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November 14, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
SINGLE ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : K163 Groveland to West Newbury 115kV Line  
PROJECT MUNICIPALITY : Groveland, Merrimac, West Newbury, and Amesbury  
PROJECT WATERSHED : Merrimack and Parker  
EOEA NUMBER : 14186R  
PROJECT PROPONENT : New England Power Company  
DATE NOTICED IN MONITOR : October 8, 2008

As Secretary of Energy and Environmental Affairs, I hereby determine that the Single Environmental Impact Report (Single EIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00).

Project Description

As described in the Single EIR, the proponent proposes to install a new 115kV transmission line to be called the K-163 line (K-163), in an existing Right of Way (ROW) from the King Street Substation on King Street in Groveland to the West Amesbury Substation on Middle Road in Amesbury, through the towns of Amesbury, Merrimac, West Newbury, and Groveland. The K-163 will replace one of the existing 23kV lines located in the middle of the ROW known as the 2377 line. The K-163 will be a back-up source to the West Amesbury Substation in the event of an extended outage of the 345kV/115 kV source at the West Amesbury Substation.

The project involves the erection of approximately 72 new steel electrical structures within the middle portion of the existing transmission line ROW. The new 115kV steel structures will replace the existing 23kV line containing approximately 173 wood structures along the same linear section of the ROW (within the middle portion of ROW). Approximately 173 23kV wood structures will be removed and approximately 72 115kV steel structures will be constructed within the ROW. In addition, approximately nine new 23kV wood structures will also be constructed as part of this project. This project will require the removal of approximately 61 existing 23 kV structures currently located in wetland and the placement of approximately 13 new steel 115kV structures and four new wood 23kV structures in wetland. Limitations on electrical conductor span length preclude removing all structures from wetlands.

The ROW intersects two portions of a Natural Heritage and Endangered Species Program (NHESP) mapped habitat for rare species. The first area, located within the southern portion of the ROW, is in the vicinity of the Crane Pond Wildlife Management Area in Groveland and West Newbury. The other mapped habitat area is located within the northern portion of the ROW associated with the Merrimack River and three of its tributaries.

There are four recorded prehistoric archeological sites located within the ROW. Two sites are located within the northern portion of West Newbury near the Merrimack River whereas the other two areas are located in Merrimac, also near the Merrimack River.

#### State Permits and Jurisdiction

The project is undergoing MEPA review and subject to preparation of mandatory Environmental Impact Report (EIR) pursuant to Section 11.03(3)(a)(1)(a) because it involves alteration of one or more acres of BVW and requires a state permit. The project will require a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP); an indication of compliance with the Massachusetts Endangered Species Act (MESA) from the Natural Heritage & Endangered Species Program (NHESP) of the MA Division of Fisheries & Wildlife; a Massachusetts Highway Department non-vehicular Access Permit; Orders of Conditions from the communities along the Line routes (and hence Superseding Order(s) from MassDEP if any local Orders were appealed).

The project requires approval from the Department of Public Utilities under M.G.L. Chapter 164, Section 72 and a Section 404 Permit from the United States (U.S.) Army Corps of Engineers. It also requires a Nonpoint Discharge Elimination System (NPDES) General Permit for Stormwater from the U.S. Environmental Protection Agency.

Because the Proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction is limited to those aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction extends to wetlands and water quality, energy, land, stormwater and traffic.

### Project Changes Since the Filing of the Expanded Environmental Notification Form

Since the Expanded Environmental Notification Form (EENF) was submitted there have been some minor changes. There are three areas where additional work is to be performed:

- King Street Substation, 209 King Street, Groveland, MA: installation of a new breaker position to terminate and protect the K163 line. Final re-alignment of existing 23kV lines adjacent to the King Street Substation are under review. The proposed work associated with the King Street Substation will be included in the Notice of Intent (NOI) permit application to be submitted to the Town of Groveland.
- West Newbury Substation, 47 Stewart Street, West Newbury, MA: upgrading the existing bus work and in-line switches on the 23 kV bus to accommodate the removal of the 2377 line, and modifications to the 2396 line. The proposed work will be included in the Notice of Intent (NOI) permit application to be submitted to the Town of West Newbury.
- West Amesbury Substation 102 Middle Road, Amesbury, MA: installation of two new breakers to terminate and protect the K163 line. The targeted construction and completion date for this project is 2010. This substation will serve the region by tapping the existing 345 kV and converting the voltage to distribution voltages of 23 kV and 13 kV. The proposed work, anticipated to be located within the 100-foot buffer zone and 200-foot Riverfront Area as part of this K163 project, will be included in the Notice of Intent (NOI) permit application to be submitted to the Town of Amesbury.

Additional changes since the filing of the Expanded ENF also include the amount of wetland alteration, both temporary and permanent. Wetland impacts have slightly changed due to re-configuring swamp mat locations for access to remove existing structures and the placement of additional permanent fill within an area of a steep slope for safe access by equipment to construct Structure 20 described in the Single EIR. The amount of temporary fill from the use of swamp mats decreased from approximately 151,393 square feet (as stated in EENF) to approximately 149,882 (decrease of 1,511 sf). The amount of permanent fill increased from approximately 1,500 square feet (as stated in Expanded ENF) to approximately 1,645 (increase of 145 sf).

### **Review of the Single EIR**

The Single EIR included a description of the project, a summary of changes since the filing of the EENF and a listing of permits and approvals and project phasing. The Single EIR also identified and described the proposed project phasing. The Single EIR has also provided adequate description and analysis of the project and its alternatives, provides a detailed baseline of environmental conditions and demonstrates that the project will incorporate all feasible means to avoid potential environmental impacts. The granting of the Single EIR was based on a narrowly tailored Scope and I commend the proponent who appears committed to minimizing its environmental impacts and has worked closely with MassDEP since the original filing of the EENF.

### Alternatives Analysis

The Single EIR presented a summary of an alternative analysis conducted by the proponent. Alternatives evaluated included: the No-Build Alternative; several Overhead Line Alternatives which include the Preferred Alternative, an Overhead Line on the Existing Right-of-Way, an Overhead Line Alternative within another portion of the Existing Right-of-Way, and a New Right-of-Way Alternative for an Overhead Line; and an Underground Transmission Alternatives. The alternatives analysis resulted in the selection of the Preferred Alternative, which incorporates design changes to reduce tree clearing and wetlands impacts. The proponent has committed to a range of measures to avoid, minimize and mitigate adverse environmental impacts. It also provided a comparative analysis that clearly showed the differences between the environmental impacts associated with each of the alternatives.

### Wetland Resources

As described in the Single EIR, this utility project will require a 401 Water Quality Certification from MassDEP for alteration of 148,987 square feet of boarding vegetated wetlands (BVW) and 895 square feet of other wetland resources. The project will involve temporary disturbance and permanent wetland alteration for the removal of approximately 61 existing structures currently located in wetlands and for the placement of approximately 13 new steel 115kV structures and four new wood 23kV structures in BVW. In order to gain access to remove the existing 23kV structures and to install the proposed 115kV structures, wetlands will need to be crossed and accessed by equipment. Temporary swamp/timber mats are proposed to be placed within wetland areas for access and staging areas and removed once the project construction is complete.

The Single EIR illustrated the location of resource areas relative to the project site and it provided details on the mitigation proposed for work within sensitive resource areas. The Single EIR also provided updates on the status of Notices of Intent filed with the local conservation commissions. MassDEP has stated that the Single EIR has not addressed all the issues MassDEP identified in a comment letter dated March 11, 2008 during the review of the EENF. I will allow the project to proceed to permitting. However, I advise the proponent to continue to work closely with MassDEP to address these remaining outstanding issues prior to permitting which are outlined in MassDEP's comment letter on the Single EIR.

### Historic and Cultural Resources

The Massachusetts Historic Commission (MHC) has determined that there are several recorded historic and archaeological sites (19-ES-547, 767, 768, 769) within the proposed project ROW. The Single EIR provided information regarding the location of proposed access roads, vehicle parking and equipment staging areas that were not clearly indicated in EENF. On September 22, 2008 MHC issued a Permit to Conduct an Archeological Field Investigation. MHC has stated in its comment letter that the Single EIR contains an accurate summary of the status of the historic and archaeological sites. The proponent should continue to update MHC with the required information in order to avoid, minimize or mitigate any adverse effects to these archaeological sites.

### Rare Species and Priority Habitat

The proposed line route crosses through several areas of known rare species habitat and the NHESP database indicates that portions of the proposed project are located within Priority and Estimated Habitat as indicated in the 13th Edition of the MA Natural Heritage Atlas. The project therefore requires review through a direct filing with NHESP for compliance with the Massachusetts Endangered Species Act (MESA 321 CMR 10.00). The NHESP has been consulting with the proponent on the proposed project and has stated in its comment letter that NHESP anticipates being able to condition the project to avoid a prohibited “take” of state-listed species. The proponent should continue working with the NHESP to address any outstanding endangered species concerns.

### Mitigation and Draft Section 61 Findings

The Single EIR included a separate chapter on mitigation measures. This chapter on mitigation included Proposed Section 61 Findings for MassDEP and NHESP. The Proposed Section 61 Findings contained 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. A schedule for the implementation of mitigation was also included.

### *Rare Species*

The proponent has committed to coordinate with the NHESP on time of year (TOY) restrictions and perform work in critical habitats outside the migratory/breeding season. When TOY restrictions prove problematic, routine pre-construction walkovers of the construction area will be undertaken by the consultant to locate and avoid protected species. If work is anticipated between Pole 7 – 25 during the nesting and incubation season of the two state-listed turtle species, Blanding’s and wood turtles, protective measures will be implemented consisting of live trapping under Scientific Collection Permit, between May 1 and June 1. Microtransmitters will be affixed to any adult females captured near structure 5 for monitoring during nesting season. Areas of disturbed soils between Pole 7 and 25 will be monitored during early evenings for nest-seeking female Blanding’s and wood turtles. Thread bobbins will be affixed to animals to assist in nest site determination. All discovered nests will be GPS located and screened. Those located in equipment movement areas will be relocated for incubation off site.

### *Wetlands*

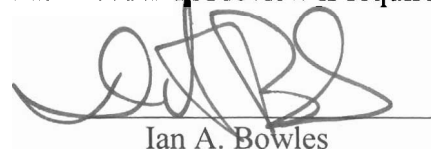
The proponent has committed to utilize swamp/timber mats as an effective best management practice where necessary for access through wetlands, across streams and over other sensitive areas in order to minimize adverse effects including compression of soils, rutting and disturbance to vegetation. Swamp/timber mats disperse load bearing weight from vehicles throughout the surface area of the mat and reduce ground disturbance. I note that this project will reduce the total number of structures located within wetlands by 44 (72%). BVW replication of 3,290 square feet is proposed to mitigate for the 1,645 square feet of permanently filled BVW (2:1 mitigation) resulting from the placement of the 17 new structures in BVW.

Conclusion

I find the Single EIR to be adequate and am allowing the project to proceed to the state agencies for permitting. The Single EIR contained adequate information on project impacts and mitigation, and provided the state permitting agencies with sufficient information to understand the environmental consequences of their permit decisions. No further MERA review is required.

November 14, 2008

Date



Ian A. Bowles

Comments received:

- 11/05/2008 Massachusetts Historical Commission (MHC)
- 11/07/2008 Department of Environmental Protection/Northeast Regional Office
- 11/10/2008 Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program

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