

29 April, 2024

Frank J. DelGiudice  
Chief, Permits and Enforcement Branch  
Regulatory Division  
U.S. Army Corps of Engineers  
New England District  
696 Virginia Road  
Concord, MA 01742-2751

RE: Granite State Landfill Permit Application, File No. NAE-2021-02240: Request for an Extension of Public Comment Period and for a Public Hearing

Dear Mr. DelGiudice,

North East Ecological Services ('NEES') is writing in response to the U.S. Army Corps of Engineers' April 08, 2024 Public Notice of Granite State Landfill, LLC's ("GSL") wetland permit application, File No. NAE-202-02240, to construct a landfill in Dalton, New Hampshire. NEES has been retained by the Dalton Conservation Commission to review any potential impacts of this proposed project on wildlife, and in particular on threatened or endangered bat species known to occur in the region.

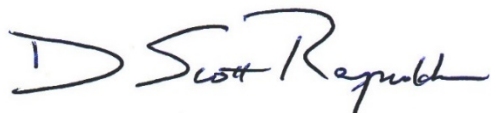
NEES was originally retained by Save Forest Lake, a group of concerned residents living near Forest Lake State Park, to provide an independent review of the GSL proposal in 2021. The primary deficiency of the 2020 Habitat Impact Assessment provided by GSL included a complete failure to conduct any field work to document presence or absence of this endangered species, despite the clear presence of potential roosting habitat as defined by the U.S. Fish & Wildlife Service ('USFWS') guidelines and the availability of multiple data sources that documented the northern long-eared bat in proximity to the GSL Project Site. The Habitat Assessment acknowledged the complete deforestation of more than 200 acres of forested habitat, as well as the complete and permanent loss of multiple wetlands, intermittent streams, perennial streams, and vernal pools. Despite documenting the loss of potential roosting habitat and the loss of foraging habitat, and in the complete absence of any effort to document the presence of the species at the Project Site, the Habitat Assessment reached a conclusion that the project would have no impact on any local bat species, including the northern long-eared bat.

NEES was subsequently retained by the Dalton Conservation Commission in March 2023 to evaluate the new 2023 GSL application. Since that time, the northern long-eared bat had been elevated to a federally Endangered species, suggesting that a more cautious and thoughtful review of potential impacts should have been evident in the 2023 application. The applicant also had received NEES's letter of concern regarding the deficiencies of the 2020 application. Despite these facts, and the fact that the USFWS announced a proposed ruling (14 September, 2022) to list the tricolored bat *Perimyotis subflavus* as Endangered, GSL failed to address any of the

original deficiencies nor provide any additional data or evidence in the 2023 Habitat Assessment. The current Habitat Assessment even failed to use the USFWS Impact Determination Key (IPaC Review) for the Project Site, which shows that the northern long-eared bats may be “potentially affected by activities in this location”.

The 2023 GSL application proposes the construction of a 70-acre landfill with permanent impacts to over 10 acres of wetlands and 1,518 linear feet of perennial streams. In addition, GSL acknowledges additional temporary impacts to wetlands and streams during construction. It is also important to note that GSL has acknowledged its’ intent to expand this project in the future, with this current application presenting only a fraction of the total scope, scale, and severity of the total project impact. Given the non-routine nature of this proposal, the large-scale public opposition to the Project, and the absence of due diligence to investigate the potential impact of this Project to wildlife resources, NEES feels the Army Corps should extend to public comment period. It is my understanding that pursuant to 33 CFR § 325, the Army Corps is empowered to extend the comment period as part of their application review process, particular for unusual, large-scale projects in remote localities. Furthermore, the Army Corps, under 33 CFR § 327.4 may require a public hearing in connection with the consideration of a permit application. To date, there have been no public hearings for citizens impacted by the proposed project. It is our opinion that the Army Corps should require the Applicant to have a public hearing in the town of Whitefield (the town of Dalton does not have the facility to host such a meeting) that would be open to the public. This would give local citizens that opportunity to ask questions about the GSL Habitat Assessment or to obtain information regarding habitat and wildlife issues. In our opinion, this meeting should be moderated by the Army Corps or a disinterested party to ensure a fair and objective process, particularly since there is now a clear federal nexus for such as review.

I thank you for your consideration,

A handwritten signature in black ink that reads "D. Scott Reynolds". The signature is written in a cursive style with a large, stylized "D" at the beginning.

D. Scott Reynolds, Ph.D., CWB, CSE