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August 8, 2008

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

PROJECT NAME: I-93/Route 110/Route 113 Interchange Reconfiguration and Reconstruction Project
PROJECT MUNICIPALITY: Methuen
PROJECT WATERSHED: Merrimack
EOEA NUMBER: 14279
PROJECT PROPONENT: Massachusetts Highway Department
DATE NOTICED IN MONITOR: July 9, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a Draft and Final Environmental Impact Report (DEIR, FEIR).

Project Description

Based on the recommendations of its May 2008 Methuen Rotary Study, the Massachusetts Highway Department (MassHighway) is proposing to redesign and reconstruct the I-93/Route 110/Route 113 interchange (Methuen Rotary Project) to increase mobility, reduce congestion, and improve safety and air quality. As described by MassHighway, the project is consistent with the long-term improvement recommendations of the Methuen Rotary Study, undertaken by MassHighway with input from the Study Advisory Committee (SAC), to evaluate and address transportation issues at the I-93/Route 110/Route 113 interchange and surrounding arterials in the City of Methuen. The proposed project is not intended to increase roadway capacity.

As described in the Environmental Notification Form (ENF), the project involves the construction of a series of short-term improvements and a long-term interchange reconfiguration alternative (Alternative 3A) to provide needed short-term temporary relief and a permanent structural solution for the Methuen Rotary study area. The project consists of the construction of the following short-term and long-term permanent improvements:

Short-term Improvements

- Clear growth on northwest quadrant to improve sight lines for vehicles exiting the rotary;
 - Install warning signs for westbound vehicles exiting the rotary;
- Install traffic safety signs along Route 113 west of the rotary;
- Install a flashing warning light at bottom of southbound off-ramp;
- Install additional lighting as needed at the rotary and within the rotary area;
- Reapply striping and pavement markings through the rotary and its approaches;
- Install advance signage at all rotary approaches;
- Construct a roadway widening to accommodate rotary by-pass lanes on three rotary approaches;
- Construct a realignment of the westbound exit from the rotary; and,
- Construct new signalization at existing rotary intersections.

Permanent Improvements – Alternative 3A (Partial Cloverleaf)

- removal of the existing rotary configuration;
 - construction of a partial cloverleaf (two loops) interchange to accommodate westbound Route 110/113 to southbound I-93 on-ramp, and I-93 northbound off-ramp to westbound Routes 110/113;
 - widening and re-alignment of western portion of Route 113 and eastern portion of Route 110 to provide continuous through-movements for Routes 113 and 110;
- construct improved signage and public transit information;
- construct improved pedestrian/bicycle amenities;
 - conduct a Type I Noise Analysis consistent with FHWA Highway Traffic Noise Abatement Policy as well as MassHighway Type I Noise Policy. If noise impacts are identified (per policy) mitigation in the form of noise barriers will be considered; and,
- transit enhancements and improvements.

The project is undergoing review and requires preparation of a mandatory EIR pursuant to Section 11.03(3)(a)(2), and of the MEPA Regulations because it will require a Variance in accordance with the Wetlands Protection Act (WPA). The project is also undergoing review pursuant to Sections 11.03 (1)(b)(2), 11.03(3)(b)(1)(d), 11.03(6)(b)(1)(b) and 11.03(6)(b)(2)(a) of the MEPA Regulations because it will result in the creation of five or more acres of impervious surface area; the alteration of 5,000 or more square feet (sf) of bordering vegetated wetlands (BVW); widen an existing roadway for one-half or more miles, and alter terrain ten or more feet from the existing roadway for one-half or more miles. The project will require a Section 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP). The project must obtain an Order of Conditions from the Methuen Conservation Commission or if the Orders are appealed, a Superseding Order of Conditions from MassDEP.

The project will require a Variance from MassDEP's Wetlands Regulations and a Construction Dewatering Permit, a Notice of Construction & Demolition, and a Notice Regarding Demolition and Construction from MassDEP. It must comply with the National Pollution Discharge Elimination System (NPDES) General Permit from the United States Environmental Protection Agency (U.S. EPA) for stormwater discharges from a construction site of over one acre. MassHighway may be required to prepare a blast design plan pursuant to the Board of Fire Protection Regulations (577 CMR 13.09) for the proposed construction of roads, semi-direct ramps and replacement bridges within the project area. Because the project proponent is a state agency and the project involves state funding, MEPA jurisdiction is broad and extends to all aspects of the project that may cause significant damage to the environment.

SCOPE

General

The DEIR should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate. The DEIR should contain a copy of this Certificate and a copy of each comment letter received. MassHighway should circulate the DEIR to those parties who commented on the ENF, to any state agencies from which MassHighway will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations.

Project Description

For the preferred alternative, the DEIR should include a thorough description of the full project and all project elements and phases. The DEIR should also include a brief description of each Federal, State and local permit or agency action required or potentially required for the project, and it should demonstrate that the project meets applicable performance standards.

Alternatives Analysis

In addition to the preferred project alternative presented in the ENF (Alternative 3A – Partial Cloverleaf), the Proponent evaluated numerous alternative site plan configurations including Alternative 2B (Single Point Urban Interchange – SPUI), and the No-Build alternative as part of the project planning process. The preferred alternative was selected based on minimization of environmental impacts and construction costs, and maximizing vehicular, bicycle and pedestrian mobility and safety through the rotary and surrounding arterials. According to MassHighway, the preferred alternative works best to meet the needs of the project, requires only one bridge crossing, requires no major vehicular weaving conflicts, and provides the lowest anticipated construction costs. The preferred alternative may be carried forward in the preparation of the Draft Environmental Impact Report DEIR.

The DEIR should clearly demonstrate how the preferred alternative minimizes overall

impacts. Any project phasing should be identified in the DEIR. The DEIR should identify the construction and completion dates for any/all project construction phases.

Transportation

The project is presented in the ENF as a transportation improvement project, designed to improve traffic flow and traffic safety from both I-93 northbound and southbound, and Route 110 eastbound and Route 113 westbound through the interchange. The Methuen Rotary Project is not intended to increase road capacity. According to MassHighway, the project is at the early design stage and many design considerations for the preferred alternative will continue to undergo evaluation (including environmental impacts, layout, intersection capacity, and signal placement) as design progresses. The DEIR should be prepared in conformance with the EEA/EOTPW Guidelines for EIR/EIS Traffic Impact Assessment. It should identify appropriate mitigation measures for areas where the project may produce impacts on local and regional traffic operations, especially where delays may increase at intersections located downstream of the Methuen Rotary project along I-93 to Andover and Boston, and west of the rotary project area along Routes 110 and 113 to Dracut and Lowell.

The DEIR should include an updated Level-of-Service (LOS) analysis for interchanges and roadway intersections located within the project area for the morning and evening peak hours during project construction and post-construction. MassHighway should consult with Methuen and Dracut officials to identify any additional local intersections and roadway sections to include in the updated LOS analysis. The DEIR should include a summary of average and 95th percentile vehicle queues for each intersection within the study area. It should also analyze weave and merge operations on I-93 and the Route 110 and Route 113 ramps.

The DEIR should include traffic projections from other future development proposals located in the vicinity of the Methuen Rotary Project. The DEIR should identify current roadway improvement projects located in the City of Methuen that could impact traffic flows during construction of the proposed interchange improvements. It should provide the most current information on the proposed construction dates for any roadway improvements in the area. The DEIR should discuss the suitability of any proposed roadway widening, new roadway construction, and signage and signalization changes. It should discuss right-of-way (ROW) implications of possible widening and describe how such ROWs would be acquired. The DEIR should identify these improvements and their schedule for implementation. The DEIR should include a discussion of the need for construction and post-construction traffic monitoring that may be required as part of project approvals and Section 61 Findings.

Transportation Demand Management

The DEIR should include a description of any proposed Transportation Demand Management (TDM) improvements to reduce vehicle trip congestion in the project area during project construction and to offset any project-generated GHG impacts.

As discussed elsewhere in this Certificate, the Methuen Rotary Study identified a number of

conceptual transit, park-and-ride, and Intelligent Transportation Systems (ITS) options listed below that could benefit the project area. MassHighway has committed to identify potential transit-related improvements to be incorporated in its TDM plan. MassHighway should consider the following:

- Expand Park-and-Ride capacity in the rotary interchange project area;
- Add signage along Routes 110 and 113 to promote alternative transportation options;
- Extend the Merrimack Valley Regional Transit Authority (MVRTA) Route 35 bus route and the Lowell Regional Transit Authority (LRTA) Route 1 bus route to meet and create a timed transfer;
- Create a new Lawrence-to-Lowell bus route along Route 113; and,
Add Dynamic Message Signs (DMS) on I-93 promoting the existing Park-and-Ride Lot at Pelham Street

All project contractors should be required to participate in the proposed TDM plan. The TDM plan should describe any construction and post-construction monitoring necessary to ensure the success of the proposed transit improvements and TDM program.

Transit

The DEIR should provide a map of public transit routes and shuttle bus service routes in the project area that may serve the project area. MassHighway should work with local officials from Methuen, Dracut, Lowell and Lawrence to identify potential Merrimack Valley Regional Transit Authority (MVRTA) bus connections and potential shuttle bus services from activity nodes and residential areas through the project area. The DEIR should explore opportunities to connect the project site to local park-and-ride lots including the Methuen Park-and-Ride Lot located north of the project site adjacent to I-93 at Exit 46 in Methuen and the Andover Park-and-Ride Lot located south of the project area adjacent to I-93 at Exit 42 in Andover. The DEIR should identify any construction and post-construction impacts to existing or proposed transit services with this project.

Pedestrian and Bicycle Facilities

The DEIR should show where sidewalks currently exist in a map of the project area and the locations of any new proposed sidewalks. It should identify how proposed sidewalks would connect to the existing sidewalks in the project area. The DEIR should identify any existing and proposed bicycle facilities included with this project. The DEIR should investigate all bicycle path and pedestrian connections and linkage opportunities in the project area.

Wetlands

According to the information provided in the ENF, the 45-acre interchange project site contains bordering vegetated wetlands (BVW) resource areas. Based on MassHighway's analysis of existing aerial photographs and digital geographic information systems (GIS) maps, the project is estimated to impact up to approximately 24,000 sf of BVW.

In its comments, MassDEP has indicated that the project will require a 401 Water Quality Certificate (401 WQC) from MassDEP, and a Variance from full compliance with MassDEP's wetlands regulations. According to MassDEP, the ENF does not contain sufficient information to accurately identify wetlands resource areas and previously constructed stormwater management infrastructure within the project area. The project area may contain additional wetland resource areas that do not appear on existing GIS maps.

All resource area boundaries, riverfront areas, applicable buffer zones, 100-year flood elevations, and public and private wellhead protection areas should be clearly delineated on a plan at a scale of not greater than one inch = 200 feet. Wetlands resource areas that have been delineated in the field should be surveyed, mapped, and located on the plans. Each wetland resource area and riverfront area should be characterized according to 310 CMR 10.00. The test should explain whether the Methuen Conservation Commission has accepted the resource area boundaries and any disputed boundary should be identified. For the preferred project alternative, the DEIR should quantify the amount of direct wetland resource area alterations proposed, including shading of wetlands under bridges and removal or height reduction of tree and shrub canopy from forested wetlands (crown area, not basal area). The DEIR should discuss the potential impacts to wetland resource areas from proposed activities including interim and permanent construction activities, construction mitigation, erosion and sedimentation control, phased construction, and stormwater drainage discharges or overland flows into wetland areas.

The locations of existing and proposed detention basins and their distances from wetland resource areas, and the expected water quality of the effluent from these basins should be evaluated. This analysis should address current and expected post-construction water quality (including winter de-icing and sanding analyses) of the predicted final receiving water bodies. Sufficient mitigation measures must be incorporated to ensure that no downstream impacts will occur. The drainage analysis must insure that on- and off-site wetlands are not impacted by changes in stormwater runoff patterns.

In order for MassHighway's preferred alternative to be implemented, the Commissioner of MassDEP will need to issue a variance from the Wetlands Protection Act regulations. As MassDEP has indicated in its comments, Variances have historically been issued by MassDEP only in rare and unusual circumstances involving the protection of public health, the protection of public safety, and environmental improvements. The variance eligibility standards (310 CMR 10.05) require the project proponent to satisfactorily demonstrate:

- 1) there are no reasonable conditions or alternatives that would allow the project to proceed in compliance with the Wetlands Regulations;
- 2) mitigation measures are proposed that will allow the project to be conditioned so as to contribute to the protection of the interests identified in the Wetlands Protection Act; and,
- 3) the variance is necessary to accommodate an overriding community, regional, state or national public interest.

MassHighway should use the DEIR to demonstrate how this interchange improvement project will advance public safety interests while substantially reducing the project's direct and indirect environmental impacts compared to the potential environmental impacts associated with the No Build scenario and other previously considered project alternatives. As noted elsewhere in this Certificate, the project requires a 401 Water Quality Certificate (401 WQC) from MassDEP and requires a variance from full compliance with MassDEP's wetlands regulations. I note that MassDEP's 401 WQC and the wetlands variance review processes require an alternatives analysis that considers practicable alternatives to avoid, minimize, and mitigate impacts to wetlands resource areas. Because the preferred alternative has been identified, I strongly encourage MassHighway to consult with MassDEP in order to commence analysis of the project's consistency with the variance requirements under the Wetlands Protection Act (310 CMR 10.05(10)) and the variance provisions of the 401 Water Quality Certification for Fill Projects in Waters and Wetlands pursuant to 314 CMR 9.08. This information should be presented in the DEIR.

The Commonwealth has endorsed a "No Net Loss Policy" that requires that all feasible means to avoid and reduce the extent of wetland alteration be considered and implemented. The DEIR should examine alternatives that avoid impacts to wetland resource areas, their associated buffer zones, riverfront protection areas and 100-year flood plain areas. Where it has been demonstrated that impacts are unavoidable, the DEIR should demonstrate that impacts will be minimized, and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00).

MassHighway must provide wetlands replication at a ratio of 2:1 for any unavoidable impacts to wetlands. The DEIR must identify MassHighway's plans for wetland restoration within the project area. For any amount of required wetlands replication, a detailed wetlands replication plan should be provided in the DEIR which, at a minimum, includes: replication location(s) delineated on plans at a scale no greater than one inch = 100 feet, elevations, typical cross-sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring. MassHighway should consult with the Massachusetts Wetlands Restoration Program of MassDEP concerning the wetland restoration plans.

Endangered Species

According to the comments received from the Natural Heritage and Endangered Species Program (NHESP), portions of the project site are located within the Merrimack River corridor, which is a habitat for the Bald Eagle (*Haliaeetus leucocephalus*), Clubtail Dragonfly (*Stylurus spiniceps*) and the Umber Shadowdragon (*Neurocordulia obsoleta*). Portions of the project site located along Route 113 in Methuen and Dracut are located with priority habitat and estimated habitat for the Wood Turtle (*Glyptemys insculpta*) and the Blanding's Turtle (*Emydoidea blandingii*).

NHESP has indicated that as currently designed, the short-term improvements and construction of the proposed partial cloverleaf (two loops) interchange may not occur with habitat areas and may not require further review pursuant to the Massachusetts Endangered Species Act (MESA 321 CMR 10.00). Further NHESP review of the project may be required if the proposed drainage improvements are designed to discharge to mapped habitat areas. The DEIR should include sufficient information pertaining to the project's stormwater management plan to determine if the project will require further NHESP review and a Conservation and Management Permit pursuant to the Massachusetts Endangered Species Act (MESA). If necessary, the DEIR should include an alternatives analysis to evaluate methods of avoiding or minimizing impacts on rare species, and the document should fully explain any permitting implications under MESA. MassHighway should contact NHESP during its design of the project's stormwater management plan and the preparation of this section of the DEIR.

Stormwater

The DEIR should include a detailed description of the proposed project's construction and post-construction period drainage system design, including a discussion of the alternatives considered along with their impacts.

For the preferred project alternative, the DEIR should identify any stormwater discharge points, existing stormwater management infrastructure, and any drainage impacts associated with required off-site roadway improvements. The DEIR should identify the quantity and quality of flows. The rates of stormwater runoff should be analyzed for the 10, 25 and 100-year storm events. It should also be demonstrated that the proposed drainage system would control storm flows at existing levels. MassHighway should recharge treated stormwater runoff from roadways in order to retain as much as possible of the existing groundwater flows and drainage patterns. Groundwater recharge areas for stormwater infiltration should not be located within the Zone I of a public water supply. The DEIR should indicate and discuss where the stormwater drainage systems for Route I-93 and Routes 110 and 113 discharge in this area. If MassHighway ties into an existing municipal stormwater system or its own drainage system, the DEIR should clarify the permits required and if there will be a recharge deficit on-site. MassHighway should provide calculations and supporting information sufficient to demonstrate that the design of the project's drainage system can accommodate stormwater flows during severe storm events without impacting adjacent BVW resources and land uses. The DEIR should address the performance standards of MassDEP's Stormwater Management Regulations. The DEIR should demonstrate that the design of the drainage system for the preferred alternative is consistent with this policy. In the alternative, the DEIR should explain why MassHighway is proposing a drainage system design not recommended by MassDEP. MassHighway should use the MassDEP Stormwater Management Handbook when addressing this issue.

The DEIR should also discuss consistency of the project with the provisions of the National Pollution Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency for stormwater discharges from construction sites.

The DEIR should include a detailed description of MassHighway's plan to implement best management practices (BMPs) to address the stormwater runoff generated from any portion of the proposed project. This discussion of BMPs should include a draft Pollution Prevention Plan. In addition, a maintenance program for the drainage system will be required to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, sweeping schedule, responsible parties, and back-up systems. MassHighway should commit to use a non-sodium based de-icer on pavement surfaces. Any de-watering of the construction site should include monitoring to ensure that there is no impact to groundwater levels. The DEIR should summarize existing pre-construction groundwater conditions, and propose groundwater monitoring to address any impacts.

I encourage MassHighway to evaluate opportunities for incorporating sustainable design alternatives including Low Impact Development (LID) techniques in the project's site design and stormwater management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

Historic and Archaeological Resources

According to comments received by the Massachusetts Historical Commission (MHC), the project area contains a number of historically significant structures/properties included in MHC's Inventory of Historic and Archeological Assets of the Commonwealth (*Enoch H. Griffin House, 51 North Lowell Street MHC# MET.181, Moses G. Smith House, 387 Lowell Street MHC# MET.179, and Patrick Cox House, 256 Haverhill Street MHC# MET.180*).

MassHighway must provide MHC with sufficient information to determine the current status of Patrick Cox House, and to confirm that the Enoch H. Griffin House is located outside the Area of Potential Effect (APE). MassHighway should also provide MHC with additional information to determine the project's potential physical and visual impacts on the Moses G. Smith House and outbuildings and the two existing properties/houses located southwest of the Moses G. Smith House on Lowell Street. The DEIR should include a site plan that depicts the locations of the properties and structures identified by MHC its comment letter. MassHighway should consult with MHC during its preparation of the aforementioned information. The DEIR should provide a status report of MassHighway's consultations with MHC.

Greenhouse Gas Emissions Policy

This project is subject to EEA's Greenhouse Gas (GHG) Emissions Policy and Protocol. The GHG Policy notes that some projects that are subject to the Policy will have little or no GHG emissions, and that the Policy shall not be applied to projects that fall within this *de minimis* exception. The ENF indicates that the proposed Methuen Rotary Project is not intended to increase road capacity or the number of vehicles using the highway system. MassHighway must satisfactorily demonstrate how this project will result in a reduction of traffic congestion and delay at the interchange and on Routes 110 and 113 and thereby reduce GHG emissions and improve air quality in the project area through improved traffic flow and reduced vehicle idling. Specifically, MassHighway must include in this section of the DEIR an analysis of the GHG emissions that will be generated from vehicle congestion (vehicle queuing and idling time) that MassHighway has projected under the current and future no-build alternatives and compare it to the GHG emissions associated with the preferred project alternative that MassHighway has designed in large part to reduce vehicular congestion.

If, as a result of the proposed interchange project, new developable land becomes available, the GHG analysis must include an estimation of potential build-out scenarios for any new developable land areas. If MassHighway is able to adequately demonstrate that the project will not result in increased GHG emissions, then a full quantification and mitigation analysis as outlined in the GHG policy is not required in the DEIR. In addition, while I recognize that the project is not intended to increase the number of vehicles using the highway system, the construction period may cause increased congestion and increased vehicle emissions.

MassHighway should identify and describe the greenhouse gas emissions associated with all phases of the interchange project and identify measures to avoid, minimize and mitigate these emissions, particularly as that mitigation relates to TDM and construction period impacts. As noted elsewhere in this Certificate, the DEIR should provide additional discussion of transit, park-and-ride, and Intelligent Transportation Systems (ITS) mitigation measures that would achieve further reductions in GHG emissions.

Potential Impacts to Sensitive Receptors

According to the information provided in the ENF submittal, a number of residential neighborhoods in Methuen (Noyes Street, Griffin Street, Lincoln Street, Smith Avenue and Cherry Hill Circle, and Bolduc Street) abut the existing interchange and may currently be experiencing noise levels that warrant the need for noise barriers. For the preferred alternative, the DEIR should identify any/all sensitive noise receptors within the project area. If there are sensitive receptors identified, MassHighway should identify existing and projected noise levels during project construction and post-construction at these receptors using federal noise standards for transportation projects. This section of the DEIR should include a detailed discussion of MassHighway's proposed interim and long-term noise abatement mitigation for the construction and post-construction of the project.

The DEIR should include an analysis of the visual impacts of the proposed project, including renderings the preferred interchange alternative. The DEIR should include a conceptual-level

landscaping plan and interchange and highway elevations from all sides. It should include a proposed lighting plan and identify any lighting impacts from roadways on adjacent residential neighborhoods and commercial and industrially-zoned areas. Because significant portions of the project area are located adjacent to residential neighborhoods, the DEIR should discuss how this project would impact residential neighborhoods in the area.

Construction Period Impacts

The project has potentially significant construction impacts, including extensive earth moving. The DEIR should evaluate construction period impacts, including impacts from earth-moving and likely blasting, impacts to vegetation, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways, and impacts to adjacent land uses from all phases of the proposed project. The DEIR should identify any mitigation measures proposed to reduce noise impacts from the proposed project. The DEIR should address the need to incorporate construction and demolition (C&D) recycling measures into MassHighway's construction plans. MassHighway should require its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel fuel.

Hazardous Wastes

The DEIR should present a summary of the results of hazardous waste studies and remediation efforts undertaken in the project area by MassHighway to comply with the Massachusetts Contingency Plan, 310 CMR 40.0000. It should identify and discuss the location of any stump dumps in the project area.

Mitigation/Draft Section 61 Findings

The DEIR should include a separate chapter summarizing mitigation measures. This section of the DEIR should include a description of any TDM measures proposed by MassHighway to reduce single passenger automobile trips to the project and encourage ridesharing to the site by employees. The DEIR should state whether land takings are necessary to implement proposed improvements and should identify the party responsible for such takings. This chapter on mitigation should include a Draft Section 61 Finding for all state permits. Any proposed traffic mitigation must conform to MHD standards, including but not limited to, lane, median and shoulder widths, bicycle lanes and sidewalks.

The Draft Section 61 Finding should contain a clear commitment to implement mitigation, an estimate of the individual costs of the proposed mitigation, identify the parties responsible for implementing the mitigation, and a schedule for the implementation of mitigation, based on the construction phases of the project.

Responses to Comments

In order to ensure that the issues raised by commenters are addressed, the DEIR should respond to comments. This directive is not intended to, and shall not be construed to, enlarge the scope of the DEIR beyond what has been expressly identified in the initial scoping certificate or this certificate. I recommend that the proponent use either an indexed response to comments format, or else direct narrative response. The DEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

Circulation

The DEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to Methuen and Dracut municipal officials. A copy of the DEIR should be made available for public review at the Methuen and Dracut Public Libraries.

August 8, 2008
Date



Ian A. Bowles, Secretary

Comments Received:

07/29/08	Massachusetts Department of Environmental Protection (MassDEP) – NERO
07/29/08	Northern Middlesex Council of Governments (NMCOG)
07/29/08	Natural Heritage and Endangered Species Program (NHESP)
07/30/08	Massachusetts Historical Commission (MHC)

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IAB/NCZ/ncz