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June 12, 2020

Ms. Kathleen A. Theoharides, Secretary
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Request for Advisory Opinion
Montague to Fairmont Structure Replacement Project (MFRP)
Eversource Lines 1044/1632/1113/1134
Montague, MA – Chicopee, MA

Dear Secretary Theoharides:

NSTAR Electric Company d/b/a Eversource Energy (“Eversource”) is submitting this request for an advisory opinion, pursuant to 301 C.M.R. § 11.01(6)(a), regarding whether the Montague to Fairmont Structure Replacement Project (the Project) constitutes a “Replacement Project” and “Routine Maintenance” under 301 CMR 11.02(2) and is therefore exempt from MEPA review per 301 CMR 11.01(2)(b)(3). The Company maintains that the Project is exempt, consistent with the following advisory opinions: MEPA Advisory Opinion, NSTAR Electric Transmission Line 322 – Carver to Sandwich (2011); MEPA Advisory Opinion, NSTAR Electric Circuit 303 - Mattapoisett (2010); MEPA Advisory Opinion, NSTAR Electric Line Reconfiguration (in connection with EEA #13952) (2008). The Company’s rationale is presented below.

Project Description

Eversource’s Line 1044, Line 1632, Line 1113 and Line 1134 are existing 115 kilovolt (kV) electric transmission lines that occupy an existing utility right-of-way that runs from the Montague Substation in Montague, MA to the Fairmont Substation in Chicopee, MA for approximately 32 miles (Figure 1, locus map) traversing seven (7) communities (Montague, Sunderland, Leverett, Amherst, Granby, South Hadley and Chicopee) in western Massachusetts.

The lines were originally built between 60 and 100 years ago on double-circuit steel lattice structures, which are at the end of their useful lives and are exhibiting evidence of deterioration. The Project consists of replacing 291 structures with 289 double-circuit weathering steel mono-pole structures. The existing structures range from 31 to 112 feet above ground level and replacement structures will be on average 15 feet taller. Additionally, the existing aged conductors will be replaced with new conductors operated at the same voltage and the existing shield wire will be replaced with a new fiber optic ground wire. Counterpoise will be installed at select new structure locations. Selective tree removal and trimming will be performed within the ROW in areas needed to maintain the required distance between the wires and the trees. The Project is necessary to ensure the continued reliable supply of electrical power to the region.

The existing gravel access roads within the ROW will provide the primary access for construction work. Improvements to existing access roads may be necessary, such as top-dressing with additional gravel and/or grading, to smooth out rough spots and depressions. Gravel access roads will also be constructed in upland areas, where required to safely access the structures, including within Priority Habitat, wetland buffer zones and Riverfront Areas. No permanent gravel access roads will be constructed in wetlands. Access through wetlands will be avoided where possible; however, if necessary temporary construction mats will be used.

Preparation of a work area, or “work pad”, at each structure is required to provide safe access for construction equipment and personnel. This may require some vegetation removal in the form of mowing and shrubbery/tree trimming, as well as grading of the ground surface and addition of gravel to create a level and safe work area. For those structures located within wetlands, the work pad will be temporarily matted to support the equipment needed for construction.

Permits/Approvals:

Eversource has incorporated extensive measures into the design to avoid and minimize Project impacts to the greatest practicable extent, and where impacts cannot be avoided, appropriate mitigation will be implemented. Best management practices set forth in Eversource’s Best Management Practices Manual will be followed. For unavoidable impacts, the Project anticipates seeking the following state permits:

Agency	Permit/Approval	Jurisdiction	Possible MEPA Thresholds
Massachusetts Department of Environmental Protection	Section 401 Water Quality Certification (314 CMR 9.00)	Work in waters of the U.S., including wetlands, exceeding certain review thresholds for fill or dredge.	<p><i>Wetlands, Waterways and Tidelands:</i></p> <p>Provided that a Permit is required, alteration of one or more acres of bordering vegetating wetlands¹ (301 CMR 11.03(3)(a)1.a.)</p> <p>Provided that a Permit is required, alteration of ten or more acres of any other wetlands¹ (301 CMR 11.03(3)(a)1.b.)</p> <p>Provided that a Permit is required, alteration of one half or more acres of any other wetlands² (301 CMR 11.03(3)(b)1.f.)</p>
Massachusetts Natural Heritage & Endangered Species Program (NHESP)	Massachusetts Endangered Species Act – Determination of Take or No Take; Conservation & Management Permit (anticipated)	State-listed Rare Species and Estimated/Priority Habitats	<i>State-listed Species Under M.G.L. c. 131A:</i> Greater than 2 acres of disturbance of designated Priority Habitat, as defined in 321 CMR 10.02, that results in a Take of a state-listed endangered or threatened species or species of special concern. (301 CMR 11.03(2)(b)2)

Notes:

¹ Impacts to BVW and other wetlands are anticipated to be primarily temporary impacts associated with construction mats.

² For this project, impact to other wetlands includes permanent impact to Riverfront.

Please note, as a maintenance and replacement project, the Department of Public Utilities (DPU) did not require the project to obtain approval pursuant to G.L. c. 164, § 72. Additional permit applications are expected to be filed with the U.S Army Corps of Engineers, Environmental Protection Agency and local Conservation Commissions.

Issue Presented:

According to 301 CMR 11.01(2)(b)(3), “the review thresholds do not apply to a lawfully existing structure, facility or activity; Routine Maintenance; a Replacement Project...”. Consistent with past Advisory Opinions issued by the MEPA office on projects conducted by Eversource, and its predecessor companies, MEPA has considered similar projects within our existing electric utility ROWs to be “Routine Maintenance” and/or “Replacement Projects” that do

not trigger MEPA review. See, e.g., MEPA Advisory Opinion, NSTAR Electric Transmission Line 322 – Carver to Sandwich (2011); MEPA Advisory Opinion, NSTAR Electric Circuit 303 - Mattapoisett (2010); MEPA Advisory Opinion, NSTAR Electric Line Reconfiguration (in connection with EEA #13952) (2008).

The MFRP is both a routine maintenance and a replacement project. The term “Routine Maintenance” under MEPA, is defined as “Any maintenance work or activity carried out on a regular or periodic basis in a manner that has no potential for Damage to the Environment or for which performance standards have been developed that avoid, minimize, or mitigate potential environmental impacts to the maximum extent practicable.” This project will be designed and executed to avoid, minimize or mitigate potential environmental impacts to the maximum extent practicable using best management practices (BMPs) (e.g. temporary construction mats) that Eversource has developed in its Best Management Practices Manual, as well as any BMPs dictated by State permitting agencies (e.g. rare species protection measures).

Furthermore MEPA defines a “Replacement Project” as follows: “Any Project to repair, replace, or reconstruct a previous use of or Project site that does not: (a) increase potential environmental impacts or need additional or changed environmental Permits [State permit]; or (b) result in any substantial (10% or more Expansion of the use or Project), provided that the previous use or Project has not been discontinued for more than three years and that the Expansion does not meet or exceed any review thresholds.” This project has been specifically designed to replace existing transmission structures which have been in continuous use, it does not represent an Expansion and such work will be conducted in a manner that will minimize environmental impacts.

Based upon the foregoing, the Company believes that the MFRP is both a routine maintenance and a replacement project. Accordingly, we respectfully request your opinion that no MEPA review is required for the Project. If you have any questions regarding the Project, please let me know.

Regards,



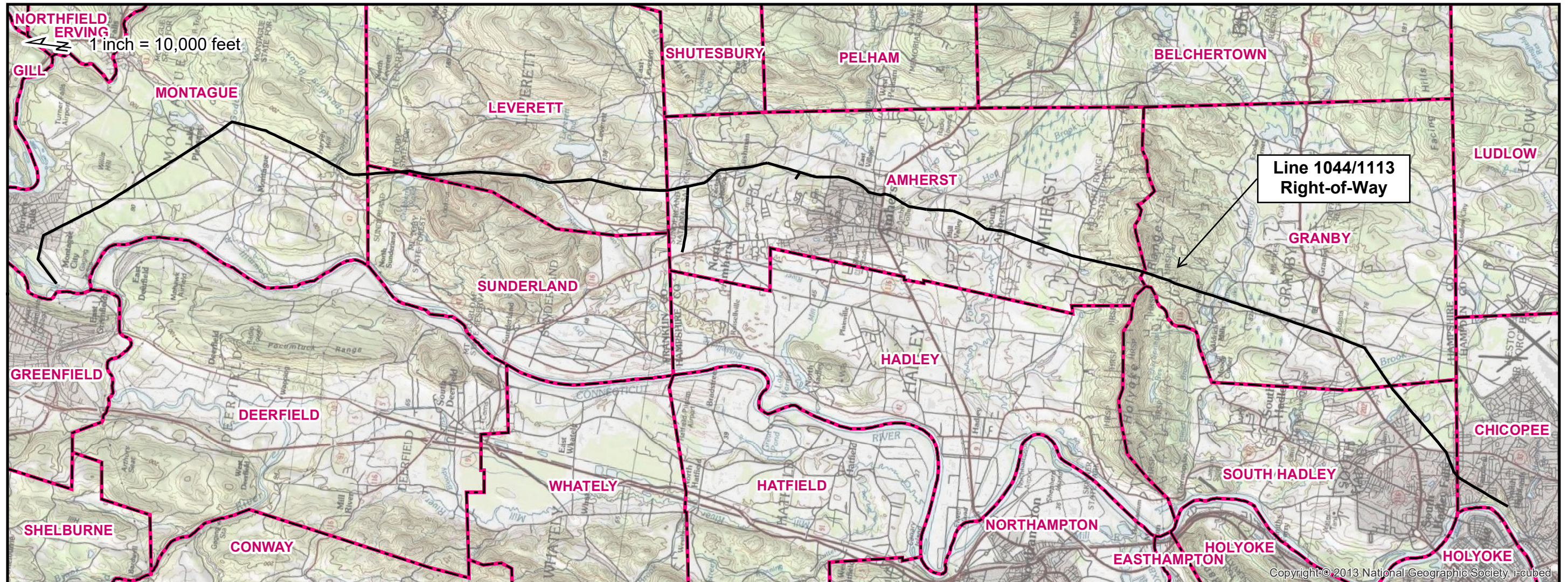
Denise M. Bartone
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EVERSOURCE ENERGY

Attachment: Figure 1 Project Locus Map

MONTAGUE TO FAIRMONT STRUCTURE REPLACEMENT PROJECT

Montague, Sunderland, Leverett, Amherst, Granby,
South Hadley & Chicopee, Massachusetts

06/08/2020



PREPARED FOR

EVERSOURCE
ENERGY

107 Selden Street
Berlin, CT 06037

MEPA REQUEST FOR ADVISORY OPINION

Figure 1

Map Notes:
Basemap: USGS Topographic Map

The information/data provided in this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation or parcel level analysis. The maps should not be used for construction purposes. Recommended print size: 11" by 17"

PREPARED BY



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