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October 24, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

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: September 10, 2008

Pursuant to the Massachusetts Environmental Policy Act (M. G. L. c. 30, ss. 61-62I) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that the project **does not require** the preparation of an Environmental Impact Report (EIR).

Previously Reviewed Project

The Proponent (the South Hadley Electric Light Department (SHELD)) filed an Expanded Environmental Notification Form (EENF) with the MEPA Office in April 2008, to replace an existing single overhead electrical transmission line supported by 22 treated wood monopoles with three new electrical transmission lines from Brainerd Road to the Pine Shed Substation in the Town of South Hadley, Massachusetts. The Proponent estimated that the project would result in the permanent alteration of approximately 1.16 acres BVW. A portion of the utility corridor right-of-way (ROW) traverses Stony Brook and contains significant bordering wetland resources (BVW) areas.

As originally proposed, the project involved the clear-cutting and expansion of an existing 60-foot wide by 2,713-foot long utility easement right-of-way (ROW) to create a uniform 100-foot wide utility ROW. Construction activities included the cutting of approximately 120 trees, the removal of the existing twenty-two treated-wood monopoles, and the installation of thirty new 90-foot wood-laminate electrical distribution poles and three new overhead electrical transmission lines.

Review of the NPC

The Proponent has refined the project design and is now proposing to limit the project construction activities within a reduced (80-foot wide) cleared ROW corridor. As described in the NPC submittal, the tree stumps will be left in place and all chipped vegetative material will be removed to maintain the existing soil conditions within the ROW corridor.

Jurisdiction

The project was previously subject to MEPA review and required 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 (approximately 58,858 square feet) of Bordering Vegetated Wetlands (BVW). As described below, the project as currently proposed in this NPC submittal results in reduced potential environmental impacts to wetlands and no longer requires the preparation of an EIR. The project as currently proposed continues to require 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.

Wetlands

According to the information provided in the NPC submittal, the reduced-width ROW will reduce the project's impacts to BVW from 58,000 sf (1.45 acres) to approximately 30,400 sf (0.76 acres). As currently proposed, the project qualifies for a Category 2 Programmatic General Permit (PGP) from the U.S. Army Corps of Engineers (ACOE). The Proponent may be required to provide up to approximately 213,000 sf of compensatory mitigation (7:1) for impacts to BVW resource areas. To meet its mitigation requirements, the Proponent has proposed a mitigation plan that includes, 1) direct enhancements to approximately 3.2 acres of on-site BVW resource areas and, 2) establishing a dedicated commercial mitigation bank (wetland mitigation fund) to provide capital for the restoration, enhancement or creation of approximately 85,000 sf (2.12 acres) of off-site BVW resource areas located within the Connecticut River Watershed.

This wetlands mitigation fund would be operated as an in-lieu fee fund to be managed by a public natural resource agency or non-governmental organization to identify appropriate wetlands restoration, creation or enhancement projects. The Proponent must demonstrate to MassDEP how the proposed wetlands mitigation plan will comply with the General Performance standards for BVW replacement at 310 CMR 10.55(4).

The Proponent will need to provide MassDEP with additional information regarding the project's cumulative impacts to other on-site resource areas including Isolated Land Subject to Flooding, Land Under Water Bodies and Waterways, Bordering Land Subject to Flooding and Riverfront Area. The Proponent must work with MassDEP on this issue. In their comments on the NPC, MassDEP has indicated that the project may also require a 401 Water Quality Certification from MassDEP.

Rare Species

NHESP identified Priority and Estimated Habitats for the following four state-listed species within or near the project site: Wood Turtle (*Glyptemys insculpta*), Gray's Sedge (*Carix grayi*), Cat-tail Sedge (*Carex typhina*), and Winged Monkey-Flower (*Minulus alatus*). To avoid adverse impacts to wood turtle habitat, NHESP has required the Proponent's construction activities related to tree clearing, pole installation, line installation and periodic maintenance occur between October 31st and April 15th. The Proponent has committed to incorporating NHESP's time-of-year (TOY) conditions into the final project design.

According to NHESP's comments on the NPC submittal, NHESP has reviewed the results from the Proponent's plant surveys and has determined that the project as currently proposed will not result in a "take" of state-listed plant species. I strongly encourage the Proponent to work closely with NHESP during final project design to identify the Proponent's commitments related to the protection of state-listed plants during project construction.


Historic Resources

In their comments on the EENF, the MHC requested that the Proponent conduct an intensive archaeological survey to determine if the project will affect any significant historic or archaeological resources in the project area. The Proponent must present to MHC the results of the archaeological survey work completed to date, and must consult with MHC to identify measures that will be implemented during project construction to avoid, minimize or mitigate possible impacts to significant historic or archaeological resources should be provided.

Conclusion

Based on a review of the information provided in the NPC, and after consultation with the relevant public agencies, I find that the project as described in the NPC no longer requires the preparation of an EIR. No further MEPA review is required at this time.

October 24, 2008
Date



Ian A. Bowles, Secretary

Comments received:

9/30/2008 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP)
10/07/2008 Department of Environmental Protection, (MassDEP) – WERO
10/21/2008 Frank B. Postma, L.S.P., L.E.P., P.G., LFR Inc.

IAH/NCZ/ncz
NPC #14236