



Burrillville Land Trust
Protecting our open space and rural character
PO Box 506, Harrisville, Rhode Island 02830
(401) 447-1560 • e-mail: proselli@cox.net

Town Council President John F. Pacheco III
Burrillville Town Council
105 Harrisville Main Street
Harrisville, Rhode Island 02830

September 14, 2016

RE: Burrillville Land Trust preliminary report on the biodiversity and land use for the Invenergy Project

Dear Burrillville Town Council President John F. Pacheco III:

Before I begin, no matter what happens at the EFSB proceedings and once this “process” is over, the Town should take up the banner of impacts to our biodiversity. The Invenergy project and the EFSB proceedings have revealed flaws in the EFSB process when a rural setting is threatened by poorly sited industrial size projects. I ask the Town Council in concert with our legislative representatives help construct legislation that will move all of us away from fossil fuels and towards a renewable efficient energy future. And I ask the Town Council to consider adopting a fossil free policy town wide for all departments within your jurisdiction.

The Burrillville Land Trust respectfully submits our preliminary report regarding biodiversity and land use issues for the Invenergy Project.

I say preliminary because over the past several days, state agencies have released their advisory opinions on the Invenergy project. The Burrillville Land Trust is reviewing these opinions and how they affirm and work with widely accepted and continuously used policies and plans that are required by other state, municipal and non-profit agencies. During our review of the advisory opinions we will specifically draw your attention to the State Guide Plan, Rhode Island Land Use 2025, the State Wildlife Action Plan, the Forest Management Plan, State’s Priority Forests, Protecting our land resources: A land Acquisition and protection plan for the Rhode island Department of Environmental Management, Ocean State Outdoors, Blackstone Region Water Resources, Rivers Policy, the Narragansett Bay Estuary Program and the Comprehensive Conservation and Management Plan for Narragansett Bay to name a few.

This last one, as an example, was left out of Statewide Planning Advisory Opinion. Apparently they did not realize that the Clear River eventually flows to Narragansett Bay and they did not know that the Clear River is a federally protected tributary to the Blackstone River¹.

I’m not making light of this omission. But all of these plans and policies guide planners, town managers, town councils, planning and zoning boards, land trusts and more towards making scientific and holistic decisions and approaches to siting development within a given area.

¹ SEC. 3031. BLACKSTONE RIVER VALLEY NATIONAL HISTORICAL PARK and specifically Sec. 3031(c)(2)(vi) from the 113th Congress, dated January 3, 2014.

But for tonight, I want to give you some sense of what our final report is based on:

1. Our findings come from nearly 30 years of on site research and on site surveys of the areas immediately adjacent to and surrounding the Invenenergy project site. Please don't forget that this site and surrounding sites have been studied rigorously during an Environmental Impact Statement process conducted by the Federal Energy Regulatory Commission back in 1988². As RIDEM states in their Advisory Opinion, "the site has not changed in those 30 years";
2. Our findings include a list of rare and endangered species from the Rhode Island Department of Environment Management, the Rhode Island Natural History Survey along with information from regional, non-profit and federal agencies;
3. A region wide, watershed and contiguous tree canopy approach to evaluating the impact of this area;
4. We will demonstrate that the greatest threat to the forest ecosystem of Northwest RI is the magnitude of the impacts from the noise of a dual fuel electricity generating facility. A growing body of literature suggests that noise impacts may be more important and widespread than previously imagined; and,
5. We will provide a review of all of the Advisory Opinions from statewide agencies.

Summary of our findings

1. First and foremost, we believe along with every Rhode Island environmental organization and even the Blackstone Valley Tourism Council Board of Directors, that the magnitude of the Invenenergy project poses considerable threats to the environment - threats within the Town, threats across the state lines and threats region wide;
2. It is our belief that biodiversity has taken a far rear seat to other issues associated with the Invenenergy project. It appears that RIDEM will not present any witnesses, nor act as an intervener within the EFSB proceedings. Conservation Law Foundation's attempt to broach the biodiversity topic is noble. Their witness Scott Comings from the RI Chapter of the Nature Conservancy has expertise in many aspects of biodiversity and natural systems. But this attempt is tantamount to trying to talk about a particular haystack in a field of haystacks. DEM or the BLT must act as intervenors in cross examining all witnesses as to the impacts to cold water streams, ground covers, tree canopy and species that live in these environments;
3. In many of the advisory opinions, each statewide agency is asking the other to do work that is not in their purview. The most egregious was Statewide planning suggesting and hoping that RIDEM would take the lead in stating the 7 elements of the State Guide Plan. In doing so both Statewide Planning and DEM ignored the 7 elements of the State Guide Plan;
4. As a side note, in their Advisory Opinion, Statewide Planning thought "the topic [of the 7 elements of the State Guide Plan] is covered by another agency's advisory opinion" as stated on RI Statewide Planning Advisory Opinion Page 25. It is our belief that this is not DEM's job to comment on the State Guide Plan, that is the job of the planners. More importantly, it is up to and required by statute that Statewide Planning look at all projects [emphasis mine] with a regulatory eye in deterring if it adheres to the 7 elements. It is also our belief that if

² Chris Raithele wrote in the site selection section of the FERC EIS in 1987 the following: "I would recommend that this Site No. 1 (i.e. Buck Hill) not be considered for this power plant project, not only because of close proximity to Dry Arm Brook, but also because of the potential impact on significant wildlife and plant species as well as recreation in this area. On the basis of what I know of these sites I have listed, this seems by far the most inappropriate location for a power plant"

Statewide Planning did evaluate the Invenergy Project using the 7 elements of the State Guide Plan, as they were required to do, the Invenergy project would be scraped and the permit would be denied based solely on the 7 elements.

5. In spite of good faith attempts by town officials, the BLT was denied permission by Spectra to conduct an on-site survey of the Invenergy project site. And it appears from reading RIDEM's Advisory Opinion there will be no attempt to conduct an onsite survey³;
6. That said, even without knowing from an onsite survey of the composition of the flora and fauna, a search through the data base reveals cold water springs, streams, rare and endangered species and more, that would most likely occur on the site;
7. Finally, for tonight anyway, our findings include a request to the Town. Because of the size of the Invenergy project and if the Motion to Dismiss and close the docket is not granted, we ask the Town to demand an Environmental Impact Statement from RIDEM as provided for under provisions of the National Environmental Policy Act.

There is much to go over and tell. More than can be talked about here tonight. And we would be remiss if we didn't mention again and applaud the Town's decision to file a motion to dismiss and close the Clear River Energy Center application and docket.

So, to give weight to an issue that deserves attention, the Burrillville Land Trust requests that the Town Council set up a workshop date and time for a review of our findings.

Sincerely,

Paul A. Roselli

President - Burrillville Land Trust

The Burrillville Land Trust is a private non-profit land trust in the Town of Burrillville. We are not connected with the municipal government of the Town of Burrillville but have had a good working relationship with the Town since the land trust started in 1999. Our mission is to preserve and protect the rural character of the Town of Burrillville through acquisition and purchases of land for open space, biological diversity and preservation.

³ Page 19 Rhode Island Department of Environmental Management Advisory Opinion. DEM states that they are not allowed on private property "without permission and generally not without invitation." Yet, DEM "regularly visits" sites that are public and private for everything from impacts from oil spills to fishing violations.