SAVE THE BAY®
NARRAGANSETT BAY

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*Sent via electronic mail to: cstaff1@crmc.ri.gov*

April, 26 2025

Jeffrey Willis, Executive Director
Rhode Island Coastal Resources Management Council
Stedman Government Center
4808 Tower Hill Road
Wakefield, RI 02879

Received
4/28/2025
Coastal Resources
Management Council

***Re: CRMC File No: 2024-12-004, The Narragansett Electric Company - Warren, RI and Palmer River***

Dear Director Willis,

Save The Bay, on behalf of its members and supporters, has reviewed the Army Corps of Engineers permit application number 2024-12-004 from The Narragansett Electric Company (TNEC) for work along the E183-3 and F184-N-4/5 lines, and is concerned about the proposed activities and their impacts to the associated habitats, specifically as it pertains to the alterations to wetlands along the Palmer River, and the proposed mitigation efforts associated with this project, in Warren, RI. We do not believe that the application meets the requirements to be granted Special Exceptions to 650-RICR-20-00 §1.2.2(C)(1)(c - d) and (C)(2)(a - b) in order to be approved. Based upon §1.1.8(A)(2), "Special Exceptions may be granted to prohibited activities to permit alterations and activities that do not conform to a Council goal… only if and when the applicant has demonstrated that…" "All reasonable steps shall be taken to minimize environmental impacts to the habitat on site." Additionally, as stated in §1.1.8(C)(1), "in granting Special Exceptions, the Council shall apply conditions as necessary to promote the objectives of the program. Such conditions may include, but are not limited to, provisions for:" "Minimizing adverse impacts to the alteration upon other areas and activities by stipulating the type, intensity, and performance of activities…" It is Save The Bay's position that the plan as proposed does not meet the Council's standards for Special Exceptions given that all reasonable steps have not been taken to minimize environmental impacts to the habitat on site and that additional provisions need to be added to the draft proposal.
Save The Bay requests that additional measures be added to the application in order to minimize impacts to the wetlands habitats, to formalize additional future mitigation measures (should impacts to the wetlands be greater than anticipated), and that, if/when permitted, all construction activities follow all plans as approved in the application.

Save The Bay understands the need for maintaining robust energy infrastructure, including modernized transmission capabilities, given the increasing demand from a growing population. However, when it comes to performing these projects through saltwater and freshwater wetlands, habitats which are already heavily

impacted by climate change and past human activities, we are steadfast that these projects need to be performed in a manner that minimizes negative impacts on these integral habitats, which themselves provide many protections to human infrastructure. Save The Bay is especially familiar with the salt marsh resources in the project area from conducting a salt marsh restoration project, in partnership with the Warren Land Trust and the Natural Resources Conservation Service, to restore hydrology affected by legacy impacts to the marsh.

While we are aware of the compensatory mitigation measures proposed in the permit application to address the immediate and permanent loss of wetlands from filling with concrete, this does not address the issue of peat compaction beneath the lengths of construction mat installed through the marsh to gain access to work locations. Functioning marshes rely on healthy peat as a substrate for many of their ecosystem services, and these services cannot persist in places where the peat has been compacted. Save The Bay has already seen and documented compacted peat in this marsh as a result of the preliminary work performed during the drilling activities in January of 2025, where standing water can be seen in the footprint of the matting that supported heavy vehicles and drilling equipment on the marsh (Figure 1 below), and we are concerned about addition negative effects of future work on the marsh. Worsening the effects of the already impactful use of construction matting supporting the weight of heavy equipment, it appears that the construction matting deployed during the first phase of work in January was not placed in accordance with the approved plans. These construction mats were assembled with stringers deployed first, running parallel to the direction of the path created, then with perpendicular timber placed on top creating the mat. This configuration resulted in the entirety of the weight of construction vehicles being focused on the two parallel stringers beneath, and not spread over all perpendicular timbers of the mat.

On March 8, 2025, Save The Bay and the Warren Land Trust, the owner of the marsh, met with representatives from RI Energy and Vanasse Hangen Brustlin Inc. (VHB) to assess the impacts of the matting from the January 2025 drilling activities. In the location of the matting, depressions remained in the area of the marsh which is dominated by smooth cordgrass (*Spartina alterniflora*). In the lowest elevation areas adjacent to existing drainage features, such as runnels and pre-existing ditches, the peat experienced significant compaction from the matting and is unlikely to revegetate. During this site visit, we discussed mitigation strategies to address the observed compaction including using hand tools prior to this year's growing season to attempt to re-elevate the marsh platform. This technique should be assessed prior to the construction phase to determine its effectiveness.

During the same site visit, RI Energy staff proposed to use a low ground pressure excavator with a rake attachment to elevate the peat after the mats are removed. If this approach is chosen, Save The Bay recommends that the low ground pressure excavator have a PSI of 2 or below. The excavator should follow the path of the affected area and the work should not be conducted perpendicular to it to reduce tracking of the excavator.

During a subsequent site visit in April, within these areas of observed degradation of the marsh platform and standing water from the January work, we observed increased fiddler crab (*Minuca spp.* and *Leptuca spp.*) activity (burrow digging and higher population density). These crabs thrive in areas of decreased vegetation and decomposing roots, where burrow digging in the marsh peat is made easier, and this higher density of crab burrows exacerbates marsh degradation. Save The Bay is concerned that there will be additional severe compaction during the construction phase due to the increased weight of the heavy equipment, now

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including concrete trucks, which will traverse the marsh on the matting, especially given that the matting footprint for the new construction areas will also be much larger than the matting that was conducted this past winter.

Finally, given the extent of marsh degradation already observed from winter work, we are increasingly concerned about the extent of damage to the marsh from the greater quantity of vehicles associated with the construction phase of this project, and the potential increased weight of vehicles gaining access to the marsh, like full concrete trucks. Save The Bay would request to be made aware of the weight and pounds per square inch of construction equipment to be utilized in the construction phase of the project, as it compares to the weight of vehicles and equipment used in the drilling phase.

To address, and attempt to reduce, impacts to the marsh from the construction phase of this project, as outlined in the draft plans, Save The Bay recommends that the additional monitoring and mitigation efforts be required:

1) All construction activities associated with this project should follow the plans as approved, if/when they are approved, including, but not limited to, proper deployment of construction matting to support vehicle traffic.
2) Conduct pre-construction elevation surveys of the marsh platform along the area where the construction mats are proposed to be installed to establish a baseline marsh platform elevation. This data will be used to indicate the level of marsh compaction as a result of the drilling phase. Upon completion of construction, conduct post-construction elevation surveys to determine the quantity and severity of marsh compaction and if additional mitigation measures are necessary
3) After construction mats are removed, either by hand or with a low ground pressure excavator, elevate the compacted peat. After the mitigation measures have been implemented either by hand or with the low ground pressure excavation, conduct additional elevation surveys at the end of the first full growing season after construction activities are completed. This monitoring period should be used to assess persistent marsh compaction, additional subsidence, vegetation die-off, and impounded water to identify areas of marsh requiring additional mitigation.
4) If after one growing season, the post-construction elevation monitoring identifies compaction of the marsh, conduct additional mitigation of the degraded habitat to address additional wetlands degradation and/or loss caused by the matting and construction activities. The Army Corps of Engineers should require, at minimum, 2 to 1 compensatory mitigation to offset the damage from the construction matting. Additional mitigation could include restoration of the unvegetated depressions caused by prior utility corridor maintenance activities. Sediment addition could be carefully used to elevate these depressions to restore salt marsh function.
5) Included in the application should also be formal language regarding the mitigation of the compacting of the marsh peat as a result of the drilling activities in January of 2025, as discussed on the site visit with RI Energy, and outlined above. The permit for the drilling activities included only hand raking of the salt marsh grasses to address any compacted peat, a technique which will certainly not be sufficient to mitigate the peat compaction already observed.
6) If post-work monitoring determines that the extent of marsh degradation and loss is greater than initially stated in the application, other compensatory mitigation sites should be identified to perform additional wetlands restoration for the Army Corps of Engineers to meet its 2 to 1 compensatory mitigation requirements. If mitigation project sites cannot be identified on the Warren Land Trust

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property, Save The Bay recommends exploring the use of the two parcels adjacent to the northwest of the TNEC parcel proposed for compensatory mitigation, both of which are currently owned by the Town of Warren, and are locations where historic salt marsh filling was performed at the same time as the filling which occurred at the site already proposed for wetlands restoration.

In summary, while the permit application includes compensatory mitigation, as required, in response to the immediate filling of the marsh with concrete, it does nothing to address the much more expansive negative effects to the marsh, which require a longer time scale to quantify, from construction matting and heavy equipment traversing the marsh. This practice has already resulted in habitat degradation on site, which has yet to be addressed by the applicant, and would assuredly result in more harm with the increased scope of the upcoming construction phase outlined in the application. All reasonable steps have not been taken to minimize environmental impacts to the habitat on site, and additional provisions, as outlined in this letter, need to be added to minimize adverse impacts from the activities by stipulating the type, intensity, and performance of activities. For these reasons, Save The Bay does not believe the proposal meets the Council's standards to be granted Special Exceptions and would not be in support of the application being approved without the additional provisions, as outlined above, being included.

Sincerely,

Chris Dodge
Narragansett Baykeeper - Save the Bay
100 Save the Bay Dr.
Providence, RI 02905
(401) 272-3540 x116
cdodge@savebay.org

WATERKEEPER® ALLIANCE
MEMBER

cc by email:

Warren Land Trust

Brian Sullivan - Town Manager, Warren, RI

Kevin Newton - United States Army Corps of Engineers

Wenley Ferguson - Director of Habitat Restoration, Save The Bay

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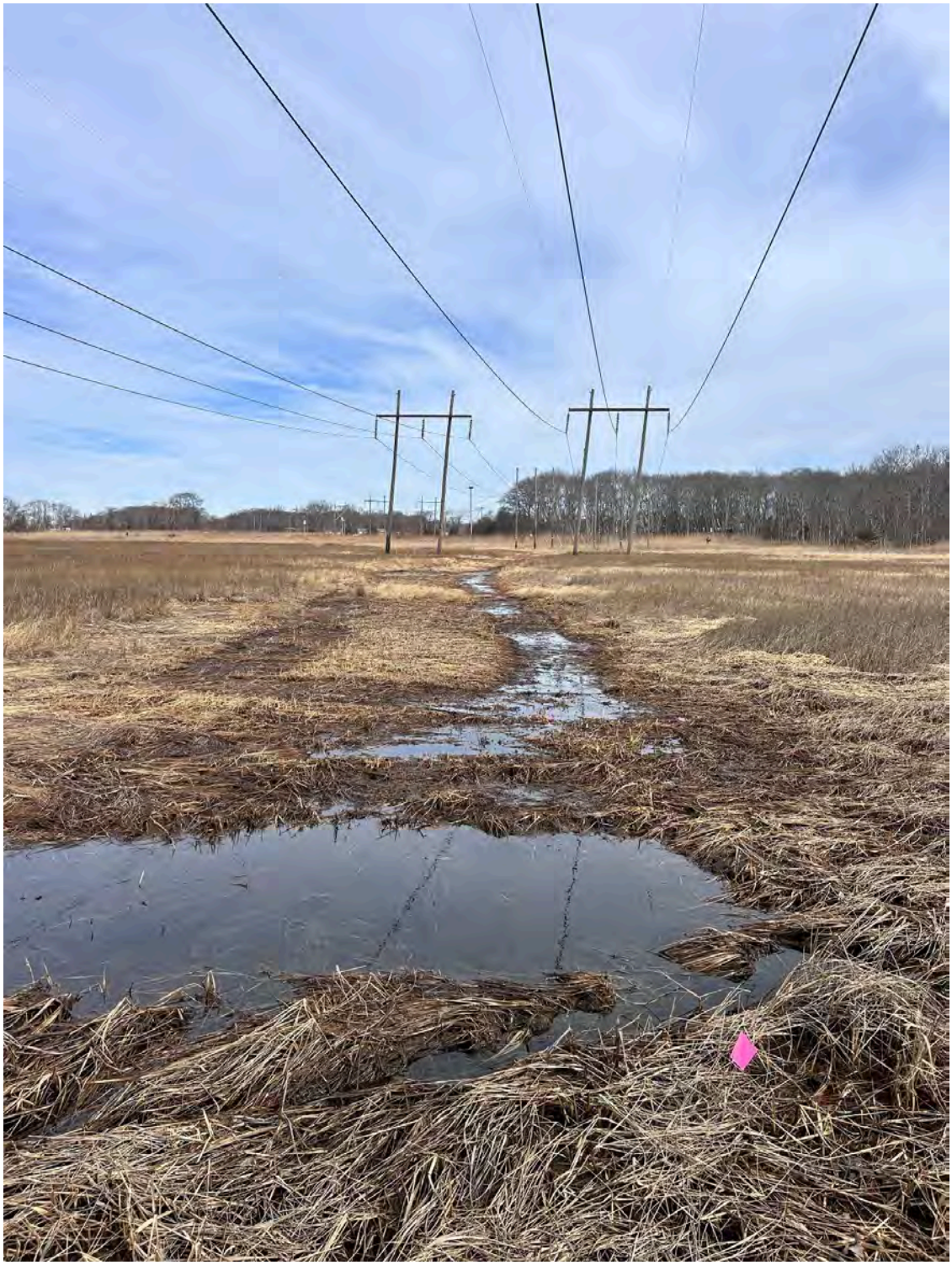

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(Figure 1: Standing water in areas of compacted peat along vehicles tracks from work performed in January 2025. Picture taken March 18, 2025)

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*Sent via electronic mail to: kevin.m.newton@usace.army.mil*

April, 9 2025

Commander, U.S. Army Corps of Engineers, New England District
Attention: Kevin Newton, Regulatory Division
696 Virginia Road
Concord, Massachusetts 01742

Received
4/9/2025
Coastal Resources
Management Council

Dear Mr. Newton,

Save The Bay, on behalf of its members and supporters, has reviewed the Army Corps of Engineers permit application number NAE-2024-01914 from The Narragansett Electric Company (TNEC) for work along the E183-3 and F184-N-4/5 lines, and is concerned about the proposed activities and their impacts to the associated habitats, specifically as it pertains to the alterations to wetlands along the Palmer River, and the proposed mitigation efforts associated with this project, in Warren, RI. We request that additional measures be added to the draft application in order to minimize impacts to the wetlands habitats and to formalize additional future mitigation measures, should impacts to the wetlands be greater than anticipated.

Save The Bay understands the need for maintaining robust energy infrastructure, including modernized transmission capabilities, given the increasing demand from a growing population. However, when it comes to performing these projects through saltwater and freshwater wetlands, habitats which are already heavily impacted by climate change and past human activities, we are steadfast that these projects need to be performed in a manner that minimizes negative impacts on these integral habitats, which themselves provide many protections to human infrastructure. Save The Bay is especially familiar with the salt marsh resources in the project area from conducting a salt marsh restoration project, in partnership with the Warren Land Trust and the Natural Resources Conservation Service, to restore hydrology affected by legacy impacts to the marsh.

While we are aware of the compensatory mitigation measures proposed in the permit application to address the immediate and permanent loss of wetlands from filling with concrete, this does not address the issue of peat compaction beneath the lengths of construction mat installed through the marsh to gain access to work locations. Functioning marshes rely on healthy peat as a substrate for many of their ecosystem services, and these services cannot persist in places where the peat has been compacted. Save The Bay has already seen and documented compacted peat in this marsh as a result of the preliminary work performed during the drilling activities in January of 2025, where standing water can be seen in the footprint of the matting that supported heavy vehicles and drilling equipment on the marsh (Figure 1 below). Save The Bay is concerned that there will be additional severe compaction during the construction phase due to the increased weight of

the heavy equipment, including concrete trucks, which will traverse the marsh on the matting, especially given the matting footprint for the new construction areas will also be much larger than the matting that was conducted this past winter.

On March 8, 2025, Save The Bay and the Warren Land Trust, the owner of the marsh, met with representatives from RI Energy and Vanasse Hangen Brustlin Inc. (VHB) to assess the impacts of the matting from the January 2025 drilling activities. In the location of the matting, depressions remained in the area of the marsh which is dominated by smooth cordgrass (*Spartina alterniflora*). In the lowest elevation areas adjacent to existing drainage features, such as runnels and pre-existing ditches, the peat experienced significant compaction from the matting and is unlikely to revegetate. During the site visit, we discussed mitigation strategies to address the observed compaction including using hand tools prior to this year's growing season to attempt to re-elevate the marsh platform. This technique should be assessed prior to the construction phase to determine its effectiveness.

During the same site visit, RI Energy staff proposed to use a low ground pressure excavator with a rake attachment to elevate the peat after the mats are removed. If this approach is chosen, Save The Bay recommends that the low ground pressure excavator have a PSI of 2 or below. The excavator should follow the path of the affected area and the work should not be conducted perpendicular to it to reduce tracking of the excavator.

To address the impacts to the marsh from the construction mats, Save The Bay recommends that the additional monitoring and mitigation efforts be required:

1) Conduct pre-construction elevation surveys of the marsh platform along the area where the construction mats are proposed to be installed to establish a baseline marsh platform elevation. This data will be used to indicate the level of marsh compaction as a result of the drilling phase. Upon completion of construction, conduct post-construction elevation surveys to determine the quantity and severity of marsh compaction and if additional mitigation measures are necessary
2) After construction mats are removed, either by hand or with a low ground pressure excavator, elevate the compacted peat. After the mitigation measures have been implemented either by hand or with the low ground pressure excavation, conduct additional elevation surveys at the end of the first full growing season after construction activities are completed. This monitoring period should be used to assess persistent marsh compaction, additional subsidence, vegetation die-off, and impounded water to identify areas of marsh requiring additional mitigation.
3) If after one growing season, the post-construction elevation monitoring identifies compaction of the marsh, conduct additional mitigation of the degraded habitat to address additional wetlands degradation and/or loss caused by the matting and construction activities. The Army Corps of Engineers should require 2 to 1 compensatory mitigation to offset the damage from the construction matting. Additional mitigation could include restoration of the unvegetated depressions caused by prior utility corridor maintenance activities. Sediment addition could be carefully be used to elevate these depressions to restore salt marsh function.
4) Included in the application should also be formal language regarding the mitigation of the compacting of the marsh peat as a result of the drilling activities in January of 2025, as discussed on the site visit with RI Energy, and outlined above. The permit for the drilling activities included only hand raking of

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5) If post-work monitoring determines that the extent of marsh degradation and loss is greater than initially stated in the application, other compensatory mitigation sites should be identified to perform additional wetlands restoration for the Army Corps of Engineers to meet its 2 to 1 compensatory mitigation requirements. If mitigation project sites cannot be identified on the Warren Land Trust property, Save The Bay recommends exploring the use of the two parcels adjacent to the northwest of the TNEC parcel proposed for compensatory mitigation, both of which are currently owned by the Town of Warren, and are locations where historic salt marsh filling was performed at the same time as the filling which occurred at the site already proposed for wetlands restoration.

In summary, while the permit application includes compensatory mitigation, as required, in response to the immediate filling of the marsh with concrete, it does nothing to address the much more expansive negative effects to the marsh, which require a longer time scale to quantify, from construction matting and heavy equipment traversing the marsh. This practice has already resulted in habitat degradation on site, which has yet to be addressed by the applicant, and would assuredly result in more harm with the increased scope of the upcoming construction phase outlined in the application. For these reasons, Save The Bay would not be in support of the application being approved without the monitoring and mitigation stipulations, outlined above, being included.

Sincerely,

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Chris Dodge
Narragansett Baykeeper - Save the Bay
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cdodge@savebay.org

WATERKEEPER® ALLIANCE
MEMBER

cc by email:

Warren Land Trust

Brian Sullivan - Town Manager, Warren, RI

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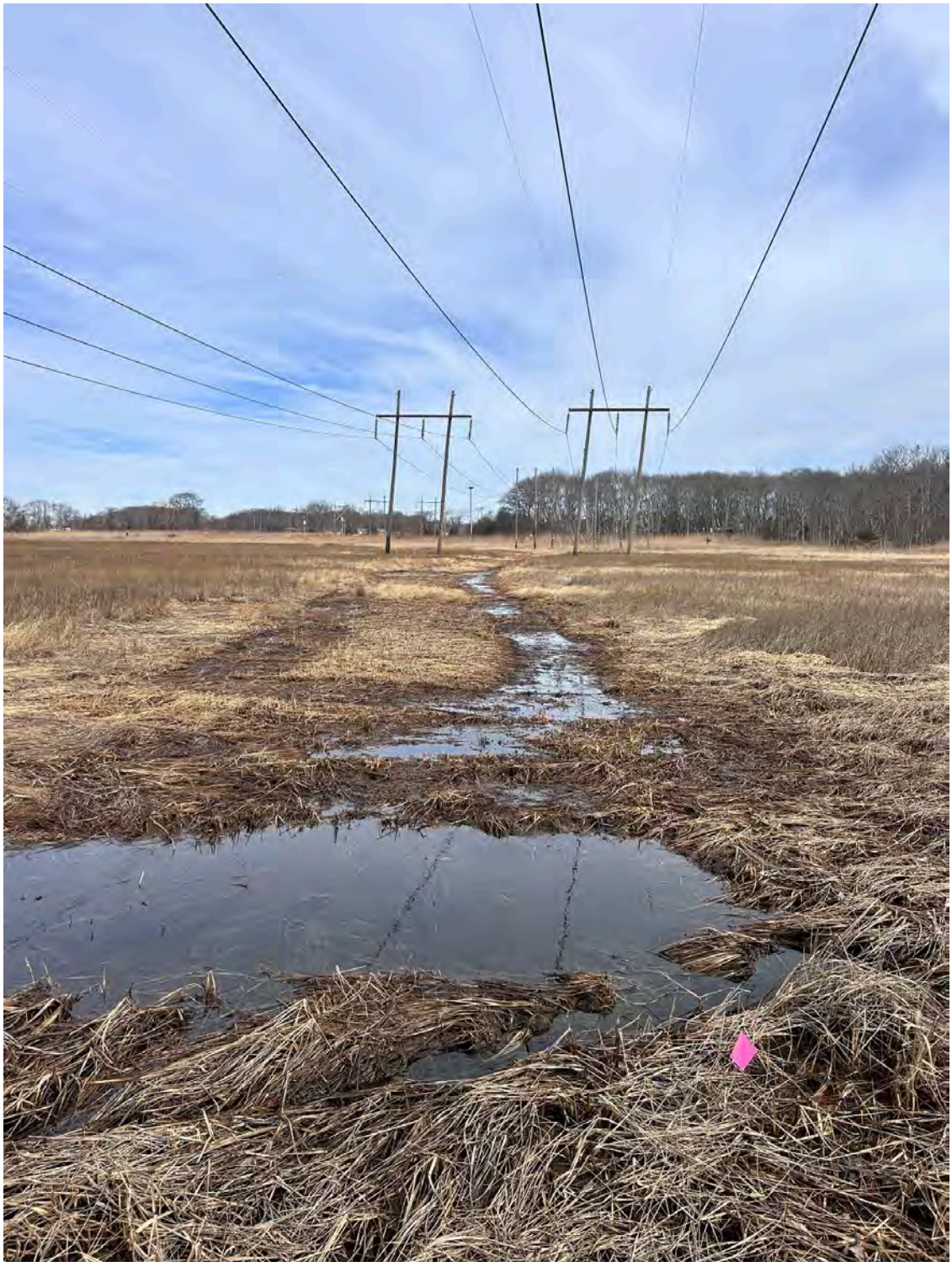
Wenley Ferguson - Director of Habitat Restoration, Save The Bay



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