



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

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Kathleen A. Theoharides
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1081
<http://www.mass.gov/eea>

November 6, 2020

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

PROJECT NAME : 978 Solar Development, LLC
PROJECT MUNICIPALITY : Westport
PROJECT WATERSHED : Buzzards Bay
EEA NUMBER : 16278
PROJECT PROPONENT : 510 P.V. Project Development LLC
DATE NOTICED IN MONITOR : October 7, 2020

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

Project Description

As described in the Environmental Notification Form (ENF), the project includes the construction of a 2.125 megawatt (MW) alternating-current (AC)/2.95 MW direct-current (DC) ground-mounted solar photovoltaic (PV) system with additional battery energy storage in the Town of Westport. The project will utilize 7,688 (385-watt) modules mounted on racks that will be supported by helical piles. The modules will range in height from 8.5 feet (ft) to 9.5 ft. An electrical equipment area will include the batteries and energy storage containers, transformers, switchgear, and a data acquisition system, which will all be mounted on concrete pads. The project also includes construction of a 14-foot (ft) wide gravel access drive will and associated swale and culverts. The project will require approximately 12 acres of tree clearing and the construction of a 26,530 square-foot (sf) wetland replication area. A 7-foot high chain link fence will encompass the PV system, which will have a footprint of approximately 9.5 acres. Approximately 11.7 acres will be set aside as protected open space through a Conservation Restriction (CR).

Project Site

The 51-acre project is comprised of an undeveloped, forested lot within the Town of Westport (Town). As described in the ENF, a significant portion of the project site is classified as wetlands resource areas (approximately 21.5 acres). Development of the PV array will occur within approximately 13 acres comprised of uplands. According to the ENF, stormwater generally drains from the south-central portion of the site to the surrounding wetlands. The surrounding land use is characterized by undeveloped forested land with rural-residential areas to the south. The project site is bounded by Division Road to the east, which follows the town boundary between the Towns of Westport and Dartmouth (with the Town of Dartmouth lying to the east). Also located to the east is the Dartmoor Farm Wildlife Management Area (WMA), which is owned and managed by the Massachusetts Department of Fish and Game (DFG). The project site is not located in Priority and/or Estimated Habitat as mapped by the Division of Fisheries and Wildlife's (DFW) Natural Heritage and Endangered Species Program (NHESP) or an Area of Critical Environmental Concern (ACEC). The site does not contain any structures listed in the State Register of Historic Places or the Massachusetts Historical Commission's (MHC) Inventory of Historic and Archaeological Assets of the Commonwealth.

Environmental Impacts and Mitigation

Potential environmental impacts associated with the project include the alteration of approximately 12 acres of land alteration and tree clearing and the creation of approximately 0.1 acres (4,356 sf) of impervious surface. The project will also result in the alteration of 18,188 sf (± 0.42 acres) of Bordering Vegetated Wetland (BVW).

Measures to avoid, minimize, and mitigate environmental impacts identified in the ENF include the placement of a CR on 11.7 acres of the project site, construction of a wetland replication area, installation of utilities within road limits to avoid additional impacts to undeveloped area, and implementation of erosion and sedimentation controls (including silt fencing) during construction. Additionally, a bond will be set-aside to fund decommissioning of the project at the end of its useful life in accordance with the Town's solar by-law.

Jurisdiction and Permitting

This project is subject to MEPA review and preparation of an ENF pursuant to 301 CMR 11.03(3)(b)(1)(d) because it requires a State Agency Action and involves the alteration of 5,000 or more sf of bordering vegetated wetlands. The project requires a 401 Water Quality Certification (WQC) from the Massachusetts Department of Environmental Protection (MassDEP).

The project will require an Order of Conditions from the Westport Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions from MassDEP). The project will also require Site Plan Review from the Town of Westport Planning Board.

The project requires authorization from the U.S. Army Corps of Engineers (ACOE) under the General Permits for Massachusetts in accordance with Section 404 of the Federal Clean Water Act.

The project is not receiving Financial Assistance from the Commonwealth. Therefore, MEPA jurisdiction for any future review would be limited to those aspects of the project that are within the subject matter of any required or potentially required Agency Actions and that may cause Damage to the Environment, as defined in the MEPA regulations.

Review of the ENF

The ENF provided a description of existing and proposed conditions, preliminary project plans, a habitat assessment study, correspondence with MHC and NHESP, and identified measures to avoid, minimize and mitigate environmental impacts. Comments from State Agencies do not identify additional impacts that were not identified in the ENF.

Alternatives Analysis

The ENF evaluated several alternatives based on their ability to meet the project purpose of constructing a community solar project, while minimizing environmental impacts. The project evaluated a No-Build Alternative, Alternative 1, and Alternative 2, in addition to the Preferred Alternative. According to the ENF, additional sites within the Town were considered but dismissed as the landowners of these properties were not interested in the proposed project.

As described in the ENF, the No-Build Alternative would not result in any environmental impacts but was dismissed as it would not meet the project purpose. Alternative 1 would include a 4.895 MW AC system that resulted in 21.20 acres of tree clearing, with access proposed through an adjacent parcel on which the landowner has an existing easement. According to the ENF, this alternative was based on a wetland delineation that was not approved by the Town and was dismissed once the wetlands delineation was finalized due to site constraints associated with previously unidentified wetland resource area and based on feedback from the adjacent landowner. Alternative 2 would consist of a 3.0 MW AC system with 13.07 acres of tree clearing, which maintained a 25-foot clearing setback from abutting properties. Alternative 2 also proposed access through the existing easement on the adjacent parcel. According to the ENF, this alternative was also dismissed based on feedback from the adjacent landowner and as it would not meet the Town's requirements for a 50-ft vegetated buffer from property lines. The ENF states that the Preferred Alternative (described herein) was selected as it minimizes tree clearing and, compared to alternative access routes to the upland area within the project site, the proposed location of the access road results in the least impacts to wetlands while still having frontage to the road.

Wetland Resources

As stated in the ENF and confirmed in comments from MassDEP, the project requires a 401 WQC from MassDEP as the project will fill greater than 5,000 sf of BVW. MassDEP will review the project to determine its consistency with the 401 WQC Regulations (314 CMR 9.00). The Westport Conservation Commission will review the project for its consistency with the Wetlands Protections Act (WPA), the Wetland Regulations (310 CMR 10.00), and associated performance standards. The project will permanently impact 18,188 sf (± 0.42 acres) of BVW, associated with the construction of the access roadway. The ENF indicates the entirety of this work is proposed as a limited

project in accordance with the WPA (310 CMR 10.24). The ENF describes additional impacts (179,902 sf/4.13 acres) to the 100-foot buffer zone from tree clearing, fencing, stormwater management, and racking/modules. I refer the Proponent to comments from MassDEP which note that the Notice of Intent application should address compliance with the Massachusetts Stormwater Management Standards should the proposed solar arrays be located within the 100-foot buffer zone.

The 14-ft wide gravel access road will be constructed with 1.5:1 side slopes. Two 3-sided box culverts will be installed within the access road at the two lowest topographic areas within the road to connect wetland areas; there are no streams within the project site. To mitigate permanent impacts to BVW, the project includes a 26,530 sf (± 0.61 acre) wetland replication area located adjacent to the northern side of the access road. According to the wetland replication site plan, the area will be graded to match the topography of the adjacent wetland area and all excavation, final grading, and the creation of micro-topography will be conducted with a wetland scientist present. Existing trees in the propose replication area with a diameter greater than 12 inches will be preserved. The replication area will be planted and seeded with wetland plant species. The ENF states that any invasive species observed in the replication area will be removed by hand and disposed of off-site.

Land Alteration / Stormwater

The ENF states the project will result in the clearing of 12 acres of forested areas, the creation of 0.8 acres of gravel roadways, and the creation of 0.1 acres (4,356 sf) of impervious surface. The stormwater management system will include three detention basins and a concrete washout basin. Stormwater runoff will be directed to detention areas through the construction of swales. According to the ENF, the proposed stormwater management system will maintain post-development runoff to less than or equal to the pre-development runoff.

Climate Change and Resiliency

Governor Baker's Executive Order 569: Establishing an Integrated Climate Change Strategy for the Commonwealth (EO 569; the Order) was issued on September 16, 2016. The Order recognizes the serious threat presented by climate change and direct Executive Branch agencies 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) and will work to prepare state government and cities and towns for the impacts of climate change. I note that the MEPA statute directs all State Agencies to consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects, such as predicted sea level rise, when issuing permits, licenses and other administrative approvals and decisions. M.G.L. c. 30, § 61.

The Northeast Climate Science Center at the University of Massachusetts at Amherst has developed projections of changes in temperature, precipitation, and sea level rise for Massachusetts. This data is available through the Climate Change Clearinghouse for the Commonwealth at www.resilientma.org. By the end of the century, the average annual temperature in the Buzzards Bay Drainage Basin is projected to rise by 4.88 to 8.83 degrees Fahrenheit (°F), including an increase in the number of days with temperatures over 90 °F from a minimum of 13.68 days and a maximum up to 42.76 days compared to the 1971-2000 baseline period. During the same time span, the average

annual precipitation is projected to increase by a minimum of 3.29 to a maximum of 3.92 inches, which may be associated with more frequent and intense storm events. The Massachusetts State Hazard Mitigation & Climate Adaptation Plan (2018) may provide additional data and resources applicable to the project site.

The Town is a participant in the Commonwealth's Municipal Vulnerability Preparedness (MVP) program. The MVP program is a community-driven process to define natural and climate-related hazards, identify existing and future vulnerabilities and strengths of infrastructure, environmental resources, and vulnerable populations, and develop, prioritize and implement specific actions the Town can take to reduce risk and build resilience. Through the MVP program, the Town received funding to conduct a planning process for climate change resiliency and implementing priority projects. The results of the initial community-driven process were presented in the "Municipal Vulnerability Preparedness (MVP) and Community Resilience Building Workshop Summary of Findings" (the Report), dated June, 2018¹. The Report identified coastal storms, sea level rise, increasing temperatures, and flooding (including from storm and ground water) as top climate hazards in Westport, which is situated on the southern coast of Massachusetts. The Report also indicated solar and alternative energy projects should be encouraged in order to decentralize the Town's energy sources. I encourage the Proponent to consider future climate change conditions as the design of the project is finalized and proceeds to permitting.

GHG Emissions

The project requires the clearing of approximately 12 acres of land; however, the ENF indicates that the extent of land alteration was minimized through the proposed installation of the electrical conduits within the road (eliminating the need for utility poles outside of road limits) and that the tree clearing proposed is the minimum required for the installation of the solar array. I note that DOER's SMART regulations were recently revised to limit eligibility for projects proposed in areas with high natural resource value, such as undeveloped and forested lands. The Proponent has indicated that it intends to apply for prequalification under the SMART program, and expects to meet the revised eligibility criteria as it is located in territory that is reserved for initial (first 1,600MW) capacity for a distribution company. It is also intending to qualify for an "adder" under the SMART program as a Community Shared Solar project, meaning that it will receive additional incentives by producing solar power for use by the surrounding community.² Expansion of renewable energy sources within the Commonwealth is consistent with the mandates outlined in the Global Warming Solutions Act (GWSA) of 2008 for sectors of the economy to reach a target of 80 percent reduction of Greenhouse Gas (GHG) emissions by 2050, and the Letter of Determination issued by EEA on April 10, 2020 establishing a 2050 statewide emissions limit of net zero GHG emissions.³ I encourage the Proponent to continue to evaluate whether the extent of land clearing can be further minimized.

¹ The Report can be accessed through the following site: <https://www.mass.gov/doc/2017-2018-mvp-planning-grant-report-westport/download>

² More information on the SMART program, "adders", and updated land use eligibility can be found here: <https://masmartsolar.com/>

³ The Final Letter of Determination of Statewide Emissions Limit for 2050 can be accessed here: <https://www.mass.gov/doc/final-signed-letter-of-determination-for-2050-emissions-limit/download>

Construction

According to the ENF, project construction will take approximately 6 months. The ENF states erosion controls will be installed prior to any clearing. The access road and culverts will be constructed, followed by tree clearing. The area will then be seeded, and the stormwater management basins will be constructed. After the stormwater managements basins are constructed, trenching for the electrical conduits will occur followed by the installation of the racking/modules, the construction of the electrical equipment pad, and installation of the energy storage containers, transformers, switchgear, and a data acquisition system.

All construction activities should be managed in accordance with applicable MassDEP's regulations regarding Air Pollution Control (310 CMR 7.01, 7.09-7.10), and Solid Waste Facilities (310 CMR 16.00 and 310 CMR 19.00, including the waste ban provision at 310 CMR 19.017). The project should include measures to reduce construction period impacts (e.g., noise, dust, odor, solid waste management) and emissions of air pollutants from equipment, including anti-idling measures in accordance with the Air Quality regulations (310 CMR 7.11). I encourage the Proponent to require that its contractors use construction equipment with engines manufactured to Tier 4 federal emission standards, or select project contractors that have installed retrofit emissions control devices or vehicles that use alternative fuels to reduce emissions of volatile organic compounds (VOCs), carbon monoxide (CO) and particulate matter (PM) from diesel-powered equipment. Off-road vehicles are required to use ultra-low sulfur diesel fuel (ULSD). If oil and/or hazardous materials are found during construction, the Proponent should notify MassDEP in accordance with the Massachusetts Contingency Plan (310 CMR 40.00). All construction activities should be undertaken in compliance with the conditions of all State and local permits.

Conclusion

The ENF has adequately described and analyzed the project and its alternatives, and assessed its potential environmental impacts and mitigation measures. Based on review of the ENF and comments received on it, and in consultation with State Agencies, I have determined that an EIR is not required.

November 6, 2020

Date



Kathleen A. Theoharides

Comments received:

10/27/2020 Massachusetts Department of Environmental Protection (MassDEP), Southeast Regional Office (SERO)
10/28/2020 Board of Underwater Archaeological Resources (BUAR)

KAT/ELM/elm



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

October 27, 2020

Kathleen A. Theoharides
Secretary of Environment and Energy
Executive Office of Energy and
Environmental Affairs
100 Cambridge Street, Suite 900
ATTN: MEPA Office
Boston, MA 02114

RE: ENF Review. EOEEA 16278
WESTPORT. 978 Solar Development, LLC
at 0 Division Street

Dear Secretary Theoharides,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Environmental Notification Form (ENF) for the 978 Solar Development, LLC at 0 Division Street, Westport, Massachusetts (EOEEA # 16278). The Project Proponent provides the following information for the Project.

This Project is an un-manned 2.125(AC) MW ground mounted solar energy system with energy storage. The system is surrounded by a 7-foot high chain link fence with a 6-inch wildlife gap that will encompass an area of 9.5 acres. The Project will utilize 7,668 385-watt modules mounted on racks that sit upon screws augured into the ground. The back edge of the modules will be the peak of the racks and range in height from 8.5' to 9.5'. These modules will feed the grid as well as charge the energy storage equipment during the peak hours of the day, allowing for the energy to then be released later in the day when the demand is high, and the sun is low. This application will negate "Peaker plants" helping reduce the strain on the electrical grid while also further offsetting carbon. There will be approx. 12.0 acres of tree clearing required. There is an electrical equipment area which includes, energy storage containers, transformers, switchgear, and a data acquisition system, all mounted on individual concrete pads. The access drive will be a 14' wide gravel way with a swale and culverts to maintain existing hydrological patterns. Construction period will be approx. 6 months, weather permitting. The town of Westport has a solar by-law which requires a bond set-aside for decommissioning of the Project at the end of its useful life.

Bureau of Water Resources Comments:

Wetlands, The proposed Project involves the construction of a solar array field which would result in the removal of 12 acres of trees, including an area of bordering vegetated wetland of 22,116 square feet for the construction of an access road. The solar array field would encroach within areas of buffer zone to bordering vegetated wetland. A wetland replication area of 30,535 square feet is proposed as mitigation for alteration to bordering vegetated wetland.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

A Notice of Intent application must be filed with the Westport Conservation Commission in order to obtain an Order of Conditions under the Wetlands Protection Act. In addition, since the proposed Project would discharge fill into bordering vegetated wetland in excess of five thousand square feet, a Water Quality Certificate application must be filed with the Department as set forth under the Water Certificate Program [401]. Both the Notice of Intent application and Water Quality Certificate Application should explore all available reasonable alternatives that would either avoid and/or minimize impacts to wetland resource areas. All applicable stormwater standards must be met in accordance with the Wetland Regulations. A Final Order of Conditions and Water Quality Certificate must be obtained prior to any work commencing on this Project.

If any of the proposed upland solar arrays fall within the 100-foot buffer zone to jurisdictional wetlands, then the applicant should address compliance with the Massachusetts Stormwater Standards in any Notice of Intent filing under the Wetlands Protection Act.

Waterways. There are no Waterways comments for this ENF because there are no Chapter 91 jurisdictional areas on this site.

Construction Stormwater Permit. The Project construction activities are scheduled to disturb 11.99 acres of land and therefore, may require a NPDES Stormwater Permit for Construction Activities. This permit is issued by the U.S. Environmental Protection Agency where the Proponent can access information regarding the NPDES Stormwater requirements and an application for the Construction General Permit at the EPA website: https://www.epa.gov/sites/production/files/2017-07/documents/cgp_flow_chart_do_i_need_a_permit2.pdf

Bureau of Waste Site Cleanup Comments

Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed Project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

There are no listed MCP disposal sites located at or in the vicinity of the property that would appear to impact the proposed Project area. Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer (Oliver)

at: http://maps.massgis.state.ma.us/map_ol/oliver.php Under “Available Data Layers” select “Regulated Areas”, and then “DEP Tier Classified 21E Sites”. MCP reports and the compliance status of specific disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: <https://eeaonline.eea.state.ma.us/portal#!/search/wastesite>

The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this Project, notification to MassDEP may be required pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000). If oil and/or hazardous material is encountered a Licensed Site Professional (LSP) should be retained to determine if notification is required and, if need be, to render appropriate opinions and/or conduct response actions. The BWSC may be contacted for guidance if questions arise regarding cleanup.

Bureau of Air and Waste (BAW) Comments

Air Quality. Construction and operation activities shall not cause or contribute to a condition of air pollution due to dust, odor or noise. To determine the appropriate requirements please refer to:

310 CMR 7.09 Dust, Odor, Construction, and Demolition
310 CMR 7.10 Noise

Construction-Related Measures

MassDEP requests that all non-road diesel equipment rated 50 horsepower or greater meet EPA's Tier 4 emission limits, which are the most stringent emission standards currently available for off-road engines. If a piece of equipment is not available in the Tier 4 configuration, then the Proponent should use construction equipment that has been retrofitted with appropriate emissions reduction equipment. Emission reduction equipment includes EPA-verified, CARB-verified, or MassDEP-approved diesel oxidation catalysts (DOCs) or Diesel Particulate Filters (DPFs). The Proponent should maintain a list of the engines, their emission tiers, and, if applicable, the best available control technology installed on each piece of equipment on file for Departmental review.

Massachusetts Idling Regulation

The Proponent reports: "Delivery trucks will be limited to 5 minutes of idling time while onsite."

MassDEP reminds the Proponent that unnecessary idling (*i.e.*, in excess of five minutes), with limited exception, is not permitted during the construction and operations phase of the Project (Section 7.11 of 310 CMR 7.00). With regard to construction period activity, typical methods of reducing idling include driver training, periodic inspections by site supervisors, and posting signage. In addition, to ensure compliance with this regulation once the Project is occupied, MassDEP requests that the Proponent install permanent signs limiting idling to five minutes or less on-site.

Spills Prevention. A spills contingency plan addressing prevention and management of potential releases of oil and/or hazardous materials from pre- and post-construction activities should be presented to workers at the site and enforced. The plan should include but not be limited to, refueling of machinery, storage of fuels, and potential on-site activity releases. Solar arrays with on-site electrical storage often have a specialized emergency response plan that is coordinated with local emergency management officials.

Solid Waste Management. MassDEP Solid Waste staff have reviewed the ENF for the Project or and offers the following comments regarding solid waste permitting pursuant to Massachusetts Solid Waste Regulations 310 CMR 16.00: *Site Assignment Regulations For Solid Waste Facilities*, 310 CMR 19.000: *Solid Waste Management*, and Asbestos Regulations 310 CMR 7.15.

Solid Waste/Asbestos Comments:

1. *Tree Removal/Land Clearing:* The Project will require the handling of clean wood associated with tree removal. As defined in 310 CMR 16.02, clean wood means "discarded material consisting of trees, stumps and brush, including but limited to sawdust, chips, shavings, bark, and new or used lumber"...etc. Clean wood does not include wood from commingled construction and demolition waste, engineered wood products, and wood containing or likely to contain asbestos, chemical preservatives, or paints, stains or other coatings, or adhesives. The Proponent should be aware that wood is not allowed to be buried or disposed of at the Site pursuant to 310 CMR 16.00 & 310 CMR 19.000 unless otherwise approved by MassDEP. Clean wood may be handled in accordance with 310 CMR 16.03(2)(c)7 which allows for the on-site processing (*i.e.*, chipping) of wood for use at the Site (*i.e.*, use as landscaping material) and/or the wood to be transported to a permitted facility (*i.e.*, wood waste reclamation facility) or other facility that is permitted to accept and process wood.

2. *Compliance with Waste Ban Regulations:* Waste materials discovered during construction that are determined to be solid waste (e.g., construction and demolition waste) and/or recyclable material (e.g., metal, asphalt, brick, and concrete) shall be disposed, recycled, and/or otherwise handled in accordance with the Solid Waste Regulations including 310 CMR 19.017: *Waste Bans*. Waste Ban regulations prohibit the disposal, transfer for disposal, or contracting for disposal of certain hazardous, recyclable, or compostable items at solid waste facilities in Massachusetts, including, but not limited to, metal, wood, asphalt pavement, brick, concrete, and clean gypsum wallboard. The goals of the waste bans are to: promote reuse, waste reduction, or recycling; reduce the adverse impacts of solid waste management on the environment; conserve capacity at existing solid waste disposal facilities; minimize the need for construction of new solid waste disposal facilities; and support the recycling industry by ensuring that large volumes of material are available on a consistent basis. Further guidance can be found at: <https://www.mass.gov/guides/massdep-waste-disposal-bans>.

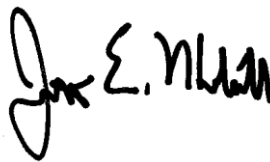
Proposed s.61 Findings

The “Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form” may indicate that this Project requires further MEPA review and the preparation of an Environmental Impact Report. Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the Proponent will prepare Proposed Section 61 Findings to be included in the EIR in a separate chapter updating and summarizing proposed mitigation measures. In accordance with 301 CMR 11.07(6)(k), this chapter should also include separate updated draft Section 61 Findings for each State agency that will issue permits for the Project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

Other Comments/Guidance

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this ENF. If you have any questions regarding these comments, please contact George Zoto at (508) 946-2820.

Very truly yours,



Jonathan E. Hobill,
Regional Engineer,
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director

David Johnston, Deputy Regional Director, BWR

Gerard Martin, Deputy Regional Director, BWSC

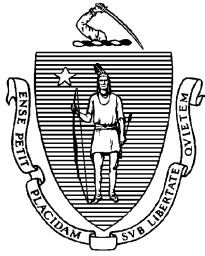
Seth Pickering, Deputy Regional Director, BAW

Jennifer Viveiros, Deputy Regional Director, ADMIN

Daniel Gilmore, Chief, Wetlands and Waterways, BWR

Gary Makuch, Wetlands and Waterways, BWR

Carlos Fragata, Wetlands and Waterways, BWR
Mark Dakers, Solid Waste, BAW
Alison Cochrane, Solid Waste, BAW
Allen Hemberger, Site Management, BWSC



The COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

251 Causeway Street, Suite 800, Boston, MA 02114-2136

Tel. (617) 626-1014 Fax (617) 626-1240

www.mass.gov/orgs/board-of-underwater-archaeological-resources

October 27, 2020

Kathleen A. Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
Attention: Eva Murray, MEPA Unit
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: 978 Solar Development, LLC, (EOEA #16278), Westport, MA

Dear Secretary Theoharides,

The staff of the Massachusetts Board of Underwater Archaeological Resources has reviewed the above-referenced proposed project as detailed in the *Environmental Monitor* of 7 October 2020 and offers the following comments.

The Board has conducted a preliminary review of its files, the Massachusetts Historical Commission's (MHC) Massachusetts Cultural Resources Inventory System (MACRIS), historical maps, and secondary literature sources to identify known and potential submerged cultural resources in the proposed project area. No record of any underwater archaeological resources was found in the wetlands portion of the proposed project area. Based on the results of this review, the Board expects that this project is unlikely to impact submerged cultural resources.

Should heretofore unknown archaeological resources be encountered during the course of work, the Board expects that the project's sponsor will take steps to limit adverse effects and notify the Board and the MHC, as well as other appropriate agencies, immediately in accordance with the Board's *Policy Guidance for the Discovery of Unanticipated Archaeological Resources*.

The Board appreciates the opportunity to provide these comments as part of the MEPA review process. Should you have any questions regarding this letter, please do not hesitate to contact me by email at david.s.robinson@mass.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "David S. Robinson", with a stylized flourish at the end.

David S. Robinson
Director

/dsr

Cc: Brona Simon, MHC
Bettina Washington, WTGH/A (via email attachment)
David Weeden, MWT (via email attachment)