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May 1, 2009

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CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
NOTICE OF PROJECT CHANGE

PROJECT NAME : I-93/Lowell Junction Interchange Project  
PROJECT MUNICIPALITY : Andover, Tewksbury, and Wilmington  
PROJECT WATERSHED : Merrimack River  
EEA NUMBER : 14159  
PROJECT PROPONENT : Massachusetts Highway Department & Executive Office  
of Housing and Economic Development  
DATE NOTICED IN MONITOR : February 11, 2009

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and Sections 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and determine that it **continues to require** the preparation of a Draft Environmental Impact Report (DEIR), as stated in the Certificate issued on the Environmental Notification Form (ENF) of February 8, 2008. The proponent should continue to prepare the DEIR in accordance with the Certificate on the ENF, and include the additional scope items outlined herein.

Project Description

In 2008, an ENF was submitted for this project which consisted of the construction of a new highway interchange for Interstate (I)-93 in the Towns of Andover, Tewksbury and Wilmington. The new interchange was proposed between the I-93/Route 125 Interchange in Wilmington and the I-93/Dascomb Road Interchange in Andover, an area referred to as the Lowell Junction. The purpose of the project is to relieve traffic congestion on I-93 and adjacent local roadways and to improve access to industrial and commercial developments. The project would also improve access to land that is currently undeveloped but that may be suitable for

industrial and commercial development in the future. The access from the south to businesses in the Lowell Junction area (east of I-93) is via the I-93/Route 125 Interchange (Interchange 41) to Ballardvale Street (a local, partially residential roadway north of Route 125). From the north, access to the Lowell Junction area is via the I-93/Dascomb Road Interchange (Interchange 42) to Dascomb Road, Clark Road, Andover Street, River Street, and Ballardvale Street. These narrow, winding residential streets are unsuited for the volume of commuter traffic currently using them.

The Interchange Justification Study (IJS) recommended that three alternatives, Alternative 3, Alternative 4, and Alternative 9, should be studied further. Each of these alternatives proposed the widening of I-93 from three to four lanes in each direction between Interchanges 41 and 42. On February 8, 2008 in the Certificate on the ENF, I required an EIR.

As described in the NPC, the proponent is now proposing to extend the northerly extension of the widening of I-93 through the I-93/Route 133 Interchange (Interchange 43) to a termination at the I-93/I-495 Interchange (Interchange 44). All widening from Interchange 42 (Dascomb Road) to Interchange 44 (I-495) would be accommodated within the existing highway median. The proposed additional widening (combined in both directions) is approximately 32 feet for a distance of approximately 2.9 miles. This widening alters an additional 12.25 acres of land and creates about 11.25 acres of impervious area. The total land alteration and the amount of impervious area from the original project were between 13.3 to 36.4 acres and between 5.6 to 18.5 acres respectively depending on the alternative selected.

According to the NPC, the extension of the I-93 fourth lane to I-495 in each direction will provide increased safety for the traveling public. At present, the use of the breakdown lane is permitted during peak periods in both directions in order to accommodate traffic demand. The provision of a formal fourth lane will provide increased driver confidence and restore the proper breakdown lane functions on this heavily traveled interstate highway segment. The extension of the fourth lane on I-93 to I-495 is consistent with transportation planning goals of the regional planning agencies for the I-93 corridor.

On February 20, 2009, the proponent provided supplemental information requesting that the "Alternatives Analysis" section of the February 8, 2008 ENF Certificate be revised. This section of the Certificate should be revised so that the No-Build Alternative does not include the widening of I-93 from three to four lanes in both directions. Additionally, all the build alternatives should each include the widening of I-93 from three to four lanes in each direction between Interchanges 41 and 44. The I-93 widening is part of the interchange project itself. There are no separate I-93 widening projects programmed by any of the three Metropolitan Planning Organizations (MPOs) for this area and included in their respective Transportation Improvement Programs. The three MPOs are the Metropolitan Area Planning Council (MAPC)/Boston, the Merrimack Valley Planning Commission (MVPC)/Lawrence, and the Northern Middlesex Council of Governments (NMCOG)/Lowell. In addition, the Central Transportation Planning

Staff in Boston has confirmed that the long-range I-93 widening is not included in its 2030 regional model network. Therefore, the proponent wishes that this widening from Interchange 41 to 44 only be acknowledged as part of the Build Alternatives in order to accurately assess the incremental impacts of the project as it is now proposed. The inclusion of the I-93 widening project as part of the No-Build Alternative would portray a condition that is not expected to occur.

### Permits and Jurisdiction

The project requires a mandatory EIR pursuant to Sections 11.03 (1)(a)(2), 11.03(3)(a)(1)(a), 11.03(3)(a)(2), and 11.03(6)(a)(2) of the MEPA Regulations because it creates ten or more acres of impervious area, alters one or more acres of Bordering Vegetated Wetlands (BVW), requires a variance in accordance with the Wetlands Protection Act, and includes a new interchange on a completed limited access highway. The project will require a Section 401 Water Quality Certificate and it may require a Variance in accordance with the Wetlands Protection Act from the Department of Environmental Protection (MassDEP). It might need a Superseding Order of Conditions from MassDEP if a local Order is appealed. The project must comply with the National Pollution Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency (EPA) for stormwater discharges from a construction site. A Section 404 Programmatic General Permit will be required from the U.S. Army Corps of Engineers. The project may need to obtain Orders of Conditions from the Andover, Tewksbury, and Wilmington Conservation Commissions. A Construction Dewatering Permit and a Notice of Construction & Demolition may also be required from MassDEP. The project will have to undergo Section 106 Review by the Massachusetts Historical Commission (MHC) and review under the Massachusetts Endangered Species Act (MESA) by the Natural Heritage and Endangered Species Program (NHESP). The proponent may be required to prepare a blast design plan pursuant to the Board of Fire Protection Regulations (577 CMR 13.09) for the proposed construction of roads. Because the project uses Commonwealth funds, MEPA jurisdiction is broad and extends to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations.

The project is subject to review under the National Environmental Policy Act (NEPA). It will require a Draft Environmental Impact Statement (DEIS), and a Record of Decision from the Federal Highway Administration (FHWA). The proponent has agreed to undergo a joint review process. Accordingly, the proponent will prepare a joint DEIS/DEIR. It is my view that the planning for this project would be best served by a coordinated review and the submission of a single set of documents to satisfy the requirements of both MEPA and NEPA. The proponent should coordinate this joint review process with both federal and state agencies to establish the necessary review periods.

### Review of the NPC

This project change has the potential to result in environmental impacts in addition to those identified in the Certificate of February 8, 2008, in particular: land alteration, traffic, wetlands, and stormwater. The proponent should follow the Scope contained in the Certificate of February 8, 2008, and the proponent should add the additional information and analysis required pursuant to the Supplemental Scope provided below.

### SUPPLEMENTAL SCOPE

The Draft EIR (DEIR) should also follow Section 11.07 of the MEPA regulations for outline and content, as modified by the prior scope and this scope. It should include a copy of this Certificate, the Certificate dated February 8, 2008, and all comment letters from both Certificates.

### Project Description

The DEIR should include a detailed description and history of the project. It should identify each state agency action required for the project. The DEIR should clearly identify the project boundaries where work will be undertaken by the proponent from Interchange 41 to 44. It should include maps displaying the project area and the various project components at a greater level of detail than those provided within the NPC. The DEIR should identify the parties responsible for the various work items that are included with this project, such as MassHighway, the Executive Office of Housing and Economic Development (EOHED), the Towns of Andover, Tewksbury, and Wilmington, and private parties. It should provide an inventory of culverts/bridges within the study area and the impacts of the project on these structures. This inventory should also be displayed in a figure.

### Alternatives Analysis

The No-Build Alternative for I-93 in the project area is comprised of three travel lanes in either direction. Each build alternative would include the addition of a fourth travel lane in either direction from Interchange 41 to 44 (I-495 Interchange). The addition of a fourth travel lane in both directions expands the project area from Interchanges 41 and 42 to Interchanges 43 (Route 133) and 44 (I-495).

### Traffic

The following traffic intersections should be added the Level-of-Service (LOS) analysis:

- I-93/Route 133 Interchange;

- I-93/I-495 Interchange;
- Dascomb Road/Lovejoy Road;
- Lowell Street (Route 133)/Lovejoy Road/Greenwood Road; and
- Lowell Street/Bellevue Road.

The latter intersections with Route 133 are being added to the scope to determine traffic operations adjacent to I-93. The DEIR should evaluate traffic operations in the study area of I-93 to determine the potential for traffic diversions onto local streets from I-93 to avoid congestion along the mainline highway. It should identify conditions for the opening year (2013), conditions during the construction of the additional travel lanes and the new interchange, and future conditions (2030). All future conditions in the ENF Certificate should have 2030 as the future analysis year and not 2025.

### Transit

The DEIR should update the information on the Bus on Shoulder (BOS) recommendation in the "I-93 Transit Investment Study." It should also include a discussion of the double tracking of the Haverhill Main Line on the MBTA's Commuter Rail system, and it should discuss the double tracking projects' funding status and proposed construction schedule.

### Wetlands

The DEIR should identify any additional wetlands impacts from the NPC in the expanded study area for Interchanges 43 and 44. All resource area boundaries, riverfront areas, applicable buffer zones, and 100-year flood elevations should be clearly delineated on a plan for the expanded study area. The DEIR should provide an accurate measurement of the wetland resource areas and buffer zones that will be affected by the NPC. The DEIR should also continue to present a discussion of the need for the project to obtain a variance under the Wetlands Protection Act and discuss how the project change has impacted the project's ability to meet the standards for a variance.

### Wildlife Habitat & Conservation

The DEIR should identify whether additional Priority and Estimated Habitat for Endangered Species are located within the expanded study area.

### Stormwater

The DEIR should determine where drainage from Interchanges 43 and 44 discharge in these areas. The proponent should update the information on the Low Impact Development (LID) stormwater measures that it is proposing to utilize for the project.

Greenhouse Gases

The project continues to be subject to the MEPA Greenhouse Gas (GHG) Emissions Policy and Protocol, and the DEIR must present a quantification of the project's GHG emissions and propose mitigation measures, in accordance with the prior scope. The proponents should consult with the MEPA Office concerning the requirements for that analysis prior to submission of the DEIR.

Noise

The DEIR should update its noise analysis to include the project areas from Interchange 41 to 44.

Response to Comments

In order to ensure that issues raised by commenters are addressed, the DEIR should include responses to comments from both the Environmental Notification Form (ENF) and the NPC. This directive is not intended to and shall not be construed to enlarge the scope of the DEIR beyond what has been expressly identified in this Certificate.

National Environmental Policy Act (NEPA) Review

In addition to the requirement to prepare an EIR under state requirements, the proposed project is subject to federal requirements under NEPA. I expect the proponent to coordinate the MEPA review with the NEPA review for this project to the greatest extent possible. I look forward to working closely with the federal agencies during their review of the project. The proponent should coordinate the public comment periods for both the MEPA and NEPA review processes for the DEIR and other future filings.

Conclusion

The DEIR should be circulated in compliance with Section 11.16 of the MEPA regulations. Copies should be sent to the list of commenters below, as well as to the list of commenters on the ENF.

May 1, 2009  
DATE



Ian A. Bowles

Comments received:

Massachusetts Highway Department (MassHighway), 2/19/09  
MassHighway, 2/20/09  
Wilmington Board of Selectmen, 2/25/09  
Department of Environmental Protection/Northeast Regional Office (MassDEP/NERO), 2/27/09  
MassWildlife/Natural Heritage Endangered Species Program, 3/2/09  
Wyeth Biotech, 3/2/09  
Tewksbury Board of Selectmen, 3/3/09  
Rebecca A. Backman, 3/3/09  
The Junction TMO, 3/3/09  
Kerry O'Kelly, 3/3/09  
Andover Conservation Commission, 3/3/09  
Merrimack Valley Planning Commission, 3/4/09  
Northern Middlesex Council of Governments, 3/4/09  
MassHighway, 3/6/09  
MassHighway, 3/12/09  
MassHighway, 3/12/09  
MassDEP/NERO, 3/12/09  
Massachusetts Historical Commission, 3/16/09  
MassHighway, 4/7/09  
U.S. Environmental Protection Agency/Region 1, 4/17/09

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