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February 28, 2007

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DRAFT RECORD OF DECISION

PROJECT NAME : Q-169 Transmission Line Refurbishment Project
PROJECT MUNICIPALITY : Saugus, Revere, and Lynn
PROJECT WATERSHED : Saugus River
EOEA NUMBER : 13900
PROJECT PROPONENT : National Grid
DATE NOTICED IN MONITOR : October 25, 2006

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62H) and Section 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed this project and propose to grant a waiver from the requirement to prepare a mandatory Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the proposed project consists of the refurbishment and the reconductoring of the 115 kilovolt (kV) electric line along the existing power line right-of-way (ROW) for a distance of approximately 6.5 miles. The project would be constructed between the Golden Hills Substation in Saugus to the Substation #21 in Lynn. It includes the replacement of the power wires (conductors) and wood pole structures at select locations, and crossarms and hardware as needed. All existing steel poles and towers would be reused. The ROW is approximately 200 feet wide and contains about 160 acres. A portion of the proposed work occurs within the Rumney Marshes Area of Critical Environmental Concern (ACEC).

Categorical Inclusion

The project is included for the preparation of a mandatory EIR pursuant to Section 11.03(3)(a)(1)(a) of the MEPA regulations because it alters one or more acres of salt marsh.

Jurisdiction

The project will require an Access Permit from the Massachusetts Highway Department (MassHighway) for crossing Routes 99, 1, and 107. It will also require an Access Permit from the Department of Conservation and Recreation (DCR) for crossing the Lynn Fells Parkway, the Lynnway, and DCR property (transmission line easement). The project may require a crossing approval from the Massachusetts Bay Transportation Authority (MBTA). It may require a Post-Closure Use Permit-Major (BWP SW 36)(for work in RESCO landfill) and a modification to an existing Chapter 91 Waterways License from the Department of Environmental Protection (MassDEP). The project may require a Section 10 Permit from the U.S. Army Corps of Engineers. It will require review for historical/archaeological impacts from the Massachusetts Historical Commission (MHC). The salt marsh restoration may require an Order of Conditions from the Saugus Conservation Commission (salt marsh restoration). The project is exempt from filing a Notice of Intent with the Conservation Commissions, MassDEP and Natural Heritage and Endangered Species Program (NHESP) review because it is replacing an existing electrical transmission line. MEPA jurisdiction is limited to those aspects of the project within the subject matter of state permits and that may have significant environmental impacts (wetlands (salt marsh restoration), waterways, stormwater, traffic, historical/archaeological issues, and energy).

Waiver Request

On November 2, 2006, the proponent requested a waiver from the requirement for the preparation of an EIR. The waiver request was discussed at the consultation/scoping session, which was held on November 3, 2006.

Criteria for Waiver

Section 11.11 of the MEPA Regulations provides that a waiver may be granted upon a finding that strict compliance with the regulations will result in undue hardship and will not serve to minimize or avoid damage to the environment. In the case of categorically included projects, this finding shall be based on one or more of the following circumstances: 1) the project is likely to cause no damage to the environment; and 2) ample and unconstrained infrastructure exists to support the project. The terms agreed to as a condition of the waiver will bring about benefits in excess of those that could be achieved in the absence of a waiver.

Findings

Based upon the information submitted by the proponent and after consultation with MassDEP and DCR, I find that:

1. The proponent will improve the environment by contributing \$50,000 to the DCR Conservation Trust for additional salt marsh restoration in the Rumney Marsh. The proponent will replicate approximately 880 sf of salt marsh for permanently altering 800 sf of salt marsh. It will remove two existing structures in salt marsh areas and relocate them to a new 3-way switch structure in an upland area near the RESCO facility and restore the salt marsh area.
2. The proponent will utilize swamp mats in salt marsh and Bordering Vegetated Wetlands (BVW) to reduce impacts on wetland resource areas. The use of swamp mats will cost approximately \$681,000. The proponent will restore salt marsh at 19 former pole structures, which is estimated to cost approximately \$85,500.
3. The proponent will avoid work in salt marsh during the spring months as requested by MassDEP and DCR. It will apprise MassDEP and DCR of any changes in the construction schedule. The proponent will provide a certified wetland scientist on-site during construction activities within wetland resource areas. The proponent will power wash all vehicles used in the project work area that exhibit dirt or debris that could harbor seed stocks of invasive species. The proponent's post-construction monitoring program will extend five growing seasons following construction completion. It will forward an annual monitoring report regarding wetland restoration to DCR and MassDEP on December 15th. The proponent has the resources and knowledge to provide a successful replication/restoration with MassDEP's supervision. It has committed to complete the above work on or before June 15, 2008.
4. The proponent has committed to provide MHC with an Archaeological Site Avoidance and Protection Plan (ASAPP) for the area between poles #37, 38, and 39 in order for the proponent to adopt feasible construction techniques that avoid or minimize impacts to significant archaeological resources.
5. The proponent will avoid in-water silt-producing activities in the Saugus River from February 15th through June 30th to protect anadromous fish species.
6. The proponent will assess the condition of the culvert that conveys Crystal Pond Brook beneath the ROW access road near the Lynn Fells Parkway and it will determine if repairs or replacement are needed.

Based on these findings, it is my judgment that the waiver request has merit and meets the tests established in Section 11.11. DEP has sufficient permitting authority to ensure that the proponent complies with the findings of this Certificate. Therefore, I propose to grant the waiver requested for this transmission line refurbishment project, subject to the above findings. This Draft Record of Decision shall be published in the next issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver.

February 28, 2007
DATE

Ian A. Bowles

cc: Nancy Baker, MassDEP/NERO

Comments received:

DCR, 10/31/06
VHB, 11/2/06
EOEA, 11/7/06
MHC, 11/8/06
MA Div. of Marine Fisheries, 11/14/06
EOT, 11/17/06
VHB, 11/20/06
VHB, 12/1/06
VHB, 12/6/06
DCR, 12/12/06
VHB, 12/12/06
MassDEP/NERO, 12/12/06
National Grid, 12/15/06
National Grid, 12/18/06
VHB, 12/19/06
National Grid, 1/11/07
MHC, 1/11/07
DCR, 1/23/07
National Grid, 1/26/07
National Grid, 1/26/07
National Grid, 1/26/07
DCR, 1/26/07
VHB, 2/9/07
National Grid, 2/13/07
DCR, 2/12/07
MassDEP/NERO, 2/12/07

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