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CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
SINGLE ENVIRONMENTAL IMPACT REPORT

PROJECT NAME	: Bell Rock Substation Rebuild Project and Acushnet to Fall River Reliability Project
PROJECT MUNICIPALITY	: Acushnet, New Bedford, Dartmouth, and Fall River
PROJECT WATERSHED	: Buzzards Bay and Narragansett Bay
EEA NUMBER	: 15941
PROJECT PROPONENT	: New England Power d/b/a National Grid and NSTAR Electric Company d/b/a Eversource Energy
DATE NOTICED IN MONITOR	: July 10, 2023

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G.L. c. 30, ss. 61-62L) and Section 11.08 of the MEPA regulations (301 CMR 11.00), I have reviewed the Single Environmental Impact Report (Single EIR)¹ and hereby determine that it **adequately and properly complies** with MEPA and its implementing regulations.

Project History

An Expanded Environmental Notification Form (EENF) was submitted in November 2018 for the Bell Rock Substation Rebuild Project and Acushnet to Fall River Reliability Project (AFRRP), located in the municipalities of Acushnet, New Bedford, Dartmouth and Fall River. The EENF largely pertained to Phase 1 of the project, which consisted of the reconstruction and expansion of the Bell Rock Substation located in Fall River. Phase 2 of the project (further described below), the AFRRP, consists of the extension of Line 114 from the Industrial Park Tap

¹ Within the Single EIR, the Proponents included a Notice of Project Change (NPC) in accordance with the lapse of time provisions in the MEPA Regulations at 301 CMR 11.10(2); however, as stated in the filing, no material changes have been made to the project since the filing of the EENF.

in Acushnet to the reconstructed Bell Rock Substation in Fall River. On December 28, 2018, a Certificate was issued on the EENF that proposed to grant a Phase 1 Waiver pursuant to Section 11.11 of the MEPA Regulations, and allowed the Proponents to file a Single EIR for Phase 2 pursuant to 301 CMR 11.06(8) of the MEPA Regulations. A Final Record of Decision (FROD) was issued on January 25, 2018 granting the Phase 1 Waiver.

As described in the Single EIR, the proposed project will address the ISO New England, Inc. (ISO-NE) determination of a need for additional transmission capacity within a load pocket consisting of Fall River, Westport, Dartmouth, Freetown, New Bedford, Acushnet, Fairhaven, Rochester, Mattapoisett, Marion, and Wareham in Massachusetts, as well as Jamestown, Newport, Middletown, Portsmouth, Tiverton, and Little Compton in Rhode Island (the Load Pocket). The 2016 Southeast Massachusetts and Rhode Island (SEMA-RI) solution study identified the need for two new sources of transmission into the load pocket to avoid voltage collapse and load loss. Additional analysis by the Proponents has confirmed that the project is needed to address the potential for thermal overloads on two 115-kV transmission lines and voltage collapse across the Load Pocket based on forecasted energy demand in 2031.

As described in the EENF, the new 2,304-square foot (sf) substation proposed for Phase 1 was proposed in addition to two line connections from the existing M13 line (M13N and M13S) into the substation, based on needs identified in the 2016 SEMA-RI study. To accommodate the two line terminations, the substation needed to be expanded from its previous design into a breaker-and-a-half-configuration. The expansion will provide eleven breakers in a breaker-and-a-half configuration that will continue to connect the N12, L14 and D21 Lines and provide new line positions in order to connect the M13N and M13S Lines. The expansion will also accommodate the future connection to Line 114 associated with Phase 2 of the project. As described in the Single EIR, construction of the substation is nearly complete, with construction commencing in the fall of 2021 and expected to conclude later this year.

Project Description

The Single EIR describes Phase 2 of the project as a joint endeavor by New England Power (National Grid) and NSTAR Electric Company (Eversource Energy) (referred to herein as the Proponents). The AFRRP involves the installation of approximately 12.1 miles of a new 115-kilovolt (kV) electric transmission line located within existing rights-of-way (ROW) currently occupied by several other electric transmission lines. Of the 12.1 miles, approximately 7.9 miles are in Eversource service territory traversing Acushnet, New Bedford and Dartmouth, and approximately 4.2 miles are in National Grid service territory traversing Fall River. As described in the Single EIR, the new line will be constructed predominantly overhead but in two short sections (totaling approximately 600 linear feet(lf)) the cable will be installed underground to avoid multiple overhead line crossings at the Eversource Industrial Park Tap and at the Eversource High Hill Switching Station. Approximately 118 new self-weathering or galvanized steel H-frame and monopole structures will be installed for the project, ranging in height from approximately 47 to 112 feet. The Single EIR states that in order to accommodate the installation of the new 115-kV overhead transmission line, upgrades to the protection and control schemes at Bell Rock, Tremont, and Acushnet Substations will be required. These upgrades include:

- Replacing existing relays in existing panels or install new relay panels in the control enclosures
- Installing new conduit/cable trench and control cable from yard equipment to the control enclosures
- Modifying the telecommunication architecture to accommodate new relay systems
- Programming new relays to operate as a three-terminal line between Bell Rock, Tremont, and Acushnet Substations
- Testing and commissioning new relay and communication equipment

All work necessary to accommodate the substation modifications will occur within the previously disturbed and existing fenced-in substation yards utilizing existing access driveways. For the installation of the new line, vegetation removal and mowing of proposed work areas and access will be required within both Proponents' ROWs to provide access to the proposed structure locations. Additionally, tree removal will be required for a 60-foot width within the south side of the National Grid ROW for a length of approximately 4.2 miles. All tree and vegetation removal are to occur within the boundaries of the Proponents' existing utility ROWs. As noted above, the need for additional capacity to prevent voltage collapse across the entire Load Pocket was identified in studies conducted by ISO-NE and the Proponents, based on existing infrastructure and projected energy demands.

Changes Since the EENF

As noted, this filing included a Single EIR and a Notice of Project Change (NPC) in accordance with the lapse of time provisions in the MEPA Regulations at 301 CMR 11.10(2). The filing indicates that the Single EIR filing was delayed due to delayed progress in developing the engineering design for the project. However, Proponents have continued to advance the project by conducting outreach to surrounding communities and consulting with permitting agencies.

The Single EIR states that no significant changes have been made to the project since the filing of the EENF; however, minor engineering design modifications have been made for several transmission line structure locations. Additionally, the project now proposes the installation of temporary construction matting as opposed to permanent access road installation across wetlands along the Eversource alignment. Due to the time lapse between the EENF submittal and the Single EIR, the Proponents reconfirmed wetland delineation boundaries, reconfirmed and/or performed new vernal pool surveys, and performed new wetland delineation along off-ROW access roads. Anticipated wetland impacts have been updated to reflect these design refinements and additional data collection. A new Priority Habitat area has also been identified by NHESP since the filing of the EENF, resulting in an additional 35.7 acres of Priority Habitat being located in the ROW. In total, the project will alter 41 acres of Priority Habitat when including secondary impacts. As described in the Single EIR, secondary impacts generally involve the conversion of forested wetland habitat to scrub-shrub or emergent wetland habitat, whereby the cover type changes but results in no net-loss of wetlands.

Project Site

The approximately 294.75-acre project site consists entirely of existing ROWs owned by National Grid and Eversource. The AFRRP project extends from the Industrial Park Tap 12.1 miles to Bell Rock Substation. The 2.75-acre Bell Rock Substation is located on the east side of Bell Rock Road in Fall River and at the junction of the existing D21, L14, N12, and M13 transmission lines. The M13 line crosses over the substation but does not currently connect into the substation.

The approximately 7.9 miles of the AFRRP traversing Acushnet, New Bedford and Dartmouth are located within Eversource's service territory and the approximately 4.2 miles traversing Fall River are within National Grid's service territory. A portion of the AFRRP project runs through the Southeastern Massachusetts Bioreserve. The Commonwealth owns or holds conservation restrictions on portions of the Bioreserve, through the Massachusetts Department of Conservation and Recreation (DCR) and the Massachusetts Department of Fish and Game (DFG), including public conservation land that surrounds the ROW. The AFRRP project also runs through or abuts approximately 1 mile of DCR's Acushnet Cedar Swamp State Reservation. The substation site and transmission line ROW includes mapped *Priority and/or Estimated Habitat* as mapped by the Massachusetts Division of Fisheries and Wildlife's (DFW) Natural Heritage and Endangered Species Program (NHESP).

The Single EIR indicates that the AFRRP project corridor crosses two Environmental Justice (EJ) communities characterized by Minority criteria and that there are two additional communities within one mile of the project characterized by Income, and Minority and Income criteria. While the EENF was filed prior to the January 1, 2022 effective date of new MEPA EJ regulations and protocols, the Proponents indicate that they conducted outreach to the identified EJ populations. The Single EIR contains a description of outreach activities conducted to date, and includes analysis of potential impacts on EJ populations to meet the spirit of the new EJ requirements.

Environmental Impacts and Mitigation

Environmental impacts associated with Phase 2 of the project includes the alteration of 56 acres of land (including 27.5 acres of tree removal), and the alteration of 8.73 acres of BVW, 2.08 acres of Bordering Land Subject to Flooding (BLSF), 0.09 acres and 515 linear feet of Inland Bank, and 1.82 acres of Riverfront Area (including secondary impacts). As noted above, the Phase 2 of the project is expected to alter 41 acres of Priority Habitat when including secondary impacts. Phase 1 involved an additional alteration of 20,246 sf (0.46 acres) of BVW and the new alteration of approximately 1 acre of land.

Measures to avoid, minimize, and mitigate project impacts include the creation of wetland replication areas and compensatory flood storage, the use of erosion and sedimentation control measures during construction, the use of temporary construction mats, implementation of turtle protection measures during project construction, enhancements to wildlife habitat, monetary contribution to the Nature Conservancy's Box Turtle Enhanced Mitigation Fund, and locating the new pole structures adjacent to existing pole structures. Best management practices

(BMPs) will be implemented to minimize and mitigate stormwater runoff within the project corridor and wetland resource areas, including the development of and implementation of a Stormwater Pollution Prevention Plan (SWPPP).

Jurisdiction and Permitting

The project is undergoing MEPA review and requires the preparation of a mandatory Environmental Impact Report (EIR) pursuant to 301 CMR 11.03 (3)(a)(1)(a) of the MEPA regulations because it requires Agency Actions and involves the alteration of more than one acre of BVW. The project also exceeds the ENF thresholds at 301 CMR 11.03(1)(b)(1), 11.03(2)(b)(2) and 11.03(3)(b)(1)(d): direct alteration of 25 or more acres of land, unless the Project is consistent with an approved conservation farm plan or forest cutting plan or other similar generally accepted agricultural or forestry practices; greater than two acres of disturbance of designated priority habitat, as defined in 321 CMR 10.02, that results in a take of a state-listed endangered or threatened species or species of special concern; and the alteration of 5,000 or more sf of BVW.

The project requires a 401 Water Quality Certification (WQC) from the Massachusetts Department of Environmental Protection (MassDEP), approval pursuant to G.L. c. 164 § 72 (Section 72 approval) from the Massachusetts Department of Public Utilities (DPU), approval pursuant to G.L. c. 164 § 69J from the Massachusetts Energy Facilities Siting Board (EFSB), an State and Interstate Highway Right-of-Way Encroachment Permit and Crossing Permit from MassDOT, a Conservation and Management Permit from NHESP, and a Construction Access Permit from the DCR.

The project requires Orders of Conditions from the Acushnet, Dartmouth, Fall River and New Bedford Conservation Commissions. In the case of appeal(s), Superseding Orders of Conditions will be required from MassDEP. The project will require consultation with the Massachusetts Historical Commission (MHC) in accordance with Section 106 of the National Historic Preservation Act of 1966, a Clean Water Act Section 404 General Permit from the United States Army Corps of Engineers (USACE), and a National Pollutant Discharge Elimination System Construction General Permit (NPDES CGP) from the United States Environmental Protection Agency (EPA).

The project is not receiving Financial Assistance from the Commonwealth. Therefore, MEPA jurisdiction is limited to those aspects of the project that are within the subject matter of any required or potentially required Agency Actions and that may cause Damage to the Environment, as defined in the MEPA regulations.

Review of the Single EIR

The Single EIR provided an updated project description, an update on Phase 1 of the project, existing and proposed conditions plans, estimates of project-related impacts, an update on permitting, an update on coordination with Agencies since the filing of the EENF, and a response to comments on the EENF. It identified the minor changes to the project since the filing of the EENF and included a discussion of the project's potential impacts to surrounding EJ

populations. As directed by the Scope, the Single EIR provided an update on the federal permitting process, including coordination efforts and anticipated compliance with regulatory and permitting standards and mitigation requirements. The Single EIR discussed the project's compliance with applicable standards set by DPU and other regulatory agencies.

The Proponent provided additional information to the MEPA Office on August 8 and 16, 2023 regarding the amount of tree clearing and alteration to wetland resource areas and Priority Habitat associated with each phase of the project. For purposes of clarity, all supplemental materials provided by the Proponent are included in references to the "Single EIR" unless otherwise indicated.

Comments from Agencies do not identify any significant impacts that were not reviewed in the Single EIR, note deficiencies in the alternatives analysis, or identify additional alternatives for further review.

Environmental Justice

The Single EIR indicates that the AFRRP project corridor crosses two Environmental Justice (EJ) communities characterized by Minority criteria and that there are two additional communities within one mile of the project characterized by Income, and Minority and Income criteria. While the project was filed prior to January 1, 2022, when new MEPA regulations and protocols went into effect to address projects located near EJ populations, the Single EIR contained a baseline assessment of public health impacts, and discussed the project's potential to impact EJ communities. Advanced Notification was provided to a list of community-based organizations (CBOs) and tribes/indigenous organizations (the "EJ Reference List") provided by the MEPA Office. The Proponent surveyed the EEA EJ Mapper to determine what languages are spoken in the surrounding area. The Single EIR identifies Portuguese or Portuguese Creole as languages that are spoken by five percent or more of the population within census tracts containing the above EJ populations who self-identified as "do not speak English very well." The Proponent also reached out to local community organizations, local health centers, city officials, and school systems to determine what, if any, languages are spoken at less than 5% frequency; the Single EIR indicates that European, Brazilian, and Cape Verdean dialects of Portuguese, as well as K'iche are spoken in the municipalities containing the above EJ populations. The Single EIR states that these additional dialects have been used since 2022 to provide public involvement opportunities during MEPA review and will continue to be used for the duration of the project.

The Single EIR included a description of public outreach activities that have been conducted to date. As described in the Single EIR, the Proponent has established a community and public outreach program that includes opportunities for public education and input regarding the need for the project, the permitting process, the dissemination of construction updates and outreach during construction, and follow-up outreach after project completion. The Single EIR states that the program is designed to engage the communities, facilitate transparency throughout the project, foster public participation, and solicit feedback from stakeholders. All abutters within a 300-foot radius of the project's edge of ROW and within 0.25 mile of all ancillary facilities received a project introduction letter through the mail in 2018, and in June of 2021, the latter noticing community meetings. Community meetings were held in 2018 and 2021; for the

2021 meetings, trilingual invitations (featuring, in equal parts: English, Spanish, and Portuguese) were mailed to all property owners along the project route in each City/Town. The meetings were also noticed in local Portuguese and English newspapers. Interpretation services in Portuguese and Spanish were provided during the community meetings. As described in the Single EIR, a project-specific 24-hour call-in number and email address for both Proponents were included in all correspondence; translation services are readily available through the project specific hotline and email. Both Proponents created project-specific webpages to provide an overview of the project and project-related documentation. Information on the websites has been posted in English, Spanish, Portuguese (European), Portuguese Creole (Brazilian and Cape Verdean), and K'iche'.

The Single EIR contained a baseline assessment of any existing unfair or inequitable Environmental Burden and related public health consequences impacting EJ Populations. According to the Single EIR, the data surveyed show some indication of an existing “unfair or inequitable” burden impacting the identified EJ populations. Specifically, the Single EIR notes that the DPH EJ Tool identifies municipalities in which the EJ populations are located as exhibiting “vulnerable health EJ criteria”; this term is defined in the DPH EJ Tool to include any one of four environmentally related health indicators that are measured to be 110% above statewide rates based on a five-year rolling average.² The Single EIR indicates that Fall River and New Bedford exhibit “vulnerable health EJ criteria” for Heart Attack rate, Childhood Blood Lead Levels, Low Birth Weight rates, and Childhood Asthma rates. There are no EJ communities within the project DGA in the Town of Somerset while Acushnet and Dartmouth exhibit “vulnerable health EJ criteria” for Heart Attack.

In addition, the Single EIR indicates that the following sources of potential pollution exist within the identified EJ populations, based on the mapping layers available in the DPH EJ Tool:

- Major air and waste facilities: 10
- M.G.L. c. 21E sites: 2
- “Tier II” Toxics Release Inventory sites: 13
- MassDEP sites with AULs: 1
- MassDEP public water suppliers: 1
- EPA facilities: 7
- Regional transit agencies: 1

The Single EIR also surveyed environmental indicators tracked through the U.S. EPA’s “EJ Screen,” which shows the indicators measured at the following percentiles for the identified EJ populations as compared to the MA statewide average. The Single EIR indicates that the following indicators are elevated at 80th percentile or higher of statewide average for one or more census tracts within the DGA:

- Ozone: 80th – 100th percentile
- 2017 NATA Respiratory Hazard Index Ratio: 96th percentile

² See <https://matracking.ehs.state.ma.us/Environmental-Data/ej-vulnerable-health/environmental-justice.html>. Four vulnerable health EJ criteria are tracked in the DPH EJ Viewer, of which two (heart attack hospitalization and childhood asthma) are tracked on a municipal level, and two (childhood blood lead, and low birth weight) are tracked on a census tract level. The Proponent only reported data at the municipal level.

- Traffic Proximity and Volume Count of vehicles (average annual): 80th – 90th percentile
- Proximity to National Priorities List (Superfund) sites: 80th – 95th percentile
- Proximity to Risk Management Plan (RMP) sites: 97th percentile
- Underground Storage Tanks: 80th – 90th percentile

The Single EIR asserts that the project will not result in adverse impacts to EJ populations. Specifically, the Single EIR states that the project does not exceed MEPA thresholds for air (301 CMR 11.03(4)) and meets the greenhouse gas (GHG) de minimis exemption (as noted in the Certificate issued on the EENF). There are no facilities proposed that would result in long-term air emissions. The project is proposed to address existing transmission capacity issues within the surrounding area. The Single EIR notes that, by siting the project within the existing ROW, the Proponents are avoiding any new impacts to EJ populations associated with new disturbance/alteration of previously undeveloped areas for a new utility line corridor. BMPs will be utilized during project construction to minimize noise, dust, and emissions from construction vehicles and related equipment. While a majority of the new transmission line (11 miles) will be located outside of EJ communities, a section of the new transmission line (1.1 miles) is located within EJ populations in Acushnet and New Bedford. The new substation reviewed as part of Phase 1 is not located within any of the identified EJ populations. As noted above, the Single EIR indicates the project is required to avoid thermal overloads on transmission lines and voltage collapse across the Load Pocket (including EJ communities located in the Load Pocket municipalities) by 2031.

Land Alteration and Stormwater

As noted above, the Single EIR describes 27.5 acres of tree clearing, 20 acres of which is associated with selective tree removal (i.e., clearing that results in conversion to scrub-shrub habitat) associated with Phase 2 of the project to allow for the proper clearance between vegetation and electrical conductors. Existing access roads will be used to the greatest extent practicable; however, in some areas new road spurs will be necessary, totaling approximately 6,254 lf of new access road. The Single EIR states that access roads will be constructed of a combination of gravel and timber construction mats, and typically vary in width from 16 to 20 feet. Where upland access is not available, access across wetlands and streams will be accomplished by the temporary placement of construction mats. Site plans included in the Single EIR identify the extent of proposed clearing. The ROW will be maintained in accordance with national and regional standards and regulations for electric transmission line operation, including required clearances between conductors and vegetation, including (but not limited to) Federal Energy Regulatory Commission standards including NERC Standard FAC-003-1, Commissioner Order 693, FAC-003-2 (effective July 1, 2014); NERC Standard FAC-003-1 – TVMP (effective date of April 7, 2006); and NESC Section 21, Part 2, Rule 218 and the ANSI pruning standards, A300, Part 1, Part 7, and Z-133. Vegetation maintenance within the ROW will also be conducted in accordance with each Proponent's respective plans and procedures: National Grid's *Right-of-Way Vegetation Management Plan* and subsequent updates, and Eversource's *Five Year*

*Vegetation Management Plan for the Central, Eastern, and Southeastern Massachusetts (2023-2027).*³

The Single EIR describes the Integrated Vegetation Management (IVM) approaches used to manage vegetation within existing utility corridors in accordance with transmission line clearance standards and in compliance with the Massachusetts Rights-of-Way Management regulations (333 CMR 11.00). The vegetation maintenance cycle follows a three- to five-year timeline and encourages the growth of low-growing shrubs and other vegetation. Vegetation management will remove forested areas/selected trees to promote scrub-shrub habitat or emergent wetland. Brush, limbs, and felled trees will be chipped and removed from the site or chips may be applied to upland areas as an erosion control measure, where allowable. The Single EIR describes how the ROW and access routes will be maintained over time to limit encroachment by vegetation (native or invasive) and impacts to habitat and wildlife, and identifies the type and frequency of maintenance activities. It describes the selective retention of low-growth vegetation, and studies that have found wildlife benefits associated with the creation of scrub-shrub habitat. The Single EIR includes environmental guidance documents for construction and maintenance of the transmission lines/ROW, and restoration efforts are denoted on project plans. Restoration efforts, including removal of construction debris, final grading, stabilization of disturbed soil, and installation of permanent sediment control devices, will be completed following construction. All disturbed areas around structure work pads and other graded locations that are not stabilized with a gravel surface will be seeded and mulched to stabilize the soils in accordance with applicable regulations. Temporary sediment control devices will be removed following the stabilization of disturbed areas. Potential enhancement activities may include seeding, planting of native shrub species, and provision of snags, woody debris, and stone piles to create wildlife cover.

As described in the Single EIR, prior to the commencement of construction activities, notification will be provided to landowners, abutting property owners, municipal officials, the municipal Departments of Public Works and Police and Fire Chiefs in Acushnet, New Bedford, Dartmouth, and Fall River with details of planned construction including the normal work hours and extended work hours. The Single EIR states that the Proponents will obtain written approval from relevant municipal officials for extended work hours. As described in the Single EIR, the Eversource section of the project crosses DCR's Acushnet Cedar Swamp State Reservation (ACSSR) in the Town of Dartmouth. The Single EIR acknowledges that a Construction Access Permit from DCR will be required for work in this area, which is primarily limited to the use of existing access roads within the ROW. The proposed work will not require an Article 97 land disposition as the project will be completed pursuant to preexisting easement rights currently held by the Proponents. The Single EIR provides a description of land ownership along the

³ While I acknowledge the Proponents' efforts to minimize the extent of permanent access gravel roads, I note that more recent MEPA reviews of utility projects (EEA #16567, 16570, 16607) have required more detailed alternatives analyses to demonstrate that tree clearing activities intended to expand disturbed areas within the ROW are designed to avoid and minimize impacts to environmental resources. While this project does not exceed the 50-acre land alteration threshold at which a carbon analysis may be required under the MEPA GHG Policy, to ensure consistency in mitigation approaches, the Proponents should provide a more definitive documentation in future filings of avoidance and minimization measures with regard to utility tree clearing activities across all of its transmission projects. Such documentation should clearly demonstrate that the Proponents will take all feasible measures to avoid and minimize tree clearing and associated GHG emissions impacts to the maximum extent practicable.

portion of the ROW that passes through the Southeastern Massachusetts Bioreserve, as required by the Certificate on the EENF. I refer the Proponent to comments from DCR, which request a pre-construction meeting with the Proponents to review the conservation land ownership assessment and the Construction and Access plans related to the ACSSR.

The Scope directed the Proponents to discuss measures to limit unauthorized access to the permanent access roadways by off-highway vehicles. As described in the Single EIR, where authorized by property owners, permanent gates and access roadblocks will be installed at key locations to restrict access onto the ROW by unauthorized persons or vehicles.

The Single EIR states that transmission line facilities will not result in more than a de minimis increase in impervious surfaces. A SWPPP will be developed and implemented for the project. The SWPPP will identify controls to be implemented to avoid and minimize the potential for erosion and sedimentation from soil disturbance during construction. The SWPPP will include a construction personnel contact list, a description of the proposed work, stormwater controls and spill prevention measures, and inspection practices to be implemented for the management of construction-related storm water discharges from the project.

Wetland Resources

As described in the Single EIR, Phase 2 of the project will result in a total of 380,335 sf of alteration to BWV (307,061 sf temporary, 923 sf permanent, and 72,351 sf of secondary impact); 90,536 sf of BLSF (34,691 sf temporary, 8,016 sf permanent, and 47,829 sf of secondary impact); 3,934 sf of Inland Bank (2,180 sf temporary and 1,654 sf of secondary impact) and an additional 515 lf of Bank (secondary impact); and 79,432 sf of Riverfront Area (23,587 sf temporary, 8,016 sf permanent, and 47,829 sf of secondary impact). As noted above, Phase 1 included an additional 20,246 sf of alteration to BVW (11,913 sf temporary, 4,244 sf permanent, and 4,089 sf of secondary impact). USACE regulations and guidance categorize wetland impacts as either permanent (fill), temporary (disturbance), or secondary. As noted above, secondary impacts generally involve the conversion of forested wetland habitat to scrub-shrub or emergent wetland habitat, whereby the cover type changes but results in no net-loss of wetlands. The Single EIR identifies the cumulative amount of permanent, temporary, and secondary wetland alteration for each municipality in a tabular format, as required by the Scope.

The Conservation Commissions in Acushnet, New Bedford, Dartmouth, and Fall River will review the project to determine its consistency with the Wetlands Protection Act (WPA), the Wetlands Regulations (310 CMR 10.00), and associated performance standards, including the Stormwater Management Standards (SMS). Comments from the Dartmouth Conservation Commission note that Single EIR makes a compelling argument as to the project need. The Dartmouth Conservation Commission states that the Commission supports this argument, but that further details will be required during the local permitting process. The project is proposed as a Limited Project under the WPA; comments from MassDEP state that the Single EIR has adequately addressed the limited project provision under 310 CMR 10.53(3)(d). The Single EIR notes that the project will require a Chapter 91 (c.91) Minor Modification. MassDEP will review the project to determine its consistency with the Waterways Regulations (310 CMR 9.00) and the 401 WQC Regulations (314 CMR 9.00).

The Single EIR identifies the project's consistency with the WPA and demonstrates compliance with 401 WQC standards at 314 CMR 9.06 that require the project to avoid, minimize, and mitigate the placement of fill in BVW. The Single EIR states that on April 20, 2021, and February 15, 2023, the Proponents met with USACE to discuss requirements for wetland mitigation. During these discussions, the USACE expressed preference for payment to the In- Lieu Fee Program administered by Massachusetts Department of Fish and Game (DFG). The project will also provide 1:1 restoration or replication of BVW, as required by the Wetlands Regulations. The final wetlands mitigation plans will be included in the Notice of Intent (NOIs) submitted to each municipality. The Single EIR states the wetland mitigation plans will address WPA standards, *Massachusetts Inland Wetland Replication Guidelines* (Second Edition), and USACE - *New England District's Compensatory Mitigation Standard Operating Procedures* (December 29, 2020). The Single EIR describes the criteria for selection of wetlands replication areas. Compensatory flood storage will be provided on a foot-by-foot basis for fill within BLSF.

The Single EIR states that, whenever feasible, and in accordance with engineering and safety requirements, structure foundations were moved to avoid or minimize impacts to resource areas. However, not all resource areas could be avoided. The Single EIR states that, due to constraints posed by adjacent land uses or by transmission line design requirements, 17 new structures are proposed in wetland resource areas. As stated in the Single EIR, where permanent impacts are unavoidable, these impacts were minimized to the extent practicable based upon the prior extensive field constructability reviews and careful attention to design. No permanent impacts for the installation of structures are proposed within streams, streambanks or vernal pools. Temporary construction matting for work pads will be placed on the existing wetland vegetation. Wetlands will be restored to pre-construction grades and contours to the extent practicable and allowed to re-vegetate.

The Single EIR describes construction period BMPs to avoid, minimize, and mitigate impacts to wetland resources during the construction period. The Proponents will develop and maintain a SWPPP and Soil Erosion and Sediment Control Plan. As described in the Single EIR, a Wetland Invasive Species Control Plan (WISCP) will be implemented to minimize the spread and/or introduction of invasive species in wetlands in the project area during construction. The overall objective of the WISCP is to define the procedures to be used during project construction to accomplish this goal. Throughout the construction process, an environmental monitor will be retained to oversee construction activities on a regular basis, including the installation and maintenance of soil erosion and sediment controls to ensure compliance with all federal, state, and local permit commitments. The Single EIR included Wildlife Habitat Evaluations completed pursuant to the Wetlands Regulations (310 CMR 10.60) and the procedures and methods detailed in MassDEP's *Massachusetts Wildlife Habitat Protection Guidance for Inland Wetlands*. Comments from MassDEP note that, as the project is located within protected habitat of rare species, copies of the NOI must be sent to NHESP for their review for compliance with the state-listed rare species protection provisions.

Rare Species

Portions of the AFRRP are located in Priority and Estimate Habitat for rare, threatened, and endangered species in Acushnet, New Bedford, Dartmouth, and Fall River. The Single EIR states that the Proponents have minimized impacts to state listed species to the extent practicable, but that full avoidance of state listed species is not feasible. A total of 145 acres of the project ROW traverses areas identified as NHESP Priority and Estimated Habitat areas. The Single EIR describes 59,201 sf of permanent impacts to these habitats (consisting of conversion of habitat cover type), 860,392 sf of temporary impacts (consisting of construction-related disturbances), and 866,579 sf of secondary impacts (tree clearing). As described in the Single EIR and in comments from NHESP, the Proponents continue to coordinate closely with NHESP pursuant to the MESA (M.G.L. c. 131A) and MA WPA (M.G.L. c. 131 § 40) to avoid and minimize impacts to state-listed species and their habitats, and to provide mitigation for any unavoidable impacts. To supplement prior field efforts (as documented in the EENF), species specific surveys have been reinitiated in 2021 for the Eastern box turtle (*Terrapene carolina*). The Single EIR states that botanical surveys have additionally been conducted in coordination with NHESP. The distribution of annual species in particular, whose occurrence is variable from year to year, will be conducted in 2023 prior to construction to reconfirm and/or re-delineate the current extant of plant populations previously documented within the project ROW during the prior surveys.

Subsequent to the EENF filing, the Proponents met with NHESP on seven occasions (March 2021, April 2022, May 2022, August 2022, December 2022, January 2023, and March 2023) to discuss the project and recommendation mitigation measures. Comments from NHESP state that, based on information submitted as part of the MEPA process and ongoing consultations with the Proponents, the Division anticipates that the project, as currently proposed, will likely result in a Take (321 CMR 10.18 (2)(b)) of the Eastern Box Turtle (*Terrapene carolina*; Special Concern), Philadelphia Panic Grass (*Panicum philadelphicum ssp. philadelphicum*; Special Concern) and Stiff Yellow Flax (*Linum medium var. texanum*; Threatened). Comments from NHESP state that, additionally, based on botanical surveys completed by the Proponents and conducted in accordance with Division-approved protocols, the project may result in a Take of Long-leaved Panic Grass (*Coleataenia longifolia ssp. longifolia*; Threatened) and Grass-leaved Ladies'-tresses (*Spiranthes vernalis*; Threatened). These species and their habitats are protected pursuant to the Massachusetts Endangered Species Act (MESA) and its implementing regulations (312 CMR 10.00).

Projects resulting in a Take of state-listed species may only be permitted if they meet the performance standards for a Conservation and Management Permit (CMP; 321 CMR 10.23). In order for a project to qualify for a CMP, the applicant must demonstrate that the project has avoided, minimized and mitigated impacts to state-listed species consistent with CMP performance standards. While the Proponents are still working with NHESP to determine how the project will meet the long-term Net Benefit performance standards for issuance of a CMP, the Single EIR describes measures that have already been incorporated into the project design. The Single EIR notes that with a suitable mortality avoidance plan in place the project will ultimately diversify the habitat for Eastern Box Turtle across approximately 12,000 acres of intact and protected forest lands, resulting in a net benefit for this species. Significant work has occurred to identify turtle habitat, including the use of radio telemetry. This tool will continue to

be utilized to identify species during construction to avoid future harm to the species. The project team will be performing seed collection of select plant species so that permanent loss is reduced.

The Single EIR notes that when a “Take” of a state-listed species is unavoidable, the preferred method for mitigation typically includes land preservation through on-site or off-site conservation restrictions at a specified ratio (see 321 CMR 10.23 (7) (a)), for the habitat acreage lost. Since the Proponent holds easement rights rather than land ownership over most of the ROW, conservation restrictions over appropriate habitat are not possible. The Proponents anticipate contributing to the Nature Conservancy’s Box Turtle Enhanced Mitigation Fund as a component of the net benefit to Eastern Box Turtle. The Proponents, in consultation with NHESP, will determine the appropriate amount of compensatory funding, which may be used for, but is not limited to, research studies, off-site habitat enhancements or land banking/preservation. The Proponents are also exploring other ROW enhancements including creating and maintaining exposed soil for turtle nesting areas. Comments from NHESP recommend that the Proponents continue proactive consultations to refine the details of the long-term net benefit plan required under a CMP and to address several outstanding issues. As stated in NHESP’s comments, the Division anticipates being able to address these issues through the MESA review process, and looks forward to continued consultation with the Proponents.

Traffic and Transportation

Intermittent traffic associated with the construction of Phase 2 will occur throughout the duration of the project. Construction equipment will typically gain access to the ROWs from public roadways crossing the ROWs in various locations along the route. Additional temporary short-term impacts, including lane closures or traffic stops, are anticipated when the new transmission lines need to be strung over public roadways. Line stringing will be required across 19 roadway crossings and one railroad crossing. Permits from the MassDOT will be required for this work at state highway crossings. The Single EIR states that installation could temporarily affect traffic flow of the roadway but does not involve physical modifications to the roadway or roadway ROW. The Single EIR includes a draft traffic management plan (TMP) developed for the utility crossings of State Route 140 and State Route 18. The TMPs will be developed and submitted to MassDOT for review and approval prior to the start of project construction.

Historical and Archaeological Resources

Both phases of the project are subject to review under Section 106 of the National Historic Preservation Act of 1966 (36 CFR 800) and by MHC in compliance with M.G.L. c.9 ss.26-27C as amended by Chapter 254 of the Acts of 1988. MHC review is typically undertaken concurrently with Section 106 Review through consultation with the USACE. As described in the Single EIR, intensive (locational) archaeological surveys have been completed for Phase 2 of the project. Technical reports were submitted to MHC on October 10, 2018 (National Grid portion of project) and July 29, 2019 (Eversource portion of project). Fifteen newly identified resources were recorded; nine of which were recommended as potentially eligible for listing in the National Register of Historic Places. A report summarizing archaeological site examination investigations of the nine sites was submitted to MHC in 2022. On July 7, 2022, MHC

responded, concurring with the recommendations in the archaeological site examination report and requesting that an Archaeological Site Avoidance and Protection Plan (ASAPP) be prepared.

The ASAPP has since been developed, and a State Archaeologist's Permit application has been issued to perform supplemental archaeological site examination investigations at the significant site within the project area. As construction within the ROW has the potential to impact archaeological sites depending on the depth and extent of planned ground disturbance in relation to archaeological resources, the Proponents will implement the ASAPP to ensure that significant archaeological sites are not inadvertently impacted during project construction. Additionally, the Proponents will continue to consult with MHC and the USACE prior to construction and to avoid, minimize or mitigate impacts to significant resources. Any protection or avoidance measures required to avoid or minimize impacts to significant resources will be outlined in an ASAPP and procedures to handle unanticipated discoveries during construction will also be specified as part of a Post Review Discoveries Plan.

Climate Change Adaptation and Resiliency

The Single EIR contained an output report from the MA Climate Resilience Design Standards Tool prepared by the Resilient Massachusetts Action Team (RMAT) (the "MA Resilience Design Tool"),⁴ together with information on climate resilience strategies to be undertaken by the project. Based on the output report attached to the Single EIR, the project has a "High" risk for extreme precipitation (riverine flooding) and extreme heat and a "Moderate" risk for extreme precipitation (urban flooding); the project also received a "Moderate" ecosystem benefits score. Based on the 50-year useful life identified for the new 115 kv transmission line and self-assessed criticality of this asset, the MA Resilience Design Tool recommends a planning horizon of 2070 and a return period associated with a 25-year (4% chance) storm when designing the transmission line for the extreme precipitation parameter. It also recommends planning for the 90th percentile for applicable extreme heat parameters.

As noted above, the project does not propose an increase in impervious surface, but will result in selective tree removal. The Proponents reviewed the Massachusetts Sea Level Rise and Coastal Flooding Viewer and the 2022 National Oceanic and Atmospheric Administration Sea Level Rise Viewer for the Phase 2 project area. The Single EIR states that the AFRRP is located outside of the inland extent of inundation projected from a 0 to 6-foot rise in sea level above current mean higher high-water mark. The Single EIR states that the project is designed for more frequent extreme weather events and extreme heat. The project's engineering design used structure loading criteria required by the National Electrical Safety Code (NESC), which requires consideration of combined ice and wind district loading, extreme wind conditions, and extreme ice with concurrent wind conditions. The Single EIR states that the Proponents have design standards which also include consideration and contingency for heavy load imbalances and heavy ice conditions; however, no quantitative assessment was provided to show the extent to which such design would be resilient to future storm scenarios. The Single EIR states that the new transmission line conductors are also designed to operate at higher maximum operating temperatures at a higher carrying capacity and under fluctuations in air temperature. As

⁴ https://resilientma.org/rmat_home/designstandards/

described above, the Proponents will encourage the growth of scrub-shrub habitat where tree removal is proposed to occur.

As described in the Single EIR, the project contributes to regional climate change adaptation strategies for the Southeastern Massachusetts and Rhode Island (SEMA-RI) area, and will result in a more climate-ready and resilient transmission system that can withstand more extreme weather events, address existing system capacity shortages and increased demand, and support future interconnections (including those from renewable energy projects and offshore wind). In addition, the Single EIR notes that the new transmission line is located entirely within an existing ROW, thereby minimizing alteration of new land resources to construct the project.

Construction Period

The Single EIR identifies the proposed locations of both permanent and temporary access roads to and within the ROW, as required by the Certificate on the EENF. It identifies policies and procedures that will be followed to minimize construction related disturbances throughout all phases of construction. Where possible, low ground pressure vehicles will be used as a feasible alternative to construction mats, depending on the time of year, number of trips, type of wetland system, emergencies, and state-specific USACE General Permit Performance Standards. The Single EIR states that any construction related debris will be recycled if possible. Debris that is not salvageable and any debris that cannot be recycled will be removed from the ROWs and station sites to an approved off-site facility. Practices that will be used to protect the public during construction will include, but not be limited to, contractor safety training, establishing traffic control plans for construction traffic to maintain safe driving conditions, restricting public access to potentially hazardous work areas, and using temporary guard structures at road and electric line crossings to prevent accidental contact with the conductor during installation. As described in the Single EIR, construction phasing is expected to generally proceed as follows:

- Survey and removal of vegetation and ROW mowing of proposed work areas in advance of construction
- Installation of BMPs (e.g., erosion and sediment controls)
- Construction of access roads and access road improvements
- Construction of work pads and staging areas
- Installation of foundations and structures
- Installation of conductor, OPGW, and shield wire
- Restoration and stabilization of the ROW

The Single EIR included a description of each phase of project work and measures included to avoid, minimize, or mitigate Damage to the Environment, as requested by the Certificate on the EENF. Prior to the start of vegetation removal, the boundaries of wetlands and water resources previously delineated will be re-flagged and clearly marked to prevent unauthorized vehicular encroachment into wetland areas. Appropriate forestry techniques will be implemented within wetlands to minimize ground disturbance. Other sensitive resources, such as cultural resource features and NHESP state-listed plant species, will be flagged and encompassed with protective fencing prior to removal of vegetation on the ROW. Following installation, areas disturbed by the work will be restored to match the existing topography and ground cover. Vegetated areas will be restored with grass seed, lime, starter fertilizer and mulch. Where

appropriate, enhancements will be proposed as mitigation for important wildlife features that may be lost as a result of tree removal and construction activities. Potential enhancement activities may include seeding, planting of native shrub species, and provision of snags, woody debris, and stone piles to create wildlife cover.

Mitigation and Section 61 Findings

The Single EIR provided draft Section 61 Findings for use by Agencies, which are summarized below. The Section 61 Findings should be provided to Agencies to assist in the permitting process and issuance of final Section 61 Findings.

Environmental Justice

- Continued use of the project website, news releases to local media and local public access channel, as available; a toll-free project hotline; emailed construction updates; an email inquiry process; use of direct mail and “leave behinds” (e.g., fliers, brochures, CDs).
- Implementation of a Construction Communication Plan
- The project will increase resiliency of the transmission system and address existing system capacity shortages and increased demand; the upgrade will directly benefit the surrounding EJ populations by avoid widespread voltage collapse in the Load Pocket
- Siting of substation and majority of new transmission lines outside EJ populations

Land Alteration

- Use of the existing ROW, thereby avoiding new disturbance/alteration of previously undeveloped areas for a new utility line corridor
- Stabilization of ground disturbance and site grading activities will occur in accordance with *Massachusetts Erosion Sediment Control Guidelines for Urban and Suburban Areas*
- Installation of appropriate erosion and sediment controls and repair of any controls within 48 hours of any observation of damage
- Installation of stabilized construction entrances on the ROW at public road crossings
- Implementation of standard industry forestry practices during tree removal and vegetation removal; site-specific forestry means and methods will be implemented where needed to minimize environmental impact
- Use of qualified professionals as Environmental Compliance Monitors

Wetlands and Waterways

- Use construction mats for access through wetlands, across intermittent or small streams and other sensitive areas to minimize compression of soils, rutting, and disturbance of vegetation; mats inspected daily to ensure that controls are in working order and repairs can occur in a timely manner.
- Construction timing to minimize impacts
 - Construction within and across wetlands and in proximity to vernal pools will be limited to the extent practicable to avoid working in the periods between April 1 and June 1 for work proposed by National Grid
 - Eversource will coordinate the timing of work to cause the least impacts during the regulatory low flow period under normal conditions or when water/ground is

frozen; USACE defines the low-flow periods for streams which are outlined in Eversource's *BMP Manual*

- Contractors will comply with National Grid's *Environmental Guidance Document EG-303NE* or with Eversource's *BMP Manual* for all work in or adjacent to wetland resource areas
- Use of washed stone where existing access roads crossing stream beds must be improved, (e.g., clean riprap or equivalent, rock fords)
- Bridge/span watercourses with temporary construction mats, as necessary, to allow equipment to cross without constraining water flow
- Maintenance of adequate separation from watercourses while mixing concrete for structure foundations to avoid impacts to waterbodies
- Restoration of temporarily impacted wetland resource areas to pre-construction configurations and contours to the extent practicable
- Compensatory mitigation for permanent BVW fill associated with the project final plans to be developed in consultation with local conservation commissions and USACE
- Compensatory mitigation which will be determined in consultation with agencies to offset conversion of forested wetlands associated with tree removal
- Excavation within BLSF to maintain existing elevations, or provide compensatory flood storage as mitigation for fill within BLSF (final plans to be developed in consultation with local Conservation Commissions)

Rare Species

- Implementation of an NHESP-accepted state-listed species mitigation plans to avoid and minimize impacts on rare species
- Development and implementation of species-specific protection plans to be approved by the NHESP
- Obtaining a Conservation and Management Permit from NHESP
- Training will be required for all construction personnel.
- Installation of signage along the ROW alerting work crews to rare species habitats
- Installation of construction fencing along the ROW alerting work crews to rare plant occurrences adjacent to the work area(s)
- Performing extensive sweeps prior to construction and monitoring during construction
- Monitoring of animals in the vicinity of active construction via radiotelemetry
- Conducting habitat restoration and enhancement post-construction

Historic and Archaeological Resources

- Mitigation to be determined in consultation with MHC, Tribal Historic Preservation Officers, and Advisory Council on Historic Preservation, and USACE, as appropriate
- Preparation and implementation of an Archaeological Site Avoidance and Protection Plan (ASAPP)

Traffic

- Consultation with MassDOT to review proposed plans for overhead crossings (including the use of guard structures)

- Development of implementation of a Transportation Management Plan that addresses impacts and MassDOT concerns to ensure a safe working environment as well as safe passage for highway traffic

Adaptation and Resiliency

- The project will encourage the growth of scrub-shrub vegetation where tree removal is proposed
- Designing the project considering combined ice and wind district loading, extreme wind conditions, and extreme ice with concurrent wind conditions
- Designing the new transmission line conductors to operate at higher maximum operating temperatures at a higher carrying capacity and under fluctuations in air temperature
- Creation of a more climate-ready and resilient transmission system that can withstand more extreme weather events, contributing to regional climate change adaptation strategies for the Southeastern Massachusetts and Rhode Island (SEMA-RI) area
- Providing capacity to support future interconnections from renewable energy projects and offshore wind

Construction Period

- Development and implementation of a SWPPP in compliance with EPA's NPDES program, which establishes a construction contact list, presents a description of the proposed work, and identifies stormwater controls, spill prevention, and inspection practices to be implemented for the management of construction-related stormwater discharges from the project
- All contractors and environmental monitors will be required to participate in a project-specific environmental compliance training session before beginning work and regular construction progress meetings will be held to provide the opportunity to reinforce the contractor's awareness of these matters
- If polluted/contaminated soil is encountered, it will be handled in accordance with appropriate regulatory requirements
 - Contaminated soils will be stockpiled on and covered by polyethylene sheeting, weighted down appropriately
 - If necessary, a plan for handling potentially contaminated soils will be prepared in accordance with National Grid's *Environmental Guidance Documents (EG-1707 and 1701)* regarding projects at existing substations and excess soil management from construction projects on ROWs
- Discharge and/or dispose of groundwater encountered during installation of structure supports in accordance with applicable local and state requirements, as necessary, and the EPA Stormwater Construction General Permit and SWPPP, as applicable
- If a spill occurs, control and minimize the potential effects in accordance with National Grid Environmental Guidance Documents (EG-501MA and EG-502MA) regarding release notification requirements and spill response procedures and notifications, Eversource's *BMP Manual*, the SWPPP (which includes spill prevention and response procedures), and/or Eversource Energy Contractor Rules
- Use of dust mitigation measures as described in National Grid's *Environmental Guidance Document EG-303NE* and/or Eversource's *BMP Manual*, such as track pads at access points and controls during dry periods

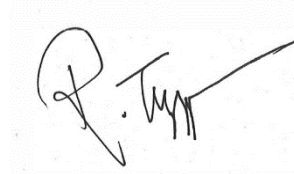
- Use of ultra-low sulfur diesel fuel exclusively in diesel-powered construction equipment
- Any diesel-powered non-road construction equipment with engine horsepower ratings of 50 and above to be used for 30 or more days over the course of project construction will either be USEPA Tier 4-compliant or will be retrofitted with EPA-verified (or equivalent) emission control devices such as oxidation catalysts or other comparable technologies (to the extent that they are commercially available) installed on the exhaust system side of the diesel combustion engine
- Compliance with MassDEP's Solid Waste and Air Pollution control regulations, pursuant to M.G.L. c.40, s.54.

Conclusion

Based on a review of the Single EIR and consultation with Agencies, I find that the Single EIR adequately and properly complies with MEPA and its implementing regulations. The project may proceed to permitting. Participating Agencies should forward copies of the final Section 61 Findings to the MEPA Office for publication in accordance with 301 CMR 11.12.

August 16, 2023

Date



Rebecca L. Tepper

Comments received:

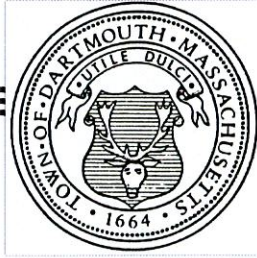
08/07/2023	Town of Dartmouth Conservation Commission
08/07/2023	Massachusetts Department of Marine Fisheries (DMF)
08/09/2023	Massachusetts Department of Conservation and Recreation (DCR)
08/09/2023	Massachusetts Department of Environmental Protection (MassDEP) Southeast Regional Office (SERO)
08/10/2023	Massachusetts Division of Fisheries and Wildlife (MassWildlife), Natural Heritage and Endangered Species Program (NHESP)

RLT/ELV/elv

DARTMOUTH

CONSERVATION COMMISSION

400 Slocum Road • P.O. BOX 79399
Dartmouth, MA 02747



MASSACHUSETTS

MARC GARRETT

Environmental Affairs Coordinator
TEL: 508-910-1822 * FAX: 508 910-1897
<http://www.town.dartmouth.ma.us>

August 9, 2023

Ms. Eva Vaughan, MEPA Analyst
Energy and Environmental Affairs – MEPA Unit
100 Cambridge Street – Ste. 900
Boston, MA 02114

RE: Presentation of Comments for the Bell Rock Substation Rebuilding Project and the Acushnet to Fall River Reliability Project (EEA 15941)

Dear Ms. Vaughan:

RE: Presentation of Comments for the Bell Rock Substation Rebuilding Project and the Acushnet to Fall River Reliability Project (EEA 15941)

The comments herein are in response to the request for comments on the Single Environmental Impact Report (SEIR), of the above-referenced project crosses through the northern portion of Dartmouth, MA, and further involves several wetland resources within the jurisdiction of the Dartmouth Conservation Commission (the Commission). As the Commission's technical staff, the Town's Environmental Affairs Coordinator offers these comments on behalf of the Commission.

A review of the pertinent documentation presented in the Environmental Monitor dated July 10, 2023, as it relates to the Dartmouth portion of the project, indicates that the Commission will have considerable interest and regulatory authority over the proposed work. The project description makes a very compelling argument as to the project need and the Commission supports that argument. Further, the SEIR accurately identifies those permitting requirements within the Commission's jurisdiction under the Massachusetts Wetlands Protection Act and its implementing regulations (MGL ch. 131, s. 40 and 310 CMR 10.00), and the Town of Dartmouth Wetland Protection Bylaw and its implementing regulations (General Town Bylaw's ch. 360). These are referenced herein as the WPA and the Bylaw, throughout.

Protectable wetland interests under the WPA and Wetland Values under the Bylaw are protected by protecting the following defined project specific jurisdictional resources:

State Resources under the Act

Bordering Vegetated Wetlands (BVW),*
 Inland Bank,*
 Riverfront Area,* and
 Bordering Land Subject to Flooding (BLSF).*

Local Resources under the Bylaw

Freshwater Wetlands,**
 Land Subject to Flooding,** and
 100-ft Buffer Zone**.

* as identified in Table 1.3 of the SEIR.

** as defined in the Bylaw.

While the SEIR and its associated attachments go into some detail on general wetland protection and permitting, and wildlife protection¹, as the project proposes to affect wetland resources in multiple municipal jurisdictions; the applicant must file for, and receive wetland permits from the Commission under both the Act and the Bylaw. The SEIR presents a clear understanding of this requirement and further presents arguments in the evaluation of avoidance, minimization and mitigation in the general sense, but the applicant will need to get specific with the Commission as to how they will address these evaluation criteria specifically within the Dartmouth jurisdiction.

The SEIR - Figures illustrate that the Dartmouth project corridor or right-of-way (ROW) supports fourteen (14) BVW's or Freshwater Wetlands (D-20 thru D-33), five (5) field verified vernal pools, three (3) Riverfront Areas, and two (2) BLSF's, both of which are associated with the Shingle Island River and tributary system and have no designated base flood elevation. This clearly establishes the Commission's permitting jurisdiction on this project, and while familiar with some of these resource areas through other permitting efforts, all of these resource areas will need to be field verified by the Commission's staff.

Since there is no NHESP Designated Habitats with this portion of Dartmouth, wildlife issues as outlined in the SEIR's Wildlife Evaluation attachment and any Vernal Pool protections, and their associated protectable interests and wetland values, shall be confined to those jurisdictions under the Act and Bylaw, and protected as such.

Anticipated project impacts shall include, but not be limited to the following:

Temporary Impacts

Construction equipment access and egress,
 Mobilization and demobilization of
 construction equipment,
 Staging and stockpiling of equipment
 and supplies,
 Noise and visual impacts,
 Resource area functionality
 During construction.

Permanent Impacts

Surface area displacement,
 Resource area functionality
 post construction,
 Potential Habitat alteration(s), and
 Visual impact.

¹ A protectable interest and Wetland Value under both the Act and bylaw.

Any spatial impact to jurisdictional resources shall be avoided, minimized or mitigated for, and in the latter case, shall be restored or replaced in conformance with the Act and Bylaw. Any impact to any protectable interest and/or wetland value are to be avoided, minimized or mitigated for to the greatest extent possible.

The Conservation staff of the Town of Dartmouth is willing and available to engage in pre-application meetings/site visits to discuss specific project proposals and implementation strategies upon request of the applicants. Please be advised.

If you have any questions, feel free to contact me at (508) 910-1822 or at mgarrett@town.dartmouth.ma.us.

Thank you,

A handwritten signature in black ink, appearing to read 'Marc J. Garrett', written over a horizontal line.

Marc J. Garrett, Environmental Affairs Coordinator

Town of Dartmouth
400 Slocum Road
Dartmouth, MA 02747

Vaughan, Eva (EEA)

From: DMF EnvReview-South (FWE)
Sent: Monday, August 7, 2023 4:57 PM
To: Vaughan, Eva (EEA)
Cc: Logan, John (FWE); Davis, Amanda (FWE); Boeri, Robert (EEA); karen.hanecak@powereng.com
Subject: EEA# 15941, NE Power Co, Acushnet to Fall River Reliability Project

EEA# 15941

Dear Ms. Vaughan,

MA DMF has reviewed the Single Environmental Impact Report by the New England Power Company d/b/a National Grid (NEP) and NSTAR Electric Company d/b/a Eversource Energy for the Acushnet to Fall River Reliability Project (AFRRP) located in the municipalities of Acushnet, New Bedford, Dartmouth and Fall River.

Based on the scope of work as currently proposed, MA DMF has no recommendations for sequencing, timing, or methods that would further avoid or minimize impacts to marine resources at this time.

Questions regarding this review may be directed to John Logan in our New Bedford office at john.logan@mass.gov.

Thank you,
Emma Gallagher
Sent on behalf of John Logan

Environmental Review Administrative Assistant

MA Division of Marine Fisheries
836 S. Rodney French Boulevard
New Bedford, MA 02744
(203)-209-8990

<http://www.mass.gov/eea/agencies/dfg/dmf/>



August 9, 2023

Secretary Rebecca L. Tepper
Executive Office of Environmental Affairs
Attn: Eva Vaughan, MEPA Office
100 Cambridge Street, Suite 900
Boston, Massachusetts 02114

Re: EEA #15941 Bell Rock Substation Rebuilding Project and the Acushnet to Fall River Reliability Project Single EIR

Dear Secretary Tepper:

The Department of Conservation and Recreation (“DCR” or “Department”) is pleased to submit the following comments in response to the Single Environmental Impact Report (“SEIR”) submitted by New England Power Company d/b/a National Grid (“NEP”) and NSTAR Electric Company d/b/a Eversource Energy (“Eversource”) (the “Proponent”) for the Bell Rock Substation Rebuild Project and the Acushnet to Fall River Reliability Project (the “Project”).

The Project is intended to expand and upgrade the existing Bell Rock Substation that lies within NEP’s existing 2.75-acre substation easement. The Project will also improve electric transmission reliability in approximately 12.1 miles of Eversource ROW in Fall River, Dartmouth, New Bedford and Acushnet. New transmission line structures and overhead conductors and wires will be installed along the southern portion of the ROWs parallel to the existing overhead transmission lines.

A portion of the Project runs through the Southeastern Massachusetts Bioreserve (“Bioreserve”). DCR and the Department of Fish & Game (“DFG”) are co-owners of portions of the Bioreserve, including public conservation land that surrounds stretches of Eversource ROW totaling approximately 1.65 miles. The Project also runs through or abuts approximately 1.0 mile of DCR’s Acushnet Cedar Swamp State Reservation (“ACSSR”). The ACSSR was designated as a National Natural Landmark by the National Park Service in 1971.

Construction and Access

DCR’s EENF comment letter requested that the SEIR include a clarification of land ownership along the portion of Eversource ROW that passes through the Bioreserve and an explanation of potential construction and access needs. DCR appreciates the inclusion of this assessment in the SEIR. SEIR indicates that a DCR Construction and Access Permit (“CAP”) will be required to access the ROW for construction of work areas and improvements to existing access roads within the ROW in the ACSSR. DCR requests a pre-construction meeting with the Proponent to review the conservation land ownership assessment and the Construction and Access plans related to the ACSSR.

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Department of Conservation and Recreation
State Transportation Building
10 Park Plaza, Suite 6620
Boston, MA 02116-3978
617-626-1250 617-626-1351 Fax
www.mass.gov/dcr



Maura T. Healey
Governor
Kimberley Driscoll
Lt. Governor

Rebecca L. Tepper, Secretary
Executive Office of Energy & Environmental Affairs
Brian Arrigo, Commissioner
Department of Conservation & Recreation

Thank you for the opportunity to comment on the SEIR. Please contact Sean Grant at sean.grant@mass.gov to request a CAP. If you have additional questions, please contact DCR MEPA Review Coordinator Andy Backman at andy.backman@mass.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Arrigo", with a stylized flourish at the end.

Brian Arrigo
Commissioner

cc Priscilla Geigis, Patrice Kish, Tom LaRosa, Sean Grant



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

August 9, 2023

Rebecca L. Tepper,
Secretary of Energy and Environment
Executive Office of Energy and
Environmental Affairs
ATTN: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: SEIR/NPC Review EOEEA #15941.
ACUSHNET to FALL RIVER. Acushnet to
Fall River Reliability Project at 181 Bell
Rock Road and existing transmission ROW
in Acushnet, New Bedford, Dartmouth and
Fall River (AFRRP)

Dear Secretary Tepper,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Single Environmental Impact Report (SEIR)/Notice of Project Change (NPC) for the proposed Acushnet to Fall River Reliability Project at 181 Bell Rock Road and existing transmission ROW in Acushnet, New Bedford, Dartmouth and Fall River (AFRRP), Massachusetts (EOEEA # 15941). The Project Proponent provides the following information for the Project:

The proposed Bell Rock Substation Rebuild Project involves the rebuild and expansion of the existing Bell Rock Substation located in Fall River, Massachusetts, the bifurcation of the existing M13 line, and the termination of the resulting M13N and M13S Lines.

The existing transmission line ROW within which the new AFRRP will be installed extends from the Industrial Park Tap to the existing Bell Rock Substation (approximately 12.1 miles) traversing the towns of Acushnet, New Bedford, Dartmouth, and Fall River

The addition of the new AFRRP transmission line will be consistent with the current use of the existing utility ROW. Based on preliminary engineering, of the 118 new structures required for the overhead transmission line, 79 will be direct embed steel pole H frame structures, four will be steel pole H frame structures on concrete foundations, 25 will be direct embed steel single-pole (also referred to as monopole), supplemented by seven monopole and three triple-pole (dead-end and angle) structures requiring reinforced concrete foundations to support heavy loads (refer to Figure 2-5 in Appendix A).

The new structures will range in height from approximately 55 to 110 feet. The structures will support aluminum steel reinforced conductors both in horizontal and vertical configurations. One 3/8-inch extra high strength steel shield wire and one optical ground wire ("OPGW") will be installed to support high speed relaying and

communications requirements. Typical cross-sections of the ROW showing existing and proposed structure size and placement are provided in the Figure 2-6 in Appendix A.

Clearing will be required within the NEP ROW for a distance of approximately 4.2 miles to expand the cleared ROW width approximately 60 feet to the south side of the ROW, and within one span (between Structures 7-8) on the Eversource ROW in order to accommodate the new line. All tree clearing and vegetation removal is to occur within the boundaries of the existing ROWs.

Bureau of Water Resources (BWR) Comments

Wetlands Comments. The Wetlands Program has reviewed the SEIR for the proposed Acushnet to Fall River Reliability Project and offers the following comments. The proposed Project will require local Orders of Conditions from the Acushnet, Dartmouth, Fall River and New Bedford Conservation Commissions and a 401 Water Quality Certification from MassDEP. The Proponent acknowledges the Project requires local Orders of Conditions from the Acushnet, New Bedford, Dartmouth and Fall River Conservation Commissions and anticipates filing Notice of Intent applications with the local Conservation Commissions in Q3 of 2023. No work can occur within Areas of Jurisdiction until a Final Order and a 401 Water Quality Certificate is issued.

The SEIR indicates that the Project is being proposed as a limited Project and has adequately addressed the limited project provision under 310 CMR 10.53(3)(d).

A 401 Water Quality Certification application is required per 314 CMR 9.04 and is subject to the Criteria for Evaluation of Applications for the Discharge of Dredged or Fill Material in 314 CMR 9.06 and the requirements of 314 CMR 4.00. The Proponent acknowledges the need to file a Section 401 Water Quality Certification in accordance with the provisions stated in the federal CWA (33 U.S.C. §1341) and the Massachusetts Clean Water Act (M.G.L. c. 21, §26-53) and its implementing regulations (314 CMR 9.00) and addresses preliminary wetland mitigation planning for each company in Section 4 of the SEIR. The Proponent anticipates submittal of the Section 401 Water Quality Certification application in Q3 of 2023.

The Wetlands Program notes that the proposed Project is within Estimated Habitat of several species and that copies of the Notices of Intent must be sent to the Natural Heritage and Endangered Species Program for their review for compliance with the state-listed rare species protection provisions of the Massachusetts Endangered Species Act, 321 CMR 10.00. According to the SEIR, consultation and discussions with Natural Heritage and Endangered Species Program has already occurred on several occasions (Section 5.0 of the SEIR).

The SEIR indicates that a Wildlife habitat evaluation was completed pursuant to 310 CMR 10.60 and the procedures and methods detailed in MassDEP's Massachusetts Wildlife Habitat Protection Guidance for Inland Wetlands.

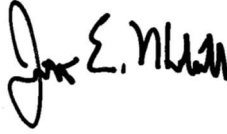
The proposed Project is subject to the Massachusetts Stormwater Standards therefore the Proponent must demonstrate compliance with the DEP Stormwater Management Regulations, 310 CMR 10.05(6)(b) and (k-q). The Proponent acknowledges that portions of the Project are subject to Massachusetts Stormwater Regulations and shall comply with 310 CMR 10.05(6)(b) and (k-q).

Waterways. The Department acknowledges that the Project Proponent plans to file for a Minor Modification to License 4347 (issued 1960) and thus has no new SERO comments.

Other Comments/Guidance

There being no further comments, the MassDEP Southeast Regional Office appreciates the opportunity to comment on this Single EIR. If you have any questions regarding these comments, please contact George Zoto at George.Zoto@mass.gov or Jonathan Hobill at Jonathan.Hobill@mass.gov.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jon E. Hobill".

Jonathan E. Hobill,
Regional Engineer,
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director
Gerard Martin, Deputy Regional Director, BWR
John Handrahan, Deputy Regional Director, BWSC
Seth Pickering, Deputy Regional Director, BAW
Jennifer Viveiros, Deputy Regional Director, ADMIN
Maissoun Reda, Chief, Wetlands and Waterways, BWR
Andrew Poyant, Wetlands, BWR
Brendan Mullaney, Waterways, BWR
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Mark Dakers, Chief, Solid Waste Management, BWR
Elza Bystrom, Solid Waste Management, BWR
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August 11, 2023

Rebecca Tepper, Secretary
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office
Eva Vaughan, EEA No. 15941
100 Cambridge St.
Boston, Massachusetts 02114

Project Name: *Acushnet to Fall River Reliability Project*
Proponent: *New England Power (NEP) Company d/b/a National Grid and NSTAR Electric Company d/b/a Eversource Energy*
Location: *Existing Right-of-way: Acushnet, New Bedford, Dartmouth, Fall River*
Project Description: *Widen NEP ROW and install 12mi of 115kV overhead transmission line to Acushnet*
Document Reviewed: *Single Environmental Impact Report (SEIR)*
EEA File Number: *15941*
NHESP Tracking No.: *23-8390 (previously 18-37556)*

Dear Secretary Tepper:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the Division) reviewed the *Single Environmental Impact Report* (SEIR) for the “*Acushnet to Fall River Reliability Project*” (the Project) and would like to offer the following comments regarding state-listed species and their habitats.

Portions of the proposed Project are located within Priority Habitat, as indicated in the 15th Edition of the MA Natural Heritage Atlas, and therefore the project requires review through a direct filing with Division for compliance with the Massachusetts Endangered Species Act (MESA, MGL c.131A) and its implementing regulations (321 CMR 10.00).

The Project, as proposed is a joint NEP and Eversource project for the installation of a new 12.1 mile transmission line requiring widening on the NEP right-of-way. NEP and Eversource have been consulting proactively with the Division to refine total impacts associated with the Project.

Based on information submitted as part of the MEPA process and ongoing consultations with the Proponent, the Division anticipates that the Project, as currently proposed, will likely result in a Take (321 CMR 10.18 (2)(b)) of the Eastern Box Turtle (*Terrapene carolina*; Special Concern), Philadelphia Panic Grass (*Panicum philadelphicum* ssp. *philadelphicum*; Special Concern) and Stiff Yellow Flax (*Linum medium* var. *texanum*; Threatened). Additionally, based on botanical surveys completed by the Proponent and conducted in accordance with Division-approved protocols, the Project may result in a Take of Long-leaved Panic Grass (*Coleataenia longifolia* ssp. *longifolia*; Threatened) and Grass-leaved

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Ladies'-tresses (*Spiranthes vernalis*; Threatened). The Proponent is currently working to identify all temporary and permanent impacts to state-listed plants and their habitats associated with the project. With this information, the Division will assess whether a Take of Long-leaved Panic Grass and Grass-leaved Ladies'-tresses can be avoided through Project modifications or redesign.

Projects resulting in a Take of state-listed species may only be permitted if they meet the performance standards for a Conservation and Management Permit (CMP; 321 CMR 10.23). In order for a project to qualify for a CMP, the applicant must demonstrate that the project has avoided, minimized and mitigated impacts to state-listed species consistent with the following performance standards: (a) adequately assess alternatives to both temporary and permanent impacts to the state-listed species, (b) demonstrate that an insignificant portion of the local population will be impacted, and (c) develop and agree to carry out a conservation and management plan that provides a long-term net benefit to the conservation of the state-listed species.

The Division recommends that the Proponent continue proactive consultations to refine the details of the long-term net benefit plan required under a CMP and to address several outstanding issues. Specifically, (1) assess alternatives or modifications to further reduce permanent and temporary impacts to state-listed species and their habitats, (2) developing a robust conservation and management plan that provides a long-term net benefit to state-listed plants, with a focus on protection of individual plants and plant populations, additional surveys, seed collection, and management to enhance habitat quality in the immediate vicinity of the Project site, (3) implementing stringent protection measures during construction, conducting habitat restoration and enhancement onsite, and funding for habitat protection for Eastern Box Turtle. The Division anticipates being able to address these issues through the MESA review process, and looks forward to continued consultation with the Proponent.

The Division will not render a final decision until the MEPA review process and associated public and agency comment period is completed, and until all required MESA filing materials are submitted to the Division. No alteration to the soil, surface, or vegetation and no work associated with the Project shall occur until the Division has made a final decision relative to the MESA. If you have any questions or need additional information, please contact Lauren Glorioso, Endangered Species Review Biologist, at lauren.glorioso@state.ma.us or 508-389-6361. We appreciate the opportunity to comment on the Project.

Sincerely,



Everose Schlüter, Ph.D.
Assistant Director

cc: Erin Whoriskey, National Grid
Mickael Zylich, Eversource

Jamie Durand, POWER
Karen Hanecak, POWER
MassDEP Southeast Regional Office
Town of Acushnet Board of Selectmen
Town of Acushnet Planning Board
Town of Acushnet Conservation Commission
Town of New Bedford Board of Selectmen
Town of New Bedford Planning Board
Town of New Bedford Conservation Commission
Town of Dartmouth Board of Selectmen
Town of Dartmouth Planning Board
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