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**VERMONT ELECTRIC POWER COMPANY, INC.**

August 9, 2005

Mrs. Susan Hudson, Clerk  
Vermont Public Service Board  
112 State Street, Drawer 20  
Montpelier, VT 05620-2701

Re: VELCO Northwest Vermont Reliability Project, PSB Docket No. 6860  
CPG Condition # 12: Mitigation for possible adverse impacts on Indiana Bat

Dear Mrs. Hudson:

Condition 12 of the Certificate of Public Good issued on January 28, 2005 in the above matter provides as follows:

12. Petitioners are required to notify the Board as to any determinations made by Unites States Fish and Wildlife Service and/or ANR regarding the mitigation required for any possible adverse impacts on Indiana Bat populations.

Please accept this letter as notification of a determination made by ANR that the actions described below are sufficient mitigation for any possible adverse impacts on Indiana Bat populations.<sup>1</sup> ANR will confirm its determination by separate letter, responding to this one.

### **Background**

In the spring of 2004 ANR raised concerns about the potential for ROW clearing in connection with the NRP to adversely affect roosting habitat for Indiana bats in certain locations along the proposed route. VELCO thereafter consulted with ANR and United States Fish and Wildlife Service (USFWS) staff about appropriate field work, and performed it in the summer of 2004. VELCO shared the results of this work with ANR and USFWS staff in September of 2004. ANR concluded that although this information would support a finding that the NRP will not adversely affect Indiana bat roosting habitat, the timing of its collection (late in the roosting period) left some concern that there may be some effect on roosting habitat in one location in Salisbury, Vermont. VELCO then reached agreement with ANR on a project on land adjacent to the NRP ROW that would serve to minimize any adverse impacts to Indiana bats that ANR believed might occur. VELCO subsequently secured the rights to conduct this project and specified its terms. A summary of the project follows.

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<sup>1</sup> A formal determination from the United States Fish and Wildlife Service (USFWS) will be issued in connection with United States Army Corps of Engineers' processing of VELCO's application for a permit under section 404 of the Clean Water Act. VELCO will bring the USFWS determination to the Board's attention as soon as possible.



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### **Indiana Bat Special Management Project and Other Conditions**

Clearing the NRP ROW will require the removal of two dead elm trees in one location in Salisbury, Vermont that may provide roosting habitat for Indiana bats during summer months. It is unknown whether bats that use those trees in one year will use suitable nearby trees in following years. It was determined that there are suitable trees adjacent to this location in Salisbury, on private land, that may serve as alternate roosting habitat, and that certain actions can be taken to enhance the attractiveness and utility of those trees for roosting by Indiana bats.

VELCO negotiated and executed a License Agreement with the owner of the adjacent private land that allows VELCO, its consultants, and employees of the Vermont Department of Fish and Wildlife to selectively cut trees or brush to increase the solar exposure of or flying access to the alternate trees, girdle certain trees, install artificial roosts, and monitor the use of the trees by bats for 5 years. The Agreement also prevents the landowner from logging the acreage subject to the Agreement. ANR approved the terms of this License Agreement prior to its execution by VELCO and the landowner.

In addition to this project, VELCO has committed to clearing the areas of the NRP ROW that have been identified by ANR as containing potential Indiana bat roost trees only during the winter months. It has also committed to supporting the installation of habitat-enhancing measures (such as artificial roosts) in other locations over which it has control, for purposes of enabling study by others of the effectiveness of such measures. ANR requested these conditions.

Finally, VELCO has investigated whether the NRP re-routes ordered by the Board (the re-route in Salisbury, in particular) contain areas of similar concern regarding Indiana bats, and has determined that they do not. ANR has agreed with that determination.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy J. Clapp".

Timothy J. Clapp,  
VELCO

Cc: Service List