



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

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December 21, 2018

Matthew A. Beaton, Secretary
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office
Erin Flaherty, EEA No. 15941
100 Cambridge St.
Boston, Massachusetts 02114

Project Name: Bell Rock Substation Rebuild Project and Acushnet to Fall River Reliability Project
Proponent: New England Power Company d/b/a National Grid and NSTAR Electric Company d/b/a Eversource Energy
Location: 181 Bell Rock Road (Bell Rock Substation), Fall River and existing Right-of-way: Acushnet, New Bedford, Dartmouth, Fall River
Project Description: Expand Bell Rock Substation, Widen NEP ROW and install 12mi of 115kV overhead transmission line to Acushnet
Document Reviewed: Expanded Environmental Notification Form
EEA File Number: 15941
NHESP Tracking No.: 18-37556

Dear Secretary Beaton:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the Division) has reviewed the *Expanded Environmental Notification Form* (EENF) for the “*Bell Rock Substation Rebuild Project and Acushnet to Fall River Reliability Project*” (the Project) and would like to offer the following comments regarding state-listed species and their habitats.

Portions of the Project site are mapped as *Priority* and *Estimated Habitat* for multiple state-listed species, including Eastern Box Turtle (*Terrapene carolina*; Special Concern), Eastern Whip-poor-will (*Caprimulgus vociferus*, Special Concern), Long-leaved Panic-Grass (*Panicum rigidulum ssp. pubescens*; Threatened), Weak Rush (*Juncus debilis*, Endangered), Rigid Flax (*Linum medium var texanum*, Threatened) and Philadelphia Panic-grass (*Panicum philadelphicum ssp. Philadelphicum*, Special Concern) according to the *Massachusetts Natural Heritage Atlas* (14th Edition). These species and their habitats are protected pursuant to the Massachusetts Endangered Species Act (MGL c.131A) and its implementing regulations (MESA; 321 CMR 10.00). Fact Sheets for state-listed species can be found on our website, www.mass.gov/nhesp.

The Project, as proposed and shown on the site plans (Appendix A of the EENF), will occur in two phases. The first phase (Phase 1) includes expansion of the Bell Rock Substation footprint, access roadway installation and improvements, and temporary reroute of the M13 transmission, totaling approx. 2.9 acres of disturbance, 1.3 acres of which is temporary. The second phase (Phase 2) is the Acushnet to Fall River Reliability Project which is a joint NEP and Eversource project for the installation of a new 12.1

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mile transmission line requiring widening on the NEP right-of-way. NEP and Eversource have been consulting proactively with the Division to refine total impacts associated with Phase 2 of the Project. The Division recently determined that that Phase 1 of the Project, as proposed, must be conditioned in order to avoid a prohibited Take of Eastern Box Turtle. Conditions included the implementation of an approved turtle protection plan during construction.

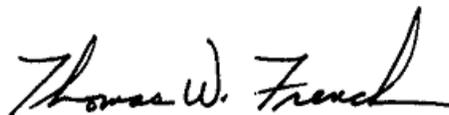
However, the Division's review of Phase 2 pursuant to the MESA remains ongoing. Based on previously submitted information and ongoing consultations with the Proponent, the Division anticipates –that Phase 2 of the Project, as proposed, will likely result in a Take (321 CMR 10.18 (2)(b)) of the Eastern Box Turtle. Based on botanical surveys completed by the Proponent pursuant to Division-approved protocols, the Project may also result in a Take of Long-leaved Panic-Grass and Rigid Flax. The Division is currently working with the Proponent to assess temporary and permanent impacts and determine if a Take of state-listed plants can be avoided through Project redesign.

Projects resulting in a Take of state-listed species may only be permitted if they meet the performance standards for a Conservation and Management Permit (CMP; 321 CMR 10.23). In order for a project to qualify for a CMP, the applicant must demonstrate that the project has avoided, minimized and mitigated impacts to state-listed species consistent with the following performance standards: (a) adequately assess alternatives to both temporary and permanent impacts to the state-listed species, (b) demonstrate that an insignificant portion of the local population will be impacted, and (c) develop and agree to carry out a conservation and management plan that provides a long-term net benefit to the conservation of the state-listed species.

The Proponent is coordinating with the Division to assess alternative strategies for avoiding, minimizing and mitigating impacts of Phase 2 to state-listed species and their habitats. Although the details of the long-term net benefit required under a CMP have not yet been finalized, the Division anticipates being able to resolve any outstanding concerns related to state-listed species during the MESA review process. We look forward to continued coordination with the Proponent to ensure that the Project addresses all permitting requirements related to state-listed species.

The Division will not render a final decision until the MEPA review process and associated public and agency comment period is completed, and until all required MESA filing materials are submitted to the Division. As the MESA review for Phase 2 of the Project remains ongoing, no alteration to the soil, surface, or vegetation and no work associated with Phase 2 shall occur until the Division has made a final decision relative to the CMP. If you have any questions or need additional information, please contact Lauren Glorioso, Endangered Species Review Biologist, at lauren.glorioso@state.ma.us or 508-389-6361. We appreciate the opportunity to comment on the Project.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive, flowing style.

Thomas W. French, Ph.D.
Assistant Director

cc: Erin Whoriskey, National Grid
Mickael Zylich, Eversource
Jamie Durand, POWER
Karen Hanecak, POWER
MassDEP Southeast Regional Office
Town of Acushnet Board of Selectmen
Town of Acushnet Planning Board
Town of Acushnet Conservation Commission
Town of New Bedford Board of Selectmen
Town of New Bedford Planning Board
Town of New Bedford Conservation Commission
Town of Dartmouth Board of Selectmen
Town of Dartmouth Planning Board
Town of Dartmouth Conservation Commission
Town of Fall River Board of Selectmen
Town of Fall River Planning Board
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