

August 10, 2017

Via Federal Express/Electronic Mail

Todd Anthony Bianco, EFSB Coordinator
RI Energy Facilities Siting Board
89 Jefferson Blvd.
Warwick, RI 02888

Re: *Invenergy Docket No. SB-2015-06*

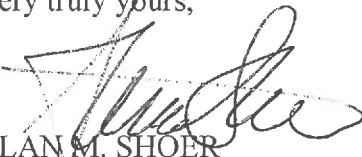
Dear Mr. Bianco:

On behalf of Invenergy Thermal Development LLC and the Clear River Energy Center Project (“Invenergy”), enclosed please find an original and three (3) copies of Invenergy’s Supplemental Response to the Rhode Island Department of Environmental Management’s Data Request, Nos. 4-5, 4-17, 4-25, 4-26 & 4-39, attaching the “Biological Inventory Report – Clear River Energy Center,” prepared by ESS Group, Inc., dated August 2, 2017.

Please note that this Biological Inventory Report supplements the impact analysis and data provided to the Rhode Island Energy Facility Siting Board (“Board”) in Section 6 of Invenergy’s Application filed with the Board. Specifically, the Biological Inventory Report supplements Sections 6.5 and 6.6.

Please let me know if you have any questions.

Very truly yours,


ALAN M. SHOER
ashoer@apslaw.com

Enclosures

cc: Service List

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENERGY FACILITY SITING BOARD**

**IN RE: INVENERGY THERMAL DEVELOPMENT LLC :
APPLICATION TO CONSTRUCT AND :
OPERATE THE CLEAR RIVER ENERGY : SB-2015-06
CENTER, BURRILLVILLE, RHODE ISLAND :**

**INVENERGY THERMAL DEVELOPMENT LLC's SUPPLEMENTAL RESPONSES TO
THE RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT'S
FOURTH SET OF DATA REQUESTS NOS. 4-5, 4-17, 4-25, 4-26 & 4-39**

4-5 DEM's data request 3-8 requested the Applicant to provide "more detail on the specific means of detection for each bird species noted as a probable breeder at the site (i.e. what evidence of breeding was noted for each species and where). Section 6.6.2.2 provides this information for black-throated blue warbler, but no other species." The Applicant responded by reiterating the criteria that warranted listing as a probable breeder and provided information on the relative frequency that these indicators were observed, but did not provide the requested level of detail for each species. Provide the requested level of detail for each species as set out in DEM's data request 3-8.

RESPONSE 4-5: As noted in the ESFB Application and the Application to Alter, prior wildlife observations were incidental in nature and were noted while on-site. Per Rhode Island Bird Atlas 2.0, the Breeding Evidence Code of possible breeding was assigned for a particular species of bird observed or heard singing once in suitable habitat during the nesting season, but with no other indication of breeding noted. Similarly, the Breeding Evidence Code of probable breeding was assigned based on the observation of a pair of a particular species being observed in suitable habitat during their breeding season. Prior to 2017, specific locations of individual species were not recorded.

As discussed further in response to Data Request No. 4-39, an inventory of the flora and fauna in the study area is being conducted for the purpose of gathering site-specific data on the faunal and floral communities present at the project site to supplement the scientific literature, GIS data review, and incidental observations which were included in the Clear River Energy Center – Rhode Island Energy Facility Siting Board Application – Addendum – Wetlands, dated August 29, 2016, filed with the EFSB on August 30, 2016 and the Application to Alter Freshwater Wetlands - Clear River Energy Center and Burrillville Interconnection Project, dated April 2017, filed with the RIDEM on April 26, 2017. The site-specific flora and fauna survey protocols were provided to RIDEM for comment prior to its implementation. The ongoing inventory of flora and fauna study will result in a list of bird species detected at the site, the number of detections of each species, the methodology used for their detection, whether each species is presumed to breed at the site and the methodology for making this determination, and specific locations within the site at which each bird species was detected. This report is expected to be provided to RIDEM in July 2017.

RESPONDENT: Jason Ringler, ESS Group, Inc.

DATE: June 19, 2017

SUPPLEMENTAL RESPONSE: See attached “Biological Inventory Report – Clear River Energy Center,” prepared by ESS Group, Inc., dated August 2, 2017.

DATE: August 10, 2017

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4-17 Section 3.1.9 Vernal Pools, indicates that a "limited number of spotted salamander (*Ambystoma maculatum*) egg masses" were found in both SAS's within the CREC portion of the Project. Appendix G, Vernal Pool Data Forms, indicate that one adult wood frog, 12 wood frog egg masses, and 13 spotted salamander egg masses were found at SAS 1 and that 13 wood frog egg masses and 5 spotted salamander egg masses were found in SAS 2. Why were wood frog egg masses excluded from the narrative? Was any follow up field work conducted to determine what other species might use the pools (e.g dipnetting, etc.)? If so, describe the survey nature and level of effort. Were any photographs taken of these SAS's (none appear in Appendix D with the photos of Wetlands 1-3 and some of the TNEC wetlands)? Additionally, explain why forms were not provided for the 14 additional vernal pools in the TNEC ROW?

RESPONSE 4-17: The information in Appendix G included a discussion of wood frogs. However, Section 3.1.9, in an attempt to summarize the more comprehensive findings reported on Vernal Pool Data Forms provided in Appendix G, did not include a discussion of wood frogs. A discussion of wood frogs was not intentionally omitted from the summary.

Supplemental data regarding the presence of vernal pools species on-site is being collected as part of an on-going flora and fauna inventory (see Response 4-39).

Photographs of SAS 1 and 2 are attached as **Exhibit 4-17**.

As established in early pre-application planning with RIDEM Wetland staff, information pertaining wetland resources along the TNEC ROW relied on the data provided in the IRP Wetland Application.

RESPONDENT: Jason Ringler, ESS Group, Inc.

DATE: June 19, 2017

SUPPLEMENTAL RESPONSE: See attached "Biological Inventory Report – Clear River Energy Center," prepared by ESS Group, Inc., dated August 2, 2017.

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4-39 Provide a map depicting locations of sample sites for each survey performed and a narrative explaining the placement of transects, spacing, habitats covered, etc.

RESPONSE 4-39: As noted in Response 4-11, an inventory of the flora and fauna in the study area is being conducted for the purpose of gathering site-specific data on the faunal and floral communities present at the Project site to supplement the scientific literature, GIS data review, and incidental observations which were included in the Clear River Energy Center – Rhode Island Energy Facility Siting Board Application – Addendum – Wetlands, dated August 29, 2016, filed with the EFSB on August 30, 2016 and the Application to Alter Freshwater Wetlands - Clear River Energy Center and Burrillville Interconnection Project, dated April 2017, filed with the RIDEM on April 26, 2017. As previously pointed out, CRE sought input from RIDEM on numerous occasions, starting in early March 2017 when the site specific flora and fauna survey protocols were provided to RIDEM. Unfortunately, no input was provided until RIDEM tendered a letter on June 13, 2017, after the survey had been underway for an extended period of time. A point by point response to that letter will be submitted shortly. In the interim, field programs listed below which comprise this flora and fauna inventory have been designed to inform an evaluation of the species richness, abundance, and diversity of the study area, and, when possible, document evidence of breeding activity at the site.

As noted in the protocol submitted to RIDEM prior to implementation, the field program associated with this inventory started in late- March 2017 and is anticipated to extend through late- June 2017. The following survey programs are being conducted:

- Winter track survey
- Remote field camera deployment
- Avian point counts
- Anuran call count surveys
- Owl broadcast surveys
- Small mammal trapping
- Pit fall trapping
- Cover board monitoring
- Amphibian and reptile time-constrained searches
- Diurnal insect survey
- Moth survey
- Benthic macroinvertebrate sampling

- Plant survey

To assist RIDEM with developing its response to the advisory opinion questions posted to RIDEM by the EFSB, ESS will attempt to incorporate RIDEM comments on the inventory methodology to the extent possible based on the seasonality of the surveys. CRE is planning to file its report of findings which will be provided to RIDEM in July 2017. The general location of these surveys is shown on **Exhibit 4-39**.

RESPONDENT: Jason Ringler, ESS Group, Inc.

DATE: June 19, 2017

SUPPLEMENTAL RESPONSE: See attached “Biological Inventory Report – Clear River Energy Center,” prepared by ESS Group, Inc., dated August 2, 2017.

DATE: August 10, 2017

INVENERGY THERMAL DEVELOPMENT LLC
By its Attorneys,

/s/Alan M. Shoer

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Dated: August 10, 2017

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2017, I delivered a true copy of the foregoing responses to the Energy Facilities Siting Board via electronic mail to the parties on the **attached service list**.

/s/ Alan M. Shoer