CRMC DECISION WORKSHEET

Hearing Date:			
Approved as Recommended			
Approved w/additional Stipulations			
Approved but Modified			
Denied		Vote	

APPLICATION INFORMATION

File Number	Town	Project Location	Category	Special Exception	Variance
2024-12-004	Warren	Lines E183-3 and F184N-4/5 Plat: Lot:	B	☒	☐
		Owner Name and Address			
Date Accepted	12/11/2024	The Narragansett Electric Company 280 Melrose Street Providence, RI 02907	Work at or Below MHW		☒
Date Completed	9/3/2025		Lease Required		☐

PROJECT DESCRIPTION

Rebuild/replace approximately 2 miles of existing E183-3 and F184N-4/5 transmission lines in Warren from MA state line to Kickemuit Rd.

KEY PROGRAMMATIC ISSUES

Coastal Feature: Coastal Wetland

Water Type: Type 1, Conservation Areas/Palmer River & Type 2, Low Intensity Use/Belcher Cove

Red Book: 1.1.8; 1.2.1(B); 1.2.1(C); 1.2.2(C); 1.2.3; 1.3.1(B), (J), (L)

SAMP:

Variances and/or Special Exception Details: Special Exception for altering/filling Coastal Wetland and Tidal Waters adjacent to Type 1 & Type 2 water. Four of the replacement structures are at or below MHW.

Additional Comments and/or Council Requirements: N/A

Specific Staff Stipulations (beyond Standard stipulations): Environmental Professional to oversee wetland mitigation and coastal wetland restoration and provide monitoring reports.

STAFF RECOMMENDATION(S)

Engineer	**RML**	Recommendation:	**No Objection**
Biologist	**ACS**	Recommendation:	**No Objection**
Other Staff		Recommendation:	

9/3/25
Engineering Supervisor Sign-Off date

9/3/25
Executive Director Sign-Off date

Supervising Biologist Sign-off date

9/3/25
Staff Sign off on Hearing Packet (Eng/Bio) date

Name: The Narragansett Electric Company
CRMC File No.: *2024-12-004*
Staff Report

STATE OF RHODE ISLAND

COASTAL RESOURCES MANAGEMENT COUNCIL

STAFF REPORT TO THE COUNCIL

DATE: 9/3/2025

TO: Jeffrey M. Willis, Executive Director

FROM: Anthony Sawaia

Applicant's Name:	The Narragansett Electric Company
CRMC File Number:	2024-12-004
Project:	Rebuild/replace approximately 2 miles of the E183-3 and F184N-4/5 transmission lines in Warren from the MA/RI state line to the Warren Substation. As well as reconfiguring the Warren Substation taps to shift some structures out of coastal wetland to avoid crossing transmission lines. Project will result in the permanent alteration of 1,607 ft^2 of coastal wetland. Project requires a Special Exception to 650-RICR-20-00-1.2.2(C)(1)(c - d) and (C)(2)(a - b). In accordance with §1.3.1(L)(5), 5,460ft2 of mitigation wetland will be created, exceeding the 2:1 replacement requirement.
Location:	Market Street & Kickemuit Road; Warren: Plat(s): 11|21|9; Lot(s): 31,32,33,34,35,36,37,38,39,40,41,42,43,44|246,54|18
Water Type/Name:	Type 1, Conservation Areas/Palmer River Type 2, Low Intensity Use/Belcher Cove
Coastal Feature:	Coastal Wetland; salt marsh, brackish marsh, contiguous freshwater wetland.
Plans Reviewed:	"E183-3 and F184N-4/5 115kV Transmission Lines Asset Condition Refurbishment Project…" Sheets 1 – 21, last revised 2/5/2025, prepared by VHB.

INTRODUCTION:

The application is a portion of a much larger transmission line project that has been split between DEM and CRMC jurisdiction due to its long linear nature that spans the two jurisdictions, as well as the fact that the work within CRMC Jurisdiction includes altering Coastal Wetland. The portion under CRMC Review starts at the Massachusetts/Rhode Island State Line and runs south approximately 1.9 miles to the poles north of Kickemuit Road. The remainder of the project from Kickemuit Road south to the Bristol substation at 99 Gooding Avenue Bristol, RI is being reviewed by DEM.

The Applicant previously submitted two (2) permit applications for a two-phased geotechnical soil boring program needed to support the design of the proposed replacement structures. Phase 1 was authorized under

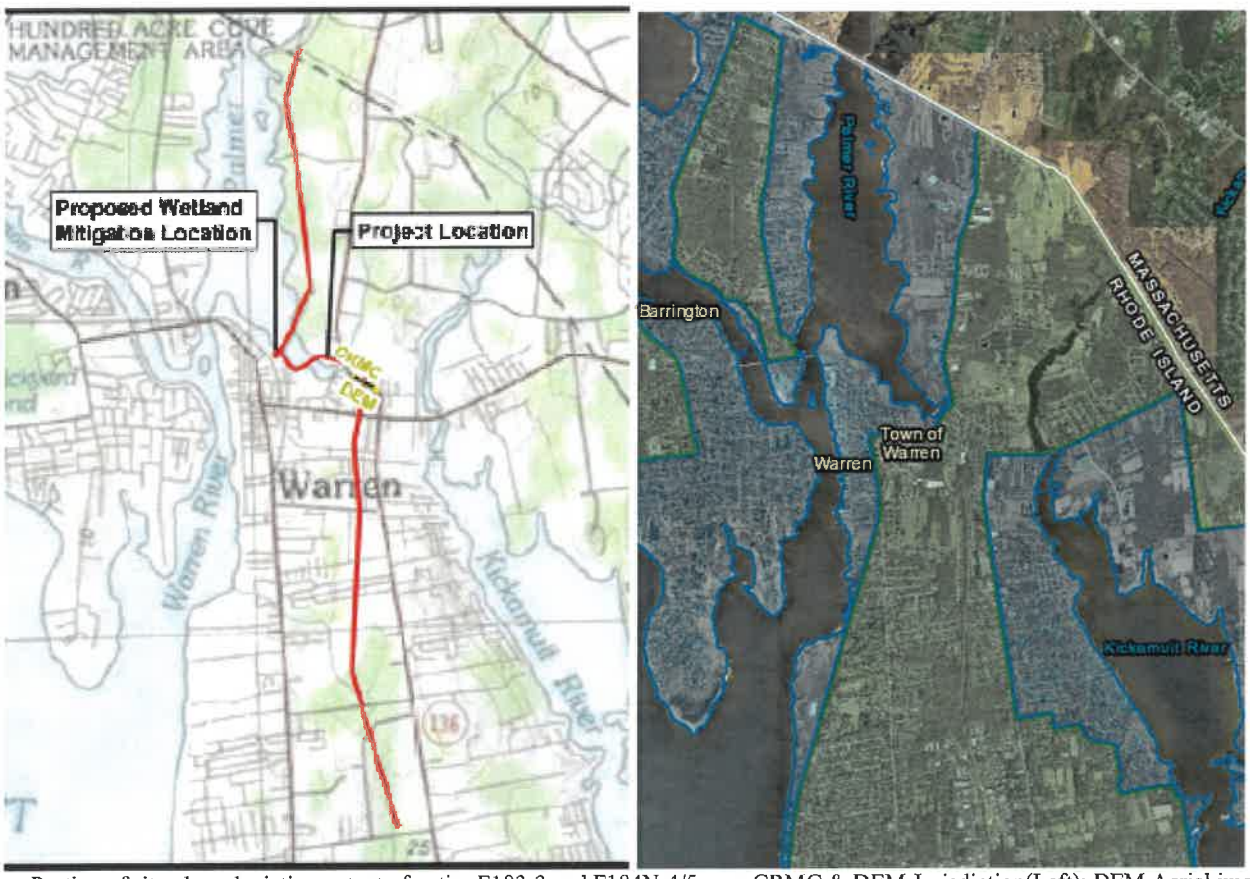
Name: The Narragansett Electric Company
CRMC File No.: *2024-12-004*
Staff Report

CRMC Maintenance Assent 2024-05-053 and USACE Self-Verification (SV) notification under File No. NAE-2024-02-0125 for soil boring in 200-foot Contiguous Area and freshwater wetlands. Phase 2 was authorized under CRMC Maintenance Assent 2024-07-070 and USACE Pre-Construction Notification (PCN) under File No. NAE-2024-01914 for soil boring in coastal wetlands, including contiguous freshwater wetlands. An additional CRMC Assent application was submitted to update the upland ROW access through the Sunoco Gas station at 272 Market Street. This was authorized under Assent 2025-06-042.

A pre-application meeting for this project was held on September 24, 2024, to determine CRMC/DEM jurisdiction, wetland designations and impacts, and how the project should be applied for.

The application to replace the transmission lines in Warren, RI was submitted in December 2024 which included permanent alteration of Coastal Wetland. The applicant submitted a Special Exception request to account for the permanent alterations. There were some discrepancies about the designation of the wetlands and their subsequent impacts. The applicant and staff worked out that the adjacent freshwater wetlands were contiguous freshwater wetlands and therefore defined as coastal wetlands. Updated plans were submitted and the Public Notice was issued on March 26, 2025, and ended April 26, 2025.

The project will result in the permanent alteration of 1,607 ft^2 of Coastal Wetland via the concrete foundations needing to be poured for the new steel poles. The filing of the Coastal Wetland requires a Special Exception to 650-RICR-20-00-1.2.2(C)(1)(c - d) and (C)(2)(a - b). In accordance with §1.3.1(L)(5), 5,460ft2 of mitigation wetland will be created, exceeding the 2:1 replacement requirement.



Above: Portion of site plans depicting extent of entire E183-3 and F184N-4/5 over CRMC & DEM Jurisdiction(Left): DEM Aerial imagery (2024) with Jurisdictional overlay

Name: The Narragansett Electric Company
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Staff Report

The entire project has been submitted to DEM Water Quality and the Army Corps of Engineers as a single review for each Agency. CRMC sent its portion of the project to HPHC. HPHC responded in letter received on March 20, 2025. Final HPHC approval for the entire project (DEM & CRMC Jurisdictions) has been granted in the Letter sent by HPHC on June 25, 2025. It states " It is our understanding that project impacts to the five potentially eligible site cannot be avoided. We have reviewed PAL's proposal for limited archaeological mitigation at the Palmer River, Haile Farm, Taddy Avenue and Autumn Archer sites. We have determined that this mitigation, along the implementation of PAL's proposed ASAPP, for this project, will result in a finding of no adverse effect to significant cultural resources." (See Attachment A)

Objections were received throughout the public notice period by Save The Bay, The Warren Land Trust, and The Warren Conservation Commission (Attachment B)

COMMENTS ON APPLICATION/APPLICABLE POLICIES, STANDARDS & ETC:

The application falls within the "Red Book" 650-RICR-20-00-1 Regulations. Any freshwater wetlands present are contiguous and defined as coastal wetlands.

"Red Book" / 650-RICR-20-00-1

Section	Title	Subsection	Comment
1.1.8	Special Exceptions		Narrative and Mitigation plan submitted
1.2.1 (B)	Type 1 Water		See below
1.2.1(C)	Type 2 Water		See below
1.2.2(C)	Coastal Wetlands	(1)(c & d): Alterations prohibited	1,607ft^2 of Coastal Wetland will be altered
1.2.3	Areas of Historic and Archeologic Significance	(A)(4): HPHC Comments	No adverse effect (see below)
1.3.1(B)	Filling, Removing or Grading of Shoreline Features	(2)(a): Filling prohibited	See below
1.3.1(J)	Filling In Tidal Waters	(3)(a): Filling prohibited	See below
1.3.1(L)	Coastal Wetland Mitigation		See below
1.3.6	Protection and Enhancement of Public Access to the Shore		See below

Section 1.2.l(B) Type 1 Water: Type 1 waters are classified as areas within or adjacent to conservation areas that retain natural habitat and high scenic values. There is currently a utility line spanning this wetland. The replacement of the utility poles and high lines will not have significant impact to the natural habitat quality of the wetland. Temporary construction matting and other BMP's are proposed as well as restoring and monitoring the matted areas of coastal wetland upon project completion.

Section 1.2.l(C) Type 2 Water: Type 2 waters are classified as having high scenic value. There is currently a utility line spanning this wetland. The replacement of the utility poles and high lines will not have significant impact to the scenic quality of the wetland.

Section 1.2.2(C) Coastal Wetlands:

Subsection (1)(c): *The Council's policy is that all alterations to salt marshes and contiguous freshwater or brackish wetlands abutting Type 1 waters are prohibited except for minimal alterations required by the*

repair of an approved structural shoreline protection facility (see § 1.3.1(G) of this Part), or when associated with a Council-approved restoration activity. In Type 1 waters, structural shoreline protection may be permitted only when used for Council-approved coastal habitat restoration projects.

Subsection (l)(d): *It is the Council's policy that alterations to salt marshes and contiguous freshwater or brackish wetlands abutting Type 2 waters are prohibited except for minor disturbances associated with:*
(1) Residential docks and wetland walkover structures approved pursuant to the standards set forth in§§ 1.3.l(D) and 1.3.l(Q) of this Part, respectively;
(2) Approved repair of structural shoreline protection facilities pursuant to§ 1.3.l(N) of this Part; or,
(3) Council-approved restoration activities."

The alteration of Coastal Wetland does not meet the allowances listed above. As such, a request for Special Exception has been submitted.

Section 1.2.3(A)(4): *"Prior to permitting actions subject to its jurisdiction on or adjacent to properties eligible for inclusion (but not actually listed in the National Register of Historic Places), and/or areas designated as historically or archaeologically sensitive by the RI Historical Preservation and Heritage Commission as the result of their predictive model, the Council shall solicit the recommendations of the Commission regarding possible adverse impacts on these properties".*

HPHC Letter dated June 25, 2025 states " It is our understanding that project impacts to the five potentially eligible site cannot be avoided. We have reviewed PAL's proposal for limited archaeological mitigation at the Palmer River, Haile Farm, Taddy Avenue and Autumn Archer sites. We have determined that this mitigation, along the implementation of PAL's proposed ASAPP, for this project, will result in a finding of no adverse effect to significant cultural resources." (See Attachment A)

1.3.l(B)(2)(a): *"Filling, removing, or grading is prohibited on beaches, dunes, undeveloped barrier beaches, coastal wetlands, cliffs and banks, and rocky shores adjacent to Type 1 and 2 waters unless the primary purpose of the alteration is to preserve or enhance the feature as a conservation area or natural buffer against storms".*

The filling is not to preserve the feature, and therefore a Special Exception request has been submitted.

1.3.1(J)(3)(a): "*Filling in Type 1 and 2 waters is prohibited."*

Filling in Type 1 and Type 2 water is prohibited. Four structures to be replaced are at or below MHW. The fill is related to the concrete foundations to support the structure. A Special Exception request has been submitted.

1.3.6: "*Protection and Enhancement of Public Access to the Shore"*

The proposed project does not alter the current public access to the shore. Temporary access may be restricted due to construction activities but will be restored upon project completion.

1.3.l(L) Wetland Mitigation: See below:

COMMENTS ON SPECIAL EXCEPTION REQUEST & WETLAND MITIGATION:

Name: The Narragansett Electric Company
CRMC File No.: *2024-12-004*
Staff Report

The existing utility line passes through coastal wetlands adjacent to the Palmer River, Type 1 and Belcher Cove, Type 2. The existing utility poles are 2-pole H-framed structures. They will be replaced by single pole steel structures. 34 pole structures are to be replaced within coastal wetland. The new steel single pole structures will require concrete caisson foundations with a diameter of either 7', 8', or 10'. This concrete fill will result in the 1,607 ft^2 of permanent fill in coastal wetland. The removal of the existing 2-pole structures will remove approximately 730 ft^2 of fill in coastal wetland. The remainder of the disturbances are temporary related to site access in the form of construction matting BMP's (appx 538,575 ft^2).

The Narragansett Electric Company addressed the Special Exception criteria in their narrative entitled "E183-3 and F184N-4/5 115kV Transmission Lines Asset Condition Refurbishment Project" last revised March 2025, prepared by VHB.

The proposed activities are associated with public infrastructure to prevent the failure of the E183-3 and F184N-4/5 Lines which could result in power outages in Bristol and Warren.

As described in the Narrative and TNEC's objection response, all reasonable steps have been taken to minimize environmental impacts and/or use conflict. The project has been designed to avoid and minimize environmental impacts to the greatest extent practicable. Impacts to wetlands are minimized by the use of temporary construction matting, crossing wetlands at narrowest points whenever possible, mitigation of permanent impacts, and restoration of coastal wetlands due to any impacts from temporary construction matting. Additionally, qualified environmental monitors will perform visual sweeps prior to start of work to locate any special status species or communities (i.e. diamond backed terrapin) and will employ proper BMP's if any are encountered.

There are no other options to avoid wetland impacts due to the existing transmission lines being located within the coastal wetlands.

The mitigation proposed is greater than the 2:1 ratio required. The mitigation will be to restore/create a high salt marsh habitat with contiguous freshwater wetland (coastal wetland) at 28 Brown St Warren, RI, adjacent to the Warren Substation along Belcher Cove. This site was historically disturbed and filled.

Public access to the shore will not be permanently altered. Temporary restrictions due to construction access and work will be removed upon project completion.

After review of the approved site plans, narrative, objection responses, and proposed mitigation, it is Staff opinion that the Special Exception Criteria has been sufficiently addressed and the proposed project meets the Special Exception Criteria.

COMMENTS ON OBJECTION:

The Town of Warren Conservation Commission has concerns about adding additional Osprey nesting locations and that trees to be planted in forest restoration be compatible with Warren's Tree Canopy Plan.

There will be at least 2 additional osprey nesting structures to the north of the substation. There are 2 existing nests on H-frame structures by the substation to be reconfigured/relocated. One pole from each structure will remain and be fitted with osprey platforms. The trees selected to be replanted are black tupelo (*Nyssa*

sylvatica) and red maple (*Acer rubrum*). These tree species are dominant in the area to be cut and are both included in the Warren's Tree Canopy Plan.

It is the opinion of Staff that The Narragansett Electric Company has sufficiently addressed these concerns.

Save The Bay has concerns about the requirements to meet the special exception. They request additional measures be added in order to minimize impacts and to formalize additional mitigation measures should they be needed.

It is the opinion of Staff that adequate measures have been proposed to meet the special exception criteria. Measures have been proposed to mitigate for permanent impacts and to restore any compaction impacts from the use of the temporary construction matting (see below).

Save The Bay & The Warren Land Conservation Trust both have concerns about the temporary construction matting BMP's impacts on the coastal wetlands.

It is standard practice to mitigate for the permanent impacts at a 2:1 ratio. The applicants have proposed the creation of coastal wetland in excess of the ratio. The temporary impacts by the construction matting have been proposed to be restored after project completion. The restoration methods have also been approved by USACE under the previous geotechnical soil boring application (CRMC File No. 2024-07-070 and USACE File No. NAE-2024-01914)(see USACE letter dated 4/24/2025, Attachment C). The applicant's narrative proposes a qualified environmental monitor will be retained to conform with the environmental permit requirements.

It is also standard practice for CRMC to stipulate that the qualified environmental monitor submits yearly monitoring reports for at least 3 years after project completion. These monitoring reports will ensure the restoration of the compacted coastal wetlands from the construction matting, will ensure the mitigation wetland is properly completed, and provide an opportunity to adjust the methods of restoration/mitigation if the desired outcome has not been achieved.

Therefore, it is Staff opinion that the concerns from Save The Bay and The Warren Land Conservation Trust have been adequately addressed.

COMMENTS ON APPLICANT'S OBJECTION RESPONSE:

The applicant submitted responses to the objections on July 9, 2025. Included in the response was a monitoring report of the previously matted areas from the geotechnical soil boring Assent (Attachment D). The areas outlined in this monitoring report are within the same Limit of Disturbance of the proposed Transmission Line Replacement Project. The temporary construction matting will need to be applied to this area again and therefore restoration methods will need to again be applied.

On July 31, 2025, Save The Bay and The Warren Land Trust inspected the areas of the previous soil boring construction matting and have submitted their own report (Attachment E).

It is Staff opinion that the responses and the narrative adequately address the concerns of the objectors. To further ensure the coastal wetlands are properly restored stipulations will be included in the Assent, if approved, to submit yearly monitoring reports of the restoration methods of the temporary impacts from the

construction matting and the mitigation measures of the created coastal wetland. If any restoration methods are determined to be inadequate, new methods will be discussed and required to achieve the restoration of the compacted coastal wetlands.

CONCLUSION:
The impact to coastal wetlands due to the proposed replacement of public utility transmission lines is unavoidable. It is staff opinion that the impacts have been minimized to the greatest extent practicable. The permanent impacts due to concrete foundations will be properly mitigated and the temporary impacts due to construction matting compaction will be restored and monitored. Temporary construction matting is the most practical Best Management Practice for work over coastal wetlands. This will minimize impacts and any compaction to coastal wetlands will be closely monitored and restored as needed as will be required through Assent stipulations if approved.

SIGNATURE: _____ STAFF BIOLOGIST

Attachment A

STATE OF RHODE ISLAND

HISTORICAL PRESERVATION & HERITAGE COMMISSION

Old State House 150 Benefit Street Providence, RI 02903

Telephone 401-222-2678
TTY 401-222-3700

Fax 401-222-2968
www.preservation.ri.gov

June 25, 2025

Via email: gdubell@palinc.com

Gregory R. Dubell, RPA
Energy Projects Manager
The Public Archaeology Laboratory, Inc.
26 Main Street
Pawtucket, RI 02860

Re: RIHPHC Project No. 18355
TNEC Line F184-E183 Rebuild
Bristol and Warren, Rhode Island

Dear Mr. Dubell:

The Rhode Island Historical Preservation and Heritage Commission (RIHPHC) staff has reviewed the information that you provided for the above-referenced project. The Narraganset Electric Company (TNEC) is proposing to rebuild Line F184-E183 in Bristol and Warren, RI. The project will require permits from the U.S. Army Corps of Engineers and various state agencies.

On behalf of TNEC, the Public Archaeology Laboratory (PAL) has completed cultural resources due diligence to support the state and federal permit applications as is required per the National Historic Preservation Act, the Rhode Island Historic Preservation Act, and RI General Laws. The project consists of replacement of existing wood pole structures within an existing right-of-way for 5.2 miles from the Massachusetts border to the Bristol TAP north of Gooding Avenue. New poles will be steel mono- and double-poles within the same locations, the poles may increase in height with the tallest being 107 feet. The project includes other improvements such as installing shield wires, replacing associated wiring and equipment, and improving access roads.

Archaeological Resources

The RIHPHC staff has reviewed PAL's technical memorandum describing the results of the Phase I archaeological survey for the above-referenced project. This survey located seven archaeological sites, to which we have assigned the following site numbers—

- Palmer River Site- RI 2914
- Haile Farm Site- RI 2915
- Taddy Ave Site- RI 2916
- Remington Site- RI 2917
- Cottage Street Find Spot- RI 2918
- Autumn Archer Find Spot- RI 2919

- Autumn Archer Site- RI 2920

We concur that the Palmer River, Haile Farm, Taddy Avenue, Remington, and Autumn Archer sites are potentially eligible for listing in the National Register of Historic Places, and that the Cottage Street and Autumn Archer find spots are not. Please send us site forms for these sites.

It is our understanding that project impacts to the five potentially eligible site cannot be avoided. We have reviewed PAL's proposal for limited archaeological mitigation at the Palmer River, Haile Farm, Taddy Avenue and Autumn Archer sites. We have determined that this mitigation, along the implementation of PAL's proposed ASAPP, for this project, will result in a finding of no adverse effect to significant cultural resources.

RIHPHC permit 20-10 has been amended to include the proposed limited archaeological mitigation and will now expire on 6/24/26.

Architectural Resources

As the proposed project includes replacement of wood poles with metal pole that may be significantly taller than the existing, PAL has defined the area of potential effect (APE) as a 0.25-mile radius from the project site to account for indirect effects to above-ground historic properties. PAL completely survey work within the APE to identify historic properties which included National Register evaluations for properties over 45 years old. For those properties that are listed or were determined eligible, PAL completed an effects assessment.

The Warren Waterfront Historic District, Warren United Methodist Church and Parsonage, and the Cutler Manufacturing Company, which are either listed or have been previously determined eligible for listing, are within the APE. PAL has recommended the following properties as eligible for listing:

- Serpentine Road Rural Historic District
- Warren Waterfront Historic District (Boundary Increase – Child and Coles Streets)
- James A. Seymour House, 388 Child Street, Warren
- Levi Haile House, 384 Market Street, Warren
- Country Club Cleansers, 260 Child Street, Warren
- Parker Mill, 426 Metacom Ave. Warren

PAL has recommended the following previously identified properties as ineligible for listing:

- Child Street-Market Street Area, Warren
- Child Street-Metacom Avenue Area, Warren
- Gooding Avenue Farm District, Bristol
- Back Roads Historic District, Bristol[1]
- Butterworth-Weazer Farm, 335 Market Street, Warren (demolished)
- St. Casimir's Church, 228 Child Street, Warren (demolished)

[1] This district includes the Timothy Fales Farm at 646-648 Metacom Ave., which was determined eligible in 1993 through a CDOE. It is identified as demolished by PAL, however, based upon further discussion, it was concluded by the RIHPHC that this would need to be verified in the field as the Fales House is set far back (500 feet) from the road and is not visible from the public right-of-way. Only the western edge of the property is within the APE. Therefore, no additional information is needed at this time as the project will not affect this property.

- Joseph Sherman House, 261 Child Street, Warren (demolished)
- Lemuel C. Richmond-Usher House, 616 Metacom Avenue, Bristol (demolished)

In addition to the above-mentioned resources, PAL identified more than 900 properties at least 45 years old in the APE. These were "recommended not eligible for listing in the National Register because they lack sufficient historical significance and/or architectural integrity. An additional approximately 300 properties that intersect the Project study area did not meet survey criteria because they are less than 45 years old" (16).

Based upon the information provided, the RIHPHC concurs with these findings of National Register eligibility except for the Timothy Fales Farm as mentioned above. More information would be needed to concur with this determination.

For all of the properties that are listed or found eligible for listing in the National Register, PAL completed an effects assessment. The existing line is visible from some of the properties, and the new line may be more visible due to an increase in structure height and change in material. However, for these properties, PAL has indicated that the project will not adversely affect these resources (see report of individual analysis). Based upon the provided information, the RIHPHC concurs with these findings.

These comments are provided in accordance with Section 106 of the National Historic Preservation Act, the Rhode Island Historic Preservation Act and Rhode Island General Laws. If you have any questions, please contact Charlotte Taylor, RIHPHC principal archaeologist, at charlotte.taylor@preservation.ri.gov.

Sincerely,

Elizabeth Totten
FOR

Jeffrey Emidy
Executive Director
State Historic Preservation Officer

Cc: John Brown, Cora Pierce, and Mark Andrews (NITHPO)

Attachment B

Oliver Allamby

From: Chris Dodge <cdodge@savebay.org>
Sent: Saturday, April 26, 2025 4:58 PM
To: Cstaff
Cc: Wenley Ferguson; kevin.m.newton@usace.army.mil; warrenlctri@gmail.com; bsullivan@townofwarren-ri.gov
Subject: File Number 2024-12-004 - Save The Bay Comment Letter
Attachments: 2024-12-004 - Save The Bay Letter.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Oliver

Director Willis,

Save The Bay, on behalf of its members and supporters, would like to submit the following letter in response to permit application number 2024-12-004. Thank you for considering these comments, and please feel free to reach out should you have any questions or concerns.

~~~~~~~~~~~~~~~~~~~~

Fair Winds and Following Seas!
Chris

Chris Dodge (he/him/his)
Narragansett Baykeeper
@NarraBaykeeper

T: (401) 272-3540 x116 [desk]
T: (401) 206-0328 [field]
E: cdodge@savebay.org

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SAVE THE BAY
NARRAGANSETT BAY

THE BAY CENTER
100 Save The Bay Drive
Providence, R.I. 02905
phone: 401 272 3540

SOUTH COUNTY OFFICE
8 Broad Street
Westerly, R.I. 02891
phone 401 315-2709

HAMILTON FAMILY AQUARIUM
23 America's Cup Ave, First Floor
Newport, R.I. 02840
phone: 401-324-6020

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

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

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

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

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

Oliver Allamby

From: Warren Land Conservation Trust <warrenlctri@gmail.com>
Sent: Friday, April 25, 2025 4:15 PM
To: Cstaff
Cc: Wenley Ferguson; Rock and Anne Singewald; E Jenny K Flanagan
Subject: Permit Application Number 2024-12-004 - Warren Land Trust Comments
Attachments: WLT ltr to CRMC re pole replacement project 2025-04-08.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Oliver

To Whom It May Concern,

On behalf of the board of Warren Land Trust, I've attached our comments regarding CRMC permit application file number 2024-12-004 for The Narragansett Electric Company.

Thank you for your consideration and time. Please let us know if you need any other information.

Best,
Kate Pisano
President, Warren Land Trust

Warren Land Trust
PO Box 565
Warren, RI 02885

www.warrenlct.org
Facebook
Instagram

April 24, 2025

WARREN
LAND
TRUST

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

Coastal Resources Management Council
O.S. Government Center
4508 Tower Hill Road
Room 116
Wakefield, RI 02879

The Board of the Warren Land Trust has reviewed the CRMC permit application File Number 2024-12-004 from The Narragansett Electric Company (TNEC) for work along the E183-3 and F184-N-4/5 lines. The Warren Land Trust is the owner of several properties affected by this project. We are troubled about the proposed activities and their impact to the associated habitats, specifically regarding the impacts to the marshlands and wetlands along the Palmer River, in Warren, RI. Additionally, we are concerned that the proposed mitigation efforts associated with this project are inadequate. We request that additional measures be added to the draft application in order to minimize impacts to the wetland habitats. We additionally request mechanisms for further mitigation measures in case the impacts to the wetlands are greater than anticipated.

The Warren Land Trust recognizes the need for maintaining our energy infrastructure. Nonetheless, when these projects cross over saltwater and freshwater wetlands, this work must minimize negative impacts on these fragile habitats. These area are already affected by human activities and increasingly by severe weather events. The Warren Land Trust are stewards of these endangered habitats. We have several projects underway – in collaboration with Save the Bay and the Natural Resources Conservation Service – to restore water flow over the marsh and protect it from further degradation.

We have reviewed the proposed compensatory mitigation measures in the permit application. These measures are ostensibly to address the immediate and permanent loss of wetlands from filling with concrete. However, we have already observed compaction of the high marsh peat as a result of preliminary activities performed this past winter from the use of constructing matting. The health of the high marsh – and its ability to absorb the impacts of storms and other climactic impacts – is directly tied to the height of this peat substrate. This was documented during a meeting on March 8, 2025 with representatives from RI Energy and Vanasse Hangen Brustlin Inc. (VHB), which Save the Bay also attended. We anticipate that this compression will significantly impair the ability of the high marsh plant systems to survive in these areas.

In the plan set submitted for the geotech boring activity, the Construction Mat Layout Detail (Detail #2) is clearly contrasted with the Construction Mat Bridge (Detail #5). Our observations during the installation of the matting appeared to indicate that the work did not conform to either one of these details. Most of the matting was constructed on top of perpendicular stringers which significantly increased the pressure from the weight of the mats and trucks and drill equipment. We

raised this issue at the time the mats were being installed but we were assured that this would not cause increase compaction of the marsh surface. As you can see from the attached photos of the surface after mat removal, our concerns were justified. We have already seen the spread of fiddler crab infestation into the depressed areas caused by the matting so we know that conditions have changed significantly. We request that the applicants prepare calculations of pressure per sq foot for the construction mat detail in the permit application versus the alternate layout that was used for both the access road and for bridge sections.

To address the impacts to the marsh from this project and specifically from the impacts of the construction matting, the Warren Land Trust – in consultation with Save the Bay – respectfully requests 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 matting is 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 used to elevate these depressions to restore salt marsh function.

4) Include in the application formal language regarding the mitigation 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 hand raking of the salt marsh grasses to address any compacted peat. This technique will not be sufficient to mitigate the peat compaction.

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. If mitigation project sites

cannot be identified on the Warren Land Trust property, we recommend using the two parcels adjacent to the northwest of the TNEC parcel proposed, 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.

Respectfully submitted,

Katelyn Pisano, President
Warren Land Trust
P.O. Box 565, Warren, RI 02885
warrenlctri@gmail.com | warrenlct.org

Received
4/28/2025
Coastal Resources
Management Council

April 24, 2025
Coastal Resource Management Council

April 24, 2025
Coastal Resource Management Council

Kate Pisano, President
E. Jenny K. Flanagan, Treasurer
Martha Antaya, Secretary

WARREN LAND TRUST
P.O. Box 565, Warren, RI 02885
WarrenLCT.org

Max Bliss, Trustee
Anat Sagi, Trustee
David Weed, Trustee

April 24, 2025
Coastal Resource Management Council

Conservation Commission

Town of Warren, Rhode Island 02885

April 24, 2025

Coastal Resources Management Council
Stedman Government Center
Tower Hill Road
Wakefield, RI

Subject: File No. 2014-12-004
The Narragansett Electric Company

The Warren Conservation Commission has reviewed this project to refurbish transmission lines in the Town of Warren and have the following suggestions:

Additional Osprey nesting structures to accommodate the growing Osprey population and discourage Osprey from nesting on the electric company's poles should be added.

Trees planted in the restoration process should be compatible with Warren's Tree Canopy Plan and chosen in consultation with Warren's Tree Commission.

Sincerely,
Jane Harrison
Jane Harrison
Corresponding Secretary

CC: Warren Town Council
Jacques Afonso, RI Energy

Attachment C

Lisa Turner

From:	Tracy Silvia
Sent:	Monday, April 28, 2025 9:37 AM
To:	Lisa Turner
Subject:	FW: NAE-2024-01914 01914 "E183 and F184 115kV Transmission Lines Geotechnical Investigation Phase 2" Reverification
Attachments:	NAE-2024-01914_20250424_REV_LTR.pdf

From: Newton, Kevin M CIV USARMY CENAE (USA) <Kevin.M.Newton@usace.army.mil>
Sent: Monday, April 28, 2025 8:36 AM
To: Smith, Marc Ryan <MRSmith1@RIEnergy.com>
Cc: Adam Rosenblatt <ARosenblatt@VHB.com>; Tracy Silvia <tsilvia@crmc.ri.gov>; neal.personeus@dem.ri.gov; Sachs, Erica <Sachs.Erica@epa.gov>; sabrina.pereira@noaa.gov
Subject: NAE-2024-01914 01914 "E183 and F184 115kV Transmission Lines Geotechnical Investigation Phase 2" Reverification

Good morning,

Please see the attached re-verification letter for NAE-2024-01914 "E183 and F184 115kV Transmission Lines Geotechnical Investigation Phase 2."

Please let me know if you have any questions.

Kevin Newton
Biologist/Project Manager
U.S. Army Corps of Engineers
New England District, Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8044

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

April 24, 2025

Regulatory Division
Transportation & Utility Section
File No. NAE-2024-01914

c/o Marc Smith
The Narragansett Electric Company d/b/a Rhode Island Energy
280 Melrose Street
Providence, Rhode Island 02907
(via email: mrsmith1@rienergy.com)

Dear Mr. Smith:

This letter is in response to your April 8, 2025, request to modify work that was verified under the Rhode Island General Permits under file number NAE-2024-01914 associated with the E183 and F184 115kV Transmission Lines Geotechnical Investigation Phase 2. Our verification letter, dated December 6, 2024, authorized the temporary discharge of fill associated with construction matting within approximately 148,350 square feet of tidal salt marshes and 16,360 square feet of non-tidal wetlands in Bristol and Warren, Rhode Island. This letter supersedes the verification letter dated December 6, 2024, for NAE-2024-01914. This file number should be referenced in all correspondence with this office.

The original verification authorized geotechnical investigations to inform design of E183 and F184 115kV transmission line refurbishment. Construction matting was used to access the sites for soil bores within approximately 148,350 square feet of tidal salt marshes and 16,360 square feet of non-tidal wetlands. The project is located in wetlands adjacent to the Palmer River, between the Towns of Bristol and Warren in Bristol County, Rhode Island (Latitude 41.759568°N and Longitude -71.278724°W). The work is shown on the enclosed plans titled "E183 and F184 115kV Transmission Line Geotechnical Investigation Phase 2," on sheets 2-10, and dated 10/25/2024. On April 8, 2025, Rhode Island Energy proposed an alternative method to restore salt marsh impacted by temporary matting by using low ground pressure (LGP) equipment with a rake attachment.

Based on the information you have provided, we verify that the modified activity is authorized under General Permit 21 of the May 6, 2022, federal permit known as the Rhode Island General Permits (GPs). If the extent of the project area and/or nature of the authorized impacts to waters are modified, a revised application must be submitted to this office for written approval before work is initiated. You can find a copy of these permits at: https://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/.

Any deviation from the terms and conditions of the permit, or your submitted plans, may subject the permittee to the enforcement provisions of our regulations. Therefore, in the event changes to this project are contemplated, it is recommended you coordinate with this office prior to proceeding with the work. This office must approve any changes before you undertake them. You must perform this work in compliance with the terms and conditions of the GPs listed above and the following special conditions:

Project Specific Special Conditions:

1. The permittee shall complete and return the enclosed Completion Certification Form to this office at least one month following the completion of the authorized work.
2. Appropriate Best Management Practices, including soil erosion, sedimentation, and turbidity controls shall be used and maintained in effective operating condition during in-water construction. Activities capable of producing greater than minimal turbidity or sedimentation shall be done during periods of low-flow or no-flow or when controls are used to obtain dry work conditions. All temporarily disturbed areas within the project limits shall be stabilized and restored following construction.
3. All construction shall be completed in accordance with the limits of construction and construction sequences detailed on the enclosed plan drawings, titled "E183 and F184 115kV Transmission Lines Geotechnical Investigation Phase 2," on a total of 18 sheets, and dated "July 2, 2024". If you change the plans or construction methods for work within or adjacent to the Palmer River, please contact us immediately to discuss modification of this authorization. The Corps of Engineers must approve any changes before you undertake them.
4. The permittee shall comply with the following best management practices (BMPs) to minimize impacts to essential fish habitat (EFH):
   a) Erosion control barriers shall be installed around sediment bore holes within and adjacent to tidal wetlands.
   b) Environmental monitors shall monitor the wetland boring sites and wetland sites where temporary construction pads will be used for 90 days post-construction.
   c) Wetland sites disturbed by temporary construction matting shall be returned to pre-construction conditions. Native soils and native salt-tolerant plants shall be used if re-soiling and/or planting is needed post-construction. If rutting or soil compaction are observed by the environmental monitor, the areas shall be returned to pre-existing conditions by using low ground pressure (LGP) equipment with a rake attachment. The LGP amphibious excavator rake attachment prongs shall be inserted vertically into the marsh. The rake body is then curled slightly to lift the upper 1-2' of peat high enough to match the unmatted/undisturbed surrounding marsh surface (typically only a few inches), then the rake is returned to its vertical position/orientation and

removed straight up through the same holes from which it was inserted causing minimal disturbance. LGP equipment shall be used between 1.2 - 1.5 psi. A qualified environmental monitor shall be on site when the machine is being used to monitor field conditions during operations. If the operation starts to cause significant disturbance, the environmental monitor will stop the work. The environmental monitor will photo document surface conditions before and after the use of the machine and will monitor the site after restoration is completed to confirm reestablishment of native vegetative communities has been achieved. Photos of the salt marsh shall be submitted to kevin.m.newton@usace.army.mil before and after restoration activities are completed.

5. All temporarily impacted areas shall meet these metrics once mats are removed:
   a) Wetland areas shall be restored to their original condition and elevation, which under no circumstances shall be higher than the pre-construction elevation. Original condition means careful protection and/or removal of existing soil and vegetation, and replacement back to the original location such that the original soil layering and vegetation schemes are approximately the same, unless otherwise authorized.
   b) Soil samples shall be identified as "hydric" in accordance with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region - Version 2.0 (2012). Positive indicators of hydric soil formation shall be documented.
   c) Unless otherwise provided as part of the restoration plan (i.e. natural succession) all disturbed wetland areas shall be stabilized with a wetland seed mix or plant plugs containing only plant species native to New England; shall be appropriate for site conditions, including salinity and frequency of inundation; and shall not contain any species listed in the "Invasive and Other Unacceptable Plant Species" Appendix K of the New England District "Compensatory Mitigation Standard Operating Procedures" found at https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/.
   d) Hydrophytic vegetation shall be present on site and can be identified using the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region - Version 2.0 (2012). Vegetation must meet either the Rapid Test for Hydrophytic Vegetation, the Dominance Test >50%, Prevalence Index ≤3.01, or Morphological Adaptations to satisfy this requirement.
   e) The resultant mitigation plant communities shall not result in an increase of areal coverage of invasive plant species compared to the original baseline delineation. These plant communities are identified in "Invasive and Other Unacceptable Plant Species" Appendix K of the New England District "Compensatory Mitigation Standard Operating Procedures" found at https://www.nae.usace.army.mil/Missions/Regulatory/Mitigation/ post monitoring.

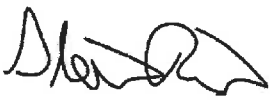
f) Failure to meet any of these requirements may result in compensatory mitigation for all adverse impacts or effects to aquatic habitats.

This verification is valid until May 6, 2027. You must commence or be under contract to commence the work authorized herein by May 6, 2027, and complete the work by May 6, 2028. If not, you must contact this office to determine the need for further authorization before beginning or continuing the activity. It is recommended that you contact this office before this authorization expires to discuss if permit reissuance is a possibility.

This general permit verification and any associated authorizations does not preclude the necessity to obtain any other Federal, State, or local permits, licenses, and/or certifications, which may be required.

If you have any questions related to this verification or have issues accessing documents referenced in this letter, please contact Kevin Newton, Project Manager, at (978)-318-8044, or by email at kevin.m.newton@usace.army.mil and cenae-r-tu@usace.army.mil. This agency continually strives to improve our customer service. In order to better serve you, please complete the Customer Service Survey located at: https://regulatory.ops.usace.army.mil/customer-service-survey/.

Sincerely,



Stephen Rochette
Acting Chief, Technical Support
Branch Regulatory Division

Enclosures

cc (w/enclosures):
Adam Rosenblatt, VHB; arosenblatt@vhb.com
Tracy Silvia, RI CRMC; tsilvia@crmc.ri.gov
Neal Personeus, RIDEM; Neal.Personeus@dem.ri.gov
Erica Sachs, US EPA; Sachs.Erica@epa.gov
Sabrina Pereira, NMFS; sabrina.pereira@noaa.gov

Attachment D

July 9, 2025

Ref: 73456.01

Received
7/10/2025
Coastal Resources Management Council

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

Re: CRMC Assent Application 2024-12-004
Response to Public Comments
The Narragansett Electric Company
E183-3 and F184N-4/5 115kV Asset Condition Refurbishment Project
Warren, Rhode Island 02885

Dear Mr. Willis:

VHB received public comments on CRMC Assent Application 2024-12-004 from Anthony Sawaia via email on May 14, 2025, for the project referenced above. CRMC received public comments from Save The Bay (STB), The Warren Land Trust (WLT), and The Warren Conservation Commission (WCC). On behalf of our client, The Narragansett Electric Company (TNEC), please find responses to the public comments received below. Responses are in italics following the reiterated public comments.

STB Comment 1: 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 application 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 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 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.

Response 1: It is VHB's and TNEC's position that the application meets the necessary requirements stated in CRMP §1.1.8(A)(1-3). CRMP §1.1.8(A)(1) identifies a Special Exception for activities associated with

public infrastructure, such as utilities and energy that serve a compelling public purpose by providing benefits to the public as a whole. Inspections of the lines and analysis of lightning and avian risk models have revealed that the current condition of structures on both lines presents a risk to the reliability of the lines. TNEC has proposed the Project to prevent the failure of the E183 and F184N-4.5 Lines, which could result in power outages in Bristol and Warren.

CRMP §1.1.8(A)(2) identifies a Special Exception for projects provided all reasonable steps are taken to minimize environmental impacts and/or use conflict. The Project has been designed to avoid and minimize environmental impacts to the greatest extent practicable. Impacts to wetlands will be minimized by crossing wetlands at their narrowest point whenever possible and installing temporary construction mat access roads and work pads. Construction matting is considered essential as a best management practice and will minimize ground disturbance to the wetland. Additionally, staked compost filter sock (CFS) sediment control barriers (or approved equivalent) will be installed between excavation areas and coastal wetland resources to minimize sediment transport and consequent sedimentation. The access routes and work pads have been designed to avoid adverse effects to recorded occurrences of special-status species in the Project right-of-way (ROW) to the greatest extent practicable. The Project will not result in use conflicts for Tidal Waters within and adjacent to the Project ROW.

Finally, CRMP §1.1.8(A)(2) identifies a Special Exception for projects when there is no reasonable alternative means of, or location for, serving the compelling public service cited. As stated above the purpose of the Project is to improve condition and performance and to prevent failure of the lines that provide electrical power to Bristol and Warren. Due to the existing configuration of the utility ROW and lines through coastal wetlands and tidal waters, no reasonable alternative exists that would completely avoid impacts to those resources while also accomplishing the Project's purpose to improve the condition and performance of the lines.

Because the proposed activities are required to ensure a reliable power supply, all reasonable steps have been and will be taken to minimize environmental impacts, and with no reasonable alternative to serve the stated public purpose, it is VHB's interpretation of the CRMP that the Project does meet the requirements for the granting of a Special Exception. If CRMC or other regulatory agencies determine that additional measures are needed to further minimize the Project's impacts, then they will be implemented to the extent practicable.

TNEC has formalized additional mitigation measures, including the use of a low ground pressure (LGP) amphibious excavator equipped with a modified rake attachment to restore matting impressions. The use of the LGP amphibious excavator method has been formally approved by the United States Army Corps of Engineers (USACE) and National Marine Fisheries Service and has been reviewed with CRMC staff as a viable approach to restore the marsh surface.

STB Comment 2: 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, and we are concerned about addition negative effects of future work in 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 was 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.

Response 2: The use of temporary construction matting is intended to minimize soil disturbance but is expected to result in some amount of compaction. The two parallel timber stringers used to construct the access for the geotechnical soil borings resulted in impressions where the stringers had been placed, however impressions were not observed in the marsh between them. This resulted in a smaller footprint of matting impressions that will be restored compared to if additional stringers had been used.

Temporarily matted access for construction will follow the same path used for the geotechnical soil borings. The equipment used for the Geotech investigation was small and light. For the line reconstruction the Company will be adjusting this substructure under the decking to include 3-4 timber stringers/runners where possible to spread the additional equipment weight if the matting contractor utilizes timber matting.

If the matting contractor utilizes composite matting, the substructure would typically be built to match the decking wherever possible. Marsh creeks/drainage ditches would still need to be bridged using timber matting and composite mat decks would cover them. The substructure would be composed of the high-density polyethylene mats which are pinned together so they remain in place. This pinned/connected composite mat system is lighter than timber mats and may provide better weight distribution across those connected mats which may result in shallower impressions in the marsh surface. All matting impressions resulting from the placement of temporary construction matting will be restored to pre-existing grade using a LGP amphibious excavator equipped with a modified rake attachment.

STB Comment 3: 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 experience 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 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.

Response 3: Representative from TNEC and VHB met with representatives of Save The Bay and the Warren Land Trust to assess the impacts of the matting deployed for phase 2 of geotechnical soil borings that were conducted in January-March of 2025 and to discuss the restoration of the resulting matting impressions. The Project received a Project Construction Notification (PCN) approval from the United States Army Corps of Engineers (USACE) that included a condition to restore matting impressions back to the pre-existing elevation using hand tools only. This condition was the result of consultation with the National Marine Fisheries Service (NMFS) because of the status of the Palmer River as Essential Fish Habitat (EFH). TNEC coordinated with USACE and NMFS to seek approval to use a LGP amphibious excavator with a modified rake attachment to restore matting impressions because hand tools would be inadequate to restore some impressions in the marsh. USACE and NMFS have authorized the use of the LGP amphibious excavator for restoration and have conditioned that the equipment used be between 1.2 and 1.5 PSI. On April 23, 2025, hand restoration of matting impressions in higher elevations of the marsh was conducted (photos below). These areas of the marsh will be monitored through the 2025 growing season to assess the effectiveness of restoration with hand tools. Areas of the marsh where hand restoration has been implemented but where ponding and no revegetation are observed will be targeted for restoration with the LGP amphibious excavator following the completion of construction. The LGP amphibious excavator will follow the path of the affected area to reduce tracking in unimpacted areas of the marsh.

STB Comment 4: 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 marsh 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 including concrete trucks, which will traverse the marsh on 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.

Response 4: In communications with STB and WLT prior to starting the geotechnical soil borings, representatives of the organizations stated that they had been observing increased fiddler crab activity in the marsh, as well as in other marshes in Rhode Island, as the species' ranges have expanded in recent years and populations in southern New England are increasing. VHB has observed fiddler crab burrows in an area of the marsh that was matted for the geotechnical soil borings. However, these burrows were observed adjacent to a drainage ditch dug by STB and WLT which drains to a mudflat where numerous fiddler crab burrows were documented prior to the installation of the construction matting.

The increased area of matting is needed for the foundation drilling operations which require more equipment than that used for the geotechnical investigation. Impressions in the marsh surface resulting from the temporary construction matting will be restored using the LGP excavator approach discussed above.

STB Comment 5: 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.

Response 5: The following list includes some of the equipment used in the geotechnical investigation and some of the equipment expected to be used for the line construction phase. Equipment weights and psi are from the manufacturer's specifications when available for specific models observed in use or proposed to be used. The weight and psi for equipment without a specified model are industry averages for a typical equipment type that were available via a web search of regional DOT lists of construction vehicles.

- *Log truck = maximum of 80,000 lbs*
- *Foundation drill rig (assuming HPM200) = 53,100 lbs, 70 psi*
- *Front Loader = 53,700 lbs, 17.25 psi*
- *Concrete Mixer Truck = 69,000 lbs full/28,400 lbs empty, 5.47 psi (front), 25/25 psi (back)*
- *Excavator for mat install (assuming Yanmar SV100) = 21,550 lbs, 5.5 psi*
- *Drill rig for soil boring = 10,500 lbs, 2.5 psi*
- *LGP Excavator for restoration (assuming CAT 306) = 23,900 lbs, 1.3 psi*

STB Comment 6: 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 depression 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 site 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 filling which occurred at the site already proposed for wetlands restoration.

Response 6: TNEC has reviewed STB's recommendation above and has the following responses: 1) All work will be conducted in accordance with the approved plans and conditions set forth by CRMC and other regulatory agencies with jurisdiction over this project. 2) The condition of the marsh was photo documented prior to the installation of temporary construction matting for the geotechnical soil borings by the Project's Environmental Monitor. These photos will be used to assess compaction, additional subsidence, vegetation die-off, and standing water resulting from the Project and where restoration is needed. Visual observations of the matting impressions and the adjacent untouched marsh surfaces will be the primary metric used to determine which matted areas require their surfaces to be reestablished via the LGP amphibious excavator with a modified rake attachment. These areas would be restored to the height of the adjacent untouched marsh surface. Environmental monitors contracted by TNEC would be present during this restoration and monitor these areas following construction to confirm vegetation has reestablished and that the marsh surface was restored to a height similar to that of the adjacent unaffected areas. If the monitor determines additional restoration is needed, that would be communicated to the restoration contractor and be addressed as needed. TNEC does not expect that a preconstruction survey in this nearly flat environment would have enough detail to be more reliable than would be the direct observation of the restoration contractor and environmental monitors looking at the impressions and adjacent unaffected marsh surfaces in the field during the restoration work. 3) Following the completion of construction and removal of temporary matting, hand restoration will be conducted

to restore matting impressions in higher elevations of the marsh where practicable. A LGP amphibious excavator with a modified rake attachment will be used to restore matting impression in lower elevations of the marsh and higher areas of the marsh when hand tools are not adequate. The pre-construction photos of the marsh will be used to assess if restoration with hand tools and/or the LGP amphibious excavator addressed observed compaction, additional subsidence, vegetation die-off, and standing water observed following the removal of temporary construction matting. 4) An Environmental Monitor will continue to inspect the Project ROW following the completion of construction for compaction, additional subsidence, vegetation die-off, and standing water to determine if additional restoration activities are needed. If vegetation reestablishment is not observed in areas of the Project ROW that had been matted, the area will be seeded with a native New England wetland seed mix in non-tidal areas or planted with plugs of native New England salt marsh species and will be continued to be monitored. The compensatory mitigation requirements of CRMC will be met through the restoration of historically displaced salt marsh which is proposed at a 2.3:1 ratio. Compensatory mitigation for the Army Corps of Engineers will be established using their In-Lieu Fee (ILF) Program. If the initial restoration is determined to be ineffective through the post construction monitoring of the Project LOD, any additional restorative measures would be recommended and communicated to the regulatory agencies for their review and input.5) Matting impressions in higher elevation areas of the marsh resulting from the temporary matting deployed for the phase 2 geotechnical soil borings were restored using hand tools on April 23, 2025. Following the removal of temporary matting that will be deployed for construction, an LGP amphibious excavator will be used to restore matting impressions in the marsh that will include the phase 2 geotechnical soil borings former work areas and access. This approach was discussed with STB and WLT representatives present for the site meeting on March 18, 2025 and the USACE and NMFS who agreed. 6) If post-construction monitoring determines that Project impacts exceed what was authorized by the regulatory agencies, TNEC will coordinate with the CRMC and USACE to find an acceptable solution that meets the Agency requirements.

WLT Comment 1: We have reviewed the proposed compensatory mitigation measures in the permit application. These measures are ostensibly to address the immediate and permanent loss of wetlands from filling with concrete. However, we have already observed compaction of the high marsh peat as a result of preliminary activities performed this past winter from the use of construction matting. The health of the high marsh – and its ability to absorb the impacts of storms and other climatic impacts, is directly tied to the height of this peat substrate. This was documented during a meeting on March 8, 2025 with representatives from RI Energy and Vanasse Hangen Brustlin Inc (VHB), which Save The Bay also attended. We anticipate that this compression will significantly impar the ability of the high marsh plant systems to survive in these areas.

Response 1: Hand restoration of the matting impressions in higher elevations of the marsh from the geotechnical soil borings was conducted on April 23, 2025. These areas will be monitored through the 2025 growing season to assess the efficacy of restoration with hand tools to address compaction, additional subsidence, vegetation die-off, and standing water. Following the completion of the replacement structure construction and removal of temporary construction matting, any resulting impressions will be restored to pre-existing grade using a LGP amphibious

excavator with a modified rake attachment. An environmental monitor will regularly inspect the Project ROW following restoration to assess if compaction, additional subsidence, vegetation die-off, and standing water were addressed and if additional restoration is needed.

WLT Comment 2: In the plan set submitted for the geotech boring activity, the Construction Mat Layout Detail (Detail #2) is clearly contrasted with the Construction Mat Bridge (Detail #5). Our observation during the installation of the matting appeared to indicate that the work did not conform with either one of these details. Most of the matting was constructed on top of perpendicular stringers which significantly increased the pressure from the weight of the mats and trucks and drill equipment. We raised this issue at the time the mats were being installed but we were assure that this would not cause increased compaction of the marsh surface. As you can see from the attached photos of the surface after mat removal, our concerns were justified. We have already seen the spread of fiddler crab infestation in the depressed areas caused by the matting so we know that conditions have changed significantly. We request that the applicants prepare calculations of pressure per sq foot for the construction mat detail in the permit application versus the alternate layout that was used for both the access road and for bridge sections.

Response 2: The construction mat layout detail (detail #2) and the construction mat bridge detail (detail #5) contrast because they depict guidance for installation for specific field conditions. Construction mat bridges were installed for the geotechnical soil boring access wherever the route crossed a stream, drainage ditch or other open body of water. Due to the short width of the streams and drainage ditches crossed, most construction mat bridges installed for the geotechnical soil borings were single span crossings and conformed with Construction Mat Bridge Detail #5. Construction mat layout (detail #2) only depicts a single layer of matting and does not include stringers or runners. The construction matting for the geotechnical soil borings was installed on two parallel stringers rather than a single layer of matting as depicted in the detail.

The matting contractor and TNEC construction supervisor will determine the type and number of layers of construction mats required to allow for safe use and operation of equipment on the temporary roads and work areas. Multiple layers of mats are common where undulations in ground surface, boulder or other obstructions or high water elevations necessitate elevating the mat decking on which the equipment operates. These higher work platforms are to account for these issues and are built up from the ground surface using timber construction mat runners/stringers and headers that are placed to adjust for the undulations in the ground surface such that the deck matting when finally placed is nearly level. These supports help to more evenly distribute vehicle weight from the deck layer to the support layer and ground. When the mat deck is in direct contact with the ground with no runner/stringer or header support, each timber mat when driven on can move and adjust with any small changes in the existing grade and can result in mats pushing down on edges or corners while the other side pops up especially when low points or soft substrate are driven over. The matting below the decking is generally supported by at least two stringers/runners that are paced perpendicular to the decking. The equipment used for the Geotech investigation was small and light. For the line reconstruction the Company will be adjusting this substructure under the decking to include 3-4 timber stringers/runners where possible to spread the additional equipment weight if the matting contracting utilizes timber matting.

If the matting contractor utilizes composite matting, the substructure would typically be built to match the decking wherever possible. Marsh creeks/drainage ditches would still need to be bridged using timber matting and composite mat decks would cover them. The substructure would be composed of the high-density polyethylene mats which are pinned together so they remain in place. This pinned/connected composite mat system is lighter than timber mats and may provide better weight distribution across those connected mats which may result in shallower impressions in the marsh surface. All matting impressions resulting from the placement of temporary construction matting will be restored to pre-existing grade using a LGP amphibious excavator equipped with a modified rake attachment.

Pressure per square foot is dependent on the equipment traveling over the mats and the configuration of the matted access/workpad. The access and workpad build varies based on field condition making estimates for PSI variable and difficult to quantify. The PSI's for various types of equipment that may be used is presented above in STB comment/response 5.

WLT Comment 3: To address the impacts to the marsh from this project and specifically from the impacts of the construction matting, the Warren Land Trust – in consultation with Save the Bay – respectfully requests 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, at minimum 2 to 1 compensatory mitigation to offset the damage from the construction matting. Additional mitigation could include restoration of the unvegetated depression caused by prior utility corridor maintenance activities. Sediment addition could be carefully used to elevate these depressions to restore salt marsh function. 4) Included in the application formal language regarding the mitigation 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 hand raking of the salt marsh grasses to address any compacted peat. This technique will not be sufficient to mitigate the peat compaction.

Response 3: 1) The condition of the marsh was photo documented prior to the installation of temporary construction matting for the geotechnical soil borings by the Project's Environmental Monitor. These photos will be used to assess compaction, additional subsidence, vegetation die-off, and standing

water resulting from the Project and where restoration is needed. Visual observations of the matting impressions and the adjacent untouched marsh surfaces will be the primary metric used to determine which matted areas require their surfaces to be reestablished using the LGP amphibious excavator with a modified rake attachment. These areas would be restored to the height of the adjacent untouched marsh surface. Environmental monitors contracted by TNEC would be present during this restoration and monitor these areas following construction to confirm vegetation has reestablished and that the marsh surface was restored to a height similar to that of the adjacent unaffected areas. If the monitor determines additional restoration is needed, that would be communicated to the restoration contractor and be addressed as needed. TNEC does not expect that a preconstruction survey in this nearly flat environment would have enough detail to be more reliable than would be the direct observation of the restoration contractor and environmental monitors looking at the impression and adjacent unaffected marsh surfaces in the field during restoration work. 2) Following the completion of construction and removal of temporary matting, hand restoration will be conducted to restore matting impressions in higher elevations of the marsh where practicable. A LGP amphibious excavator with a rake attachment will be used to restore matting impression in lower elevations of the marsh and higher areas of the marsh when hand tools are not adequate. The pre-construction photos of the marsh will be used to assess if restoration with hand tools and/or the LGP amphibious excavator addressed observed compaction, additional subsidence, vegetation die-off, and standing water observed following the removal of temporary construction matting. 3) An Environmental Monitor will continue to inspect the Project ROW following the completion of construction for compaction, additional subsidence, vegetation die-off, and standing water to determine if additional restoration activities are needed. If vegetation reestablishment is not observed in areas of the Project ROW that had been matted, the area will be seeded with a native New England wetland seed mix in non-tidal areas or planted with plugs of native New England salt marsh species and will be continued to be monitored. The compensatory mitigation requirements of CRMC will be met through the restoration of historically displaced salt marsh which is proposed at a 2.3:1 ratio. Compensatory mitigation for the Army Corps of Engineers will be established using their In-Lieu Fee (ILF) Program. If the initial restoration is determined to be ineffective through the post construction monitoring of the Project LOD, any additional restorative measures would be recommended and communicated to the regulatory agencies for their review and input. 4) Matting impressions in higher elevation areas of the marsh resulting from the temporary matting deployed for the phase 2 geotechnical soil borings were restored using hand tools on April 23, 2025. Following the removal of temporary matting that will be deployed for construction, an LGP amphibious excavator will be used to restore matting impressions in lower elevation areas of the marsh including those that were the result of the phase 2 geotechnical soil borings. This approach was discussed with STB and WLT representatives present for the site meeting on March 18, 2025 and the USACE and NMFS who agreed.

WLT Comment 4: 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. If mitigation project sites cannot be identified on the Warren Land Trust property, we recommend using the two parcels adjacent to the northwest of the TNEC parcel proposed, 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.

Response 4: If post-construction monitoring determines that Project impacts exceed what was authorized by the regulatory agencies, TNEC will coordinate with the CRMC and USACE to find an acceptable solution that meets the Agency requirements.

WCC Comment 1: Additional osprey nesting structures to accommodate the growing Osprey population and discourage Osprey from nesting on the electric company's poles should be added.

Response 1: The Project will install bird deterrents on all new structures. The company will provide at least two dedicated Osprey nesting structures to the north of the Warren Substation. Osprey nests are present on two existing h-frame structures supporting the F184N-5 Warren Tap (Structure Nos. F184N-0 and -2) that will be removed and relocated to upland for the reconfiguration of the Warren Tap. An existing pole supporting each old structure will be left in place in the salt marsh and a nesting platform/perch will be mounted to each to provide a safer nesting opportunities for osprey.

WCC Comment 2: Trees planted in the restoration process should be compatible with Warren's Tree Canopy Plan and chosen in consultation with Warren's Tree Commission.

Response 2: Trees selected for the proposed compensatory mitigation area are black tupelo (Nyssa sylvatica) and red maple (Acer rubrum). Both species are included in Warren's Tree Canopy Plan. These species were selected because they are the most common species that will be removed from the area north of the Warren Substation to accommodate the reconfigured Warren Taps.

Sincerely,

VHB

Adam Rosenblatt, PWS CPESC
Project Manager
arosenblatt@vhb.com

cc: Marc Smith (TNEC)
Attachments

Photos:

Photo Point 1: 4/23/2025	Location: South of Structures E183-3/F184N-4-20
	Description: Southerly view of the formerly matted section of the ROW in salt marsh between Structures E183-3/F184N-4-20 and 21. On April 23, 2025 hand restoration of matting impressions in higher elevations of the marsh was conducted between Structures E183-3/F184N-4-20 and 21. This area of the marsh will be monitored through the 2025 growing season to assess the effectiveness of restoration with hand tools. Areas of the marsh where hand restoration has been implemented but where ponding had not previously existed or inadequate revegetation are observed will be further addressed with the LGP amphibious excavator rake attachment following the completion of construction.
Photo Point 1: 5/19/2025	Location: Structure Nos. E183-3/F184N-4-20
	Description: Southerly view of the ROW where hand restoration was implemented between Structures E183-3/F184N-4-20 and 21. High marsh vegetation was coming up in the restored areas of the marsh. This area of the marsh will be monitored through the 2025 growing season to assess the effectiveness of restoration with hand tools.
Photo Point 1: 7/2/2025	Location: Structure Nos. E183-3/F184N-4-20
	Description: Southerly view of the ROW where hand restoration was implemented between Structures E183-3/F184N-4-20 and 21. Vegetation regrowth appeared similar in height and density in restored areas of the marsh to the surrounding areas outside the LOD. This area of the marsh will be monitored through the 2025 growing season to assess the effectiveness of restoration with hand tools.

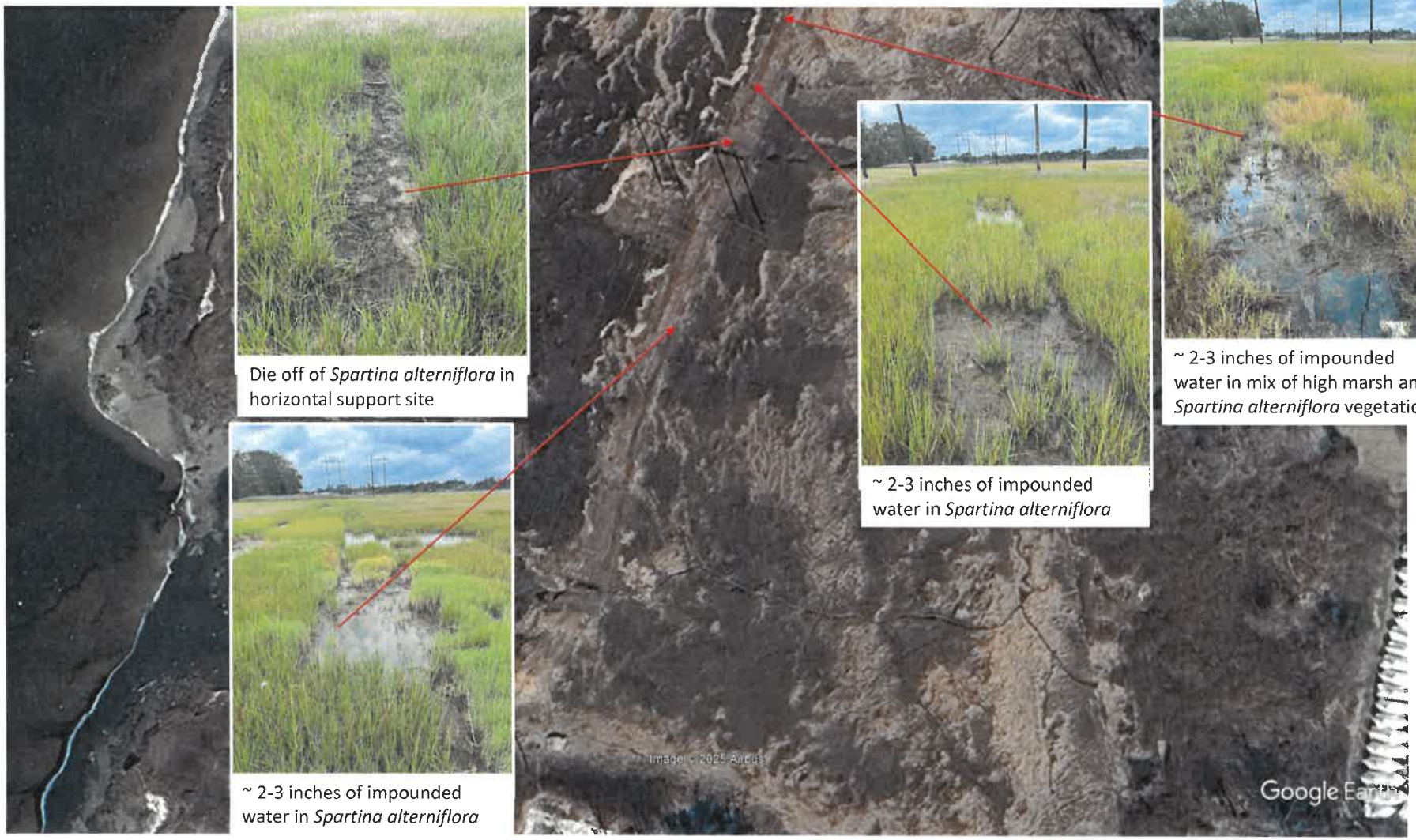
Photo Point 2: 4/23/2025	Location: North of Structures E183-3/F184N-4-23
	Description: Southerly view of the formerly matted section of the ROW in salt marsh between Structures E183-3/F184N-4-22 and 23. On April 23, 2025 hand restoration of matting impressions in higher elevations of the marsh was conducted between Structures E183-3/F184N-4-22 and 23. This area of the marsh will be monitored through the 2025 growing season to assess the effectiveness of restoration with hand tools. Areas of the marsh where hand restoration has been implemented but where ponding had not previously existed or inadequate revegetation are observed will be further addressed with the LGP amphibious excavator rake attachment following the completion of construction.
Photo Point 2: 5/19/25 (taken ~5' N of 4/23 loc.)	Location: North of Structures E183-3/F184N-4-23
	Description: Southerly view of the ROW where hand restoration was implemented between Structures E183-3/F184N-4-22 and 23. On May 19, 2025, vegetation was reestablishing, the ponded water area in the foreground was present prior to the Project. This area of the marsh will be monitored through the 2025 growing season to assess the effectiveness of restoration with hand tools.
Photo Point 2: 7/2/25 (taken ~5' N of 4/23 loc.)	Location: North of Structures E183-3/F184N-4-23
	Description: Southerly view of the ROW where hand restoration was implemented between Structures E183-3/F184N-4-22 and 23. On July 2, 2025, vegetative regrowth appeared similar in height and density in the restored areas of the marsh to the surrounding areas outside the LOD. This area of the marsh will be monitored through the 2025 growing season to assess the effectiveness of restoration with hand tools.

Sowams Preserve January 2025: RI Energy Matting

Attachment E

Sowams Preserve March 2025: after removal

Sowams Preserve July 31, 2025 Marsh Assessment by Save The Bay and Warren Land Trust

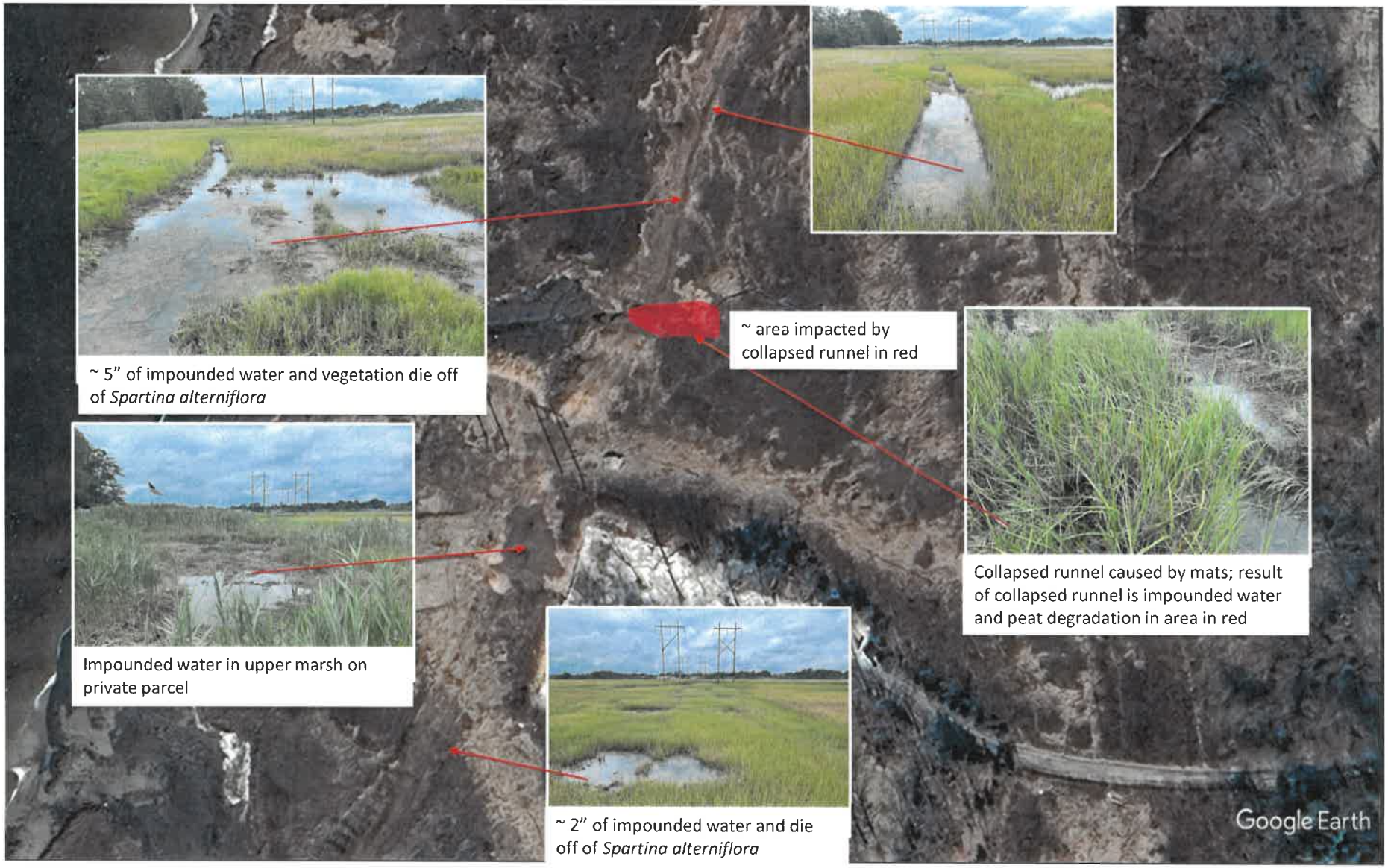


Die off of *Spartina alterniflora* in horizontal support site

~ 2-3 inches of impounded water in *Spartina alterniflora*

~ 2-3 inches of impounded water in *Spartina alterniflora*

~ 2-3 inches of impounded water in mix of high marsh and *Spartina alterniflora* vegetation


~ 5" of impounded water and vegetation die off of *Spartina alterniflora*
~ area impacted by collapsed runnel in red
Collapsed runnel caused by mats; result of collapsed runnel is impounded water and peat degradation in area in red
Impounded water in upper marsh on private parcel
~ 2" of impounded water and die off of *Spartina alterniflora*
Google Earth