber, Regional Director
US Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035-9589

**RE: Clear River Energy Center
Burrillville, Rhode Island**

Dear Ms. Weber:

On behalf of the Burrillville Conservation Commission I am writing to bring to your attention the construction of a major energy-production facility in Northwest Rhode Island that will have lasting negative impacts to the forest ecosystem in this region which supports many Federal Trust species.

Specifically, a 1000-megawatt power plant called the Clear River Energy Center (CREC) will be sited in the midst of Rhode Island's largest tract of forest, which is also connected to other large in-tact protected forests in the neighboring states of Connecticut and Massachusetts. Construction of this power plant will require the cutting of more than 120 acres of mature forest habitat, and once in operation the plants' noise and light pollution will affect hundreds of additional acres in the adjoining perimeter, in what many have described as, the most ecologically significant forest ecosystem in Rhode Island for over 40-years.

Usually, projects of this magnitude would be fully vetted through the preparation of an environmental impact statement, as was done in 1988 when the Ocean State power plant (a smaller facility) was built in central northern part

It is of great concern that the Buck Hill site, that was so strongly objected to by the USFWS in 1988, has been resurrected as the only site being considered by the EFSB for the largest power-generating facility ever constructed in Rhode Island; and, their decision will be made without soliciting any review or opinion from the USFWS.

Secondly, our concern is magnified by the response of the State agencies. As stated above, the EFSB relies on the advisory opinions of State agencies which means that Federal agencies, most notably the USFWS, US Forest Service, and National Park Service, must depend on State agencies to fulfill their obligations by professionally reviewing projects and insuring that Federal interests are fully vetted. However, in the case of the CREC project, the review by several of Rhode Island's agencies has been incomplete and unprofessional.

In March of 2016, the EFSB requested an advisory opinion from the RI Department of Environmental Management to assess the "impacts of the proposed facility on fish and wildlife...fish and wildlife habitat....and rare species, including those identified in the Natural Heritage database." The Division of Fish and Wildlife (RIDFW) was assigned the responsibility of addressing these issues.

As we understand the Endangered Species Cooperative Agreement that exists between the RIDFW and USFWS, state biologists are expected to serve as agents for the Service in regards to surveying for, managing of, and reviewing potential impacts to Federally-listed endangered and threatened species in Rhode Island, as well as State Endangered species and other Federal Trust species. However, in the case of the CREC, the RIDFW has failed to fulfill its responsibilities in the following ways:

1. Despite being specifically asked to review the Natural Heritage database, this information was not provided. Although no records existed in the NHP database prior to 2017 for the "private property" where the CREC is to be sited, there are multiple occurrences of state-listed species within a one-mile radius of the project location, including several officially listed state endangered species.

2. As noted above, a total of 17 state-listed species were found on the CREC site during the 2017 inventory. One of these is the Cerulean Warbler, a former candidate for Federal listing, which had not been documented during the breeding season in Rhode Island since the mid-1990s. Despite the significance of this documentation, the RIDFW did not discuss this species in their advisory opinion – in fact, the name of the bird was not even mentioned, although listed in the biological inventory completed by the applicant.
3. Along with the 17 state-listed species found at the project site, an additional 30 species of greatest conservation need (as identified in the 2015 RI Wildlife Action Plan) were documented from the site. Once again, none of these are mentioned by name in the RIDFW advisory opinion, nor is any information provided as to the potential impacts to any of these SGCN.
4. Another species documented in the Natural Heritage database as occurring on properties adjacent to the CREC site is the Wood Turtle, currently a candidate for Federal listing. Although not located during the 2017 inventory, again no mention is made of this species in the RIDFW opinion, including the potential for this species to be seriously impacted by the wetlands alterations and construction activities that will take place if the CREC is approved.
5. A Federally-listed species potentially to be found on the CREC site is the Small Whorled Pogonia (*Isotria medeoloides*), an orchid of northern hardwood forests that has been documented in the neighboring town of Glocester, RI. It has long been common practice in Rhode Island that all major development projects proposed in forest habitats are reviewed for the presence of this Federally Threatened plant. However, RIDFW neither mentions the potential for this species to be found on the site, nor is there any indication in their advisory opinion that DFW biologists conducted field surveys for this or any species, on or adjacent to the project site.

It is our understanding that the USFWS expects that state biologists will be diligent about assessing the potential impacts from major development

projects to Federal Trust species, especially those listed under provisions of the Endangered Species Act. And, we expect the USFWS will be deeply troubled to learn that the RIDFW has been irresponsible by not providing any assessment of the potential impacts to these species in regards to the CREC project. In fact, RIDFW has failed to even acknowledge the presence of these species on the project site.

Lastly, you should be aware that the property where the power plant is proposed to be constructed abuts a portion of the George Washington Wildlife Management Area that was acquired with the assistance of Federal Aid (PR funds). Noise and light impacts from the construction and operation of the CREC will extend for a considerable distance into this WMA, thus reducing the values for which the land was acquired. Again, information concerning the proximity of a Federally-funded WMA to the project site, or the possibility that compensation for the loss of value may be required by USFWS, has not been transmitted to the EFSB.

The USFWS is not the only Federal agency that has been aggrieved by the failure of regulatory workmanship of Rhode Island's state agencies. RIDEM (Division of Planning and Development) did not provide an advisory opinion concerning the impacts to resources addressed in the State Comprehensive Outdoor Recreation Plan; a document required by the National Park Service in order for the state to receive Land and Water Conservation funding. Also, RIDEM (Division of Forest Environment) did not provide an advisory opinion regarding forest health, forest stewardship, or the Forest Legacy Plan; all programs funded by the US Forest Service.

Based on the issues addressed above, we believe it is incumbent on the USFWS to conduct their own assessment of the Clear River Energy Center situation and conclude that an Environmental Impact Statement is needed to address all of the deficiencies described above. In particular, a thorough assessment of alternate sites would show, as the USFWS concluded in 1988, that a power plant situated at the Buck Hill site is still, and even more so today, "inconsistent and incompatible" with surrounding land uses.

The Burrillville Conservation Commission appreciates your attention to these matters. Should you need to contact the writer to discuss any of the information contained herein, please do so via email at cleary524@cox.net at your convenience or by way of return mail to the Commission as indicated in the stationary. We appreciate your anticipated cooperation in assisting in this matter and await your response.

Respectfully Submitted on behalf of the
Burrillville Conservation Commission,
Very Truly Yours,

A handwritten signature in black ink, appearing to read "Kevin Cleary". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Kevin Cleary, PE, Chairman
Burrillville Conservation Commission

Cc: Burrillville Town Council, John Pacheco, President
RI Energy Facility Siting Board, Meg Curran, Chairperson
William Bennet, Supervisor, USF&W, New England Office, 70 Commercial St. Concord, NH 03301