

**APPENDIX A SECRETARY’S CERTIFICATE ON THE EENF AND
COMMENT LETTERS**



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

PROJECT NAME : N12/M13 Double Circuit Tower Separation Project
PROJECT MUNICIPALITY : Fall River & Somerset
PROJECT WATERSHED : Taunton River Basin & Mount Hope Bay
EEA NUMBER : 16467
PROJECT PROPONENT : New England Power Company
DATE NOTICED IN MONITOR : October 22, 2021

The Proponent submitted an Expanded Environmental Notification Form (EENF) with a request that I allow a Single EIR to be submitted in lieu of the usual two-stage Draft and Final EIR process pursuant to Section 11.06(8) of the MEPA regulations. The Proponent should submit a Single EIR in accordance with the Scope included in this Certificate.

Project Description

As described in the Environmental Notification Form (EENF), the project consists of the alteration of the existing N12/M13 Double Circuit Tower (DCT) configuration carrying the N12 and M13 115 kilovolt (kV) transmission lines from the Pottersville Switching Station (formerly the Somerset Substation) in the Town of Somerset (Town), over the Taunton River, to the Sykes Road Substation in the City of Fall River (City); a total distance of approximately 1.85 miles. Currently, the lines are supported via a series of smaller transmission structures and two large transmission towers that carry the lines over the Taunton River. The N12 and M13 transmission lines will be separated to improve resiliency, and one line (M13) will be relocated to a new set of transmission structures/towers proposed to be constructed primarily within the existing electric transmission line right-of-way (ROW). Much of the existing transmission infrastructure will also be replaced. As described in the EENF, due to siting constraints on the banks of the Taunton

River, one of the proposed steel transmission towers for the M13 line (which will support the aerial span over the river) will be constructed within the Federal Emergency Management Agency (FEMA) Velocity Zone (VE) in Land Subject to Coastal Storm Flowage (LSCSF) located on the east (Fall River) side of the Taunton River. This new M13 tower is proposed to be located immediately south of the existing N12 tower located on the east side of the Taunton River, which is also in FEMA VE Zone/LSCSF, and is proposed to remain.

The project is proposed to address reliability risk associated with the existing configuration by placing the transmission lines on separate supporting infrastructure, whereas currently the two lines are located on the same series of transmission structures/towers. As described in the EENF, the existing configuration contributes significantly to the potential for widespread voltage collapse and loss of load as any impact to a single structure/tower could cause an outage to both lines. The project was identified as a priority in the New England Independent System Operator (ISO-NE) Southeastern Massachusetts and Rhode Island (SEMI-RI) Area 2026 Solutions Study (released March 2017). The need for the project was reaffirmed in the SEMA-RI Area 2029 Needs Assessment Update (released October 2020). Specifically, the project proposes the installation of 14 new transmission structures and two new river-crossing towers (“Y-Frame” steel monopoles) for the M13 Line and the replacement of seven (7) transmission structures and installation of four (4) new intermediate structures for the N12 Line. The two existing 300-foot high N12 steel lattice towers at the Taunton River crossing will be retained. The EENF states the project has no appreciable effect on generation or other energy facilities as the new towers are being constructed to address existing system capacity shortages. The transmission upgrades will improve reliability and provide more robust transmission facilities to allow for future interconnections from renewable energy projects. According to the EENF, the establishment of the M13N Line will require approval from the Massachusetts Department of Public Utilities (DPU). The M13 Line will cross the Taunton River, a Massachusetts Department of Transportation (MassDOT) rail corridor, and Route 24.

Project Site

The 85-acre project site consists primarily of existing ROW and/or easements owned by the Proponent between the Pottersville Switching Station in Somerset and the Sykes Road Substation in Fall River. Additional permanent and temporary easements will be required to facilitate construction and create access to the proposed M13 structures; the Proponent is currently pursuing these easements. The existing ROW is routinely managed by the Proponent consistent with vegetation management standards for overhead transmission lines. Surrounding land use is primarily residential and commercial. The EENF states one (1) Environmental Justice (EJ) community is located within the project corridor and two additional communities are located within 1-mile of the project corridor. The EENF indicates the project is not likely to negatively affect these populations, as further described below. The MassDOT rail corridor is part of the South Coast Rail project (EEA #14346), which will provide commuter rail service between Boston and Southeastern Massachusetts. Within the project site, construction associated with the South Coast Rail project includes a new train layover facility (Weavers Cove) in Fall River. A portion of the project site, referred to as the Shell Oil, New Street Release Site is regulated under the Massachusetts Contingency Plan (MCP; 310 CMR 40.0000) and assigned

Release Tracking Number (RTN) 4-0000749 and secondary RTNs 4-0000930, 4-00225522, and 4-0023361.

The transmission lines cross the Taunton River, which is a federally listed Wild and Scenic River; the river is also classified as an impaired water body. In addition to Riverfront Area and LSCSF, the project site contains Bordering Vegetated Wetlands (BVW), Isolated Vegetated Wetlands (IVW), Land Under the Ocean (LUO), Inland Bank, Coastal Bank, Coastal Beach, and Salt Marsh. Portions of the project site are mapped as Flood Zone VE (a coastal area inundated during a 100-year storm with additional hazard associated with storm waves) with a Base Flood Elevation (BFE) of elevation (el.) 17 ft NAVD88, and Flood Zone AE (an area inundated during a 100-year storm) with a BFE of el. 15 ft NAVD88, as delineated on FEMA map 25005C0332G (effective date July 16, 2014). The project site does not contain *Estimated and Priority Habitat of Rare Species* as delineated by the Natural Heritage and Endangered Species Program (NHESP) in the 14th Edition of the Massachusetts Natural Heritage Atlas or an Area of Critical Environmental Concern (ACEC). The site contains several historic and archaeological sites previously recorded in the Massachusetts Historical Commission's (MHC) Inventory of Historic and Archaeological Assets of the Commonwealth; the EENF indicates the project is not anticipated to have any adverse effects on these historic resources.

Environmental Impacts and Mitigation

Potential environmental impacts associated with the project include the alteration of approximately 11.54 acres of land, 11 acres of which is described as temporary impact associated with clearing and/or grading to create temporary work areas. Potential impacts to wetland/coastal resource areas include the alteration of 172,379 square feet (sf) (approximately 3.96 acres) of LSCSF; 6,850 square feet (sf) of Salt Marsh; 1,397 sf of LUO; 133,546 sf (3.07 acres) of BVW; 208 linear feet (lf) of Inland Bank; and approximately 78,384 sf (1.80 acres) of Riverfront Area (0.41 acres of which is coincident with LSCSF or BVW). The project will also alter approximately 91,675 sf (2.10 acres) of Designated Port Area (DPA).

Measures to avoid, minimize, and mitigate project impacts include the use of dust mitigation measures during construction, restoration of temporarily impacted wetland and coastal resources to pre-construction conditions, the creation of wetland replication areas, and the use of erosion and sedimentation controls during construction.

Jurisdiction and Permitting

The project is undergoing MEPA review and is subject to a mandatory EIR pursuant to 301 CMR 11.03(3)(a)(1)(a) of the MEPA regulations because it requires Agency Actions and will result in the alteration of one or more acres of Salt Marsh or Bordering Vegetated Wetlands (in this case, BVW). Additionally, the project exceeds the ENF thresholds at 11.03(3)(b)(1)(c), 11.03(3)(b)(1)(d), 11.03(3)(b)(1)(e), and 11.03(3)(b)(1)(f): the alteration of 1,000 or more sf of salt marsh; the alteration of 5,000 or more sf of bordering or isolated vegetated wetlands; New fill or structure or Expansion of existing fill or structure, except a pile-supported structure, in a

velocity zone or regulatory floodway; and the alteration of one half or more acres of any other wetlands (LSCSF), respectively.¹

The project requires a 401 Water Quality Certification (WQC) from the Massachusetts Department of Environmental Protection (MassDEP), approval pursuant to G.L. c. 164 § 72 (Section 72 approval) from DPU, Federal Consistency Review from the Massachusetts Office of Coastal Zone Management (CZM), and a State and Interstate Highway Right-of-Way Encroachment Permit and Crossing Permit from MassDOT. The EENF indicates the project may potentially require a Chapter 91 (c.91) Waterways License and/or Superseding Order of Conditions from MassDEP as well.

The project requires Orders of Conditions from the Fall River Conservation Commission and Somerset Conservation Commission (or in the case of an appeal of either, a Superseding Order of Conditions from MassDEP). The project requires a Section 404 Permit and Section 10 Permit Modification from the U.S. Army Corps of Engineers (USACE) as well as a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) from the United States Environmental Protection Agency (EPA). The project will require review by MHC acting as the State Historic Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR 800).

The project is not receiving Financial Assistance from the Commonwealth. Therefore, MEPA jurisdiction for any future reviews would be limited to those aspects of the project that are within the subject matter of any required or potentially required Agency Actions and that may cause Damage to the Environment, as defined in the MEPA regulations. Because the scope of the DPU Section 72 approval extends to all aspects of the project, and the project may require a MassDEP c. 91 license, these Agency Actions confer the functional equivalent of full-scope jurisdiction under MEPA.

Request for Single EIR

The MEPA regulations indicate a Single EIR may be allowed provided I find 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.

Consistent with this request, the EENF was subject to an extended comment period under 301 CMR 11.05(7).

¹ The EENF did not note the exceedance of the MEPA threshold at 301 CMR 11.03(3)(b)(1)(f); however, based on the information provided in the EENF, the project will alter more than one half acre of any other wetlands (LSCSF). The exceedance of this threshold was noted during the remote consultation session held on November 3, 2021.

Review of the EENF

The EENF provided a description of existing and proposed conditions; preliminary project plans; invasive species control plan; correspondence with the Massachusetts Division of Fisheries and Wildlife (MassWildlife), the U.S. Fish and Wildlife Service, and MHC; a spill management plan; wetlands and stream report; wildlife habitat evaluation; and a discussion of the project's compliance with the MEPA Greenhouse Gas (GHG) Policy. The EENF identified measures to avoid, minimize and mitigate environmental impacts. Supplemental information was distributed by the Proponent on November 9, 2021 that included additional site plans, a description of public outreach that has been conducted to-date, details regarding construction work in wetland resource areas, a contingency plan for potential coastal storms, area of tree clearing, MCP site work, and coordination conducted to-date with the Massachusetts Bay Transportation Authority (MBTA). For purposes of clarity, all supplemental materials are referred to herein as the "EENF" unless otherwise referenced. Comments from State Agencies are supportive of granting the Single EIR.

Alternatives Analysis

The EENF included an alternatives analysis which described a No Action Alternative and three potential transmission alternatives identified by ISO-NE in the Solution Study and Needs Assessment Update described above. The No Action Alternative would leave the site in its existing state. While this would not result in additional environmental impacts to the project site, it would not address the project goal of addressing reliability, and the system would remain at risk for failure. As such, the No Action Alternative was not considered viable.

Alternative 2 would involve the installation of a new underground cable extending approximately five miles from the Bristol 51 Substation in Bristol, Rhode Island to a new proposed switching station (Old Boyd's Lane Switching Station) in Portsmouth, Rhode Island. Locating transmission lines underground improves reliability in wind and winter weather events, reduces vegetation management requirements, reduces vulnerability to vehicle collisions, and can reduce outages (among other benefits); however, they are more costly to construct, are susceptible to storm surges and flooding, and can be more difficult and costly to maintain and repair due to access limitations.² According to the EENF, as there is currently no transmission circuit in this area, Alternative 2 would require the construction of a new switching station on currently undeveloped land that would have to be acquired, as well as a complex marine crossing of Mount Hope Bay. This alternative also would be considerably more expensive to build than any of the other alternatives; therefore, it was rejected.

Alternative 3B is a variation of the Preferred Alternative (identified in the EENF as Alternative 3A), which would involve the new upland portion of the M13 line consisting of a hybrid configuration of overhead and underground construction (whereas the new line is

² From the 2014 *Feasibility Study for Undergrounding Electric Distribution Lines in Massachusetts*, prepared by the Massachusetts Department of Energy Resources (DOER): <https://www.mass.gov/doc/feasibility-study-for-undergrounding-electric-distribution-lines-in-massachusetts/download>

proposed to be entirely overhead in the Preferred Alternative). As noted above, locating transmission lines underground can have added resiliency benefits. As described in the EENF, Alternative 3B would have similar environmental impacts to the Preferred Alternative, but introduces numerous physical constraints such as dense utility congestion within local roadways. The EENF states there is no feasible option for a trenchless crossing of State Route 24, and therefore this Alternative was rejected.

Alternative 4 would involve the installation of a third new 115 kV line extending approximately 3.5 miles. According to the EENF, Alternative 4 was dismissed because it would require the reconfiguration and rebuilding of the N12 and M13 lines in their entirety (increasing costs and environmental impacts as compared to the Preferred Alternative) and would require additional easements for either an overhead route option or underground route option. The EENF states that the Preferred Alternative (described herein) will best address the identified need and will improve transmission system reliability, and is the preferred solution identified by ISO-NE. The EENF further states that the Preferred Alternative is the best solution when balancing considerations of system reliability, costs to customers, potential environmental impacts, and engineering and construction feasibility.

Environmental Justice

One (1) Environmental Justice (EJ) community is located within the project corridor and two additional communities are located within 1-mile of the project corridor, characterized by Minority or Minority and Income. The EENF states that, as part of the stakeholder outreach plan, the Proponent will promote public involvement by EJ communities through the use and dissemination of multi-lingual project fact sheets, website content, meeting invitations and translation services for future presentations in English, Spanish, and Portuguese (both in writing and in-person). To date, outreach has included door-to-door visits with direct landowners and abutters, distribution of door hangers and fact sheets to notify the immediate abutters of the pending project, and an active 24-hour call-in number and email address so that community members can contact project staff directly. The Proponent is also developing a website that is anticipated to be available to the public by the end of 2021 that contains information in English and translated to Spanish and Portuguese to promote participation. The Proponent will also be scheduling an open house to support the Section 72 Petition to be filed with the DPU in the spring of 2022. Translation services will be available and accessible for those participants whose primary language is not English.

According to the EENF, the project is not reasonably likely to negatively affect EJ communities. The EENF states the project does not exceed MEPA thresholds for Air (301 CMR 11.03(8)) and meets the greenhouse gas de minimis exemption (further discussed below). There are no facilities proposed that would result in long-term air emissions. The Project does not exceed MEPA thresholds for Water (301 CMR 11.03(4)) and there are no long-term water withdrawals or discharges proposed. There will be no reduction in or conversion of public open space. The project will improve the reliability of electricity to the area. As discussed below, however, the project is proposing to locate new structures within a FEMA flood zone and coastal wetlands, which could jeopardize resiliency for surrounding communities, including EJ populations that could be more vulnerable to the effects of climate change. The Single EIR should provide more analysis of climate change scenarios applicable during the useful life of the

project, and provide a clear justification for the siting and design choices made by the project. The Single EIR should confirm that, with issuance of a WQC, no water quality degradation is anticipated that would impact the public health of neighboring communities.

C-39

C-40

Land Alteration

The project will result in the alteration of 11.54 acres of land, including approximately 2.18 acres of tree removal and the conversion of 12,162 sf of forested wetland to scrub-shrub wetland. A significant portion (2 acres) of the proposed tree clearing is associated with the construction of the new M13N6 lattice tower, which will support the aerial span over the river. The remainder of the proposed tree clearing is associated with vegetation management within the existing ROW. The EENF states existing gravel and/or crushed stone upland access roads and paved roads will be used to gain access to the transmission structures. The installation of concrete caisson structure foundations necessary to upgrade and/or refurbish existing public electric utility will result in negligible increases in impervious surfaces. No new direct stormwater discharges (outfalls) are proposed as part of this project. The EENF discussed how the project aligns generally with regional planning documents, including those created by the Southeastern Regional Planning and Economic Development District (SRPEDD). In addition, the EENF states the Preferred Alternative uses substantial portions of existing ROW, thereby minimizing alteration of new land resources to construct the project.

Wetland and Coastal Resources

Approximately 76,055 sf of Riverfront Area; 120,996 sf of BVW; 208 lf of Bank; 1,397 sf of LUO; 90,657 square feet of DPA, 6,850 sf of Salt Marsh, and 119,313 sf of LSCSF will be temporarily altered from the placement of construction mats and pull pads, temporary grading to create level work areas, temporary crossings using low ground pressure equipment for pulling lead lines and the installation overhead conductors and wires. Approximately, 12,550 sf of BVW, 2,329 sf of Riverfront Area, 1,018 sf of DPA, and 53,066 sf of LSCSF will be permanently altered from the addition of fill and the installation of the transmission tower foundations, permanent access routes, and permanent work pads. The majority of the existing N12 and M13 rights of way is already cleared of trees; however, selective tree clearing is proposed within BVW for the installation and operation of the M13/N12 line. The Somerset and Fall River Conservation Commissions will review the project for its consistency with the Wetlands Protections Act (WPA), the Wetland Regulations (310 CMR 10.00), and associated performance standards. The EENF included a discussion of how the project met these performance standards. Wetland replications areas will be required for permanently impacted BVW; however, the location of the areas was not determined at the time the EENF was filed.

C-41

The project requires a 401 WQC from MassDEP pursuant to 314 CMR 9.04(1) as it will result in the alteration of over 5,000 sf of BVW. The project may also require a c.91 License; should this be required, MassDEP will also review the project for its consistency with the Waterways regulations 310 CMR 9.00. The EENF states that there are two existing c.91 Permits for the site: License Plan No. 4353 (dated May 1960) and License Plan No. 4781 (dated March 1964). Comments from MassDEP state that the installation of the overhead wires at the Taunton River and Steep Brook and any intermittent stream crossing in an area that is navigable will require a Waterways License in accordance with 310 CMR 9.05. MassDEP further states the

Department will work with the Proponent to determine which waterbodies are jurisdictional. According to MassDEP, the project use has been determined to be Water-Dependent-Industrial in accordance with 310 CMR 9.12(2)(b) 10. As noted above, the project also requires Federal Consistency Review from CZM. Comments from CZM recognize the overall goals of the proposed project, particularly the project's goal to increase electrical reliability and resilience to the community, and are supportive of the Proponent's request for the submission of a Single EIR. However, comments from CZM, MassDEP, and the Massachusetts Division of Marine Fisheries (DMF) note concerns with the proposed work in Salt Marsh and identify additional information that should be included in the SEIR (further discussed below).

C-42

Climate Change

Governor Baker's Executive Order 569: Establishing an Integrated Climate Change Strategy for the Commonwealth was issued on September 16, 2016. The Order recognizes the serious threat presented by climate change and direct Executive Branch agencies to develop and implement an integrated strategy that leverages state resources to combat climate change and prepare for its impacts. The urgent need to address climate change was again recognized by Governor Baker and the Massachusetts Legislature with the recent passage of St. 2021, c. 8, An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy, which sets a goal of Net Zero emissions by 2050. I note that the MEPA statute directs all Agencies to consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects, such as predicted sea level rise, when issuing permits, licenses and other administrative approvals and decisions. M.G.L. c. 30, § 61.

C-44

Additionally, the Town and City are both participants in the Commonwealth's Municipal Vulnerability Preparedness (MVP) program. The MVP program is a community-driven process to define natural and climate-related hazards, identify existing and future vulnerabilities and strengths of infrastructure, environmental resources, and vulnerable populations, and develop, prioritize and implement specific actions the Town/City can take to reduce risk and build resilience. Through the MVP program, the Town and City independently received funding to conduct a planning process for climate change resiliency and implementing priority projects. For the City of Fall River, the results of the initial community-driven process were presented in the "Community Resiliency Building Workshop - Summary of Findings" (the Fall River Report), dated June 2019.³ The Fall River Report identified flooding, hurricanes or severe storms, earthquakes, and sea level rise as the top natural hazards that will be impacted by climate change in the City. For the Town of Somerset, the results of the initial community-driven process were presented in the "Community Resiliency Building Workshop - Summary of Findings" (the Somerset Report), dated January 2020.⁴ The Somerset Report identified hurricanes, nor'easters, flooding (including from storm surge), and heavy precipitation rain events as top climate hazards in the Town.

³ The Fall River Report is available at: <https://www.mass.gov/doc/fall-river-report/download>

⁴ The Somerset Report is available at: <https://www.mass.gov/doc/somerset-report/download>

Adaptation and Resiliency

As noted above, portions of the project site are mapped as Flood Zone VE with a BFE of el. 17 ft NAVD88, and Flood Zone AE with a BFE of el. 15 ft NAVD88. The existing N12-6 tower and new M13-N6 tower will be located in both Flood Zone VE and LSCSF. According to the ENF, it is infeasible to locate the tower further inland due to limitations with land availability and existing/planned development in the area. The proposed tower will be located above the existing 10-year storm level. The EENF states that the project will result in a more climate-ready and resilient transmission system that can: withstand more extreme weather events; address existing system capacity shortages and increased demand; and support future interconnections from renewable energy projects and offshore wind. According to the EENF, the primary climate change concerns within the energy sector are flooding, extreme weather events, and increased temperature; all of which were considered in designing the project. Measures that have been implemented into project design include reinforced structure foundations, storm protection measures, minimizing impacts to the existing topography/contours, and site stabilization and reestablishment of natural vegetation.

C-45

The EENF included the report generated by the RMA Tool, which described High Exposure to sea level rise (SLR)/storm surge, Moderate Exposure to Extreme Precipitation (urban flooding), and High Exposure to Extreme Precipitation (riverine flooding) and Extreme Heat. The EENF described potential increases in sea level rise (SLR) of up to 4- to 5-feet above the current Mean Higher High Water (MHHW) mark, although the EENF did not specify what year SLR was estimated for. The RMA tool report indicates that this structure is at high risk to sea level rise and storm surge; it recommends a target planning horizon of 2070 and that the project be designed to withstand the effects of a 200-year storm. While the EENF asserts that most of the project will be located outside of the extent of inundation under a (current) 100-year storm scenario, when factoring in the SLR assumptions included in the EENF, the Proponent acknowledges that two structures (the existing N12-6 tower and the new M13N6 tower) will be subject to inundation within the FEMA VE Zone. These two structures are also mapped within a category 1 hurricane surge inundation area. Two additional structures on the opposite side of the Taunton River, in Somerset (structure N12-5 and M13N-5) are mapped within a category 4 hurricane surge inundation area; however, these are located inland of an existing seawall along the west bank of the Taunton River, which provides some protection from projected SLR and flooding. The RMA temperature forecasts project a minimum increase in temperature of 3.50 degrees F and a maximum of 3.90 degrees F in the Project area. The EENF states the new transmission line conductors are designed to operate at higher maximum operating temperatures at a higher carrying capacity and under fluctuations in air temperature than existing conductors. As stated in the Scope, the Single EIR should provide a full justification for siting the new structure in the FEMA VE Zone, and explain why alternatives that improve climate resiliency were deemed infeasible.

C-46

C-48

C-47

The EENF also included a description of contingency measures to be taken should there be a significant coastal storm forecast during project construction. As described in the EENF, the Proponent would likely call for a standby where all construction work would be temporarily suspended. All equipment and vehicles located within LSCSF would be removed from the site or secured. Potentially hazardous materials (such as fuel containers) would be relocated outside of

LSCSF and secured. There would be no operation of construction equipment during a coastal storm event nor during an extreme high tidal cycle. If construction mats are installed within the Salt Marsh, the mats would be anchored in-place or removed. The removal and replacement of construction mats would be determined based on considerations of the forecast sea state, wave height, high tide elevation, and wind conditions. If there is a risk of the mats being dislodged or washed away, the mats would be removed from the Salt Marsh and relocated beyond the forecasted elevation of the tide.

Greenhouse Gas (GHG) Emissions

The project is subject to the MEPA 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. GHG emissions are anticipated during the construction period of the project only and are not expected to be ongoing. As such, this project may fall under the de minimus exemption. As described in the EENF, the project will have little or no greenhouse gas emissions once construction is complete. The project does not propose the additional generation of energy, and the EENF included measures to limit vehicle idling times and to reduce air emissions during construction. The EENF states there are no anticipated long-term impacts on air quality associated with the operation of the transmission line. The transmission upgrades are proposed to address existing system capacity shortages and improve reliability, and will have no appreciable effect on energy generation. The EENF states the project will provide more robust transmission facilities and increase electrical capacity in the SEMI-RI region to allow for future interconnections from renewable energy projects, which will enable a transition to a cleaner electrical grid.

Transportation

The project requires a State and Interstate Highway Right-of-Way Encroachment Permit and Crossing Permit from MassDOT. Comments from MassDOT recommend that no further environmental review be required based on transportation-related issues. The project will cross the railroad associated with the MBTA's South Coast Rail. As described in the EENF, the Proponent has met with representatives of the MBTA on a routine basis to discuss the coordination required for the respective projects. According to the EENF, the MBTA's proposed work for the rail yard in Fall River includes an access road which the Proponent plans to use on a temporary basis to cross the railroad tracks in order to construct the M13N6 tower, and to perform work at the existing N12-6 tower. Should the N12/M13 DCT Separation Project be approved, the Proponent will provide an updated construction schedule to the MBTA and notify the MBTA of the dates required to cross the tracks.

Hazardous Waste

As noted above, the Shell Oil, New Street Release Site, located immediately south of the proposed M13N6 structure. As described in the EENF, known contaminants associated with the MCP site are expected to be encountered during the construction of the transmission tower foundations, given the close proximity to the former Shell Oil Terminal. The EENF states that a Licensed Site Professional (LSP) has been retained to support MCP during construction. The

LSP will assist with regulatory notifications and reporting requirements under the MCP and with planning and proper management and disposal of impacted soil and groundwater.

Construction Period

The EENF states the project will occur in stages over an approximately 12-month work period starting in mid-2023. Generally, the project will commence as follows:

- Removal of vegetation, ROW mowing in advance of construction and removal of hazard and danger trees
- Staking of proposed transmission structures
- Installation of soil erosion and sedimentation controls and construction-related BMPs
- Construction, repair and/or improvement of access routes to existing and proposed structures
- Installation of work pads and staging areas
- Removal and disposal of select transmission line components (to include recycling of used materials and assets)
- Installation of foundation and construction of new and replacement transmission structures
- Installation of conductor, optical ground wire, and shield wire
- Restoration and stabilization of the ROW

During the construction-phase of the project there may be intermittent and localized increases in noise, dust and emissions from construction vehicles and related equipment. The EENF state there will be measures implemented to minimize and mitigate these temporary impacts. Solid waste will be generated during the construction of the Project. The transmission assets to be removed will be recycled. Those components not salvaged and any debris that cannot be recycled will be removed from the ROW to an approved off-site facility.

All construction activities should be managed in accordance with applicable MassDEP's regulations regarding Air Pollution Control (310 CMR 7.01, 7.09-7.10), and Solid Waste Facilities (310 CMR 16.00 and 310 CMR 19.00, including the waste ban provision at 310 CMR 19.017). The project should include measures to reduce construction period impacts (e.g., noise, dust, odor, solid waste management) and emissions of air pollutants from equipment, including anti-idling measures in accordance with the Air Quality regulations (310 CMR 7.11). The EENF states that diesel-powered non-road construction equipment with engine horsepower ratings of 50 and above to be used for 30 or more days over the course of Project construction will either be USEPA Tier 4-compliant or will be retrofitted with USEPA-verified (or equivalent) emission control devices such as oxidation catalysts or other comparable technologies (to the extent that they are commercially available) installed on the exhaust system side of the diesel combustion engine. The use of ultra-low sulfur diesel fuel in its diesel-powered construction equipment and limits idling time to five minutes except when engine power is necessary for the delivery of materials or to operate accessories to the vehicle such as power lifts. The EENF additionally states vehicle idling will be minimized during the construction phase of the project. If oil and/or hazardous materials are found during construction, the Proponent should notify MassDEP in accordance with the Massachusetts Contingency Plan (310 CMR 40.00). All construction activities should be undertaken in compliance with the conditions of all State and local permits.

C-49

Conclusion

The EENF includes an alternatives analysis, identifies baseline environmental conditions and potential environmental impacts, and proposes mitigation measures to justify the request for a Single EIR. Based on review of the EENF and consultation with State Agencies, I hereby allow the Proponent to submit a Single EIR in lieu of a Draft and Final EIR. The Proponent should submit a Single EIR that provides updated project information and analyses as specified in the Scope below.

SCOPE

General

The SEIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this Scope. Recommendations provided in this Certificate may result in a modified design that would further avoid, minimize, and/or mitigate Damage to the Environment. The SEIR should identify measures the Proponent will include to further reduce the impacts of the project since the filing of the EENF, or, if certain measures are infeasible, the SEIR should discuss why these measures will not be adopted.

C-1

Project Description and Permitting

The SEIR should describe the project and identify any changes to the project since the filing of the EENF. It should include updated site plans for existing and post-development conditions. Conceptual plans should be legible and provided at a reasonable scale. Plans should clearly identify: all major project components (existing and proposed buildings, access roads, etc.); public areas; wetland resource areas; impervious areas; ownership of parcels including easements; pedestrian and bicycle accommodations; and stormwater and utility infrastructure. Conceptual plans should be provided for onsite work as well as any proposed off-site work for transportation or utility improvements that will benefit the project.

C-2

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The SEIR should provide a brief description and analysis of all applicable statutory and regulatory standards and requirements, and describe how the project will meet those standards. It should include a list of required State Permits, Financial Assistance, or other State or local approvals and provide an update on the status of each. The project should clarify whether a c.91 License will be required from MassDEP, if such a determination has been made at the time of filing the SEIR.

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Wetlands

Comments from CZM state the wetland resources identified on the plans provided in the EENF appear to be based on MassDEP Wetlands GIS Layers. The Single EIR should include

survey transects to determine the extent of the Coastal Bank.⁵ The EIR should describe how any work on or adjacent to the coastal bank meets the performance standards for coastal banks. The EIR should also include information on how the proposed grading might change how flood water flows across the site, and an analysis of potential impacts to adjacent areas from increased velocities and volumes of floodwater, under existing and future conditions. Additional detail on the storm bollards and how their size and height were determined should also be provided. The EENF states that wetlands replication area(s) will be provided to mitigate permanent impacts to BVW; however, the details and location of these restoration areas have not been determined. The Single EIR should provide an update on the development of any BVW mitigation, and possible locations of the wetland replication area(s), if a single location has not been identified yet.

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The EENF includes an estimated 6,850 sf of temporary impacts to Salt Marsh associated with temporary crossing using a low ground pressure (LGP) vehicle or installation of temporary construction mats. During the remote consultation session (held on November 3, 2021), the potential use of a helicopter to string the conductors across the Taunton River was discussed to avoid impacts to Salt Marsh, and further described in supplemental information. The EENF estimates that, if needed, the mats would be in place for 4-6 weeks on the Salt Marsh. Comments from DMF indicate that covered marsh vegetation can die off completely in a period of 5 to 7 weeks. Comments from CZM state that mats on Salt Marsh during the growing season may cause alterations in growth, distribution, and composition of vegetation. Comments from MassDEP state using the mats during the growing season should be avoided. More detail should be provided in the Single EIR on the specific methods proposed to cross these coastal wetland resource areas, the potential impacts, and strategies to mitigate impacts. The Single EIR should outline proposed pre-and post-construction monitoring plans to determine whether any marsh impacts occur for either of the proposed temporary crossing methods. The temporary construction mat alternative should be further described, including the proposed timing of this part of the project. Comments from MassDEP state the existing elevation of the Salt Marsh shall be maintained, the low ground pressure equipment or matting shall not compact the Salt Marsh vegetation, lead to pooling in the marsh, or cause marsh vegetation dieback. The Single EIR should address how these items will be addressed to demonstrate compliance with wetland performance standards.

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Climate Change Adaptation and Resiliency

As noted above, the project area is expected to experience impacts from SLR associated with climate change. Comments from CZM state the current project designs do not factor in the expected SLR and increases in storm frequency and intensity that will be caused by climate change over the expected life span of the proposed tower structures. The proposed design appears to be resilient to the current-day 10-year storm, and not the 200-year storm as recommended by the RMAT tool by the year 2070. The Single EIR should provide a full explanation of what measures have been taken to improve the project's resiliency to climate

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⁵ Guidance on the information that should be submitted to determine the extent of a coastal bank is available in Chapter 1 of [Applying the Massachusetts Coastal Wetlands Regulations: A Practical Manual for Conservation Commissions to Protect the Storm Damage Prevention and Flood Control Functions of Coastal Resource Areas](#) (aka the Coastal Manual).

change, including how siting and elevation choices were made for the project. The Single EIR should specify the useful life of the project, and whether the project is planning for current or future conditions over the useful life of the project; if the former, the project should explain why future conditions are not being considered. The SEIR should identify what year the SLR projections described in the EENF is based on.

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As recommended by CZM, the Single EIR should use the results of the Massachusetts Coast Flood Risk Model (MC-FRM) to assess the frequency and depth of flooding, and overall vulnerability of the proposed new towers and reconducted towers within the utility corridor over the entire life span of the project, and discuss the measures proposed to protect the structures from storm damage, debris impacts, and potential erosions around the base of the structures. For instance, the proponent should explain under what conditions (10-year, 50-year, 100-year) the currently proposed structure will be inundated under future climate conditions in 2030, 2050, and 2070. The Single EIR should explain whether further elevation of the new M13 tower or additional resiliency measures were considered, and if dismissed, explain why these options were dismissed. The Single EIR should explain whether and how the other alternatives studied for the project would have increased climate resiliency for the project (for instance, through underground lines or upland siting), and whether any additional alternatives to improve climate resiliency could be considered, either as part of this project or future upgrades. To the extent future climate resiliency planning for this area has been presented to other regulatory agencies, such as the DPU as part of rate-making proceedings, a summary of those planning efforts should be provided in the Single EIR.

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The proposed 42.5-foot diameter base of the transmission tower is a concrete pile cap on top of 36 micro-piles. Engineering analysis of the scour likely to occur around the pilings and pile cap should be included as part of the resiliency analysis for this project. In addition, the Single EIR should identify how the wave reflection off the vertical concrete pile cap will affect the stability of the adjacent coastal bank.

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Transportation

The Proponent should work with MassDOT to address the details of the permitting process and any traffic and construction management plans that may be required for temporary work within the state highway layout. The Single EIR should provide an update on any coordination with MBTA regarding project described herein and the South Coast Rail project.

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Environmental Justice

The Single EIR should provide an update on efforts to conduct outreach and promote public involvement by nearby communities, including EJ populations. It should provide specific details about the public involvement plan, and explain how public involvement efforts will continue throughout subsequent permitting and through the construction period for the project. The Single EIR should survey public health conditions of the surrounding EJ populations using

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the EJ Tool issued by the Department of Public Health (DPH),⁶ including whether they are included within a municipality or census tract identified as demonstrating “vulnerable EJ criteria.” The SEIR should utilize the EEA EJ Mapper⁷ to identify languages that are spoken by five percent or more of the population within census tracts containing the above EJ populations who self-identified as “do not speak English very well”. The project should provide language services in all languages identified in the EEA EJ Mapper based on the five percent census tract threshold. As noted above, the Single EIR should provide more analysis of climate change scenarios applicable during the useful life of the project and provide an analysis of flooding and erosion risks from the project design. The Single EIR should explain whether the level of climate planning and flooding risks pose any increased risks for the surrounding EJ populations. The Single EIR should confirm that, with issuance of a WQC, no water quality degradation is anticipated from the project that would impact the public health of neighboring communities, including EJ populations. Any specific terms of the WQC intended to address risks to public health should be explained.

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Mitigation and Section 61 Findings

The SEIR should include a section that summarizes proposed mitigation measures and provides draft Section 61 Findings for each State Agency Action. It should contain clear commitments to implement these mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

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Responses to Comments

The SEIR 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 SEIR 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 SEIR beyond what has been expressly identified in this certificate.

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Circulation

The Proponent should circulate the SEIR to those parties who commented on the EENF, to any State and municipal agencies from which the Proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations. The Proponent may circulate copies of the SEIR to commenters other than State Agencies in a digital format (e.g., CD-ROM, USB drive) or post to an online website. However, the Proponent should make available a reasonable number of hard copies to accommodate those without convenient access to a computer to be distributed upon request on a first come, first served basis. The Proponent should send a letter accompanying the digital copy or identifying the web address of the online

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⁶ The DPH EJ Tool is available at: <https://matracking.ehs.state.ma.us/Environmental-Data/ej-vulnerable-health/environmental-justice.html>

⁷ The EEA EJ Mapper is available at: <https://mass-coeca.maps.arcgis.com/apps/MapSeries/index.html?appid=535e4419dc0545be980545a0eeaf9b53>

version of the SEIR indicating that hard copies are available upon request, noting relevant comment deadlines, and appropriate addresses for submission of comments. The SEIR submitted to the MEPA office should include a digital copy of the complete document. A copy of the SEIR should be made available for review in the local Somerset and Fall River public libraries.



November 29, 2021

Date

Kathleen A. Theoharides

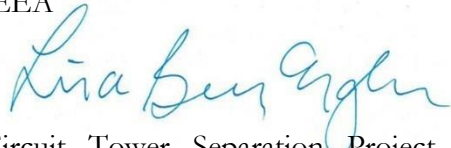
Comments received:

11/18/2021 Massachusetts Office of Coastal Zone Management (CZM)
11/19/2021 Massachusetts Department of Environmental Protection (MassDEP), Southeast
Regional Office (SERO)
11/22/2021 Massachusetts Division of Marine Fisheries (DMF)
11/23/2021 Massachusetts Department of Transportation (MassDOT)

KAT/ELM/elm



MEMORANDUM

TO: Kathleen A. Theoharides, Secretary, EEA
ATTN: Eva Murray, MEPA Office
FROM: Lisa Berry Engler, Director, CZM 
DATE: November 18, 2021
RE: EEA-16467, N12/M13 Double Circuit Tower Separation Project, Expanded Environmental Notification Form; Somerset and Fall River, Massachusetts

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Environmental Notification Form (ENF), noticed in the *Environmental Monitor* dated October 22, 2021; participated in the virtual MEPA consultation on November 3, 2021; and reviewed the supplemental materials supplied on November 10, 2021. The proposed project exceeds the review threshold for wetlands provided in 301 CMR 11.03 requiring the filing of an Environmental Impact Report (EIR) for the alteration of one or more acres of bordering vegetated wetlands. The project proponent is requesting approval for submission of a Single EIR. CZM has the following comments on the proposed project.

Project Description

The New England Power Company (NEP) is proposing to undertake the N12/M13 Double Circuit Tower (DCT) Separation Project (Project) to improve transmission system reliability in the Southeastern Massachusetts and Rhode Island service area. The Project will be located within an existing 115 kilovolt (kV) electric transmission line right-of-way (ROW) that extends from NEP's Pottersville Switching Station in Somerset, Massachusetts to its Sykes Road Substation in Fall River, a distance of approximately 1.85 miles. This ROW is currently occupied by two 115 kV overhead transmission circuits – the N12 and the M13 – supported on double circuit towers; i.e., the two circuits, each consisting of three individual phase conductors, share the same series of towers within the ROW. The main disadvantage of the DCT configuration is reliability; a contingency affecting a single structure could cause an outage to both lines. Placing the N12 and M13 onto separate sets of structures will improve the reliability of the electric transmission system.

The proposed project includes both temporary and permanent impacts to the following coastal resources: Salt Marsh (310 CMR 10.32), Land under the Ocean (310 CMR 10.25), Land Subject to Coastal Storm Flowage (310 CMR 10.04), and Riverfront Area (310 CMR 10.58). The project also proposes work within a Designated Port Area (DPA) and waterways or tidelands that are subject to the Waterways Act, M.G.L.c.91.

Comments

CZM recognizes the overall goals of the proposed project, particularly the project's goal to increase electrical reliability and resilience to the community. CZM is supportive of the proponent's request for the submission of a single EIR and recommends that the following issues be addressed in the EIR's scope.



Proposed new and reconducted tower structures at locations 5 & 6 are located within Land Subject to Coastal Storm Flowage (LSCSF) and FEMA’s current Flood Hazard Area (VE Zone 17 ft) and can be expected to experience significant flooding and waves during severe coastal storm events under current sea level rise conditions. The current project designs do not factor in the expected sea-level rise and increases in storm frequency and intensity that will be caused by climate change over the expected life span of the proposed tower structures. Tower structures at location 7 may also be impacted under future storm conditions. This infrastructure is considered critical and should be designed using the best available information regarding the likely future flood zone extents. The RMAT tool report indicates that this structure is at high risk to sea level rise and storm surge and recommends a target planning horizon of 2070 and that the project be designed to withstand the effects of a 200-year storm. NEP should use the results of the Massachusetts Coast Flood Risk Model (MC-FRM) to assess the frequency and depth of flooding, and overall vulnerability of the proposed new towers and reconducted towers within the utility corridor over the entire life span of the project, and discuss the measures proposed to protect the structures from storm damage, debris impacts, and potential erosions around the base of the structures. The proposed 42.5-foot diameter base is a concrete pile cap on top of 36 micro-piles. Engineering analysis of the scour likely to occur around the pilings and pile cap should be included as part of the resiliency analysis for this project. In addition, the EIR should identify how the wave reflection off the vertical concrete pile cap will affect the stability of the adjacent coastal bank.

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The project also proposes significant grading changes for an access road to towers located at location 6. The wetland resource area extents on the project plans appear to be based on the Massachusetts Department of Environmental Protection (DEP) Wetlands GIS layers. These layers were developed from interpretation of aerial photos and are only appropriate for general planning purposes. Resource delineations for site specific projects need to be conducted on the site. The access road is within LSCSF and it appears that a portion of the access road may alter a jurisdictional coastal bank per DEP policy 92-1. The EIR should include survey transects to determine the extent of the coastal bank. Guidance on the information that should be submitted to determine the extent of a coastal bank is available in Chapter 1 of [Applying the Massachusetts Coastal Wetlands Regulations: A Practical Manual for Conservation Commissions to Protect the Storm Damage Prevention and Flood Control Functions of Coastal Resource Areas](#) (aka the Coastal Manual). The EIR should describe how any work on or adjacent to the coastal bank meets the performance standards for coastal banks. The EIR should also include information on how the proposed grading might change how flood water flows across the site, and an analysis of potential impacts to adjacent areas from increased velocities and volumes of floodwater, under existing and future conditions should be provided. Additional detail on the storm bollards and how their size and height were determined is also requested.

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The project includes potential impacts to salt marsh and land under the ocean to facilitate “Temporary crossing with low ground pressure (LGP) equipment to pull the lead line to facilitate wire pulling and installation of the overhead conductors and wires”. The supplemental information states that the use of LGP equipment is preferred, and mats may be placed upon the saltmarsh for a period of 4-6 weeks. Mats on the saltmarsh during the growing season may cause alterations in growth, distribution, and composition of salt marsh vegetation. More detail should be provided in the EIR on the specific methods proposed to cross these coastal wetland resource areas, the potential impacts, strategies to mitigate impacts, and if necessary potential restoration of those coastal wetland resources.

C-59

Federal Consistency Review

This project may be subject to CZM federal consistency review, which requires that the project be found to be consistent with CZM's enforceable program policies. For further information on this process, please contact Bob Boeri, Project Review Coordinator, at robert.boeri@mass.gov or visit the CZM web site at <https://www.mass.gov/federal-consistency-review-program>.

LBE/sh/rlb/rh/ts

cc: Fall River Mayor's Office
Fall River Conservation Commission
Somerset Town Administrator
Dan Gilmore, DEP SERO
Cally Harper, MA DEP
Erin Whoriskey, National Grid



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

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

November 19, 2021

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

RE: EENF Review. EOEEA 16467.
SOMERSET & FALL RIVER. N12M13
Double Circuit Tower Separation Project at
Right-of-Way located between the Pottersville
Substation (1981 Riverside Avenue) in
Somerset to the Sykes Road Substation in Fall
River (521 Sykes Road)

Dear Secretary Theoharides,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Expanded Environmental Notification Form (EENF) for the N12M13 Double Circuit Tower Separation Project at Right-of-Way located between the Pottersville Substation (1981 Riverside Avenue) in Somerset to the Sykes Road Substation in Fall River (521 Sykes Road) and existing overhead transmission rights-of-way in Somerset and Fall River, Somerset and Fall River, Massachusetts (EOEEA # 16467). The Project Proponent provides the following information for the Project:

Construction of the Project will result in limited unavoidable impacts to coastal and inland wetland resource areas. Temporary and permanent impacts to bordering vegetated wetlands are necessary for construction access and staging, installation of structure foundations where vegetated wetland could not be avoided, establishment of new pervious access routes, and limited tree clearing for transmission line clearance. Due to siting and real estate limitations on the banks of the Taunton River, new proposed structure M13N6, which will support the aerial span over the river, will be constructed within Federal Emergency Management Agency (FEMA) Velocity Zone (VE) in Land Subject to Coastal Storm Flowage (LSCSF) located on the east (Fall River) side of the Taunton River. The existing N12-6 tower is located within this same environment and landscape position and will remain.

Bureau of Water Resources Comments

Wetlands. The Project proposes work within inland and coastal resource areas including Bank (310 CMR 10.54), Bordering Vegetated Wetland (BVW, 310 CMR 10.55), Riverfront Area (310 CMR 10.58), Land Under Ocean (310 CMR 10.25), Designated Port Area (310 CMR

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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MassDEP Website: www.mass.gov/dep

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10.26), Salt Marsh (310 CMR 10.32), and Land Subject to Coastal Storm Flowage (LSCSF, 310 CMR 10.04).

The Project will result in temporary and permanent alterations to the above-referenced Resource Areas. Approximately 76,055 square feet of Riverfront Area, 120,996 square feet of BVW, 208 linear feet of Bank, 1,397 square feet of Land Under Ocean, 90,657 square feet of Designated Port Area, 6,850 square feet of Salt Marsh, and 119,313 square feet of LSCSF will be temporarily altered from the placement of construction mats and pull pads, temporary grading to create level work areas, temporary crossings using low ground pressure equipment for pulling lead lines and the installation overhead conductors and wires.

Approximately, 12,550 square feet of BVW, 2,329 square feet of Riverfront Area, 1,018 square feet of Designated Port Area, and 53,066 square feet of LSCSF will be permanently altered from the addition of fill and the installation of structure foundation, permanent access routes, and permanent work pads. The majority of the existing N12 and M13 right of way has been cleared of trees and selective tree clearing is proposed within BVW for the installation and operation of the M13/N12 line. The tree removal will result in the conversion of some forested wetlands to either scrub-shrub wetland or emergent BVW.

The Project is not within or adjacent to an Area of Critical Environmental Concern or on or within a half mile radius of an Outstanding Resource Water. The Project is not located within Priority Habitat of State-Listed Rare Species and Estimated Habitat of Rare Wildlife. DEP-SERO Wetlands program notes that the Proponent intends to submit Notices of Intent with the city of Fall River and town of Somerset under the Limited Project provisions of 310 CMR 10.24(7)(b) and 310 CMR 10.53(3)(d); and a Water Quality Certification in accordance with 314 CMR 9.04(1), respectively. The Notices of Intent shall include the information necessary to determine the Project's compliance with the performance standards to each of the resource areas affected. The Department will address the Project's compliance with the applicable performance standards during NOI review.

DEP SERO notes that the Proponent identified several methods for crossing the salt marsh. The Proponent's preferred method is to use low ground pressure equipment approximately 8 feet wide with ground pressure less than or equal to 3 pounds per square inch. The second alternative is to place construction mats in the salt marsh for 4-6 weeks during the mobilization, wire stringing and demobilization of the wire stringing equipment phase of the Project. The temporary alteration to the salt marsh may be avoided altogether if the Project utilizes a helicopter for the wire stringing operations. The use of a helicopter was discussed at the MEPA Consultation on November 3, 2021 and included in the supplementary filing dated November 9, 2021.

The Department notes that a proposed Project shall maintain the existing elevation of the salt marsh, the low ground pressure equipment or matting shall not compact the salt marsh vegetation, lead to pooling in the marsh or cause marsh vegetation dieback. Furthermore, the Project should be performed during the non-growing season of the marsh grasses.

Waterways. After performing a review of its data-base, the Department concurs that authorizations identified by the Proponent, for properties at these sites, include but are not limited to License No. 4357 (1960) and 4781 (1964).

Installation of the overhead wires at the Taunton River and Steep Brook and any intermittent stream crossing in an area that is navigable will require a Waterways License in accordance with 310 CMR 9.05.

The Department will work with the Proponent to determine which waterbodies are jurisdictional.

This Project use has been determined to be Water-Dependent-Industrial in accordance with 310 CMR 9.12(2)(b) 10. Any additional concerns will be addressed during the permitting process.

Stormwater Management/National Pollutants Discharge Elimination System (NPDES) Permit.

The Proponent has acknowledged the need to file a Notice of Intent for coverage under this permit.

The Proponent is advised to consult with Sania Kamran at Kamran.Sania@epa.gov, 617-918-1522 for any of its questions regarding EPA's NPDES stormwater permitting requirements.

Bureau of Waste Site Cleanup Comments

The Project involves installation of new foundations for an existing transmission line. The former Shell Terminal, 1 New Street, Fall River, Release Tracking Number 4-749, is immediately south of the proposed Project along the eastern bank of the Taunton River, but the transmission line is not part of the site where MCP response actions are occurring. There are no other listed MCP disposal sites located at or in the vicinity of the Project that would appear to impact the proposed Project area. 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". MCP reports and the compliance status of specific 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 (BAW) Comments

Air Quality. The Proponent reports: "During the construction-phase of the Project there may be intermittent and localized increases in noise, dust and emissions from construction vehicles and related equipment."

The Proponent is reminded that 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

C-60

Construction-Related Measures

The Proponent reports: “Diesel-powered non-road construction equipment with engine horsepower ratings of 50 and above to be used for 30 or more days over the course of Project construction will either be USEPA Tier 4-compliant or will be retrofitted with USEPA-verified (or equivalent) emission control devices such as oxidation catalysts or other comparable technologies (to the extent that they are commercially available) installed on the exhaust system side of the diesel combustion engine.

The use of ultra-low sulfur diesel fuel in its diesel-powered construction equipment and limits idling time to five minutes except when engine power is necessary for the delivery of materials or to operate accessories to the vehicle such as power lifts.”

MassDEP reminds the Proponent if a piece of equipment is not available in the Tier 4 configuration, the Proponent should then 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.

C-61

Massachusetts Air Quality and Idling Regulation

The Project Proponent reports: “Vehicle idling is to be minimized during the construction phase of the Project, in compliance with the Massachusetts Anti-idling Law, G.L. c. 90 § 16A, c. 111 §§ 142A – 142M, and 310 CMR 7.11. In addition, NEP contractors will adhere to NEP’s Environmental Guidance (EG-802MA) Vehicle Idling.”

MassDEP reminds the Proponent, regarding 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 underway, MassDEP recommends that the Proponent install signs limiting idling to five minutes or less on-site.

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 contingency plan should include but not be limited to, refueling of machinery, storage of fuels, and potential on-site activity releases.

C-62

Solid Waste Management. As a reminder, the Project Proponent is advised of the following requirements:

1. *Compliance with Waste Ban Regulations:* Waste materials discovered during construction that are determined to be solid waste (e.g., construction and demolition waste) and/or recyclable material (e.g., 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*. Waste Ban regulations prohibit the disposal, transfer for disposal, or contracting for disposal of certain hazardous, recyclable, or compostable items at solid waste facilities in Massachusetts, including, but not limited to, metal, wood, asphalt pavement, brick, concrete, and clean gypsum wallboard. The goals of the waste bans are to: promote reuse, waste reduction, or recycling; reduce the adverse impacts of solid waste management on the environment; conserve capacity at existing solid waste disposal facilities; minimize the need for construction of new solid waste disposal facilities; and support the recycling industry by ensuring that large volumes of material are available on a consistent basis. Further guidance can be found at: <https://www.mass.gov/guides/massdep-waste-disposal-bans>.

C-63

MassDEP recommends the Proponent consider source separation or separating different recyclable materials at the job site. Source separation may lead to higher recycling rates and lower recycling costs. Further guidance can be found at: <https://recyclingworksma.com/construction-demolition-materials-guidance/>

C-64

For more information on how to prevent banned materials from entering the waste stream the Proponent should contact the RecyclingWorks in Massachusetts program at (888) 254-5525 or via email at info@recyclingworksma.com. RecyclingWorks in Massachusetts also provides a website that includes a searchable database of recycling service providers, available at <http://www.recyclingworksma.com>.

2. *Tree removal/land clearing:* As defined in 310 CMR 16.02, clean wood means “discarded material consisting of trees, stumps and brush, including but limited to sawdust, chips, shavings, bark, and new or used lumber” ...etc. Clean wood does not include wood from commingled construction and demolition waste, engineered wood products, and wood containing or likely to contain asbestos, chemical preservatives, or paints, stains or other coatings, or adhesives. The Proponent should be aware that wood is not allowed to be buried or disposed of at the Site pursuant to 310 CMR 16.00 & 310 CMR 19.000 unless otherwise approved by MassDEP. Clean wood may be handled in accordance with 310 CMR 16.03(2)(c)7 which allows for the on-site processing (i.e., chipping) of wood for use at the Site (i.e., use as landscaping material) and/or the wood to be transported to a permitted facility (i.e., wood waste reclamation facility) or other facility that is permitted to accept and process wood.

C-65

If you have any questions regarding the Solid Waste Management Program comments above, please contact Mark Dakers at (508) 946-2847 for solid waste comments.

Proposed s.61 Findings

The “Certificate of the Secretary of Energy and Environmental Affairs on the EENF 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

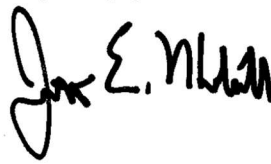
and summarizing proposed mitigation measures. In accordance with 301 CMR 11.07(6)(k), this chapter should also include separate updated draft Section 61 Findings for each State agency that will issue permits for the Project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

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Other Comments/Guidance

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this EENF. 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
Gerard Martin, Acting Deputy Regional Director, BWR
John Handrahan, Acting Deputy Regional Director, BWSC
Seth Pickering, Deputy Regional Director, BAW
Jennifer Viveiros, Deputy Regional Director, ADMIN
Daniel Gilmore, Chief, Wetlands and Waterways, BWR
Cally Harper, Wetlands, BWR
Brendan Mullaney, Waterways, BWR
Carlos Fragata, Waterways, BWR
Mark Dakers, Chief, Solid Waste, BAW
Elza Bystrom, Solid Waste, BAW
Allen Hemberger, Site Management, BWSC



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Secretary

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Commissioner

DANIEL J. MCKIERNAN
Director

November 18, 2021

Secretary Kathleen Theoharides
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
Eva Murray, EEA No. 16467
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Secretary Theoharides:

The Division of Marine Fisheries (MA DMF) has reviewed the Expanded Environmental Notification Form (ENF) for the proposed N12/M13 Double Circuit Tower (DCT) Separation Project in the City of Fall River and Town of Somerset. The project involves separation of the two circuits onto separate transmission structures to eliminate the existing configuration and associated risks of widespread voltage collapse. The project site spans from the Pottersville Switching Station in the Town of Somerset to the Sykes Road Substation in the City of Fall River. Existing marine fisheries resources and habitat and potential project impacts to those resources are outlined in the following paragraphs.

A section of the proposed work includes salt marsh habitat. Salt marsh provides a variety of ecosystem services, including habitat and energy sources for many fish and invertebrate species [1-3].

MA DMF offers the following comments for your consideration:

- The EENF includes an estimated 6,850 square feet of temporary impacts to salt marsh associated with temporary crossing using a low ground pressure (LGP) vehicle or installation of temporary construction mats (EENF Tables 1-2 and 5-4). An LGP vehicle is identified as the preferred approach but mats are also included in the event that LGP use is not feasible. The EENF supplemental information estimates that, if needed, the mats would be in place for 4-6 weeks. Experimental results demonstrated that marsh vegetation covered by wrack (plant debris) completely died off after five (*Spartina patens*) to seven (*S. alterniflora*) weeks [4]. A similar degree of loss would be anticipated if mat cover occurred during the growing season. The EIR developed for this project should outline proposed pre-and post-construction monitoring plans to determine whether any marsh impacts occur for either of the proposed temporary crossing methods. The temporary construction mat alternative should be further described as well, particularly

C-67

C-68

proposed timing of this part of the project. Work on the marsh platform outside of the growing season would help to minimize potential impacts to this important habitat.

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

Sincerely,



Daniel J. McKiernan

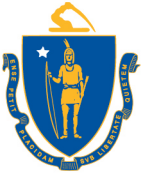
Director

cc: Somerset Conservation Commission
Fall River Conservation Commission
Jamie Durand, POWER Engineers Consulting, PC
Sabrina Pereira, NMFS
Robert Boeri, CZM
Ed Reiner, EPA
Tori LaBate, DFG
Simi Harrison, Emma Gallagher, Keri Goncalves, DMF

References

1. Boesch DF, Turner RE. Dependence of fishery species on salt marshes: the role of food and refuge. *Estuaries*. 1984;7: 460–468.
2. Deegan LA, Garritt RH. Evidence for spatial variability in estuarine food webs. *Mar Ecol Prog Ser*. 1997;147: 31–47.
3. Deegan LA, Hughes JE, Rountree RA. Salt marsh ecosystem support of marine transient species. In: Weinstein MP, Kreeger DA, editors. *Concepts and Controversies in Tidal Marsh Ecology*. Kluwer Academic Publisher, The Netherlands; 2000. pp. 333–365.
4. Bertness MD, Ellison AM. Determinants of pattern in a New England salt marsh plant community. *Ecol Monogr*. 1987;57: 129–147.

DM/JL/sd



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Jamey Tesler, Secretary & CEO



November 22, 2021

Kathleen Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114-2150

RE: Somerset/Fall River: N12/M13 Double Circuit Tower Separation Project
ENF - (EEA #16467)

ATTN: MEPA Unit
Eva Murray

Dear Secretary Theoharides:

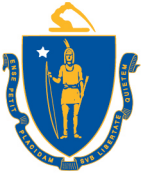
On behalf of the Massachusetts Department of Transportation, I am submitting comments regarding the Expanded Environmental Notification Form for the N12/M13 Double Circuit Tower Separation Project in Somerset and Fall River prepared by the Office of Transportation Planning. If you have any questions regarding these comments, please contact J. Lionel Lucien, P.E., Manager of the Public/Private Development Unit, at (857) 368-8862.

Sincerely,

David J. Mohler
Executive Director
Office of Transportation Planning

DJM/jll

cc: Jonathan Gulliver, Administrator, Highway Division
Carrie Lavalley, P.E., Acting Chief Engineer, Highway Division
Mary Joe Perry, District 5 Highway Director
Neil Boudreau, Assistant Administrator of Traffic and Highway Safety
Southeastern Regional Planning and Economic Development District
Planning Board, Town of Somerset
Planning Department, City of Fall River



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Jamey Tesler, Secretary & CEO

MEMORANDUM

TO: David J. Mohler, Executive Director
Office of Transportation Planning

FROM: J. Lionel Lucien, P.E, Manager
Public/Private Development Unit

DATE: November 22, 2021

RE: Somerset/Fall River: N12/M13 Double Circuit Tower Separation Project –
ENF
(EEA #16467)

The Public/Private Development Unit (PPDU) has reviewed the Expanded Environmental Notification Form for the N12/M13 Double Circuit Tower Separation Project submitted by the New England Power (NEP) Company (“the Proponent”) in Somerset and Fall River. The Proponent proposes to eliminate the existing N12/M13 Double Circuit Tower (DCT) configuration carrying the N12 and M13 115 kilovolt (kV) transmission lines from the Somerset Substation (now Pottersville Switching Station) in Somerset, MA, over the Taunton River, to the Sykes Road Substation in Fall River, MA. The N12 and M13 transmission lines will be separated, and one line (M13) relocated to separate sets of transmission structures located within the existing electric transmission line right-of-way (ROW). Much of the existing transmission structures will also be replaced.

The project will result in the alteration of 3.96 acres of Land Subject to Coastal Storm Flowage (LSCSF); 6,850 square feet (sf) of Salt Marsh; 1,397 sf of Land Under the Ocean; 3.07 acres of Bordering Vegetated Wetlands (BVW); 208 linear feet (lf) of Inland Bank; and approximately 1.80 acres of Riverfront Area (0.41 acres of which is coincident with LSCSF or BVW). Approximately 11.54 acres of land is proposed to be altered, 11 acres of which is described as temporary impact associated to create temporary work areas.

The project requires the submission of an ENF and Mandatory EIR because it requires it will result alteration of one or more acres of salt marsh or bordering vegetating wetlands. The Proponent has submitted an EENF requesting a Waiver of a Mandatory EIR. The project requires a State and Interstate Highway Right-of-Way Encroachment Permit and Crossing Permit from the Massachusetts Department of Transportation (MassDOT).

MassDOT recommends that no further environmental review be required based on transportation-related issues. The Proponent should work with MassDOT to address the details of the permitting process and any traffic and construction management plans that may be required for temporary work within the state highway layout. If you have any questions regarding these comments, please contact me at Lionel.Lucien@state.ma.us.

C-69

