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October 12, 2018

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

PROJECT NAME : Hopkinton to Ashland Transfer Line Replacement Project  
PROJECT MUNICIPALITY : Hopkinton and Ashland  
PROJECT WATERSHED : SuAsCo  
EEA NUMBER : 15812  
PROJECT PROPONENT : NSTAR Gas Company d/b/a Eversource Energy  
DATE NOTICED IN MONITOR : September 5, 2018

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (M.G. L. c. 30, ss. 61-62I) and Section 11.08 of the MEPA regulations (301 CMR 11.00), I have reviewed the Single Environmental Impact Report (Single EIR) and hereby determine that it **adequately and properly complies** with MEPA and its implementing regulations.

Project Description

As described in the Single EIR, the project involves upgrades to a portion of the Hopkinton to Ashland Transfer Line which is an existing, high pressure distribution pipeline running from the Wilson Street Take Station in Hopkinton to the Pond Street Take Station in Ashland. The project is being proposed to increase the reliability and system performance of the Framingham and Ashland distribution system which serves approximately 20,000 customers in Framingham and Ashland. It will provide a second independent supply feed to the Pond Street Take Station and improve the use of the Hopkinton LNG facility and accommodate future demand within Ashland and Framingham.

The Wilson Street Take Station receives a natural gas supply from the Tennessee Gas Pipeline (TGP) as well as the Hopkinton Liquefied Natural Gas (LNG) facility. The Pond Street Take Station receives a gas supply from the Algonquin Gas Transmission line (AGT). The Pond

Street Take Station requires continuous gas supply from the Algonquin Transmission Line to achieve the required outlet pressure and flow rate at the Pond Street Take Station. By upgrading the undersized portion of the pipeline, the transfer line will be able to provide a second, independent supply feed to the Pond Street Station and improve utilization of LNG from the Hopkinton LNG facility.

Specifically, the project involves replacing a 19,600 foot long 6-inch diameter section of the 25,000 foot long transfer line. The 6-inch diameter section is located between two 12-inch diameter sections which creates a bottleneck and results in inadequate pressure during high-demand periods. The project will increase pressure within the pipeline from 130 psig to 364 psig during high demand periods. The 12-inch replacement pipeline will be installed on the north side of the existing pipeline with a two foot offset. The existing 6-inch pipeline will be decommissioned and abandoned in place. The consistent diameter along the transfer line will make it “piggable” (i.e. designed for in-line inspections).

The project will be constructed in five phases beginning in 2019 and ending in 2023. Construction will begin in Hopkinton moving east toward Ashland. The phased approach will result in incremental pressure benefits while minimizing the time that the pipeline is offline.

### Project Site

The 10.2 acre project area is comprised of a 20 to 30 foot wide easement along an approximately 19,600-foot long section of a 25,000-foot long transfer line connecting the Wilson Street Take Station in Hopkinton to the Pond Street Take Station in Ashland. The Hopkinton LNG Facility has an existing connection to Wilson Street Take Station and is located approximately 1,500 feet from the Wilson Street Take Station. A portion of the utility Right of Way (ROW) traverses Ashland State Park. The Park is owned by the Commonwealth of Massachusetts and in the care, custody, and control of the Department of Conservation and Recreation (DCR). The Park is protected in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth (Article 97). Approximately 1.14 miles of the pipeline is located in the Town of Hopkinton on residential, commercial and open space land. The remaining 2.57 miles of pipeline will be located in Ashland within residential areas and Ashland State Park. The pipeline and easement crosses approximately 88 parcels owned by 74 property owners. The existing pipeline crosses 14 municipal roadways.

The project area encompasses several wetland crossings including Cold Spring Brook in Ashland State Park which is located in close proximity to the Ashland Dam and Spillway. The project site is not within Priority and/or Estimated Habitat as mapped by the Division of Fisheries and Wildlife’s (DFW) Natural Heritage and Endangered Species Program (NHESP).

### Environmental Impacts and Mitigation

Potential environmental impacts are primarily associated with the installation of the replacement pipeline, wetland alteration associated with open trench excavation, and construction period impacts associated with the use of timber mats. The project is expected to impact 453 linear feet (lf) of Bank; 62,155 square feet (sf) of Bordering Vegetated Wetlands

(BVW); 1,827 sf of Land Under Water (LUW); 47,515 sf of Bordering Land Subject to Flooding (BLSF); and 49,792 sf of Riverfront Area. Some wetland resource areas are overlapping and therefore impacts are included in each category (e.g., BLSF and Riverfront Area).

Measures to avoid, minimize, and mitigate Damage to the Environment include the use of timber mats and sedimentation and erosion controls during the construction period.

### 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 State Agency Actions and will alter one or more acres of BVW. The project will require a Section 401 Water Quality Certification (WQC) from the Massachusetts Department of Environmental Protection (MassDEP), an Approval of Petition to Construct (M.G.L c. 164, s. 69J) from the Energy Facilities Siting Board (EFSB), a Land Transfer and a Construction Access Permit from DCR. It is subject to review under the May 2010 MEPA Greenhouse Gas (GHG) Emissions Policy and Protocol (GHG Policy).

The project also requires Orders of Conditions (OOC) from the Hopkinton and Ashland Conservation Commissions (and, if an OOC is appealed, a Superseding Order of Conditions (SOC) from MassDEP), a Section 404 Pre-construction Notification approval by the Army Corps of Engineers under the General Permits for Massachusetts, a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) from the Environmental Protection Agency (EPA) and review by the Massachusetts Historical Commission (MHC) pursuant to Section 106 of the National Historic Preservation Act and M.G.L. c.9, ss. 26-27C (950 CMR 70-71).

Because the project requires review and approval by the EFSB, subject matter jurisdiction is functionally equivalent to broad scope jurisdiction, in accordance with 301 CMR 11.01(2)(a)(3). Therefore, MEPA jurisdiction for this project extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations.

### Review of the Single EIR

The Single EIR was generally responsive to the Scope outlined in the Certificate on the EENF. The Single EIR included a detailed description of the proposed project and identified minor changes to wetlands impacts.<sup>1</sup> It provided an alternative analysis for construction methods, an update regarding Article 97 mitigation and a Greenhouse Gas (GHG) analysis. The Single EIR includes Eversource's Best Management Practices Manual which addresses the disturbance of soil, water, and vegetation and sedimentation and erosion control measures during the construction of electric and gas facilities. Permit conditions that are more detailed than the Best Management Practices (BMPs) outlined in the manual will be given priority.

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<sup>1</sup> In response to comments from MassDEP, the Proponent submitted refined calculations to the MEPA Office on 10/10/2018 for Bank and LUW.

### *Alternatives Analysis*

The Single EIR provided a review of alternative construction methods for areas containing wetlands resources. The Single EIR analyzed the use of horizontal directional drilling (HDD) and the jack and bore method to determine whether these methods would reduce wetlands impacts compared to traditional open trench installation. The feasibility analysis organized the wetlands and streams within the project corridor into seven focus areas based on size, location and proximity to other wetlands and streams. Each focus area evaluation considered topography and terrain; existing land use (e.g. forest, residential); workspace availability for staging; length of wetland resource areas and land ownership. The evaluation determined that trenchless methods are not preferred over the open trench method due primarily to the lack of workspace and/or staging area within residential areas and additional easements that would be required on State or private property. Additional constraints included the focus areas exceeding jack and bore lengths, the presence of public roadways limiting pullback/fabrication workspace, and steep slopes within the project corridor. The Preferred Alternative consists of open-trench installation within wetlands resource areas. To minimize clearing and wetlands impacts, the minimum trench width necessary will be used while maintaining consistency with safety standards.

Comments from MassDEP acknowledge that use of trenchless methods to cross all wetlands is not possible due to cost, space, safety and timing reasons; however, they recommend the Proponent consider shorter crossings beneath some or all perennial streams and open water areas to facilitate trenchless methods and further avoid and minimize impacts.

### *Land Alteration*

The Single EIR outlined BMPs that will be used to stabilize and restore vegetation to the easement including mulching (application of a protective blanket of straw or other synthetic material to the spoil surface to provide short term soil protection); seeding disturbed upland (by hydroseeding or broadcast seeding); and slope stabilization using erosion control blankets composed of biodegradable or synthetic material. Easement clearing and tree removal within Ashland State Park will be coordinated with DCR. Comments from DCR indicate haybales for erosion control are no longer permitted. Straw bales are permitted, provided they are weed free or appropriately sized straw wattles with natural fiber netting. All BMPs must be removed upon re-vegetation of affected areas.

Comments from DCR indicate that the Construction and Access Permit issued for the project will require all equipment and mats to be clean and free of dirt, mud, and vegetation prior to entering any wetlands and DCR property. The Proponent will be required to set up equipment cleaning areas on pre-approved stone pads and not in vegetated areas. Any mulch should be free of weeds and seeding on DCR land should be carried out with a pre-approved native seed mix only. Ongoing monitoring for invasive species will be required and must include the presence/absence of invasive species and the abundance of each non-native invasive species.

*Article 97 Land*

A portion of the transfer line runs through two noncontiguous sections of Ashland State Park. Eversource has access to one portion through a permanent easement and access through a second section through a Special Permit issued by the Department of Natural Resources on October 28, 1971. DCR requested Eversource seek a permanent easement to maintain the pipeline in perpetuity since the Special Permit is revocable. Because the Special Permit remains valid, the project may proceed prior to obtaining the permanent easement.

The area covered by the Special Permit is approximately 293 lf long and 30 feet (ft) wide and totals approximately 0.21 acres. It is located east of Metropolitan Avenue and west of residential properties along Warren Road. As Article 97 land, the disposition of the parcel will require legislative authorization and will need to comply with EEA's Article 97 Land Disposition Policy. The Single EIR included a draft Article 97 mitigation proposal and described its consistency with the Article 97 Land Disposition Policy. Eversource is proposing to grant DCR an easement to a 0.21 acre parcel of land in Deerfield. The parcel is bounded by DCR's Mount Sugarloaf State Reservation on three sides and has frontage on Route 116. A portion of the site is occupied by a parking lot which supports the Reservation and contains electric distribution lines along Route 116. The easement would support expansion of Reservation parking onto the Eversource property. In addition, Eversource is proposing to compensate the Commonwealth General Fund for the amount of the appraised value of the permanent easement. The funds should be deposited into the DCR Conservation Trust to be used for conservation purposes rather than the Commonwealth General Fund.

*Wetlands and Water Quality*

Refinements to wetland calculations have resulted in increased impacts since the Expanded Environmental Notification Form (EENF) was filed. Impacts to Bank have increased from 63 lf to 453 lf (390 lf); impacts to Bordering Vegetated Wetlands (BVW) have increased from 50,657 sf to 62,155 sf (11,498); impacts to Land Under Water (LUW) have increased from 1,049 sf to 1,827 sf (778 sf); and impacts to Riverfront Area have increased from 41,636 sf to 49,792 sf (8,156 sf). Impacts to Bordering Land Subject to Flooding (BLSF) remain the same (47,515 sf). All wetland impacts are temporary, no permanent fill of wetlands resources is proposed. The Ashland and Hopkinton Conservation Commissions will review the project to determine its consistency with the Wetlands Protection Act (WPA), the Wetlands Regulations (310 CMR 10.00), and associated performance standards. MassDEP will review the project to determine its consistency with the 401 WQC regulations (314 CMR 9.00).

The Single EIR described construction methods and mitigation measures for work within wetlands and outlined a post construction monitoring plan. Restoration of wetlands will involve backfilling the trench and regrading wetland resources to their original contours. When wetland soils are inundated or saturated to the surface, the pipeline trench will be excavated across the wetland by equipment supported on temporary wooden construction mats to minimize disturbance. Work within wetland areas during sustained precipitation and/or high groundwater periods will be avoided. Prior to placement of the pipe within the trench, the trench will be dewatered. Dewatering will be conducted with a sump pump and hose connected to a filter bag

or a straw bale basin positioned in an adjacent, well-vegetated upland area. In wetlands that have firm substrates and are not saturated or frozen, the top 12 inches of wetland spoil over the trench line will be segregated to facilitate enhanced vegetation restoration potential following backfilling. Temporary and permanent trench breakers will be placed adjacent to waterbody and wetland crossings to prevent water from seeping into work areas or disrupting the hydrology of the resource areas. Sediment controls will be installed around each spoil pile to prevent movement of excavated soils. Low ground pressure equipment will be used to minimize soil compaction to facilitate revegetation. Post-construction monitoring will take place at regular intervals throughout the growing season, as required by any applicable permits and/or after major storm events. Sites will be inspected for success or failure of revegetation, invasive species colonization, and erosion.

The Single EIR outlined stream crossing and procedures to restore impacts to Bank and LUW. The project requires crossing four perennial and three intermittent streams including Cold Spring Brook in Ashland State Park. Stream crossings will be carried out during low flow months between July 1 and February 28. For streams with flows, a dry crossing method will be utilized. The dry crossing method will involve installation of a flume pipe and/or dam and pump prior to trenching to divert flow over or around the construction area. Spoil removed during trenching will be stored away from resource area and protected by sediment containment structures. For dry crossings, the stream bed and bank contours will be reestablished and stabilized prior to returning flow to the stream. Mulch, jute thatching or bonded fiber blankets will be installed on stream banks to prevent erosion and encourage revegetation.

The Single EIR provided a general description of invasive species control measures to be undertaken during the construction phase. Measures include inspection of construction equipment are free of excess dirt and mud prior to entering wetland resource areas. Equipment cleaning areas will be designated. Restoration-phase efforts to control invasive species involve ensuring that uplands and wetlands are mulched and seeded within seven days of final regrading.

### *Dam Safety*

A portion of the project crosses Cold Spring Brook, approximately 300 ft downstream from the Ashland Reservoir Dam Spillway. The Single EIR included correspondence between the Proponent and DCR which indicates that the Proponent applied for and received a jurisdictional determination from DCR's office of Dam Safety stating that a Chapter 253 Dam Safety Permit is not required for the project.

### *Greenhouse Gas Emissions*

The Single EIR provided a GHG analysis to address emissions associated with the construction of the project and operation of the Ashland to Hopkinton Transfer Line including fugitive emissions while the pipeline is in operation.

The GHG analysis estimated CO<sub>2</sub> emissions associated with non-road and road construction emissions would vary each year over the 5-year construction period but would average out to approximately 76.6 tons per year (tpy). Emissions associated with construction

worker commutes are estimated to be 21.3 tpy. Measures to reduce GHG emissions during the construction period include the use of modern or retrofitted construction equipment with best available efficiency and technology. Idling time will be limited to a maximum of five minutes when construction equipment is not in use. The project will comply with MassDEP's Diesel Retrofit Program during construction and the contractor will be directed to use ultra-low sulfur diesel in off-road engines.

Decommissioning and commissioning activities, which involve a one-time release of natural gas, are expected to generate approximately 2 tpy over the five year construction period. Upon completion of the project, the maximum operating pressure of the transfer line will not change (450 psig) nor will the maximum allowable operating pressure (MAOP) (800 psig). As a result, the transfer line is not anticipated to generate additional GHG emission during pipeline operation. However, although not anticipated, GHG emissions could result from fugitive releases and non-routine operations such as maintenance or repair activities. Approximately 1 tpy of CO<sub>2</sub> is expected from fugitive releases and 9.9 tpy from non-routine activities. Measures to avoid, minimize or mitigate GHG emissions include the strategic placement of isolation valves along the new pipeline which will minimize natural gas releases necessary for maintenance and repair operations. In addition, the Proponent will reduce pipeline operation pressure prior to decommissioning/commissioning, maintenance, inspections or repairs. Further, Eversource's design and operations measures will serve to maintain the pipe through the following measures:

- Cathodic protection to minimize corrosion;
- Quarterly leak detection surveys and repair inspections;
- Use of gas odorant to allow for rapid recognition of a leak; and
- Personnel and readily available leak repair equipment to minimize the release of gas.

The GHG analysis quantified the amount of GHG emissions reduction associated with reducing the pipeline pressure during the decommissioning and commissioning process. GHG emission reductions are estimated to 9.4 tpy over five years or a total of 47.2 tons.

### *Climate Change*

Executive Order 569: Establishing an Integrated Climate Change Strategy for the Commonwealth (EO 569) was issued on September 16, 2016. EO 569 recognizes the serious threat presented by climate change and directs agencies within the administration to develop and implement an integrated strategy that leverages state resources to combat climate change and prepare for its impacts. The Order seeks to ensure that Massachusetts will meet GHG emissions reduction limits established under the Global Warming Solution Act of 2008 (GWSA). The GHG Policy and requirements to analyze the effects of climate change through EIR review is an important part of this statewide strategy. These analyses advance proponents' understanding of a project's contribution and vulnerability to climate change.

### *Resiliency and Adaptation*

The Single EIR included an outline of system-wide resiliency measures that Eversource is undertaking in Massachusetts. These measures include a High Emitter Program designed to repair leaks that are considered environmentally significant within two years unless the leak is within a system scheduled to be replaced as part of the Gas Safety Enhancement Program (GSEP). Project specific resiliency measures identified in the Single EIR include measures to combat threats from storms and flooding that may cause erosion within the pipeline easement. Specifically, issues may arise where the pipeline crosses a stream, river or floodplain and is subject to erosive forces and scour during storm events. Measures to combat these threats include providing well-qualified personnel to routinely inspect the transfer line corridor for evidence of erosion and washout; performance of water control devices such as diversions; conditions of banks at stream and river crossings; third-party activity along the pipeline easement; and indicators of settling, undermining or degrading of repaired ditch line in streets or parking lots and other conditions that may threaten the integrity of the pipeline.

### *Historic and Archaeological Resources*

The Single EIR includes a review of the project's potential impacts to cultural resources within the project vicinity. The Ashland Dam and Spillway is listed on the National Register of Historic Places (ASL 906) and is located just south of the pipeline easement. In addition, results of a cultural resources review revealed five archaeologically sensitive areas within the vicinity of the project area. However, the project will be conducted within the existing Eversource easement immediately adjacent to the existing pipeline. The project impact area is limited to previously disturbed pipeline and ancillary access, storage and staging areas. Comments from MHC indicate that the project is unlikely to affect significant historic or archeological resources.

### *Construction*

The Single EIR provides specific noise, dust, and air quality mitigation measures that will be implemented in and adjacent to work areas. It provides noise studies or analyses that will be conducted in conjunction with the project. Blasting will not be conducted as part of this project due to the proximity to an active gas line. Construction is not expected to result in noticeable vibrations. Typical construction hours will extend from 7:30 AM to 4:30 PM, Monday through Friday. When needed, extended hours will be coordinated with the Towns of Hopkinton and Ashland.

The project requires a total of two road crossings in Hopkinton and twelve road crossings in Ashland. The pipeline will cross roads at a perpendicular angle with the exception of Winesap Way in Ashland where the pipeline travels along the southern shoulder for approximately 460 ft. Conventional open cut methods will be used for roadway installation. Construction will be scheduled to limit impacts on commuter traffic. Construction within residential areas may be accomplished with drag-section or stove-pipe installation methods which reduce the amount of required workspace, duration of construction activity and the time the trench is left open.

### Mitigation and Draft Section 61 Findings



The Single EIR provided draft Section 61 Findings for use by State Agencies. The Proponent has committed to implementing the mitigation measures listed below.

#### *Land Alteration*

- Use of minimum trench width necessary to install pipeline, while complying with safety standards, to minimize clearing and wetlands impacts.
- Designation of equipment cleaning areas on pre-approved stone pads in coordination with DCR.
- Coordination with DCR on clearing and tree removal within Ashland State Park.

#### *Wetlands*

- Restore temporarily impacted wetland resources to pre-construction conditions.
- Use of swamp mats to minimize direct impacts to wetland resource areas.
- Avoidance of work within wetland areas during sustained precipitation and/or high groundwater periods. Work will be undertaken during “dry conditions” during the period between July 1 and February 28 whenever possible.
- Maintain adequate drainage patterns by installing trench breakers.
- Dewatering will be discharged only within the approved work areas or into frac tanks.
- Use of sedimentation and erosion controls around work areas and stockpiles.
- Use of low ground pressure equipment to minimize soil compaction.
- Post-construction wetland monitoring will commence in the first growing season following final restoration and will be monitored until final revegetation is achieved.
- Use of dry-crossing method for stream crossings when flows are present. Dry crossing will allow flows to be maintained during construction while limiting turbidity.
- The contractor will be required to have back-up pumps on-site and available in case of mechanical failure or the need for increased pumping rates.

#### *Article 97 Land*

- Preparation of an Article 97 Land Mitigation Package for the disposition of a permanent easement of approximately 0.21 acres of land within Ashland State Park for access to maintain the proposed transfer line.
- Granting of a permanent easement to DCR for access to Eversource’s 0.21 acre parcel located adjacent to Mount Sugarloaf Reservation in Deerfield.
- Compensation to DCR’s Conservation Trust in the amount of the appraised value of the permanent easement sought from DCR’s Ashland State Park.

#### *GHG*

- The Proponent will make best efforts to use modern construction equipment with best available technology and efficiency for the control of greenhouse gas emissions.
- The Proponent will limit the idling of engines to a maximum of five minutes whenever the construction equipment is not in use.

- Construction equipment will be properly tuned and operated only on an as-needed basis to minimize the combustion emissions from diesel and gasoline engines.
- The Project will comply with MassDEP's Diesel Retrofit Program during construction and the Contractor will use ultra-low sulfur diesel in off-road engines.
- Releases of natural gas from decommissioning and commissioning activities will be minimized by drawing the pressure down in the existing pipeline to the extent possible before venting the gas to atmosphere and minimizing the amount of gas released when purging the new pipeline into service.
- Valves will be placed along the pipeline to allow for smaller sections of the pipe to be isolated for necessary maintenance and repair activities. Additional design and operations measures to maintain the pipe and minimize fugitive emissions include:
  - Cathodic protection to minimize corrosion;
  - Quarterly leak detection surveys and repair inspections;
  - Use of a gas odorant to allow for rapid recognition of a leak; and
  - Personnel and readily available leak repair equipment to minimize releases of gas.

#### *Construction Period Impacts*

- Construction work will be performed between 7:30 AM and 4:30 PM whenever possible.
- Appropriate mufflers will be installed and maintained on construction equipment.
- Appropriate maintenance and lubrication of construction equipment will be performed to provide the quietest performance.
- Muffling enclosures will be required on continuously-operating equipment such as air compressors and welding generators.
- Construction equipment will be turned off when not in use idling times will be minimized;
- Use of shielding or buffering distance to mitigate the impact of noisy equipment on sensitive locations.
- Implementation of dust control measures as needed during active construction that will primarily consist of street sweeping and using wetting agents to control and suppress dust.
- Coordination with the Towns of Ashland and Hopkinton to implement a traffic management plan for roadway pipeline crossings.
- Locate refueling and equipment storage activities more than 100 feet away from wetlands. If equipment cannot be feasibly located at least 100 feet from wetlands, Eversource will refuel in place using appropriate secondary containment measures. Eversource will also ensure that the Contractor has sufficient spill kits on-site during refueling operations.
- Prepare a soil and groundwater management plan and will contract with a Licensed Site Professional as necessitated by conditions encountered along the Project route, consistent with the requirements of the MCP (310 CMR 40.0460).
- Prepare a Stormwater Pollution Prevention Plan (SWPPP) consistent with the EPA NPDES CGP.

#### *Mitigation Measures for Residential Areas include:*

- Notification of landowners in advance of construction activities.
- Fencing the construction work area boundary to ensure construction equipment, materials,

and spoil remain in the construction work area.

- Posting of signs and/or caution tape will be placed around open trenches at all times.
- Preserve all mature trees and landscaping where practical.
- Ensure piping is welded and installed as quickly as reasonably possible.
- Backfill the trench as soon as the pipe is laid, otherwise temporarily steel plate the trench.
- Complete final cleanup (including final grading) and installation of permanent erosion control measures soon after the trench is backfilled, weather conditions permitting.
- Properties affected by construction activities will be restored to original condition, including loam, seed, driveway paving, plantings and mulch.

### Conclusion

Based on a review of the Single EIR and in consultation with State Agencies, I find that the Single EIR adequately and properly complies with MEPA and its implementing regulations. The project may proceed to permitting. State Agencies and the Proponent should forward copies of the final Section 61 Findings to the MEPA Office for publication in accordance with 301 CMR 11.12.

October 12, 2018

Date



Matthew A. Beaton

### Comments received:

09/24/2018	Massachusetts Historical Commission (MHC)
10/05/2018	Massachusetts Department of Environmental Protection – Central Regional Office (MassDEP-CERO)
10/05/2018	Department of Conservation and Recreation (DCR)



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September 24, 2018

**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Massachusetts Historical Commission

Secretary Matthew A. Beaton  
Executive Office of Energy & Environmental Affairs  
Attn: Erin Flaherty, MEPA Unit  
100 Cambridge Street, Suite 900  
Boston, MA 02114

RE: Eversource Hopkinton to Ashland Transfer Line, Hopkinton and Ashland, MA. MHC # RC.63674. EEA #15812.

Dear Secretary Beaton:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the Single Environmental Impact Report (SEIR), received August 31, 2018, for the project referenced above. Scaled existing and proposed conditions project plans submitted by TRC were also received by the MHC on August 21, 2018.

The MHC notes that the project includes permitting by multiple state and/or federal agencies, including the US Army Corps of Engineers. The MHC will review the project under Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR 800), and looks forward to consultation with the involved federal agencies for the project.

MHC consultation is described in SEIR Chapter 6. The project will be conducted within the existing Eversource easement immediately adjacent to the existing pipeline. The project impact area as proposed in the SEIR is limited to previously disturbed pipeline and ancillary access, storage and staging areas. No archaeological survey is recommended for the project as proposed. In the MHC's staff opinion, the project as proposed is unlikely to affect significant historic or archaeological resources. If project plans change in future, then current project information should be submitted to the MHC for review and comment.

These comments are provided to assist in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR 800), Massachusetts General Laws Chapter 9, Sections 26-27C (950 CMR 70-71) and MEPA (301 CMR 11). Please contact Jonathan K. Patton at this office if you have questions or require additional information.

Sincerely,

Brona Simon  
State Historic Preservation Officer  
Executive Director  
State Archaeologist  
Massachusetts Historical Commission

xc: Barbara Newman, USACOE-NED  
Kate Atwood, USACOE-NED  
Bettina Washington, Wampanoag Tribe of Gay Head (Aquinnah)  
Ramona Peters, Mashpee Wampanoag Tribe  
Cheryl Toney Holley, Nipmuc Tribal Nation  
Matthew A. Waldrip, Eversource Energy  
Richard Paquette, TRC



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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October 5, 2018

Secretary Matthew A. Beaton  
Executive Office of Environmental Affairs  
100 Cambridge Street, 9<sup>th</sup> Floor  
Boston, MA 02114

Attention: MEPA Unit – Erin Flaherty

Re: Single Environmental Notification Form (SEIR)  
Hopkinton to Ashland Transfer Line Replacement Project  
Hopkinton and Ashland  
EEA #15812

Dear Secretary Beaton,

The Massachusetts Department of Environmental Protection's ("MassDEP") Central Regional and Northeast Regional Offices have reviewed the EENF for the Hopkinton to Ashland Transfer Line Replacement Project (the "Project") in Hopkinton and Ashland. The Project is proposed by NSTAR Gas Company d/b/a Eversource Energy (the "Proponent"). The Project consists of the replacement of approximately 3.71 miles of 6-inch diameter natural gas pipeline with a 12-inch diameter pipeline and will impact 63 linear feet (lf) of Bank; 62,155 square feet (sf) of Bordering Vegetated Wetlands (BWV); 1,231 sf of Land Under Water (LUW), 47,515 sf of Bordering Land Subject to Flooding (BLSF); and 49,792 sf of Riverfront Area (RA). The proposed 3.71 miles of replacement pipeline will be installed in five sections over the course of five years due to limitations on the duration of time the Transfer Line can be taken out of service. The anticipated construction duration is five months per year for five years starting in 2019 with a 2023 in-service date.

This SEIR has been prepared to address the scope of analysis defined in the Executive Office of Energy and Environmental Affairs Secretary's Certificate on the Expanded Environmental Notification Form, which was issued on March 30, 2018 for the Project. There have been no changes to the proposed Project facilities since the submission of the EENF. However, there have been some updates to the wetland resource areas impact calculations that were provided in the EENF.

The Project is under MEPA review because it meets or exceeds the following review threshold:

- 11.03(3)(a)(1)(a) – Alteration of one or more acres of salt marsh or bordering vegetating wetlands.
- 11.03(3)(b)(f) – Alteration of one half or more acres of any other wetlands.

The Project requires the following State Agency Permits:

- MassDEP – 401 Water Quality Permit
- Massachusetts Energy Facilities Siting Board Approval

MassDEP offers the following comments on the Project:

## **Wetlands**

The length of estimated Bank impact appears to be underestimated, and must include both sides of all streams and waterbodies, and all areas where Bank vegetation is cleared or covered by mats and/or temporary bridges.

The SEIR contains adequate responses to MassDEP's concerns about construction timing, and invasive species control measures. The SEIR also includes a detailed explanation of why trenchless construction methods are not feasible for this project. The Focus Areas included in the Trenchless Crossing Evaluation were comprised of long crossings beneath multiple wetlands. While MassDEP acknowledges that crossing beneath all wetlands is not possible for cost, space, safety, and time reasons, the Proponent should consider whether shorter crossings beneath some or all of the perennial streams and open water areas are possible.

The Proponent is required to submit a Notice of Intent (NOI) to the Hopkinton and Ashland Conservation Commissions and the Northeast and Central Regions of MassDEP in order to obtain Final Orders of Conditions under the Wetlands Protection Act and its regulations. Upon receipt of the NOI filings, MassDEP may provide project specific comments to the Conservation Commissions and the Proponent as part of the File Number Issuance Notification Letters. The Project design shall meet all performance standards identified in the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.00 for work proposed in each wetland resource area affected, including mitigation requirements. MassDEP requests that the NOI filings include additional information describing full compliance with the Massachusetts Stormwater Standards, restoration procedures for work in resource areas, clarification of the location of LUW/Waterway, accurate quantification of Bank impacts, measures for limiting the spread of invasive species, and Wildlife Habitat Evaluations for all resource area impacts above the thresholds contained in 310 CMR 10.00. An individual 401 Water Quality Certificate is required from MassDEP, CERO and NERO under 314 CMR 9.00.

## **Section 61 Findings**

Mitigation measures proposed for wetland resource areas consist of construction protocols and monitoring that MassDEP expects to be incorporated into all trenching projects within and adjacent to wetlands. The SEIR does not contain additional wetland mitigation measures unique to this Project. The Proponent should develop additional measures to mitigate impacts within the Ashland State Park and other mature wetland areas within the Project area.

MassDEP appreciates the opportunity to comment on the Project. If you have any questions regarding these comments, please do not hesitate to contact Stella Tamul, Central Regional Office MEPA Coordinator, at (508) 767-2763.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Mary Jude Pigsley".

Mary Jude Pigsley  
Regional Director

cc: Commissioner's Office, MassDEP



October 5, 2018

Secretary Matthew A. Beaton  
Executive Office of Energy and Environmental Affairs  
Attn: Erin Flaherty, MEPA Office  
100 Cambridge Street, Suite 900  
Boston, Massachusetts 02114

Re: EOEEA #15812 Hopkinton to Ashland Transfer Line Replacement Project Single EIR

Dear Secretary Beaton:

The Department of Conservation and Recreation (“DCR” or “Department”) is pleased to submit the following comments in response to the Single Environmental Impact Report (“SEIR”) submitted by Eversource Energy (the “Proponent”) for the Hopkinton to Ashland Transfer Line Replacement Project (the “Project”).

As described in the SEIR, the Project will construct a 12-inch diameter natural gas pipeline within the Towns of Hopkinton and Ashland, to replace an existing 6-inch line to improve transmission capacity between the Wilson Street Take Station in Hopkinton and the Pond Street Take Station in Ashland. The 12-inch pipeline will be constructed parallel to the 6-inch line, using cut-and-cover techniques. The 6-inch pipeline will be left in the ground, and cleaned to ensure no residual materials are left.

A portion of the Project runs through two noncontiguous sections of Ashland State Park, separated by Metropolitan Avenue and a wetland system. In the eastern section of the state park where the Proponent does not hold a permanent land interest, the Project will require an Article 97 disposition to grant a permanent easement to the Proponent. A DCR Construction and Access permit also will be required.

#### **Article 97 Land Disposition**

Documentation provided by the Proponent indicates that the western portion of the Project is within an existing 30-foot easement which was granted by the previous owner prior to Commonwealth ownership. Rights were granted for the eastern portion of the Project within a 293-foot long x 30-foot wide parcel via a revocable Special Permit issued by the Department of Natural Resources (a predecessor agency to DCR) in 1971 (this preceded the passage of Article 97 of the Amendments to the Massachusetts Constitution in 1972). Because this Project will result in an expansion of permanent utility infrastructure on DCR land, and in keeping with the intent of the EEA Article 97 Land Disposition Policy, the Proponent has agreed to pursue a permanent easement.

Transfers of interests in state conservation property must meet the requirements set forth in the Executive Office of Energy and Environmental Affairs (“EEA”) Article 97 Land Disposition Policy, which has the stated goal of ensuring no net loss of Article 97 lands under the ownership and control of the Commonwealth. The policy states as a general premise that EEA and its agencies shall not sell, transfer

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

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Governor

Karyn E. Polito  
Lt. Governor

Matthew A. Beaton, Secretary, Executive  
Office of Energy & Environmental Affairs

Leo Roy, Commissioner  
Department of Conservation & Recreation



or otherwise dispose of any right or interest in Article 97 lands. Transfer of ownership or interests therein may only occur under exceptional circumstances, as defined in the policy, including the determination that no feasible alternative is available, and a minimum amount of land is being disposed of for the proposed use.

As compensation for the easement, the Proponent has offered to grant a permanent easement to DCR over a parcel of similar size (+/- 9,100 square feet or 0.21 acres) in Deerfield off Sugarloaf Road, adjacent to DCR's Mount Sugarloaf State Reservation. The easement would be used by DCR to expand an existing parking lot. The Proponent has also offered to contribute to the Commonwealth the appraised value of the easement area in Ashland State Park. DCR requests that this consideration be deposited into the DCR Conservation Trust, for use by the Department for conservation purposes, as opposed to the Commonwealth General Fund as proposed in the SEIR.

### **Section 61 Findings**

DCR notes that the SEIR did not contain draft Section 61 Findings for DCR. DCR and DCAMM will issue Section 61 Findings prior to completing the disposition of the easement that will consist of the Deerfield parcel easement and the appraised fair market value of the Ashland State Park easement area to be placed in the DCR Conservation Trust. DCR believes the proposed compensation package satisfies the no-net loss policy outlined in the EEA Article 97 Land Disposition Policy.

### **Invasive Species Control**

To prevent the spread of invasive plant species on its property, DCR anticipates requiring, in a Construction and Access permit issued to the Proponent, that all equipment and mats are clean and free of dirt, mud, and vegetation prior to entering all wetlands and DCR property. In the Construction and Access Permit, DCR will request that the Proponent set up equipment cleaning areas on pre-approved stone pads, not in vegetated areas. DCR will also request that mulch be free of weeds, and that any seeding on DCR land be carried out only with a pre-approved native seed mix. The ongoing monitoring for invasive species will be required to include not only presence/absence, but abundance of each non-native invasive species.

### **Construction**

DCR notes that haybales for erosion control are not permitted on DCR land, as they are no longer an accepted Best Management Practice ("BMP"). Straw bales are permitted, provided they are weed free or appropriately sized straw wattles with natural fiber netting. Note that all BMPs must be removed from the site when areas have been re-vegetated.

As part of its Construction and Access Permit, DCR will request a project specific plan for trenching across Cold Spring Brook, designed for the anticipated flows during construction. Trenching in the brook and adjacent wetlands will only be permitted during low flow conditions and in the absence of significant rainfall. All dewatering must be discharged only within the approved work areas or into frac tanks (described in the SEIR as pre-fabricated and self-contained tanks that contain a series of baffles that allow fine materials to settle out of the water column) and any impacts of dewatering must not affect adjacent public uplands, wetlands, or waterways.

Thank you for the opportunity to comment on the SEIR. If you have questions related to our comments, please contact Nat Tipton, DCR's MEPA Review Coordinator at (617) 626-1341 or

nathaniel.tipton@mass.gov. Questions related to the Article 97 Disposition process can be directed to Christine Berry at (978) 887-5931 ext. 30 or [christine.berry@mass.gov](mailto:christine.berry@mass.gov). Questions related to Ecology can be directed to Nancy Putnam at (617) 626-1394 or [nancy.putnam@mass.gov](mailto:nancy.putnam@mass.gov).

Sincerely,



Leo P. Roy  
Commissioner

cc: Christine Berry, Priscilla Geigis, Jennifer Howard, Patrice Kish, Nancy Putnam, Tom LaRosa, Nat Tipton (DCR)  
Matt Waldrip, Eversource  
Richard Paquette, TRC