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August 8, 2008

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

PROJECT NAME : Lynn Harbor Line Relocation
PROJECT MUNICIPALITY : Lynn
PROJECT WATERSHED : North Coast
EOEA NUMBER : 14278
PROJECT PROPONENT : New England Power Company
DATE NOTICED IN MONITOR : July 9, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of the relocation of the New England Power Company's 115kV A179/Q169 transmission lines along the Lynn waterfront between the General Edwards Bridge and the Lynn #21 substation. The transmission lines will be relocated from the existing 200-foot wide right-of-way (ROW) to a new 0.91-mile, 60 to 80-foot wide ROW further away from wetland resource areas and the Lynn waterfront. Fifteen new steel poles will be erected in the relocated ROW and the existing transmission lines, towers, and exposed portions of the foundations will be removed.

Estimated project impacts include 1,200 square feet (sf) of permanent impact to Riverfront Area, 1,600 sf of permanent impact to Land Subject to Coastal Storm Flowage (LSCSF), and 3,200 sf of temporary impact to isolated wetlands (locally-jurisdictional) and LSCSF. The project will include the relocation of transmission lines over the Lynnway, a Department of Conservation and Recreation (DCR) parkway, from its existing crossing location

along the Saugus River to the proposed crossing several blocks inland at Harding Street. The proponent is seeking a new easement from DCR for the relocated transmission line crossing, and anticipates release of the above-ground rights associated with the existing easement across the Lynnway.

Jurisdiction

The project is undergoing MEPA review pursuant to Section 11.03 (1)(b)(3) because it requires a state permit, may receive state funding, and will include the conversion of land in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth. The project will require approval from DCR for an easement and construction access over the Lynnway and Article 97 approval from the State Legislature. Approval in accordance with M.G.L. c.91 will be required from the Massachusetts Department of Environmental Protection (MassDEP). The project must obtain an Order of Conditions from the Lynn Conservation Commission, or in the case of an appeal, a Superseding Order of Conditions from MassDEP. Approval from the Department of Public Utilities (Ch. 164 §72) will also be required.

The project will be receiving funding for this project from the State Legislature through the enactment of Chapter 291 of the Acts of 2004, *An Act Modernizing the Transportation Systems of the Commonwealth*. Therefore, MEPA jurisdiction for this project is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment.

Review of the ENF

The ENF included an alternatives analysis that depicted several routing options for the new ROW. Alternatives that were not pursued were dismissed due to inconsistencies with project goals, project cost or infeasibility. A primary goal of the project is to remove the transmission lines from their present location along the Lynn waterfront, as they impede access and growth of maritime uses. The ENF included a summary of potential environmental impacts associated with the Preferred Alternative, a Soil Management Plan, and existing and proposed conditions. Information provided at or subsequent to the MEPA site consultation session included a modified proposed conditions plan relocating a transmission pole outside of the Lynnway ROW near Harding Street and a summary of the project's compliance with the Executive Office of Energy and Environmental Affairs Article 97 Policy.

Land

The project will include the relocation of transmission poles and wires along a new ROW in an industrialized area of Lynn. The proponent presented a modified preferred alternative at the MEPA site visit that kept all new poles outside the Lynnway ROW. The relocation of the transmission wires and removal of existing wires, towers and poles will enhance public access to the waterfront and DCR-owned properties.

The project will require a construction and access permit from DCR, a Grant of Location, and granting by the Commonwealth of an 80-foot easement over Lynnway. In its comment letter on the ENF, DCR concurred that the granting of the easement will require compliance with Article 97 of the Amendments of the Constitution of the Commonwealth. The proponent should prepare its authorizing legislation in conformance with the EEA Article 97 Policy, including the net-loss provision. At the request of DCR, the proponent should provide DCR with an opportunity to review and comment on the draft legislation before it is filed with the Massachusetts Legislature.

The proponent should consult with the DCR Bureau of Planning and Engineering prior to applying for a Grant of Location under M.G.L. c.92 § 43 and the Construction and Access Permit. Materials should be made available, including the traffic management plan, prior to the filing of an application.

Wetlands, Waterways and Tidelands

According to MassDEP, the portion of the transmission line to be relocated appears to be entirely on filled tidelands, which are subject to M.G.L. c.91 and the waterways regulations, at 310 CMR 9.00. The easterly portion of the existing transmission line is within the Lynn Designated Port Area (DPA). The placement and use of the transmission lines had been previously authorized pursuant to several c.91 licenses and legislative authorizations. The proposed transmission route is located primarily on filled tidelands, with the exception of two areas, one located landward of the historic high water mark and the other on landlocked, filled tidelands. The proposed route appears to move transmission lines entirely out of the DPA.

The MassDEP Waterways Program noted in the MassDEP comment letter that the project may be eligible for authorization as a Minor Project Modification in accordance with the c.91 regulations. MassDEP will determine such authorization upon review of the proponent's formal request under c.91. If the Waterways Program determines that a license or license amendment is required, the project will likely be reviewed as a non-water dependent infrastructure project in accordance with the standards of 310 CMR 9.55.

Wetland resource area impacts will be limited to 3,200 sf of temporary impact and 1,600 sf of permanent impact to LSCSF, and 1,200 sf of permanent impact to Riverfront Area. Temporary impacts will be associated with the use of swamp mats and excavation activities, while permanent impacts will result from the placement of new bases for the poles. The project site is located adjacent to the Rumney Marshes Area of Critical Environmental Concern (ACEC). No work will be performed within the designated ACEC.

Hazardous Materials

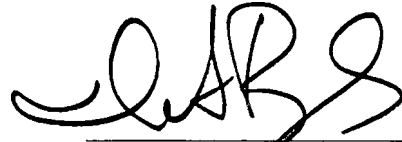
The ENF noted and MassDEP confirmed record of contamination to the soil and groundwater occurring within the proposed ROW. The ENF included a soil management plan,

which acknowledged that the project site requires a utility release abatement measure (URAM) under the provisions of M.G.L. c.21E/21C and the Occupational Safety and Health Administration (OSHA). The proponent should obtain all applicable permits in accordance with M.G.L. c.21E/21C and OSHA prior to commencement of work.

The review of the ENF has served to adequately disclose the potential impacts associated with this project. Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required.

August 8, 2008

Date



Ian A. Bowles

Comments Received:

07/23/2008	WalkBoston
07/29/2008	Massachusetts Department of Environmental Protection – NERO
07/30/2008	Department of Conservation and Recreation
07/31/2008	Saugus River Watershed Council

IAB/HSJ/hsj