



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

DEVAL L. PATRICK
GOVERNOR
TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR
IAN A. BOWLES
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

September 28, 2007

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

PROJECT NAME : Installation of Line 134 and Substation Improvement
(within an existing Right-of-Way #240)
PROJECT MUNICIPALITY : Carver, Middleborough, Rochester and Wareham
PROJECT WATERSHED : Buzzards Bay
EEA NUMBER : 14030
PROJECT PROPONENT : **NSTAR Electric (NSTAR)**
DATE NOTICED IN MONITOR : August 22, 2007

As Secretary of Energy and Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). Because the Draft EIR (DEIR) has adequately addressed the substantive issues of the Scope, I will review the DEIR as a Final EIR in accordance with the provisions of the MEPA regulations at 301 CMR 11.03(8)(8)(b)(2)(a).

The project as proposed in the Environmental Notification Form (ENF) consists of construction and operation of new 115 kv line along an existing Right-of-Way (ROW number 240) from the NSTAR substation site in Carver to the "Tremont" substation in Wareham. According to the Draft EIR, the project will result in temporary impacts to 35,640 square feet (0.82 acres) of Bordering Vegetated Wetlands (BVW) associated with use of swamp mats and fill, and access to poles. The project also involves alteration of 2.6 acres of land due to installation of new electrical equipment required at the Carver substation site. The purpose of the project is to increase capacity and reliability of the transmission system and it will include installation of a new transmission line (Line 134) on existing structures along the ROW. The existing ROW and transmission system underwent MEPA review previously (EEA# 6273).

The project is undergoing environmental review because it requires state agency action and meets or exceeds MEPA review thresholds. At the time of Environmental Notification (ENF) filing, the project required preparation of a mandatory EIR pursuant to Section 11.03(3)(a)(1)(a) because it involved alteration of more than one acre of Bordering Vegetated

Wetlands (BVW). The project as proposed in the DEIR does not exceed a mandatory EIR threshold. The project is undergoing review pursuant to Section 11.03(2)(b)(2) because it may involve a taking of a state-listed threatened species on a project site greater than two acres that includes an area mapped as Priority Habitat, Section 11.03(3)(b) because it will result in alteration of more than 5,000 sf of BVW, and Section 11.03(10)(b)(2) because it may involve destruction of archaeological sites listed in the Inventory of Historic and Archaeological Assets of the Commonwealth.

The project requires a 401 Water Quality Certification from the Massachusetts Department of Environmental Protection (MassDEP) and a MassHighway Permit for construction within the Route 44 highway layout. The project may require a Conservation and Management Permit from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP). The project requires an Order of Conditions from the Conservation Commissions of the Towns of Carver, Wareham, Middleborough, and Rochester (and, on appeal only, a Superseding Order from MassDEP). The proponent will file a Petition under M.G.L. c. 164, Section 72 with the Massachusetts Department of Public Utilities (DPU) and a request for Zoning Exemption under M.G.L. c.40, Section 3. The project requires a Category 2 Programmatic Permit (PGP) under Section 404 of the Clean Water Act. The project is subject to Section 106 review by the Massachusetts Historical Commission (MHC). The project may also require a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the U.S. Environmental Protection Agency (EPA).

The project does not involve financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project, within the subject matter of required or potentially required Permits that may cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to wetlands, water quality, rare species, transportation, and archaeological and historical resources.

DEIR REVIEW

Wetlands

The DEIR includes additional information on wetlands resources in the project area and proposes alternative construction methodologies and access routes, which will limit vehicle access and reduce wetlands impacts from 4.4 acres (as proposed in the ENF) to 0.82 acres. As further detailed in the DEIR, pole to pole vehicle access has been eliminated in areas where large, deep wetlands and watercourses occur. Alternative methods to string transmission lines, such as access by foot, small boat, or helicopter, will be used. Swamp mats will be used to cross wetlands where necessary.

The DEIR includes plans illustrating proposed access routes and construction methodologies, and general locations of wetland resources. As further detailed in the MassDEP comment letter, the proponent should include plans with actual wetlands delineations (including the vernal pool) as part of the Notice of Intent (NOI) and 401 Water Quality Certification (WQC)

applications. The proponent should also address wetlands restoration and soil stabilization in more detail in the NOI and WQC submittals.

Rare Species

Portions of the project site are located within Priority Habitat and are mapped for Long-leaved Panic-grass (*Panicum rigidum ssp pubescens*), a state-listed "threatened" species. As further detailed in its comment letter, the NHESP has approved the proponent's proposed botanical survey protocol and the botanist who will conduct the survey. The proponent has recently initiated field surveys for long-leaved panic grass. The DEIR proposes general measures to avoid impacts to this species and its habitat, and has committed to developing specific avoidance measures once field surveys are complete.

The proponent should submit the results of the botanical survey and other required materials to NHESP as part of the MESA filing. NHESP will determine whether the project will result in a "take" of state-listed species and if so, it may be possible to redesign the project to avoid a "take". If a "take" can not be avoided, the project can only be permitted if it meets the performance standards for a Conservation and Management Permit under the Massachusetts Endangered Species Act (MESA) (321 CMR 10.04(3)(b)).

Archaeological Resources

As further detailed in the MHC comment letter, the project as proposed in the DEIR makes use of disturbed areas and roadways and is unlikely to effect significant historic and archaeological resources. As noted in the DEIR, the proponent will continue to consult with MHC, and will provide additional information to MHC, including line sheets for the project and original photographs of the project area.

Mitigation and Section 61 Findings

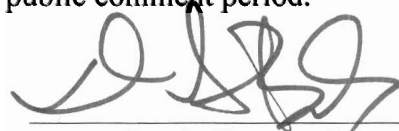
The DEIR includes a chapter on mitigation with proposed Section 61 Findings. The proponent has committed to a range of measures to avoid, minimize, or mitigate impacts including:

- Measures to avoid impacts to state-listed species and habitat will be further developed after botanical survey is complete, and in consultation with NHESP (may include exclusion fencing and best management practices relating to materials storage and disposal, access road and staging area locations);
- Use of existing transmission structures in an existing ROW;
- Wetland resource area and buffer zone restoration and soil stabilization;
- Measures to reduce traffic impacts, including reduced width of closed lanes, communication with adjacent businesses and municipal officials, off-peak work scheduling for roadway crossing activities;
- Measures to minimize construction vehicle exhaust emissions and fugitive dust emissions from construction-related traffic and earthworks;

- Noise minimization measures during construction and installation of a reduced sound auto transformer for the Carver substation;
Measures to minimize vegetation clearing and revegetate any disturbed areas;
- Measures to avoid impacts to historical and archaeological resources.

Based on review of the DEIR and comment letters received, and consultation with relevant state agencies, I find that the DEIR has adequately assessed potential impacts and committed to measures to avoid, minimize and mitigate environmental impacts. Additional analysis of impacts and development of mitigation plans for state-listed species will be required by NHESP during MESA review. I am satisfied that any outstanding issues can be addressed through the state and local permit and review process. A notice that the DEIR shall be reviewed as a Final EIR (FEIR) will be published in the October 9, 2007 issue of the Environmental Monitor and the FEIR shall be subject to a 30-day **public comment period**.

September 28, 2007



Ian A. Bowles, Secretary

Comments Received:

8/27/07 Massachusetts Historical Commission
9/21/07 **Department of Environmental Protection**, Southeast Regional Office
9/21/07 Division of Fisheries and Wildlife,
 Natural Heritage and Endangered Species Program

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