APPENDIX A EENF CERTIFICATE AND AGENCY COMMENT LETTERS

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January 25, 2018

FINAL RECORD OF DECISION

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
DATE NOTICED IN MONITOR	: January 9, 2019

Pursuant to the Massachusetts Environmental Policy Act (MEPA, M.G.L.c.30, ss. 61-62I) and Section 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed the Expanded Environmental Notification Form (EENF) and hereby **grant** a Phase 1 Waiver to allow the reconstruction and expansion of the Bell Rock Substation, as described in the EENF, to proceed to permitting prior to completion of the Single Environmental Impact Report (EIR).

Project Description

As described in the Expanded Environmental Notification Form (EENF), Phase 1 of the project consists of the reconstruction and expansion of the Bell Rock Substation located in Fall River. A new 2,304-square foot (sf) substation will be constructed entirely within an existing easement. The footprint of the substation yard will be expanded by approximately 22,000 sf. The substation is being reconstructed to accommodate two line connections from the existing M13 line (M13N and M13S) into the substation. To accommodate the two line terminations, the

substation needs to be expanded into a breaker-and-a-half-configuration.[1] 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.

Phase 2 of the project consists of the Acushnet to Fall River Reliability Project (AFRRP) which is a joint endeavor by New England Power (NEP) and Eversource. The AFRRP will extend the Line 114 from the Industrial Park Tap in Acushnet, Massachusetts to the reconstructed Bell Rock Substation in Fall River, Massachusetts. The AFRRP includes the installation of new transmission line structures, overhead conductors and wires along 12.1 miles of the southern portion of an existing Right-of-Way (ROW) parallel to several other existing lines. Approximately 118 new structures are required for the overhead transmission line. Seventy-nine of the structures will be direct-embedded steel pole H-frames, four will be steel pole H-frame structures on concrete foundations, 25 will be direct-embedded steel monopoles which will be supplemented by seven monopole and three triple-pole structures requiring reinforced concrete foundations. The new structures will range in height from approximately 55 to 110 feet.

Clearing will be required within the ROW for a distance of approximately 4.2 miles. The cleared ROW width will be expanded approximately 60 feet to the south and within one span between Structures 7-8 (approximately 36,000 sf) in order to accommodate the new line. All tree clearing and vegetation removal is to occur within the boundaries of the existing ROWs.

The Bell Rock Substation reconstruction and the AFRRP will eliminate the potential widespread voltage collapse and loss of load across 17 municipalities by providing an additional transmission source and voltage support at the Bell Rock Substation and several other substations including the Wing Land and High Hill Substations. The need for the project was identified in the New England Independent System Operator (ISO-NE) Southeastern and Rhode Island Area 2026 Solutions study.

Project Site

The approximately 294.75-acre project site consists entirely of existing ROWs owned by New England Power (NEP) 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 NEP's service territory. A portion of the AFRRP project runs

[1] This configuration ensures that each transmission line has its own breaker and shares a breaker with another line which allows a breaker-and-a-half to perform any necessary switching.

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).

Environmental Impacts and Mitigation

As described in the EENF, potential environmental impacts associated with the Phase 1 project include: include the new alteration of approximately 1 acre of land and impacts to 6,611 sf of BVW, of which 3,599 sf are permanent. Phase 1 of the project will also impact 2.9 acres of rare-species habitat, of which 1.9 acres if temporary.

Measures to avoid minimize and mitigate Damage to the Environment include compensatory wetland mitigation for unavoidable impacts to wetlands, streams and other resources, the use of erosion control measures (ECMs) and implementation of turtle protection measures during construction. Best management practices (BMPs) will be implemented to minimize and mitigate stormwater runoff. NHESP recently determined that that Phase 1 of the Project, as proposed, must be conditioned in order to avoid a prohibited Take of Eastern Box Turtle. Conditions included the implementation of an approved turtle protection plan during construction.

Jurisdiction and Permitting

The entire project is undergoing MEPA review and requires the preparation of a mandatory Environmental Impact Report pursuant to 301 CMR Section 11.03 (3)(a)(1)(a) of the MEPA regulations because it requires State Agency Actions and it involves the alteration of more than one acre of BVW. Phase 1 of the project exceeds the ENF threshold at 11.03(3)(b)(1)(c) and11.03(3)(b)(1)(d): alteration of 1,000 or more sf of outstanding resource waters and alteration of 5,000 or more sf of BVW. It does not exceed a mandatory EIR threshold. Phase 1 of the project will require a Section 401 Water Quality Certification (WQC) and may require Chapter 91 Authorization from the Massachusetts Department of Environmental Protection (MassDEP) and review under the Massachusetts Endangered Species Act (MESA). The project may require a Construction Access Permit from the DCR

Request for a Phase 1 Waiver

The Proponent submitted an EENF in support of its request for a Phase 1 Waiver, which would allow the Phase 1 project to proceed prior to completion of the EIR for the entire project. The EENF identified the environmental impacts for both phases of the project and described measures to be undertaken by the Proponent to avoid, minimize, and mitigate Damage to the Environment. The Waiver request was discussed at the MEPA scoping session for the project and addressed in comment letters. Consistent with requirements for a Phase 1 Waiver request,

the EENF was subject to an extended 30-day public comment period. The comment period closed on December 21, 2018.

Standards for All Waivers

The MEPA regulations at 301 CMR 11.11(1) state that I may waive any provision or requirement in 301 CMR 11.00 not specifically required by MEPA and may impose appropriate and relevant conditions or restrictions, provided that I find that strict compliance with the provision or requirement would:

(a) result in an undue hardship for the Proponent, unless based on delay in compliance by the Proponent; and
(b) not serve to avoid or minimize Damage to the Environment.

Determinations for a Phase 1 Waiver

The MEPA regulations at 301 CMR 11.11(4) state that, in the case of a partial waiver of a mandatory EIR review threshold that will allow the proponent to proceed with Phase 1 of the project prior to preparing an EIR, I shall base the finding required in accordance with 301 CMR 11.11(1)(b) on a determination that:

(a) the potential environmental impacts of Phase 1, taken alone, are insignificant;
(b) ample and unconstrained infrastructure facilities and services exist to support Phase 1;
(c) the project is severable, such that Phase 1 does not require the implementation of any other future phase of the project or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized or mitigated; and
(d) the agency action(s) on Phase 1 will contain terms such as a condition or restriction, so as to ensure due compliance with MEPA and 301 CMR 11.00 prior to commencement of any other phase of the project.

Findings

Based upon the information provided during MEPA review, consultation with State Agencies, and review of public comments, I find that the Waiver Request has merit and that the Proponent has demonstrated that Phase 1 meets the standards for all waivers at 301 CMR 11.11(1). The EENF included supporting documentation that identified various project alternatives, potential environmental impacts, described the purpose of the project, and proposed mitigation measures to justify the request for a Phase 1Waiver and a Single EIR. Although the AFRRP will ultimately terminate at the Bell Rock Substation and will eventually provide a connection for Line 114, the reconstruction of the substation is severable from the AFRRP because the main purpose of the project is to accommodate the bifurcation of the M13 line. In addition, Phase 1 will reduce the risk of thermal overloading and transmission contingency voltage collapse prior to review and construction of the AFRRP.

In accordance with 301 CMR 11.11(4), the finding is based on my determination that:

1. The potential environmental impacts of Phase 1, taken alone, are insignificant.

The environmental impacts associated with Phase 1 have been evaluated adequately in the EENF. Several substation design configurations have been evaluated in an attempt to minimize wetland impacts and reduce overall environmental impacts to the maximum extent possible. The Proponents are working with NHESP to avoid a prohibited Take of state-listed species habitat through the implementation of an approved turtle management plan. Impacts and measures to avoid, minimize and mitigate impacts are summarized in the Environmental Impacts section of this FROD and included in the EENF.

2. Ample and unconstrained infrastructure facilities and services exist to support Phase 1.

The site supports a two breaker substation located at the junction of the existing D21, L14, N12 and M13 transmission lines which has been in operation since the 1960's. The station is accessed from a public road in Fall River. The Proponents will plan and schedule line outages or non-re-closure assurances, as necessary, to de-energize certain equipment at the station to allow for construction to proceed within the station yard.

3. The project is severable, such that Phase 1 does not require the implementation of any other future phase of the project or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized or mitigated.

The Phase 1 project can function independently. Phase 1 does not require the implementation of remaining development phases or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized, or mitigated.

4. The Agency Action(s) on Phase 1 will contain terms such as a condition or restriction, so as to ensure due compliance with MEPA and 301 CMR 11.00 prior to commencement of any other phase of the project.

The EENF states that the Proponent participated in pre-application meetings with MassDEP, NHESP, DCR, City of Fall River officials, and the ACOE. Based on these meetings, the EENF indicates that the Bell Rock Substation Rebuild Project could be approved and separately permitted in advance of the review and approval of the AFRRP permits. State Permits for Phase 1 will require the Proponent to comply with MEPA for the AFRRP prior to commencement of the AFRRP.

Given the foregoing, I find that a requirement to complete MEPA review prior to undertaking Phase 1 is not necessary to demonstrate that the Proponent will avoid, minimize, and mitigate potential Damage to the Environment to the maximum extent practicable, and that a requirement to do so would therefore cause undue hardship and would not serve to minimize Damage to the Environment.

Conclusion

Based on these findings, I have determined that this waiver request has merit. A DROD was issued on December 28, 2019, and was published in the *Environmental Monitor* on January 9, 2019 in accordance with 301 CMR 11.15(2), which began the public comment period. The public comment period lasted for 14 days and concluded on January 23, 2019. Accordingly, I hereby **grant** a Phase 1 Waiver that will allow the reconstruction and expansion of the Bell Rock Substation, as described in the EENF, to proceed to permitting prior to completion of the Single Environmental Impact Report (EIR).

January 25, 2019
Date

Matthew A. Beaton

Comments received:

None.

MAB/EFF/eff

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December 28, 2018

DRAFT RECORD OF DECISION

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
DATE NOTICED IN MONITOR	: November 21, 2018

Pursuant to the Massachusetts Environmental Policy Act (MEPA, M.G.L.c.30, ss. 61-62I) and Section 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed the Expanded Environmental Notification Form (EENF) and hereby **propose to grant** a Phase 1 Waiver that will allow the reconstruction and expansion of the Bell Rock Substation, as described in the EENF, to proceed to permitting prior to completion of the Single Environmental Impact Report (EIR).

Project Description

As described in the Expanded Environmental Notification Form (EENF), Phase 1 of the project consists of the reconstruction and expansion of the Bell Rock Substation located in Fall River. A new 2,304-square foot (sf) substation will be constructed entirely within an existing easement. The footprint of the existing substation yard will be expanded by approximately 22,000 sf. The substation is being reconstructed to accommodate two line connections from the existing M13 line (M13N and M13S) into the substation. To accommodate the two line

terminations, the substation needs to be expanded into a breaker-and-a-half-configuration.[1] 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.

Phase 2 of the project consists of the Acushnet to Fall River Reliability Project (AFRRP) which is a joint endeavor by New England Power (NEP) and Eversource. The AFRRP will extend the Line 114 from the Industrial Park Tap in Acushnet, Massachusetts to the reconstructed Bell Rock Substation in Fall River, Massachusetts. The AFRRP includes the installation of new transmission line structures, overhead conductors and wires along 12.1 miles of the southern portion of an existing Right-of-Way (ROW) parallel to several other existing lines. Approximately 118 new structures are required for the overhead transmission line. Seventy-nine of the structures will be direct-embedded steel pole H-frames, four will be steel pole H-frame structures on concrete foundations, 25 will be direct-embedded steel monopoles which will be supplemented by seven monopole and three triple-pole structures requiring reinforced concrete foundations. The new structures will range in height from approximately 55 to 110 feet.

Clearing will be required within the ROW for a distance of approximately 4.2 miles. The cleared ROW width will be expanded approximately 60 feet to the south and within one span between Structures 7-8 (approximately 36,000 sf) in order to accommodate the new line. All tree clearing and vegetation removal is to occur within the boundaries of the existing ROWs.

The Bell Rock Substation reconstruction and the AFRRP will eliminate the potential widespread voltage collapse and loss of load across 17 municipalities by providing an additional transmission source and voltage support at the Bell Rock Substation and several other substations including the Wing Land and High Hill Substations. The need for the project was identified in the New England Independent System Operator (ISO-NE) Southeastern and Rhode Island Area 2026 Solutions study.

Project Site

The approximately 294.75-acre project site consists entirely of existing ROWs owned by New England Power (NEP) 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 NEP's service territory. A portion of the AFRRP project runs

[1] This configuration ensures that each transmission line has its own breaker and shares a breaker with another line which allows a breaker-and-a-half to perform any necessary switching.

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).

Environmental Impacts and Mitigation

As described in the EENF, potential environmental impacts associated with the Phase 1 project include: include the new alteration of approximately 1 acre of land and impacts to 6,611 sf of BVW, of which 3,599 sf are permanent. Phase 1 of the project will also impact 2.9 acres of rare-species habitat, of which 1.9 acres if temporary.

Measures to avoid minimize and mitigate Damage to the Environment include compensatory wetland mitigation for unavoidable impacts to wetlands, streams and other resources, the use of erosion control measures (ECMs) and implementation of turtle protection measures during construction. Best management practices (BMPs) will be implemented to minimize and mitigate stormwater runoff. NHESP recently determined that that Phase 1 of the Project, as proposed, must be conditioned in order to avoid a prohibited Take of Eastern Box Turtle. Conditions included the implementation of an approved turtle protection plan during construction.

Jurisdiction and Permitting

The entire project is undergoing MEPA review and requires the preparation of a mandatory Environmental Impact Report pursuant to 301 CMR Section 11.03 (3)(a)(1)(a) of the MEPA regulations because it requires State Agency Actions and it involves the alteration of more than one acre of BVW. Phase 1 of the project exceeds the ENF threshold at 11.03(3)(b)(1)(c) and11.03(3)(b)(1)(d): alteration of 1,000 or more sf of outstanding resource waters and alteration of 5,000 or more sf of BVW. It does not exceed a mandatory EIR threshold. Phase 1 of the project will require a Section 401 Water Quality Certification (WQC) and may require Chapter 91 Authorization from the Massachusetts Department of Environmental Protection (MassDEP) and review under the Massachusetts Endangered Species Act (MESA). The project may require a Construction Access Permit from the DCR

Request for a Phase 1 Waiver

The Proponent submitted an EENF in support of its request for a Phase 1 Waiver, which would allow the Phase 1 project to proceed prior to completion of the EIR for the entire project. The EENF identified the environmental impacts of the project, including Phase 1, and described measures to be undertaken by the Proponent to avoid, minimize, and mitigate Damage to the Environment. The Waiver request was discussed at the MEPA scoping session for the project and addressed in comment letters. Consistent with requirements for a Phase 1 Waiver request,

the EENF was subject to an extended 30-day public comment period. In addition, the Proponent requested an additional two-week extension at the request of commenters. The comment period closed on December 21, 2018.

Standards for All Waivers

The MEPA regulations at 301 CMR 11.11(1) state that I may waive any provision or requirement in 301 CMR 11.00 not specifically required by MEPA and may impose appropriate and relevant conditions or restrictions, provided that I find that strict compliance with the provision or requirement would:

(a) result in an undue hardship for the Proponent, unless based on delay in compliance by the Proponent; and
(b) not serve to avoid or minimize Damage to the Environment.

Determinations for a Phase 1 Waiver

The MEPA regulations at 301 CMR 11.11(4) state that, in the case of a partial waiver of a mandatory EIR review threshold that will allow the proponent to proceed with Phase 1 of the project prior to preparing an EIR, I shall base the finding required in accordance with 301 CMR 11.11(1)(b) on a determination that:

(a) the potential environmental impacts of Phase 1, taken alone, are insignificant;
(b) ample and unconstrained infrastructure facilities and services exist to support Phase 1;
(c) the project is severable, such that Phase 1 does not require the implementation of any other future phase of the project or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized or mitigated; and
(d) the agency action(s) on Phase 1 will contain terms such as a condition or restriction, so as to ensure due compliance with MEPA and 301 CMR 11.00 prior to commencement of any other phase of the project.

Findings

Based upon the information provided during MEPA review, consultation with State Agencies, and review of public comments, I find that the Waiver Request has merit and that the Proponent has demonstrated that Phase 1 meets the standards for all waivers at 301 CMR 11.11(1). The EENF included supporting documentation that identified various project alternatives, potential environmental impacts, described the purpose of the project, and proposed mitigation measures to justify the request for a Phase 1Waiver and a Single EIR. Although the AFRRP will ultimately terminate at the Bell Rock Substation and will eventually provide a connection for Line 114, the reconstruction of the substation is severable from the AFRRP because the main purpose of the project is to accommodate the bifurcation of the M13 line. In addition, Phase 1 will reduce the risk of thermal overloading and transmission contingency voltage collapse prior to review and construction of the AFRRP. Based on review of the EENF and consultation with State Agencies, I have proposed to grant a Phase 1 Waiver for Phase 1 of the project and to allow the Proponent to submit a Single EIR for the AFRRP.

In accordance with 301 CMR 11.11(4), the latter finding is based on my determination that:

1. The potential environmental impacts of Phase 1, taken alone, are insignificant.

The environmental impacts associated with Phase 1 have adequately been evaluated in the EENF. Several substation design configurations have been evaluated in an attempt to minimize wetland impacts and reduce overall environmental impacts to the maximum extent possible. The Proponents are working with NHESP to avoid a prohibited Take of state-listed species habitat through the implementation of an approved turtle management plan.

2. Ample and unconstrained infrastructure facilities and services exist to support Phase 1.

The site currently supports a two breaker substation located at the junction of the existing D21, L14, N12 and M13 transmission lines which has been in operation since the 1960's. The station is accessed from a public road in Fall River. The Proponents are able to plan and schedule line outages or non-re-closure assurances, as necessary, to de-energize certain equipment at the station to allow for construction to proceed within the station yard.

3. The project is severable, such that Phase 1 does not require the implementation of any other future phase of the project or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized or mitigated.

The Phase 1 project can function independently without the remaining development phases. Phase 1 does not require the implementation of remaining development phases or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized, or mitigated.

4. The Agency Action(s) on Phase 1 will contain terms such as a condition or restriction, so as to ensure due compliance with MEPA and 301 CMR 11.00 prior to commencement of any other phase of the project.

The EENF states that the Proponent participated in pre-application meetings with MassDEP, NHESP, DCR, City of Fall River officials, and the ACOE. Based on these meetings, the EENF indicates that the Bell Rock Substation Rebuild Project could be approved and separately permitted in advance of the review and approval of the AFRRP permits.

Given the foregoing, and subject to the conditions included herein, I find that a requirement to complete MEPA review prior to undertaking Phase 1 is not necessary to demonstrate that the Proponent will avoid, minimize, and mitigate potential Damage to the Environment to the maximum extent practicable, and that a requirement to do so would therefore cause undue hardship and would not serve to minimize Damage to the Environment.

Conclusion

Based on these findings, I have determined that this waiver request has merit, and am issuing this DROD, which will be published in the next edition of the Environmental Monitor on January 9, 2019 in accordance with 301 CMR 11.15(2), which begins the public comment period. The public comment period will last for 14 days and will end on January 23, 2019. Based on written comments received on the DROD, I shall issue a Final Record of Decision (FROD) or a Scope within seven days after the close of the public comment period, in accordance with 301 CMR 11.15(6).

December 28, 2019
Date

Matthew A. Beaton

Comments received:

12/14/2018	Massachusetts Historical Commission (MHC)
12/21/2018	Massachusetts Department of Conservation and Recreation (DCR)
12/21/2018	Massachusetts Department of Environmental Protection – Southeast Regional Office (MassDEP – SERO)
12/21/2018	Massachusetts Division of Fisheries and Wildlife – Natural Heritage and Endangered Species Program (NHESP)

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December 28, 2018

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS ON THE EXPANDED ENVIRONMENTAL NOTIFICATION FORM

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	: November 21, 2018

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** a mandatory Environmental Impact Report (EIR). The Proponent submitted an Expanded Environmental Notification Form (EENF) to support the request that I grant a Phase 1 Waiver pursuant to Section 11.11 of the MEPA regulations. In a separate Draft Record of Decision (DROD), also issued today, I **propose to grant** a Phase 1 Waiver that will allow the reconstruction and expansion of the Bell Rock Substation, as described in the EENF, to proceed to permitting prior to completion of the EIR for the remainder of the project. The Proponent also requested that I allow a Single EIR to be prepared in lieu of a Draft and Final EIR pursuant to 301 CMR 11.06(8). Based on review of the EENF, the Proponent may submit a Single EIR for the remainder of the project in accordance with the Scope included in this Certificate.

Project Description

As described in the Expanded Environmental Notification Form (EENF), Phase 1 of the project consists of the reconstruction and expansion of the Bell Rock Substation located in Fall River. A new

2,304-square foot (sf) substation will be constructed entirely within an existing easement. The footprint of the existing substation yard will be expanded by approximately 22,000 sf. The substation is being reconstructed to accommodate two line connections from the existing M13 line (M13N and M13S) into the substation. To accommodate the two line terminations, the substation needs to be expanded into a breaker-and-a-half-configuration.[1] 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.

Phase 2 of the project consists of the Acushnet to Fall River Reliability Project (AFRRP) which is a joint endeavor by New England Power (NEP) and Eversource. The AFRRP will extend the Line 114 from the Industrial Park Tap in Acushnet, Massachusetts to the reconstructed Bell Rock Substation in Fall River, Massachusetts. The AFRRP includes the installation of new transmission line structures, overhead conductors and wires along 12.1 miles of the southern portion of an existing Right-of-Way (ROW) parallel to several other existing lines. Approximately 118 new structures are required for the overhead transmission line. Seventy-nine of the structures will be direct-embedded steel pole H-frames, four will be steel pole H-frame structures on concrete foundations, 25 will be direct-embedded steel monopoles which will be supplemented by seven monopole and three triple-pole structures requiring reinforced concrete foundations. The new structures will range in height from approximately 55 to 110 feet.

Clearing will be required within the ROW for a distance of approximately 4.2 miles. The cleared ROW width will be expanded approximately 60 feet to the south and within one span between Structures 7-8 (approximately 36,000 sf) in order to accommodate the new line. All tree clearing and vegetation removal is to occur within the boundaries of the existing ROWs.

The Bell Rock Substation reconstruction and the AFRRP will eliminate the potential widespread voltage collapse and loss of load across 17 municipalities by providing an additional transmission source and voltage support at the Bell Rock Substation and several other substations including the Wing Land and High Hill Substations. The need for the project was identified in the New England Independent System Operator (ISO-NE) Southeastern and Rhode Island Area 2026 Solutions study.

Project Site

The approximately 294.75-acre project site consists entirely of existing ROWs owned by New England Power (NEP) 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 NEP'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

[1] This configuration ensures that each transmission line has its own breaker and shares a breaker with another line which allows a breaker-and-a-half to perform any necessary switching.

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).

Environmental Impacts and Mitigation

Environmental impacts associated with Phase 1 of the project include the new alteration of approximately 1 acre of land and impacts to 6,611 sf of BVW, of which 3,599 sf are permanent. Impacts associated with Phase 2 of the project include the new alteration of 25.46 acres of land, impacts to 435,758 sf of BVW, 60,897 sf of Riverfront Area, 91,992 sf of Bordering Land Subject to Flooding (BLSF), 202 linear feet (lf) of Bank, 625 sf of Land Under Water, and disturbance of rare-species habitat.

Measures to avoid minimize and mitigate Damage to the Environment include compensatory wetland mitigation for unavoidable impacts to wetlands, streams and other resources, the use of erosion control measures (ECMs) and implementation of turtle protection measures during construction. Best management practices (BMPs) will be implemented to minimize and mitigate stormwater runoff within the project corridor and wetland resource areas.

Jurisdiction and Permitting

The project is undergoing MEPA review and requires the preparation of a mandatory Environmental Impact Report pursuant to 301 CMR Section 11.03 (3)(a)(1)(a) of the MEPA regulations because it requires State Agency Actions and it involves the alteration of more than one acre of BVW. Phase 1 of the project exceeds the ENF threshold at 11.03(3)(b)(1)(c) and 11.03(3)(b)(1)(d): alteration of 1,000 or more sf of outstanding resource waters and alteration of 5,000 or more sf of BVW. It does not exceed a mandatory EIR threshold. The project requires a Section 401 Water Quality Certification (WQC) and may require Chapter 91 Authorization from the Massachusetts Department of Environmental Protection (MassDEP). It requires a Non-vehicular Highway Access Permit from the Massachusetts Department of Transportation (MassDOT) and review under the Massachusetts Endangered Species Act (MESA). The project may require a Construction Access Permit from the DCR The AFFRP (Phase 2) project requires review and approval by the Energy Facilities Siting Board (EFSB). Separate permits are proposed for the two phases of the project.[2]

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 (ACOE),

[2] The EENF states that the Proponent participated in pre-application meetings with MassDEP, NHESP, DCR, City of Fall River officials, and the ACOE. Based on these meetings, the EENF indicates that the Bell Rock Substation Rebuild Project could be approved and separately permitted in advance of the review and approval of the AFRRP permits.

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 State Agency Actions and that may cause Damage to the Environment as defined in the MEPA regulations.

Request for Phase 1 Waiver

The Proponent submitted an EENF in support of its request for a Phase 1 Waiver, which would allow Phase 1 of the project to proceed prior to completion of the EIR for the entire project. Consistent with this request, the EENF was subject to an extended 30-day public comment period and the Proponent requested an additional two-week extension. The comment period closed on December 21, 2018.

The MEPA regulations at 301 CMR 11.11(1) state that I may waive any provision or requirement in 301 CMR 11.00 not specifically required by MEPA and may impose appropriate and relevant conditions or restrictions, provided that I find that strict compliance with the provision or requirement would:

(a) result in an undue hardship for the Proponent, unless based on delay in compliance by the Proponent; and
(b) not serve to avoid or minimize Damage to the Environment.

The MEPA regulations at 301 CMR 11.11(4) state that, in the case of a partial waiver of a mandatory EIR review threshold that will allow the Proponent to proceed with Phase 1 of the project prior to preparing an EIR, I shall base the finding required in accordance with 301 CMR 11.11(1)(b) on a determination that:

(a) the potential environmental impacts of Phase 1, taken alone, are insignificant;
(b) ample and unconstrained infrastructure facilities and services exist to support Phase 1;
(c) the project is severable, such that Phase 1 does not require the implementation of any other future phase of the project or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized or mitigated; and (d) the agency action(s) on Phase 1 will contain terms such as a condition or restriction, so as to ensure due compliance with MEPA and 301 CMR 11.00 prior to commencement of any other phase of the project.

Single EIR Request

The EENF included a request to file a Single EIR, rather than a Draft and Final EIR, pursuant to Section 11.06(8) of the MEPA regulations. A Single EIR may be allowed, provided that the EENF: a) describes and analyzes all aspects of the project and all feasible alternatives, regardless of any jurisdictional or other limitation that may apply to the Scope; b) provides a detailed baseline in relation to which potential environmental impacts and mitigation measures can be assessed; and, c) demonstrates

that the planning and design of the Project use all feasible means to avoid potential environmental impacts. The EENF included supporting documentation consistent with the aforementioned requirements that identified potential environmental impacts, described the purpose of the project, and proposed mitigation measures to justify the request for a Single EIR.

Review of the EENF

The EENF includes a detailed project description that facilitated review of the project and development of a scope for the Single EIR. The EENF includes an alternatives analysis, existing and proposed conditions plans, includes a detailed description of the project, cross sections along the project corridor, and conservative estimates of project-related impacts. It identifies measures to avoid, minimize and mitigate environmental impacts.

Alternatives Analysis

The EENF included an alternatives analysis for both Phases of the Project. The alternatives analysis for Phase 1 of the project considered a No-Action Alternative, a Location Alternative, and an Alternative Configuration and Equipment Alternative. The No-action Alternative was dismissed because it would not resolve the regional electrical reliability problems identified by ISO New England. The existing systems will remain at risk for future failure. The Location Alternative considered constructing a new substation at a different location. However, this option was dismissed because the Proponent was unable to identify any land currently under their control which would accommodate the connections of the D21, L14, N12, and M13 lines at one location. The Alternative Configuration and and Equipment Alternative considered the use of air-insulated switchgear (AIS) with either non-individual pole tripping (Non-IPT) gas circuit breakers (Preferred Alternative) or individual pole tripping (IPT) gas circuit breakers. Stability studies demonstrated that AIS IPT breakers are not necessary. The Configuration Alternatives considered three layout alternatives including the Preferred Alternative. All configuration alternatives were based on engineering and zoning requirements, reliability considerations, environmental impacts and cost. The substation ROW abuts several watershed and water supply protection zones and districts, the Watuppa Reservation, Southeastern Massachusetts Bioreserve and mapped rare-species habitat. The Preferred Alternative configuration incorporates the AIS Non-IPT breakers in a configuration which minimizes impacts to surrounding resources. Other configuration alternatives were dismissed because they would result in greater impacts to wetland resources.

The Phase 2 alternatives analysis considered a No-Action alternative, and four transmission line design alternatives, including the Preferred Alternative (AFRRP). The No-Action Alternative was dismissed because it would not meet applicable transmission planning reliability criteria and would not improve system reliability and operability. The transmission alternatives were based on four transmission line solutions identified in the 2016 SEMA-RI solution study. The study identifies the need for two new sources of transmission into the load pocket to avoid voltage collapse and load loss. The Proponents compared the transmission alternatives based on cost, reliability, potential environmental impacts and delivery timeframes.

Alternative 1 consisted of the installation of a new underground cable extending approximately five miles from the Bristol Substation in Rhode Island to a proposed switching station (Boyd's Landing

Switching Station) in Portsmouth, Rhode Island. Alternative 1 requires the permitting and construction of 4.4 miles of underground cable through relatively densely developed roadways, installation of approximately 0.6 mile of undersea cable (beneath Mount Hope Bay adjacent to Mount Hope Bay Bridge), construction of a new switching station, and reconductoring of approximately 5.1 miles of existing overhead transmission lines (F-184).

Alternative 2 consisted of separating the N12 and M13 double circuit transmission ("DCT") lines between the Somerset Substation and the Sykes Road Switching Station (approximately 1.75 miles) via construction of a new primarily underground M13 Line. Alternative 2 would require the acquisition of new property rights, construction of a new major overhead crossing of the Taunton River (adjacent to the existing N12 and M13 DCT Lines beginning at NEP's Somerset Substation), and construction of a new underground cable within city roadways. Alterantive 2 would also require reconductoring of the existing N12 and M13 Lines between the Sykes Road Switching Station and the Bell Rock Substation. For these reasons, Alternative 2 was dismissed.

Alternative 3 involved the installation of a new line extending approximately 3.5 miles (underground for 1.7 miles and overhead for 1.8 miles) from the Somerset Substation in Somerset to the Bell Rock Substation in Fall River. The majority of this transmission line would be constructed underground due to the lack of available space along the existing N12 and M13 Lines ROW. Alternative 3 would require both the construction of approximately 3.5 miles of underground cable within city streets, and if feasible, the reconfiguration and reconstruction of two existing overhead transmission lines and structures from the Sykes Road Switching Station to the Bell Rock Substation, in an attempt to accommodate a third overhead transmission line within the same congested ROW.

The Preferred Alternative consists of the installation of a new line (approximately 12 miles long) extending Line 114 from the Industrial Park Tap in Acushnet to the existing Bell Rock Substation in Fall River. Capacitor banks would need to be installed at the Bell Rock, High Hill and Wing Lane Substations to support voltages under contingency conditions. The AFRRP is preferable to the other three alternatives with respect to its ability to meet the ISO-NE identified need with less risk because of engineering feasibility, constructability and a reduction in the amount of construction required on existing infrastructure.

Land Alteration

As described in the EENF, the project involves the new alteration of approximately 28.62 acres of land associated with the expansion of the Bell Rock Substation, clearing of ROW for the construction of the AFFRP and access road construction and improvements. Land uses surrounding the Bell Rock Substation site primarily consist of forest (69.4%), forested wetland (11.9%), non-forested wetland and water (less than 1%) and utilities (18.2%). Land uses along the AFRRP project primarily consist of forest (61.5%) and utilities (14.5%) and also include pasture, forested and non-forested wetlands, industrial, water, transportation and residential uses. Since the Substation and AFRRP are located entirely within existing transmission line ROW, permanent impacts to adjacent land uses will be minimized. Because acquisition of additional ROW is not required, the AFRRP is not expected to change or significantly impact land uses within the ROW or the adjacent lands.

Wetlands and Waterways

The project will result in direct impacts to BVW, Riverfront Area, Bank, LUW and BLSF which are largely unavoidable because of the location of the ROWs. Wetland resources overlap in many instances (e.g., BVW and Riverfront Area) and may be accounted for multiple times. Approximately 313,427 sf of impacts to BVW are temporary and are associated with the use of swamp maps during the construction period. An additional 40,952 sf of permanent fill is associated with the construction of the Bell Rock Substation and AFRRP transmission line structures. Approximately 94,710 sf of BVW will be converted from forested wetlands to scrub shrub wetlands due to tree clearing.

Phase 1 of the project is anticipated to result in unavoidable temporary and permanent impacts to vegetated wetland resources within the North Watuppa Pond/Reservoir watershed. There are no streams within the Project area and the reservoir itself is not located within 400 feet of the project. Construction of the AFRRP is anticipated to result in unavoidable temporary impacts to vegetated wetland resources within the Copicut Reservoir and North Watuppa Pond watersheds. Temporary wetland impacts within 400 feet of the Copicut Reservoir are also unavoidable due to the proximity of the AFRRP ROW to the northern end of the reservoir. Although the placement of temporary construction mats is proposed within 400 feet of the Copicut Reservoir, the Proponent does not anticipate that a variance will be required based on preliminary coordination with the MassDEP Office of Water Resources.

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). The project is proposed as a Limited Project under the WPA (310 CMR 10.53(3)(d)). 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). ACOE will review the project to determine its consistency with Section 404 of the Federal CWA.

Climate Change Adaptation and Resiliency

The EENF included information from the Massachusetts Sea Level Rise and Coastal Flooding Viewer for the Bell Rock Substation Rebuild Project and AFRRP areas. As indicated by the map viewer, the National Ocean and Atmospheric Administration's January 2013 sea level rise data indicates that both the Bell Rock Substation Rebuild Project and the AFRRP are located outside the inland extent of inundation projected from a 0- to 6-foot rise in sea level above current mean higher high water mark. The proposed Bell Rock Substation Rebuild Project and AFRRP will reinforce the system reliability in the SEMA-RI region and provide a more robust transmission system in the area of need. The new transmission line conductors are designed to operate at higher temperatures at a higher carrying capacity. The transmission line structures and substation equipment are designed to operate under extreme weather conditions and fluctuations in air temperatures.

The EENF notes that both phases of the project alleviate vulnerabilities of the electrical grid by improving reliability and upgrading infrastructure. The EENF indicates that the Bell Rock Substation Rebuild Project and the installation of the AFRRP transmission line are consistent with the reliability strategies included in the EEA 2011 Climate Change and Adaptation Report in the following ways:

- Provides a new 115 kV source into the load pocket.

- Incorporates new design standards and the latest in design materials.
- Provides needed upgrades to existing electric transmission infrastructure.
- Provides the shortest project delivery time to meet the identified need.
- Minimizes impacts to the natural and social environments because the proposed improvements are located within existing utility substation sites and ROWs.
- Provides a stronger electrical transmission system that is vital to the area's safety, security and economic prosperity.
- Meets growing transmission needs identified by the ISO-NE and supports future growth and forecasted demand within the SEMA-RI area.
- Improves the capability of the existing transmission system to move power more reliably into load centers.
- Improves the efficiency of the transmission system by eliminating loop flows between the Bell Rock and Tiverton Substations.

Rare Species

As described in comments from NHESP, portions of the Project site are mapped as *Priority* and *Estimated Habitat* for multiple state-listed species, including Eastern Box Turtle (*Terrapene carolina*), Eastern Whip-poor-will (*Caprimulgus vociferus,*), Long-leaved Panic-Grass (*Panicum rigidulum ssp. pubescens*), Weak Rush (*Juncus debilis*), Rigid Flax (*Linum medium var texanum*) and Philadelphia Panic-grass (*Panicum philadelphicum ssp. pPhiladelphicum*) according to the *Massachusetts Natural Heritage Atlas* (14th Edition). Phase 1 work is associated with 2.9 acres of disturbance of rare species habitat, 1.3 acres of which is considered temporary. Comments from NHESP indicate that Phase 1 of the project must be conditioned to avoid a prohibited Take of Eastern Box Turtle. Conditions include the implementation of an approved turtle protection plan during construction. Specific mitigation measures recommended by the NHESP are still being evaluated through the consultation process.

The NHESP's review of Phase 2 of the project remains ongoing. Based on information submitted by the Proponent, NHESP anticipates that Phase 2 of the project will likely result in a Take of the Eastern Box Turtle. The project may also result in a take of Long-leaved Panic-grass and Rigid Flax. NHESP is working with the Proponent to assess temporary and permanent impacts and determine if a Take of state-listed plants can be avoided through project redesign.

Traffic and Transportation

As described in the EENF, the AFRRP requires the installation of overhead wires across state roadways by a non-municipal utility and will therefore require a Permit to Access State Highways from MassDOT. The corridor crosses Routes 18 and 140 in New Bedford. The installation could temporarily affect traffic flow but does not involve physical modification of the roadway or roadway ROW.

Historic 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 ACOE. As described in the EENF, an intensive

(locational) archaeological survey has been completed for Phase 1 of the project. No significant historic or archaeological resources have been identified. No further survey is recommended for Phase 1 of the project.

Intensive (locational) archaeological surveys are ongoing for Phase 2 of the project. The Proponent will continue to coordinate with ACOE and MHC regarding avoidance of adverse effects associated to any eligible historic and archaeological resources.

Construction

The EENF included a description of NEP and Eversource's policies for minimizing construction related disturbances. Restoration efforts, including removal of construction debris, final grading, stabilization of disturbed soil, and installation of permanent sediment control devices (water bar/diversion channel/rock ford), will be completed following construction. All disturbed areas around structures and other graded locations will be seeded with an appropriate conservation seed mixture and/or mulched to stabilize the soils in accordance with applicable regulations. Temporary sediment control devices will be removed following the stabilization of disturbed areas. Existing walls and fences will be restored. Where authorized by property owners, permanent gates and access road blocks will be installed at key locations to restrict access onto the ROWs by unauthorized persons or vehicles. Regulated environmental resource areas that are temporarily disturbed by construction will be restored in accordance with applicable permit conditions to pre-construction conditions.

Conclusion

The EENF included supporting documentation that identified various project alternatives, potential environmental impacts, described the purpose of the project, and proposed mitigation measures to justify the request for a Single EIR. Although the AFRRP will ultimately terminate at the Bell Rock Substation and will eventually provide a connection for Line 114, the reconstruction of the substation is severable from the AFRRP because the main purpose of the project is to accommodate the bifurcation of the M13 line. In addition, Phase 1 will reduce the risk of thermal overloading and transmission contingency voltage collapse prior to review and construction of the AFRRP. Based on review of the EENF and consultation with State Agencies, I have proposed to grant a Phase 1 Waiver for Bell Rock Substation and to allow the Proponent to submit a Single EIR for the AFRRP.

SCOPE

General

The Single EIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this scope.

Project Description and Permitting

The Single EIR should include a detailed description of the proposed project and describe any changes to the project since the filing of the EENF and any proposed phasing of the AFRRP. The

project description should identify individual components of the project and identify environmental impacts associated with each component. The Single EIR should include updated site plans as necessary to reflect modifications to infrastructure design, access roadways, wetland impact areas, and mitigation areas. The Single EIR should provide a brief description and analysis of applicable statutory and regulatory standards and requirements, and a description of how the project will meet those standards. The Single EIR should include a list of required State Agency Permits, Financial Assistance, or other State approvals and provide an update on the status of each of these pending actions. The Single EIR should clarify whether Phase 1 of the project will be permitted separately from the AFRRP. The Single EIR should include an update on the federal permitting process, including coordination efforts and anticipated compliance with regulatory and permitting standards and mitigation requirements. In addition, it should summarize consultation regarding impacts to archaeological resources.

The Single EIR should identify the applicable standards set by the Massachusetts Department of Public Utilities (DPU) or other applicable regulatory agencies that govern the required minimum distances between structures, transmission lines and related equipment, vegetation management requirements, and other design criteria to inform evaluation of whether the Proponent has demonstrated that it will avoid, minimize and mitigate Damage to the Environment to the maximum extent practicable.

Land Alteration

The Single EIR should describe construction access and individually identify the amount of land alteration in upland and wetland areas associated with access, swamp mat placement, work pads, and tree clearing for each component of the project. The EENF indicates that the project will require clearing along areas of the ROW. The Single EIR should clearly identify on project plans the extent of proposed clearing within along access roadways (permanent or temporary), within upland portions of these access roadways, and along the ROW itself. The Single EIR should discuss how the ROW and access routes will be maintained over time to limit encroachment by vegetation (native or invasive), limit impacts to habitat and wildlife, and identify the type and frequency of maintenance activities. The Single EIR should discuss the implementation of measures to limit unauthorized access to the permanent access roadways by off-highway vehicles. The Single EIR should also discuss the Proponent's policies and procedures for notifying municipalities and property owners about proposed clearing and vegetation management along the ROW in conjunction with the project.

The Single EIR should characterize the type of land clearing proposed (i.e., stump removal and grinding, use of wood chips, etc.), selective retention of low-growth vegetation, and invasive species removal. The type and extent of restoration efforts should be clearly described and identified on project plans.

As noted earlier, portions of the ROW abut land owned by DCR, DFG and municipal conservation land and the Southeastern Massachusetts Bioreserve. If the AFRRP Project requires access for construction vehicles across the Bioreserve or DCR's Acushnet Cedar Swamp State Reservation, then a DCR Construction and Access Permit will be required. As described in DCR's comments, land ownership in the Bioreserve along the ROW is a fairly complicated mix of municipal land, DCR/DFG conservation restrictions, and DCR or DFG conservation lands. DCR requests that the Single EIR

include a clarification of land ownership along the portion of the Eversource ROW that passes through the Bioreserve and an explanation of potential construction and access needs.

Rare Species

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 Single EIR should provide an update of meetings and/or correspondence with NHESP which identify project impacts and measures to avoid, minimize and mitigate impacts to Priority and Estimated Habitat for state-listed species including any habitat management plan or other mitigation measures. The Single EIR should identify any design revisions or conditions adopted to prevent a Take of state-listed species habitat.

Wetlands and Stormwater

As noted previously, the project will result in unavoidable impacts to wetlands resource areas. The project includes wetland resource areas and activities that trigger both Federal, State and local wetland permitting jurisdiction, each with its own performance standards and regulations. The Single EIR should demonstrate that the project will avoid, minimize or mitigate wetland resource area impacts to the maximum extent practicable. It should clearly outline a comprehensive wetland mitigation program that meets ACOE, MassDEP, and local bylaw requirements and performance standards. This mitigation program should include construction period measures, post-construction period monitoring and restoration, and measures to promote wildlife habitat and to remove/prevent the establishment of invasive species.

Comments from MassDEP indicate that a c. 91 authorization for the area infrastructure, License No. 4374, was issued on October 3, 1960). Some project elements may qualify as Activities Not Requiring a License pursuant to 310 CMR 9.05(3), and if requested by the Proponent the Department will exercise its discretionary authority to review and potentially approve such, usually through a Minor Modification Request, pursuant to 310 CMR 9.22(3). Otherwise, any new transmission line or other project element not located within an existing Right of Way (ROW) that is located in, on, over or under a c. 91 jurisdictional area may require a c. 91 License pursuant to the Waterways Regulations at 310 CMR 9.0.

The Single EIR should identify the cumulative amount of permanent impact and temporary wetland alteration for each municipality in a tabular format, identify the project's consistency with the WPA, identify proposed wetland replication amounts and locations, and demonstrate 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. Wetland replication areas should be designed consistent with the MassDEP

Inland Wetlands Replication Guidance document. The Single EIR should specifically discuss how the locations of replacement or new utility structures were determined to avoid wetland impacts while meeting engineering requirements of utility pole span and conductor clearance.

The Single EIR should identify the location of proposed compensatory flood storage to mitigate fill within BLSF. The Single EIR should clarify how the project will meet the performance standards for redevelopment within RFA. If applicable, the Single EIR should include the results of a Wildlife Habitat Evaluation 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.*

The Single EIR should identify impacts to wetland resource areas (i.e. associated with use of swamp mats and general construction activities) that will be subject to ACOE review. ACOE regulations and guidance categorize wetland impacts as either permanent (fill), temporary (disturbance), or secondary. The Single EIR should identify applicable ACOE performance standards and regulations to assist in determining the potential overlap or conflict with State wetland permitting requirements. The Single EIR should include a narrative and supporting data or graphics as necessary to demonstrate that the project can meet all applicable performance standards and regulations. If these standards and regulations cannot be met, the Single EIR should describe how construction of the project may otherwise proceed (i.e., a variance, etc.). The Single EIR should include an update on coordination with various regulatory agencies and stakeholders undertaken since the filing of the EENF.

The Single EIR should discuss how the use of swamp mats will be effectively managed to limit permanent impacts to wetland resource areas. The Single EIR should discuss measures the Proponent will implement to prevent the introduction of invasive species into the ROW such as washing swamp mats prior to installation. The Single EIR should describe how construction sequencing will be conducted to minimize impacts to wetland resource areas. The Single EIR should describe potential monitoring and mitigation (i.e., supplemental plantings, regrading, etc.) efforts to ensure that wetlands will not be permanently impacted and to limit the likelihood of repopulation with invasive species. Any proposed mitigation program should include a discussion of how pre-construction grades and natural wetland vegetation will be restored. The Single EIR should include a discussion of providing a vegetative buffer at roadway crossings.

The Single EIR should evaluate potential impacts from stormwater runoff during construction and post-construction. It should demonstrate that source controls, pollution prevention measures, erosion and sedimentation control measures, and any required post-construction drainage system will be designed in compliance with Stormwater Management Standards of the Wetlands Regulations. The Single EIR should consider use of low impact development (LID) measures as applicable.

The Single EIR should address MassDEP's comments regarding the requirement for c. 91 licensing unless crossings over jurisdictional areas are associated with a bridge or are located underground. The Single EIR should indicate if the Proponent will request that MassDEP exercise its discretionary authority to review and approve project elements which qualify as Activities Not Requiring a License. The Proponent should consult with MassDEP prior to filing the Single EIR and the Single EIR should provide an update.

Traffic and Transportation

The Single EIR should identify jurisdictional roadway crossings and provide an update on any consultation with MassDOT. The Single EIR should include a draft Traffic Management Plan for review by MassDOT. The Proponent and MassDOT should coordinate appropriate times, length and management of roadway shutdowns to limit impacts to travelers.

Climate Change Adaptation and Resiliency

The Single EIR should discuss potential effects of climate change on the project in the context of improving reliability and resiliency of the transmission system. The Single EIR should identify any potential impacts and address how the project will be designed to adapt to and/or sustain such impacts. To assist in this evaluation, the Proponent should review the 2018 Massachusetts State Hazard Mitigation and Climate Adaptation Plan at www.resilientma.com and review data available through the Climate Change Clearinghouse for the Commonwealth. (https://www.mass.gov/files/documents/2018/10/26/SHMCAP-September2018-Full-Plan-web.pdf)

Greenhouse Gas Emissions

The project is subject to the MEPA Greenhouse Gas Policy and Protocol (GHG Policy) because it exceeds thresholds for a mandatory EIR. The GHG Policy includes a de minimus exemption for projects that will produce minimal amounts of GHG emissions. Given the nature of the project, I have concluded that this project falls under the de minimus exemption; therefore, the Proponent is not required to prepare a GHG analysis. The Proponent should continue to incorporate measures to avoid and minimize GHG emissions (and other air pollutants) during the construction period.

Historic and Archaeological Resources

The Single EIR should provide an update on the project's potential impacts to historical and archaeological resources and the outcome of any consultations with ACOE and MHC. The Single EIR should describe additional field work or surveys and the development of avoidance and mitigation plans.

Construction Period

The project must comply with MassDEP's Solid Waste and Air Pollution Control regulations, pursuant to M.G.L. c.40, s.54. The Single EIR should discuss the use of alternative types of equipment for the construction of all, or part, of the project that may serve to reduce overall wetland impacts (e.g., smaller low-pressure equipment, etc.). The Single EIR should clearly identify the proposed locations of both permanent and temporary (i.e., construction period only) access roads to and within the ROW. The Single EIR should identify existing access routes which may require maintenance and improvements to facilitate equipment movement, including the placement of gravel to provide a level surface within the access route and clearing or pruning of overgrown vegetation. The Single EIR should discuss how temporary access routes will be restored to original conditions subsequent to the conclusion of the construction period. The Single EIR should clarify if restoration of temporary access roads will be limited to those within wetland resource areas or if it will also include roads within the 100-foot buffer

zone to BVW. The Single EIR should describe how phasing of the project may be developed to avoid, minimize or mitigate Damage to the Environment. The construction schedule and project phasing should be included in the Single EIR and, as appropriate, mitigation associated with each phase should be identified.

I strongly encourage the Proponent to incorporate construction and demolition (C&D) recycling activities as a sustainable measure for the project, as allowed.

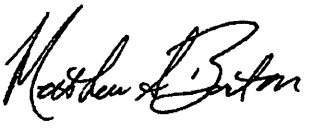
Mitigation and Section 61 Findings

The Single EIR should include a separate chapter summarizing proposed mitigation measures. This chapter should include draft Section 61 Findings for each State Agency that will issue permits for the project. The Single EIR should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

Responses to Comments/Circulation

The Single EIR should contain a copy of this Certificate and a copy of each comment letter received. In order to ensure that the issues raised by commenters are addressed, the Single EIR should include direct responses to comments to the extent that they are within MEPA jurisdiction. This directive is not intended, and shall not be construed, to enlarge the scope of the Single EIR beyond what has been expressly identified in this certificate.

The Proponent should circulate the Single EIR to those parties who commented on the EENF, to any State Agencies from which the Proponent will seek permits or approvals, and to any additional parties specified in section 11.16 of the MEPA regulations. A copy of the Single EIR should be made available for review at the Acushnet, Dartmouth, Fall River and New Bedford public libraries.



December 28, 2018
Date

Matthew A. Beaton

Comments received:

12/14/2018 Massachusetts Historical Commission (MHC)
12/21/2018 Massachusetts Department of Conservation and Recreation (DCR)
12/21/2018 Massachusetts Department of Environmental Protection – Southeast Regional Office (MassDEP – SERO)
12/21/2018 Massachusetts Division of Fisheries and Wildlife – Natural Heritage and Endangered Species Program (NHESP)

MAB/EFF/eff

dcr
Massachusetts

December 21, 2018

Secretary Matthew A. Beaton
Executive Office of Environmental Affairs
Attn: Erin Flaherty, MEPA Office
100 Cambridge Street, Suite 900
Boston, Massachusetts 02114

Re: EOEEA #15941 Bell Rock Substation Rebuild Project & the Acushnet to Fall River Reliability Project (AFRRP)

Dear Secretary Beaton:

The Department of Conservation and Recreation ("DCR" of "Department") is pleased to submit the following comments in response to the Expanded Environmental Notification Form ("EENF") submitted by New England Power Company d/b/a National Grid ("NEP") and NSTAR Electric Company d/b/a Eversource Energy ("Eversource") (together, the "Proponent") for the Bell Rock Substation Rebuild Project and the Acushnet to Fall River Reliability Project (the "Project").

As described in the EENF, the Project will 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 rights of way ("ROW") in Acushnet, Fall River, Dartmouth, and New Bedford (the "AFRRP Project"). 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 AFRRP Project runs through the Southeastern Massachusetts Bioreserve ("Bioreserve"). The Commonwealth owns or holds conservation restrictions upon portions of the Bioreserve, through DCR and the Department of Fish and Game ("DFG"), including public conservation land that surrounds stretches of an Eversource ROW totaling approximately 1.65 miles. The AFRRP Project also runs through or abuts approximately 1.0 mile of DCR's Acushnet Cedar Swamp State Reservation. This Reservation was designated as a National Natural Landmark by the National Park Service in 1971. The Project may require a Construction and Access Permit from DCR.

DCR submits the following comments in response to the EENF:

Construction and Access

DCR appreciates the Proponent's outreach in advance of EENF submission to open communication with DCR staff and initiate clarification of land ownership considerations. The Proponent is seeking a Phase One Waiver to allow the Bell Rock Substation Rebuild Project to proceed in advance of filing a Single Environmental Impact Report ("SEIR"). The easement for the substation site is within the City of Fall

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617-626-1250 617-626-1351 Fax
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Charles D. Baker
Governor

Karyn E. Polito
Lt. Governor

Matthew A. Beaton, Secretary, Executive
Office of Energy & Environmental Affairs

Leo Roy, Commissioner
Department of Conservation & Recreation

River and within an area subject to a conservation restriction that the Commonwealth, through DCR and DFG, holds on a portion of the Fall River Watershed lands. However, the substation easement was granted and recorded (many years) prior to the effective date of the conservation restriction and, therefore, is not subject to the terms and conditions of the conservation restriction.

If the AFRRP Project will include access for construction vehicles across DCR Bioreserve land or DCR's Acushnet Cedar Swamp State Reservation, then a DCR Construction and Access Permit will be required. Land ownership in the Bioreserve along the Eversource ROW is a fairly complicated mix of City, DCR/DFG conservation restrictions, and DCR or DFG conservation lands. DCR requests that the SEIR include a clarification of land ownership along the portion of the Eversource ROW that passes through the Bioreserve and an explanation of potential construction and access needs as described above.

DCR notes and appreciates the ongoing collaboration between the Proponent and the Bioreserve managing partners related to installation and maintenance of gates in key locations to mitigate unauthorized access by off-highway vehicles.

Ecological Considerations

Much of the Eversource ROW that passes through the Bioreserve and the Acushnet Cedar Swamp State Reservation is recognized by the Massachusetts Natural Heritage and Endangered Species Program ("NHESP") as Priority Habitat for Rare Species. There are also a number of vernal pools within the ROW or immediately adjacent to it, and wetland resource areas are common throughout. That being said, the Bioreserve managing partners note that the Proponent has properly utilized Best Management Practices for wetland crossings and other environmental considerations during previous projects in this area, and we appreciate the good stewardship efforts. The EENF indicates that the Proponent is in communication with the NHESP related to the protection of vernal pools and other rare species habitat. DCR requests that the Single EIR include a summary of rare species occurrence (consistent with public disclosure guidelines) and related protection strategies for the stretches of the Eversource ROW that pass through jointly held DCR / DFG Bioreserve and the Acushnet Cedar Swamp State Reservation.

Utility corridors in general provide a pathway for invasive species to become established. DCR requests that the SEIR include a section on Best Management Practices related to preventing the spread of invasive species, and protocols for post-construction monitoring and treatment.

Thank you for the opportunity to comment on the EENF. If you have questions related to our comments, please contact Andy Backman, Director of Regional Planning, at 617-626-1342.

Sincerely,

Leo P. Roy
Commissioner

cc Andy Backman, Tom LaRosa, Nat Tipton

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

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

December 21, 2018

Mathew A. Beaton,
Secretary of Environment and Energy
Executive Office of Environmental Affairs
ATTN: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

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

Dear Secretary Beaton,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Environmental Notification Form (ENF) for the proposed Bell Rock Substation Rebuild & 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 Comments

Wetlands Comments. The Wetlands Program has reviewed the EENF for the proposed Bell Rock Substation Rebuild Project and the Acushnet to Fall River Reliability Project and offers the following comments. As of this date, the Program has not received Notices of Intent pursuant to M.G.L. c. 131 § 40. 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. No work can occur within Areas of Jurisdiction until a Final Order and a 401 Water Quality Certificate is issued.

The ENF indicates that the Project is being proposed as a limited Project under 310 CMR 10.53. There are proposed temporary and permanent alterations to Bordering Vegetated Wetland (BVW) (7.2 acres temporary, 3.11 acres permanent), Inland Bank (202 lf temporary, 625 lf permanent), Bordering Land Subject to Flooding (2.11 acres temporary, 285 sf permanent) and Riverfront Area (1.13 acres temporary, 0.17 acre permanent). Per 310 CMR 10.53, in determining whether to exercise discretion to approve the limited Project, the following factors should be considered: the magnitude of the alteration and the significance of the Project site to the interests identified in M.G.L. c. 131 § 40, the availability of reasonable alternatives to the proposed activity, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the interests identified in M.G.L. c. 131 § 40.

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. An alternatives analysis that demonstrates measures taken to avoid, minimize and mitigate for the dredging and placement of fill must be submitted with the 401 Water Quality Certificate Application. Although there are limited Project provisions in the Wetlands Regulations, the 401 Water Quality Certification Regulations do not contain any such provision. The 401 Regulations state, "No discharge of dredged or fill material shall be permitted unless appropriate and practicable steps have been taken which will avoid and minimize potential adverse impact to bordering or isolated wetlands, land under water or ocean, or the intertidal zone. For discharges to bordering or isolated wetlands, such steps shall include a minimum of 1:1 restoration or replication." If restoration or replication of the lost BVW is not possible, then the Project Proponent may seek a Variance pursuant to 314 CMR 9.08.

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.

The ENF 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).

Waterways Comments. The Waterways Program has reviewed the Expanded ENF (ENF) and after performing a cursory review of its data-base, has found a prior Chapter 91 authorization for the area infrastructure, License No. 4374 (issued October 3, 1960).

Some Project elements may qualify as Activities Not Requiring a License pursuant to 310 CMR 9.05(3), and if requested by the Proponent the Department will exercise its discretionary authority to review and potentially approve such, usually through a Minor Modification Request, pursuant to 310 CMR 9.22(3).

Otherwise, any new transmission line or other Project element not located within an existing Right of Way (ROW) that is located in, on, over or under a Chapter 91 jurisdictional area may require a Chapter 91 License pursuant to the Waterways Regulations at 310 CMR 9.0.

As indicated in the ENF, the Waterways Program will work with the Proponent to discuss Chapter 91 jurisdictional questions and provide guidance to achieve regulatory authorizations.

Construction Stormwater Permit. The Project construction activities are scheduled to disturb 28.62 acres of land and therefore, may require a NPDES Stormwater Permit for Construction Activities. The Proponent can access information regarding the NPDES Stormwater requirements and an application for the Construction General Permit at the EPA website: https://www.epa.gov/sites/production/files/2017-07/documents/cgp_flow_chart_do_i_need_a_permit2.pdf

Bureau of Waste Site Cleanup Comments

EENF #15941 – Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed Project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

The proposed Project involves twelve miles of new overhead transmission line within existing right-of-ways across four towns. Please be advised that there are many listed BWSC disposal sites located within the proposed Project area. Many of the sites have been closed under the MCP, but many other disposal sites are open and require continued response actions under the MCP. A listing and discussion of each MCP site will not be presented here.

Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer (Oliver) at: http://maps.massgis.state.ma.us/map_ol/oliver.php Under "Available Data Layers" select "Regulated Areas", and then "DEP Tier Classified 21E Sites". The compliance status and report submittals for specific MCP disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: https://eeaonline.eea.state.ma.us/portal#!/search/wastesite

The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this Project, notification pursuant to the Massachusetts Contingency Plan (310

CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) should be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary if contamination is present. The BWSC may be contacted for guidance if questions arise regarding cleanup

Bureau of Air and Waste Comments:

Air Quality. Construction and operation activities shall not cause or contribute to a condition of air pollution due to dust, odor or noise. To determine the appropriate requirements please refer to:

- 310 CMR 7.09 Dust, Odor, Construction, and Demolition
- 310 CMR 7.10 Noise

GHG Emissions Comments: If the Project involves the use of Gas Insulated Switchgear (GIS), the Proponent must follow the state (310 CMR 7.72) and federal regulations to reduce sulfur hexaflouride (SF6) emissions from that switchgear.

Construction-Related Measures. MassDEP requests that all non-road diesel equipment rated 50 horsepower or greater meet EPA's Tier 4 emission limits, which are the most stringent emission standards currently available for off-road engines. If a piece of equipment is not available in the Tier 4 configuration, then the Proponent should use construction equipment that has been retrofitted with appropriate emissions reduction equipment. Emission reduction equipment includes EPA-verified, CARB-verified, or MassDEP-approved diesel oxidation catalysts (DOCs) or Diesel Particulate Filters (DPFs). The Proponent should maintain a list of the engines, their emission tiers, and, if applicable, the best available control technology installed on each piece of equipment on file for Departmental review.

Spills Prevention. A spills contingency plan addressing prevention and management of potential releases of oil and/or hazardous materials from pre- and post-construction activities should be presented to workers at the site and enforced. The plan should include but not be limited to, refueling of machinery, storage of fuels, and potential on-site activity releases.

Massachusetts Idling Regulation. MassDEP reminds the Proponent that unnecessary idling (i.e., in excess of five minutes), with limited exception, is not permitted during the construction and operations phase of the Project (310 CMR 7.11). With regard to construction period activity, typical methods of reducing idling include driver training, periodic inspections by site supervisors, and posting signage. In addition, to ensure compliance with this regulation once the Project is occupied, MassDEP requests that the Proponent install permanent signs limiting idling to five minutes or less on-site.

Solid Waste Comments: As a result of its review of the Environmental Notification Form (ENF) for the Bell Rock Substation Rebuild & Acushnet To Fall River Reliability Projects EEA No. 15941 (Project or Site), the Massachusetts Department of Environmental Protection Solid Waste Management Section (Solid Waste) is providing the following comments regarding the management of solid waste/recyclable and asbestos containing materials in accordance with; 310 CMR 16.00: *Site Assignment Regulations for Solid Waste Facilities*, 310 CMR 19.000: *Solid Waste Management* (Solid Waste Regulations) and 310 CMR 7.15: *Asbestos Regulations*.

Asbestos Comments:

- Building Demolition and Asbestos Containing Waste Material: The proposed Project appears to include the demolition of buildings and other structures which may contain asbestos. The Project

Proponent is advised that demolition activity must comply with both Solid Waste and Air Quality Control regulations. Please note that MassDEP promulgated revised Asbestos Regulations (310 CMR 7.15) that became effective on June 20, 2014. The new regulations contain requirements to conduct a pre-demolition/renovation asbestos survey by a licensed asbestos inspector and post abatement visual inspections by a licensed asbestos Project monitor. The Massachusetts Department of Labor and Work Force Development, Division of Labor Standards (DLS) is the agency responsible for licensing and regulating all asbestos abatement contractors, designers, Project monitors, inspectors and analytical laboratories in the state of Massachusetts.

- In accordance with the revised Asbestos Regulations at **310 CMR 7.15(4),** any owner or operator of a facility or facility component that contains suspect asbestos containing material (ACM) shall, prior to conducting any demolition or renovation, employ a DLS licensed asbestos inspector to thoroughly inspect the facility or facility component, to identify the presence, location and quantity of any ACM or suspect ACM and to prepare a written asbestos survey report. As part of the asbestos survey, samples must be taken of all suspect asbestos containing building materials and sent to a DLS certified laboratory for analysis, using USEPA approved analytical methods.
- If ACM is identified in the asbestos survey, the Proponent must hire a DLS licensed asbestos abatement contractor to remove and dispose of any asbestos containing material(s) from the facility or facility component in accordance with **310 CMR 7.15**, prior to conducting any demolition or renovation activities. The removal and handling of asbestos from the facility or facility components must adhere to the Specific Asbestos Abatement Work Practice Standards required at **310 CMR 7.15(7)**. The Proponent and asbestos contractor will be responsible for submitting an ***Asbestos Notification Form ANF-001*** to MassDEP at least ten (10) working days prior to beginning any removal of the asbestos containing materials as specified at **310 CMR 7.15(6).**
- The Proponent shall ensure that all asbestos containing waste material from any asbestos abatement activity is properly stored and disposed of at a landfill approved to accept such material in accordance with **310 CMR 7.15 (17).** The Solid Waste Regulations at **310 CMR 19.061(3)** lists the requirements for any solid waste facility handling or disposing of asbestos waste. Pursuant to **310 CMR 19.061(3) (b) 1,** no asbestos containing material; including VAT, asphaltic-asbestos felts or shingles; may be disposed at a solid waste combustion facility.
- In accordance with the Air Quality Regulations at **310 CMR 7.09(2),** the Proponent must submit a ***BWP AQ 06 Notification Prior to Construction or Demolition*** form to MassDEP for any construction or demolition of an industrial, commercial or institutional building or residential building with 20 or more dwelling units at least ten (10) working days prior to initiation of said construction or demolition Project. The Proponent should propose measures to prevent or alleviate dust, noise, and odor nuisance conditions, which may occur during the demolition.

Solid Waste Comments:

- All waste materials generated during the Project that are determined to be solid waste (e.g., construction and demolition waste) and/or recyclable material (e.g., wood, metal, asphalt, brick, and concrete) shall be disposed, recycled, and/or otherwise handled in accordance with the Solid Waste Regulations: including 310 CMR 19.017: *Waste Bans.*

- Asphalt, brick and concrete (ABC) rubble, such as the rubble generated by the demolition of buildings must be handled in accordance with Massachusetts solid waste regulations. These regulations allow, and MassDEP encourages, the recycling/reuse of ABC rubble. The Proponent should refer to MassDEP's Information Sheet, entitled "Using or Processing Asphalt pavement,

Brick and Concrete Rubble, revised February 27, 2017", that answers commonly asked questions about ABC rubble and identifies the provisions of the solid waste regulations that pertain to recycling/reusing ABC rubble.

This policy can be found on-line at the MassDEP website:
https://www.mass.gov/files/documents/2018/03/19/abc-rubble.pdf

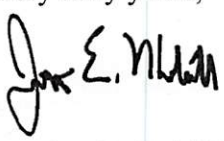
Please contact Cynthia Baran at (508) 946-2887 if you should have any questions pertaining to the Asbestos program comments or Mark Dakers at (508) 946-2847 with any questions pertaining to the Department's comments on solid waste management.

Proposed s.61 Findings

The "Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form" may indicate that this Project requires further MEPA review and the preparation of an Environmental Impact Report. Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the Proponent will prepare Proposed Section 61 Findings to be included in the EIR in a separate chapter updating and summarizing proposed mitigation measures. In accordance with 301 CMR 11.07(6)(k), this chapter should also include separate updated draft Section 61 Findings for each State agency that will issue permits for the Project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this proposed Project. If you have any questions regarding these comments, please contact George Zoto at (508) 946-2820.

Very truly yours,



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

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director
David Johnston, Deputy Regional Director, BWR
Gerard Martin, Deputy Regional Director, BWSC
Jennifer Viveiros, Deputy Regional Director, ADMIN
Bernadette DeBlander, Wetlands and Waterways, BWR
Carlos Fragata, Wetlands and Waterways, BWR
Jim Mahala, Chief, Wetlands and Waterways, BWR
Mark Dakers, Chief, Solid Waste Management, BWR
Doug Coppi, Solid Waste Management, BWR

Holly Johnson, Regulatory & Permit Ombudsman/Commissioners Office
Allen Hemberger, Site Management, BWSC

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DEC 14 2018
MEPA

December 11, 2018

Secretary Matthew A. Beaton
Executive Office of Energy & Environmental Affairs
Attn: Erin Flaherty, MEPA Unit
100 Cambridge Street, Suite 900
Boston, MA 02114

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

RE: New England Power Company d/b/a National Grid and NSTAR Electric Company d/b/a Eversource Energy Bell Rock Substation Rebuild Project and Acushnet to Fall River Reliability Project, Acushnet, New Bedford, Dartmouth and Fall River, MA. MHC #RC.58972 and RC.64212. **EEA #15941**.

Dear Secretary Beaton:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the Expanded Environmental Notification Form (EENF) submitted for the projects referenced above. The MHC has reviewed the Bell Rock Substation aspect of the overall project since 2015 (MHC #RC.58972). The MHC has previously reviewed the Acushnet to Fall River Reliability Project (AFRRP) as the Line 114 Transmission Line Extension Project (MHC #RC.64212). The projects require review and permitting by federal agencies. The MHC, as the Massachusetts State Historic Preservation Office, is a consulting party with federal agencies for the project pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR 800).

As noted in EENF Section 8.0, historic properties identification efforts have been ongoing for both project aspects. Historic properties identification efforts for the AFRRP have not yet been completed. Intensive (locational) survey has been conducted by POWER Engineers for the Bell Rock Substation. Intensive (locational) archaeological survey and archaeological site examinations have been and continue to be conducted by the PAL, Inc., for the AFRRP. The MHC looks forward to reviewing the results of archaeological site examinations at six identified archaeological sites within the AFRRP project impact area, and to consultation to avoid, minimize or mitigate adverse effects to significant historic and archaeological resources.

Staff of the MHC reviewed the archaeological report and archaeological report addendum reporting the results of the intensive (locational) archaeological surveys conducted within the Bell Rock Substation by POWER Engineers, including the M13 Bypass aspect of the project. The archaeological surveys yielded no historic or archaeological resources. Since no significant historic or archaeological resources were identified, no further survey is recommended for the Bell Rock Substation aspect of the project, as proposed.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966 , as amended (36 CFR 800), Massachusetts General Laws, Chapter 9, Sections 26-27C (950 CMR 70-71), and MEPA (301 CMR 11). If you have any questions concerning this review, please contact Jonathan K. Patton, at this office.

Sincerely,

Brona Simon

Brona Simon
Executive Director
State Historic Preservation Officer
State Archaeologist
Massachusetts Historical Commission

xc: Erin Whoriskey, National Grid
Mitch Zylich, Eversource
Jamie Durand, POWER Engineers
Barbara Newman, USACOE-NED
Kate Atwood, USACOE-NED
Bettina Washington, Wampanoag Tribe of Gay Head (Aquinnah)
Ramona Peters, Mashpee Wampanoag Tribe
Jamie Donta, POWER Engineers
Deborah C. Cox, PAL, Attn: Jenifer Elam

MASSWILDLIFE

DIVISION OF
FISHERIES & WILDLIFE

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December 21, 2018

Matthew A. Beaton, Secretary
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office
Erin Flaherty, EEA No. 15941
100 Cambridge St.
Boston, Massachusetts 02114

Project Name:	*Bell Rock Substation Rebuild Project and Acushnet to Fall River Reliability Project*
Proponent:	*New England Power Company d/b/a National Grid and NSTAR Electric Company d/b/a Eversource Energy*
Location:	*181 Bell Rock Road (Bell Rock Substation), Fall River and existing Right-of-way: Acushnet, New Bedford, Dartmouth, Fall River*
Project Description:	*Expand Bell Rock Substation, Widen NEP ROW and install 12mi of 115kV overhead transmission line to Acushnet*
Document Reviewed:	*Expanded Environmental Notification Form*
EEA File Number:	*15941*
NHESP Tracking No.:	*18-37556*

Dear Secretary Beaton:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the Division) has reviewed the *Expanded Environmental Notification Form* (EENF) for the "*Bell Rock Substation Rebuild Project and 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 Project site are mapped as *Priority* and *Estimated Habitat* for multiple state-listed species, including Eastern Box Turtle (*Terrapene carolina*; Special Concern), Eastern Whip-poor-will (*Caprimulgus vociferus*, Special Concern), Long-leaved Panic-Grass (*Panicum rigidulum ssp. pubescens*; Threatened), Weak Rush (*Juncus debilis*, Endangered), Rigid Flax (*Linum medium var texanum*, Threatened) and Philadelphia Panic-grass (*Panicum philadelphicum ssp. Philadelphicum*, Special Concern) according to the *Massachusetts Natural Heritage Atlas* (14th Edition). These species and their habitats are protected pursuant to the Massachusetts Endangered Species Act (MGL c.131A) and its implementing regulations (MESA; 321 CMR 10.00). Fact Sheets for state-listed species can be found on our website, www.mass.gov/nhesp.

The Project, as proposed and shown on the site plans (Appendix A of the EENF), will occur in two phases. The first phase (Phase 1) includes expansion of the Bell Rock Substation footprint, access roadway installation and improvements, and temporary reroute of the M13 transmission, totaling approx. 2.9 acres of disturbance, 1.3 acres of which is temporary. The second phase (Phase 2) is the Acushnet to Fall River Reliability Project which 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 Phase 2 of the Project. The Division recently determined that that Phase 1 of the Project, as proposed, must be conditioned in order to avoid a prohibited Take of Eastern Box Turtle. Conditions included the implementation of an approved turtle protection plan during construction.

However, the Division's review of Phase 2 pursuant to the MESA remains ongoing. Based on previously submitted information and ongoing consultations with the Proponent, the Division anticipates –that Phase 2 of the Project, as proposed, will likely result in a Take (321 CMR 10.18 (2)(b)) of the Eastern Box Turtle. Based on botanical surveys completed by the Proponent pursuant to Division-approved protocols, the Project may also result in a Take of Long-leaved Panic-Grass and Rigid Flax. The Division is currently working with the Proponent to assess temporary and permanent impacts and determine if a Take of state-listed plants can be avoided through Project 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 Proponent is coordinating with the Division to assess alternative strategies for avoiding, minimizing and mitigating impacts of Phase 2 to state-listed species and their habitats. Although the details of the long-term net benefit required under a CMP have not yet been finalized, the Division anticipates being able to resolve any outstanding concerns related to state-listed species during the MESA review process. We look forward to continued coordination with the Proponent to ensure that the Project addresses all permitting requirements related to state-listed species.

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. As the MESA review for Phase 2 of the Project remains ongoing, no alteration to the soil, surface, or vegetation and no work associated with Phase 2 shall occur until the Division has made a final decision relative to the CMP. 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,

Thomas W. French

Thomas W. French, 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
Town of Dartmouth Conservation Commission
Town of Fall River Board of Selectmen
Town of Fall River Planning Board
Town of Fall River Conservation Commission