



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

Deval L. Patrick  
GOVERNOR

Timothy P. Murray  
LIEUTENANT GOVERNOR

Ian A. Bowles  
SECRETARY

Tel: (617) 626-1000  
Fax: (617) 626-1181  
<http://www.mass.gov/envir>

May 30, 2008

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

PROJECT NAME: SHELd Electric Utility Expansion  
PROJECT MUNICIPALITY: South Hadley  
PROJECT WATERSHED: Connecticut  
EEA NUMBER: 14236  
PROJECT PROPONENT: South Hadley Electric Light Department (SHELd)  
DATE NOTICED IN MONITOR: April 23, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Expanded Environmental Notification Form (EENF), the project involves the installation of three electrical transmission lines from Brainerd Road to the Pine Shed Substation in the Town of South Hadley, Massachusetts. The project Proponent is the South Hadley Electric Light Department (SHELd). The project site currently has a single electrical transmission line supported by 22 treated wood monopoles. The total length of the proposed project is 2,713 feet and would encompass approximately 6.1 acres. A portion of the utility corridor right-of-way (ROW) traverses Stony Brook and significant wetland resource areas are present at the project site. The project will result in the conversion of 1.16 acres of red maple swamp to a shrub and herbaceous wetland. The project site has also been identified as Priority and Estimated Habitat for state-listed rare species. A Town of South Hadley sanitary sewer easement lies to the south of Stony Brook and along the established ROW.

The electrical transmission line has been in service without substantial upgrades since 1975. According to the EENF, the current state of the transmission line is fair to poor. The poles are degraded and one has been completely undermined by Stony Brook. Many service interruptions in this area are directly attributable to this section of the power grid. As outlined in the EENF, the proposed upgrades will include:

- Expansion of the existing ROW to a consistent width of 100 feet;
- The removal of all trees and tree limbs with the potential to impact the electrical transmission lines;
- The removal of the existing single electrical transmission line and installation of three parallel electrical transmission lines with a capacity for a fourth electrical transmission line; and,
- Maintenance of the utility corridor.

The Proponent states that the proposed upgrades will increase reliability of the power grid in the area and ensure greater worker safety while servicing the electrical transmission lines.

#### Jurisdiction and Permitting

The project is undergoing MEPA review and requires the preparation of an EIR pursuant to Section 11.03(3)(a)(1)(a) of the MEPA regulations because it will result in the alteration of more than one acre of Bordering Vegetated Wetlands (BVW). The project requires the following permits and/or review: a National Pollutant Discharge and Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA); an Individual Permit pursuant to Section 404 of the Clean Water Act from the U.S. Army Corps of Engineers (ACOE); a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP); review from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP); review from the Massachusetts Historical Commission (MHC); and an Order of Conditions from the South Hadley Conservation Commission.

Because the Proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction extends to wetlands, rare species and historic resources.

#### Request for a Single EIR

In accordance with Section 11.05(7) of the MEPA regulations, the Proponent has submitted an Expanded ENF (EENF) with a request that I allow the proponent to fulfill its EIR obligations under MEPA with a Single EIR, rather than require the usual two-step Draft and Final EIR process. The EENF received an extended public comment period pursuant to Section 11.06(1) of the MEPA regulations. I have reviewed the Proponent's request for a Single EIR in accordance with Section 11.06(8) of the MEPA regulations, and I hereby find that the EENF

meets the regulatory standards. I will therefore allow the Proponent to prepare a Single EIR in fulfillment of the requirements of Section 11.03 of the MEPA regulations.

While I am allowing the preparation of a Single EIR, I note that there are several unresolved issues related to wetlands mitigation, rare species impacts and historic resources that must be addressed completely by the Proponent in order to receive a finding of adequacy on the Single EIR. If the Single EIR is not responsive to the Scope outlined in this Certificate, the Proponent may be required to submit a Supplemental Single EIR pursuant to 301 CMR 11.08(8)(d).

## SCOPE

### General

As modified by this Certificate, the Proponent should prepare the Single EIR in accordance with the general guidelines for outline and content found in Section 11.07 of the MEPA regulations. The Single EIR should include a copy of this Certificate and of each comment submitted on the EENF. In order to ensure that the issues raised by commenters are addressed, the Single EIR should include a response to comments. This directive is not intended to and shall not be construed to enlarge the scope of the Single EIR beyond what has been expressly identified in this Certificate.

The Proponent should circulate the Single EIR in accordance with Section 11.01(16) of the MEPA regulations; to those who commented on the EENF; to municipal officials in the Town of South Hadley; and to any state and federal agencies from which the Proponent will potentially seek permits or approvals. In addition, copies of the Single EIR should be made available at the South Hadley public library.

### Permitting and Consistency

The Single EIR should include a brief description of each state permit or agency action required or potentially required, and should demonstrate that the project will meet applicable performance standards. The Single EIR should contain sufficient information to allow the permitting agencies to understand the environmental consequences of their official actions related to the project.

In accordance with Executive Order No. 385, "Planning for Growth" and Section 11.03 (3)(a) of the MEPA regulations, the Single EIR should discuss the consistency of the project with local and regional growth management and open space plans. The Proponent should also provide an update on the local permitting process for the project.

## Alternatives

The Proponent examined three alternatives for utility line expansion during the preliminary design process for the project. The first alternative, referred to as the “status quo” or no-build alternative, was eliminated because it does not meet recently revised National Electrical Safety Code (NESC) standards for pole load and ice loading, and presents safety challenges to employees working on the pole line. Additionally, the current line is also overtaxed and an increasing number of power outages are directly attributable to this section of the power grid.

The second alternative involves rerouting the utility corridor underground to Pine Street and along the access road to the Pine Shed Substation. While this alternative would cause fewer disturbances to resource areas and priority habitat, the installation of additional utility lines within the existing conduit bank would make the system extremely susceptible to a complete shut down in the event of a single event contingency such as a manhole fire or a cable failure. The construction of a new electrical conduit bank parallel to the existing bank is space-constrained by the existing bank, a sewer main, a water main and a proposed high pressure natural gas line.

The third alternative involves acquisition of a new ROW directly from Route 116 to the Pine Street substation. This alternative would require a 100 foot wide path of disturbance to wetlands and rare species habitat rather than a 40 foot wide path proposed along the existing ROW. In addition, in all but the status quo alternatives, the existing utility lines and wooden monopoles would be removed from the site for safety reasons following completion of the new utility lines, resulting in impacts at the current site regardless of where new utility lines are installed.

The discussion of alternatives should be expanded in the Single EIR to include additional project design alternatives and measures to avoid, minimize or mitigate the environmental impacts associated with wetlands and rare species habitat to the maximum extent feasible. In addition to the alternatives outlined in the EENF, the Proponent should evaluate the following:

- The Proponent indicated at the MEPA site visit for the project that the construction of three transmission lines would only require widening the ROW to 80 feet, and the proposal to widen to 100 feet was included in case a wider easement was needed in the future. The Single EIR should provide more information to demonstrate that the 100 foot alternative has avoided, minimized and mitigated environmental impacts consistent with the objectives of MassDEP and NHESP regulations.
- As part of the ROW widening the Proponent proposes to leave stumps in place and chip the trees on site. The Proponent states that the chipped materials will be left on-site to protect soils from rain, prevent the colonization of invasive species, minimize erosion and provide a suitable medium for the establishment of herbaceous and shrub vegetation. The Proponent should present an alternative scenario in which vegetative material is taken out of the ROW instead of chipped and left on-site. The Proponent should discuss the trade-offs between chipping and leaving the material on-site compared to removing the trees and vegetation with regard to required equipment, construction impacts and permanent impacts. The Proponent should present an estimate of the number of trees that would be removed to widen the ROW

to 100 feet and 80 feet and the corresponding volume of wood chips that would be left at the site. The Proponent should also evaluate an alternative in which trees are selectively cut to achieve the required clearance for the transmission lines instead of completely clearing the entire ROW.

- The Proponent proposes to mitigate the impacts of the red maple swamp conversion with the removal of invasive species (multiflora rose and oriental bittersweet). According to the EENF, the invasive species will be cut and chipped along with other vegetation in the ROW. I note concerns that have been raised regarding the potential of this proposal to result in the spread of invasive species through seed. The Proponent should present an alternative in which invasive species are completely removed from the ROW. The Single EIR should detail the removal methodology, required equipment and access, potential wetland impacts associated with the invasives removal, and any post-construction invasives monitoring.
- The Single EIR should also incorporate any alternatives analyses that may be required under Section 404 and 401 of the Clean Water Act.

### Wetlands

The following resource areas have been identified at the project site: Bordering Vegetated Wetlands (BVW), Land Under Water (LUW), Isolated Land Subject to Flooding (ISLF), Riverfront Area and Bank. According to the EENF, the project will result in impacts to 58,858 square feet of BVW. The Single EIR should include plans that clearly delineate all applicable resource area boundaries on the project site including the Mean Annual High Water Line (MAHWL) of all perennial rivers and any resource areas on access roads. The Proponent should provide a functional assessment of each wetland resource area. The Proponent should clearly indicate and quantify wetland impacts associated with each component of the project, including ROW widening, access to the project site, construction period impacts, removal of existing poles, removal and chipping of vegetation, and ongoing ROW maintenance. If wood chips are to be left on-site, the Proponent should clarify whether this cover will constitute an impact to wetlands under ACOE and MassDEP regulations.

The Proponent has filed a Notice of Intent with the South Hadley Conservation Commission pursuant to the Limited Project provisions of the Wetlands Protection Act (WPA) at 310 CMR 10.53(3)(d). Limited project status requires the Proponent to demonstrate compliance with the General Performance Standards in the WPA if possible; the Proponent should clarify in the Single EIR which performance standards it will not be able to meet. The Proponent should seek guidance from MassDEP regarding the need for a wildlife habitat evaluation per 310 CMR 10.60. If required, the Proponent should present the results of the evaluation in the Single EIR.

According to the EENF, the Proponent is seeking a waiver from the requirement to obtain a 401 Water Quality Certificate from MassDEP. In its comments on the EENF, MassDEP has stated that the Proponent has not provided adequate information to demonstrate that a Water Quality Certificate is not required. The Proponent should consult with MassDEP in advance of submitting the Single EIR on this issue. If a waiver from the Water Quality Certificate regulations is granted, the Single EIR should include the relevant communication from MassDEP. If MassDEP does not grant a waiver, the Proponent should demonstrate in the Single

EIR that the project will comply with the applicable regulations at 314 CMR 9.00.

The Proponent should clarify the amount of wetland replication that will be required by both state and federal requirements and should demonstrate in the Single EIR that it will be able to meet wetland mitigation requirements. As noted at the MEPA site visit for the project, the ACOE may require a minimum of 4:1 replication on site or a minimum of 16:1 for off-site replication. The Proponent should demonstrate how proposed replication areas would comply with the standards for BVW at 310 CMR 10.55(4). The Single EIR should also discuss mitigation requirements for all other resource areas to be impacted. For all proposed wetland replication, the Proponent should identify proposed the wetland replication area, and detail plans for the construction and monitoring of any replication areas.

### Rare Species

NHESP has identified Priority and Estimated Habitats for state-listed rare species within or near the project site. The following four state-listed species were identified: Wood Turtle (*Glyptemys insculpta*), Gray's Sedge (*Carex grayi*), Cat-tail Sedge (*Carex typhina*), and Winged Monkey-Flower (*Minulus alatus*).

NHESP has determined that the project must be conditioned in order to avoid a prohibited take of the wood turtle. NHESP will require that activities related to tree clearing, pole installation, line installation and periodic maintenance occur between October 31<sup>st</sup> and April 15<sup>th</sup> in order to avoid adverse impacts to wood turtle habitat. The Proponent should commit to this condition in the Single EIR.

NHESP has also determined that the project has the potential to result in a take of state-listed plant species and has requested that the Proponent conduct additional plant surveys. As outlined in the EENF, a plant survey will be conducted by a NHESP-approved botanist during the growing and flowering phases of the state-listed plants. The results of the botanical surveys and the results of any consultation with NHESP should be presented in the Single EIR. If NHESP makes a determination that the project will result in a take of state-listed plant species, the Single EIR should identify and commit to mitigation that will be required as part of the Conservation and Management Permit process. If NHESP determines that the project will not result in a take, the Single EIR should outline any conditions that will be required related to state-listed plants and should demonstrate that it will be able to comply with the conditions.

### Historic Resources

As outlined in its comment letter on the EENF, MHC's review of the Inventory of Historic and Archaeological Resources of the Commonwealth determined that one ancient archaeological site is immediately adjacent to the expanded ROW for the project. Several other archaeological sites have also been identified in the vicinity of the project site. MHC has requested that the Proponent conduct an intensive (locational) archaeological survey pursuant to 950 CMR 70 to locate, identify and evaluate any significant historic or archaeological resources that may be affected by the proposed project. The survey will be used to help identify project

planning alternatives to avoid, minimize, or mitigate any adverse effects to significant cultural resources through planning and design considerations.

The Single EIR should report on the Proponent’s consultation with MHC and should present the results of any survey work conducted at the site. A discussion of measures that will be implemented to avoid, minimize or mitigate possible impacts to significant historic or archaeological resources should be provided.

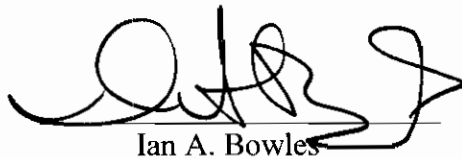
Construction Period Impacts

The Single EIR should include a discussion of construction phasing, evaluate potential impacts associated with construction activities, and propose feasible measures to avoid or eliminate these impacts. I encourage the Proponent to consider participating in MassDEP’s Clean Construction Equipment Initiative consisting of an engine retrofit program and/or use of low sulfur fuel to reduce exposure to diesel exhaust fumes and particulate emissions during construction.

Mitigation

The Single EIR should contain a separate chapter on mitigation measures. It should include a Draft Section 61 Finding for all state permits that includes a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation. The Single EIR should provide a schedule for the implementation of the mitigation, based on the construction phases of the project.

May 30, 2008  
Date



Ian A. Bowles

Comments received:

- 5/12/2008 Massachusetts Historical Commission
- 5/21/2008 Town of South Hadley, Conservation Commission
- 5/22/2008 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
- 5/23/2008 Department of Environmental Protection, Western Regional Office

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