

1 Introduction

BSC Group, Inc. (BSC) is filing this Notice of Intent (NOI) on behalf of the New England Power Company (NEP) for maintenance and improvement activities associated with the Line 394 and B154/C155 King Street Tap Line Asset Condition Refurbishment (ACR) Project in Amesbury, Massachusetts (the Project). The purpose of the Project is to conduct general maintenance and system improvements along the 394 and B154/C155 King Street Tap transmission line Right-of-Ways (ROWs), including targeted structure replacements, installation of Optical Ground Wire (OPGW), and reconductoring of the B154 and C155 King Street Tap Lines¹. It should be noted that the portion of the Project within Amesbury does not contain the B154/C155 King St Tap Line. Only the 394 Line occurs within the Project route in Amesbury. These maintenance activities are necessary to allow NEP to continue to provide reliable and safe electrical service across the region. This NOI is being submitted in accordance with the Massachusetts Wetlands Protection Act (WPA) (*M.G.L. Ch.131, S.40*), its implementing regulations (*310 CMR 10.00*), and the Town of Amesbury Wetlands Protection Bylaw (Chapter 460) and associated Regulations (hereafter collectively referred to as the “Amesbury Bylaw”).

Within Amesbury, the Project extends for approx. 3.2 miles along the 394 Line, between the Amesbury/South Hampton Town/State border in the north (north of Whitehall Road, Amesbury), and the Amesbury/Merrimac Town border in the south (south of Middle Street, Amesbury). Activities proposed as part of the Project in Amesbury include maintenance and improvement activities at 32 existing structures along Line 394, 17 of which are located within jurisdictional Wetland Resource Areas or Buffer Zones. NEP is also proposing to maintain or improve structure work pads and the existing access network, with access widening and construction of temporary access in some locations. No tree removals are required for this Project. Work will occur within Bordering Vegetated Wetlands (**BVW**), 100-ft Buffer Zone (**BZ**) to BVW, Inland Bank, Riverfront Area (**RA**), and FEMA 100-Year Floodplain / Bordering Land Subject to Flooding (**BLSF**). Refer to **Table 3-1** for details of Project impacts within each resource area.

This NOI is being submitted in accordance with the WPA and the Amesbury Bylaw, seeking the Commission’s review and approval for jurisdictional activities subject to this NOI (**Table 1-1**), and providing written notice to the Commission of non-jurisdictional or exempt utility maintenance activities (**Table 1-2**). Additionally, this Project qualifies as a Limited Project in accordance with the WPA regulations (*310 CMR 10.53(3)(d)*) which allows for the “construction, reconstruction, operation and maintenance of... overhead public utilities...” provided there are no alternatives, best available measures are used to minimize adverse effects during construction, and that vegetation and existing grades are substantially restored. The Amesbury Bylaw does recognize the Limited Project provisions of the WPA and furthermore regulates a 100-ft Buffer Zone to Isolated Land Subject to Flooding and BLSF (**B/ILSF BZ**).

¹ Tap Lines, in terms of utility infrastructure, refer to transmission lines that serve as a connection between a primary utility transmission line (i.e., the Mainline) and a substation facility.

Table 1-1: Activities Subject to the Commission’s Review

Activity	Wetland resource areas impacted
Improved Access- Type S*	RA, BZ
Improved Access- Type 1**	BZ
Temporary Access***	BZ, RA
Improved Work Pads****	RA, BZ, BLSF, B/ILSF BZ

* Type S access improvements involves access widening through the addition of stone to achieve a 12-ft travel surface, with restricted grading activities

** Type 1 access establishment which involves the creation of a stable subbase using aggregate along historic access in areas with steeper slopes, to achieve a 12-ft travel surface.

*** “Improve as Necessary” (IAN) temporary access, to be utilized in areas where that installation of permanent access is not viable. Such access will consist of improving the existing surface with aggregate to the minimum extent necessary to allow safe access along the ROW. Upon completion of construction, aggregate will be removed, and soil will be decompacted.

**** Improved work pads include grading and a 50x50 area where stone/gravel will be applied beneath the structure. Within RA, stone/gravel areas will be restored post construction through loaming and seeding to restore vegetation and stabilize disturbed soils.

Table 1-2: Exempt and Non-Jurisdictional Activities

Exemption	Activity	Resource Area	Area
Temporary work pads and access	Use of construction matting for temporary access and work pads in BVW	BVW	5.6 acres
		LUW††	384 sf
Structure Replacements†	Structure Removals	BVW	9 Structures
		BZ	5 Structures
		BLSF	8 Structures
		RA	4 Structures
		B/ILSF BZ	1
	Structure Installations	BVW	9 Structures
		BZ	11 Structures
		BLSF	8 Structures
		RA	4 Structures
		B/ILSF BZ	1
Type R Access	Minor access repair, including mowing, filing ruts and placing stone within the limits of existing access	BVW	0 sf
		BZ	0.02 acres
		BLSF	135.5 sf
		RA	19.2 sf

		B/ILSF BZ	275.3 sf
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† Note – “structure replacement” activities involve the installation of the new structure, followed by the removal of the old structure – in some cases, this may occur across a resource area boundary. As such, structure removal and structure installation are presented here as separate activities.

† † Note – One unnamed perennial stream is roughly 50’ wide, which cannot be spanned with construction mats due to width. To perform activities associated with structure replacements, a crossing of the unnamed perennial stream via a temporary construction mat bridge is planned. This will consist of the placement of mats parallel with the flow within the stream channel to create an abutment within the stream for mats to then be placed on top, creating the matted bridge. Mats will be anchored with cables affixed to each mat

Temporary construction matting will also be required within wetlands and for temporary stream spans, to provide access and work pads at existing structures within these resource areas. Temporary construction mats associated with utility maintenance projects are exempt under the WPA, and will be permitted under an Individual Water Quality Certification (WQC) through the Massachusetts Department of Environmental Protection (MassDEP). As such (and at the request of MassDEP), the area of temporary construction matting is not included on WPA Form 3, but has been included within this narrative for the Commission’s information. Best Management Practices (BMPs), including sediment and erosion controls, will be implemented during construction, further minimizing the likelihood of adverse impacts to resource areas.

NEP has performed an analysis of all possible alternatives, and the Project has been designed to avoid and minimize the potential for adverse impacts to wetland resource areas to the greatest extent practicable. Due to the configuration of the existing transmission line infrastructure, it is not feasible to avoid all work within resource areas. Therefore, NEP is requesting a waiver for work within resource areas including the 100-ft BZ to BVW/Inland Bank and ILSF/BLSF and respectfully requests that the Amesbury Conservation Commission issue an Order of Conditions to allow the proposed Project activities to proceed as described herein.

2 Existing Conditions

The Project occurs entirely within an existing, actively maintained utility ROW, where vegetation is regularly managed for compatibility with the facilities. Both upland and wetland areas are dominated by early successional scrub-shrub/herbaceous communities. Dominant land uses adjacent to the ROW include low to medium density residential and agriculture.

2.1 Resource Area Summary

BSC conducted both a desktop analysis (using MassGIS data layers and publicly available data) and field investigations of the proposed Project area to assess permitting requirements pursuant to the WPA and Amesbury Bylaw. Wetlands were delineated in July and August of 2023, in accordance with the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, ed. J.S. Wakely, R.W. Lichvar, and C. C. Noble. ERDC/EL TR-12-1. Vicksburg, MS: U.S. Army Engineer Research and Development Center (Version 2.0) and methodology described in the Massachusetts Department of Environmental Protection’s (MassDEP) *Handbook on Delineating Bordering Vegetated*

Wetlands (Published in March 1995). A description of each wetland where permanent impacts are proposed is provided in the following sections.

Existing conditions, wetland resource areas, and buffer zones in relation to the proposed activities are shown on the ER Map in **Attachment B**. Representative Photographs are provided in **Attachment C**.

2.1.1 Bordering Vegetated Wetlands (BVW)

Wetlands within the ROW predominantly consists of palustrine emergent (PEM) and palustrine scrub/shrub (PSS) wetlands, typical of those found within managed ROWs. Dominant species within the wetlands of Amesbury include: speckled alder (*Alnus incana*), silky dogwood (*Swida amomum*), smooth arrowwood (*Viburnum dentatum*), common buttonbush (*Cephalanthus occidentalis*), common reed (*Phragmites australis*), dock-leaved smartweed (*Persicaria lapathifolia*), arrow-leaved tearthumb (*Persicaria sagittata*), lakeside sedge (*Carex lacustris*), purple loosestrife (*Lythrum salicaria*), jewelweed (*Impatiens capensis*), cattail (*Typha* sp.), bluejoint (*Calamagrostis canadensis*), and sensitive fern (*Onoclea sensibilis*).

2.1.2 Bordering Land Subject to Flooding (BLSF)

The Project ROW transects three (3) areas of BLSF, associated with Lake Attitash (Zone AE FEMA Firm#: 25008C0101G), the Powwow River (Zone AE, FEMA Firm#: 25009C0102G), and Nichols Creek (Zone A, FEMA Firm#: 25009C0104G). Refer to the ER Map in **Attachment B**.

2.1.3 Buffer Zone (BZ)

The Amesbury Bylaw includes the 100-ft BZ to wetland resource areas as a jurisdictional resource area. In addition, the Amesbury Bylaw regulates a 100-ft BZ to BLSF/ILSF. All BZ within the Project area is within the active transmission line ROW, and has been historically managed/disturbed during routine vegetation management, as well as during past maintenance/emergency repair Projects on the lines. Existing vegetation within BZ is dominated by early successional herbaceous and scrub-shrub communities, including species such as sweet-fern (*Comptonia peregrina*), smooth crabgrass (*Digitaria ischaemum*), Kentucky blue grass (*Poa pratensis*), staghorn sumac (*Rhus hirta*), common blackberry (*Rubus allegheniensis*), gray birch (*Betula populifolia*), eastern white pine (*Pinus strobus*), and red oak (*Quercus rubra*).

2.1.4 Rivers & Streams

Within Amesbury, the Project ROW transects four (4) intermittent and two (2) perennial streams, identified on the ER Map in **Attachment B**. The perennial streams have an associated 200-ft RA, which has been historically managed within the ROW for compatibility with the overhead lines. For most stream crossings, streams will be spanned with construction mats to avoid impacts to the stream bank and channel. One perennial stream (Presby's Creek or Nichols Creek, located to the south of the West Amesbury Substation), is designated as a coldwater fisheries resource. No impacts are proposed within this river, or within the 200-ft RA associated with it.

2.1.5 Other Resource Areas

No other resource areas were identified within the Project area, including Areas of Environmental Concern (ACEC), Natural Heritage Endangered Species Program (NHESP)

Estimated or Priority Habitats, or Certified Vernal Pools.

3 Proposed Activities and Impacts

3.1 Proposed Project Activities

Project activities are anticipated to begin in Summer 2027, and the entire Project will take approximately sixteen (16) months to complete. Construction is anticipated to proceed in the following sequence:

- Re-delineation and re-flagging of wetlands and sensitive resource areas within the ROW.
- Vegetation management within work areas, including mowing of access and work areas sequentially as work progresses.
- Installation of sediment and erosion controls sequentially as work progresses.
- Reestablish existing access and construct temporary access (where required) to safely access structures, including the installation of construction matting access and work pads
- Grading to provide adequate workspace for Project activities and future maintenance.
- Replace selected narrow based wooden H-frame structures with new steel H-frame structures.
- Install OPGW along the entire 394 Line (overhead work).
- Restore the ROW (as necessary), including removal of construction matting, stabilization and revegetation of disturbed areas, restoration of temporary access, and disposal of existing line components and non-biodegradable sediment and erosion controls.
- Construct wetland replication area.
- Conduct follow-up inspections, as required.

A discussion of the Project's conformance with the performance standards established by the WPA and Amesbury Wetlands Bylaw is provided in Sections 5 and 6, respectively.

3.2 Summary of Project Impacts

Table 3-1 provides a summary of jurisdictional Project impacts to wetland resource areas. A description of each impact type is provided below. Impacts to upland resource areas are associated with the grading/stoning of access and work pads. A summary of the Project's conformance with the performance standards established by the WPA and Amesbury's Bylaw is provided in **Section 5** of this Project Narrative.

Table 3-1: Summary of Project Impacts (in sf)

Wetland Resource Area/Buffer Zone	IAN Temporary Access (sf)	Type S Improved Access (sf)	Type 1 Access (sf)	Graded Work Pads (sf)	Graded Pull Pads (sf)
100-foot RA	0	0	0	32	1,197
200-foot RA	1,385	646	0	5,314	6,803
100 ft BZ to BVW and Bank	17,608	18,790	36,994	77,031	14,230
100-ft BZ to B/ILSF	0	0	0	5,026	0
BLSF	0	0	0	4,581	0

“Improve As Necessary” (IAN) Access – temporary access, to be utilized in areas where that installation of permanent access is not viable. Such access will consist of improving the existing surface with aggregate to the minimum extent necessary to allow safe access along the ROW. Upon completion of construction, aggregate will be removed to the extent that there are no continuous impermeable surfaces and soil will be decompacted. Minor modifications to topography will generally remain as long as there are no adverse impacts to the existing hydrology within the limits of disturbance. Placement of fill shall be limited to the least practical amount to ensure a traversable alignment and aggregate size shall be restricted to that which can be reasonably scarified without introducing significant rework and disturbance during the restoration phase of a Project.

Type S Access – access widening through the addition of stone to achieve a 12-ft travel surface, with restricted grading activities.

Type 1 Access – Access establishment involving the creation of a stable subbase using aggregate along historic access in areas with steeper slopes, to achieve a 12-ft travel surface.

Graded Work Pads – Improved work pads include grading and a 50x50 area where stone/gravel will be applied beneath the structure. Within RA, stone/gravel areas will be restored post construction through loaming and seeding to restore vegetation and stabilize disturbed soils.

3.3 Detailed Project Activities

3.3.1 Site Preparation and Installation of BMPs

Prior to construction, the boundaries of wetlands will be clearly marked to prohibit unauthorized vehicular encroachment. Once resource areas have been clearly marked with flagging (or by other appropriate means), access and work pads will be mowed. No tree removals are required for the Project, but selective trimming of branches may be required in some locations. Young saplings/shrubs will be cut at the base with the stumps retained. Vegetation management will be in line with historic management practices within the ROW. Following the ROW vegetation mowing activities, sediment and erosion controls will be installed, as depicted on the ER Map in **Attachment B**. Sediment and erosion control will perform the dual function of protecting wetland resource areas, and delineating the limit of disturbance for equipment. Temporary erosion and sediment control BMPs will be installed in accordance with National Grid’s BMPs (refer to **Attachment E**), and as described in Section 7. NEP contractors, supervisors, and environmental monitors will regularly monitor and maintain installed controls. These controls will remain in place and in good condition until final site stabilization has been achieved.

3.3.2 Access Construction and Improvements within ROW

Along most of the 394 ROW in Amesbury, existing historic access routes are present. However, many of these existing routes have become degraded and narrowed (existing access widths range from approx. 6 – 16-ft) and require re-establishment, improvement or widening with stone to facilitate the safe passage of modern utility equipment. As such, NEP will upgrade or restore the access routes from their existing condition to a typical 12-ft travel surface. In cases where historic access has eroded significantly or challenging slopes are present, Type 1 access will be employed which involves limited grading and the creation of a stable aggregate subbase for the access, which will also result in a 12-ft wide travel lane after restoration.

While stone access will remain in place to provide a solid base for future equipment access, these areas will be allowed to naturally re-vegetate once construction is complete. Other temporarily disturbed areas will be stabilized and restored (with an appropriate conservation seed mix, where required).

In some locations, a temporary access (or “IAN”, Improve as Necessary) will be installed to facilitate the installation of underslung (underslung means affixed to the towers below the overhead conductors) OPGW. Because the existing access is too far from the circuit that runs between structures in some locations, temporary access will be necessary to safely pull the wire from the ground between structures. This IAN access will either be comprised of construction matting, mowed access (in areas where the terrain is largely flat), or stone placed atop geotextile fabric, with minor grading as needed to create a stable travel surface. The wire will be pulled via equipment along these IAN access ways, pulled by foot, or via a low PSI vehicle. Following the completion of work in the area, the IAN access will be removed, and the impacted area will be restored to their previous condition.

Proposed access will result in impacts within BLSF, RA, and BZ. Within BLSF, new graded/stone areas will be over-excavated to ensure that there is no net loss in flood storage capacity and no change in overall grades. Within RA, stone access will be loamed and seeded with a conservation seed mix to promote the rapid reestablishment of native vegetation within this resource area. Disturbed access shoulders will be stabilized via seed and straw to generate revegetation. Access to be improved as they approach a wetland and will terminate before the delineated limits of the wetland.

3.3.3 Construction and Improvement of Work Pads and Pull Pads

Work pads will be constructed to provide a safe and level work pad at each structure, with adequate space for construction. In general, work pads for structure replacements will be approximately 125 x 125 feet, with some variation due to site-specific topography or features, ROW limits, resource areas, and work/equipment requirements. Where work pads are required for structure removals or overhead maintenance work only, these work pads will be smaller, approximately 50 x 50 feet.

Work pads will be mowed, graded and gravel added to provide a stabilized work surface. At the conclusion of work where new stone work pads were required within RA, these areas will be loamed and seeded with a conservation seed mix once construction is complete. Only 50 foot x 50 foot gravel area within graded work pads roughly centered on the structure will remain following the restoration. This is to preserve a workspace for future maintenance.

Temporary work pads within agricultural areas and wetlands will consist of construction matting placed on top of existing vegetation. Any streams within or adjacent to these work

pads will be spanned to prevent impacts to the stream channel and flow of the waterbody.

Construction of wire stringing and pulling sites will be required along the line and are demarcated by a blue polygon on the resource mapping. Pull pads will require mowing and/or grading. Sites in agricultural areas, as well as some upland resource areas (and all wetlands), will be matted. Disturbance within these temporary wire stringing and pulling sites will be stabilized with straw mulch, seeded and allowed to revegetate following construction.

3.3.4 Restoration and Stabilization of ROW

Restoration efforts, including removal of construction debris, final grading, and stabilization of disturbed soil will be completed systematically as construction is completed along the line. Generally, full restoration will not occur until the conductor is transferred, then cleanup of the pads and access will occur including seeding and stabilizing disturbed soils on access shoulders and around work pads if vegetation is sparse. New stonework pads in RA will be top dressed with loam, and seeded with conservation seed mix to achieve revegetation. Temporary sediment control BMPs will be removed following the stabilization of disturbed areas.

3.3.5 Wetland Replication

The proposed Project will result in the loss of approximately 353-sf of BVW within Amesbury, associated with the replacement of existing structures (an exempt maintenance activity). Mitigation for wetland fill is being provided under Section 401 of the CWA.

The wetland replication area is being cited so that it is contiguous to existing wetlands within the ROW, in an area not likely to be impacted by future maintenance or construction on the lines, utilizing an upland area measuring approximately 722-sf will be converted to wetland. Note that the proposed size of wetland replication area is an estimate, and the final size may vary, depending on field conditions.

The proposed location for the wetland replication area is contiguous to wetland AM-W4, between existing 394 structures 266 and 265. Refer to the Wetland Replication Plan in **Attachment G** and detailed in Section 7 for more information on the proposed replication area.

4 Alternatives Analysis

As noted in Section 1, this Project consists of refurbishment activities on the existing Line 394 ROW. NEP's overriding goal throughout the planning and design process has been to select the Project alternative that meets the identified Project need (improved electrical reliability), addresses the various regulatory and permitting objectives, minimizes environmental impacts, and provides a cost-effective solution.

Given the nature of the Project (maintenance and improvements on an existing transmission line ROW), few suitable alternatives are available. A **No Build alternative** would not address the continued deterioration of the line, and would lead to increasing outages, poor electrical reliability, and potential safety risks to the public and NEP personnel. No suitable **Alternative Project Locations** are available, as they would require extensive disturbance and/or construction of a new ROW, and would also need to tie into the existing transmission line

system.

Given these limitations, NEP considered alternatives within the existing ROW, including **Targeted Asset Repair** and **Structure Design Alternatives**. For Line 394, asset condition assessments found that while the majority of wood pole structures are in need of replacement, more modern steel pole structures can remain in use with only minor maintenance (including painting). As such, a targeted asset repair approach was chosen, minimizing both costs and environmental disturbance. Where structure replacements are necessary, direct embedded engineered steel poles will be used. While the cost of materials is greater than wood poles, the steel poles will improve reliability and will have a longer service life as they are not susceptible to woodpecker damage and deterioration from other environmental conditions, which is very common on these lines.

5 Conformance with the Performance Standards of the WPA

5.1 Limited Project Status

The Project meets the criteria to be considered a Limited Project, as outlined in 310 CMR 10.53(3)(d) which allows for the construction, reconstruction, operation and maintenance of overhead public utilities that may, under certain circumstances, be permitted without meeting the performance standards of the WPA. Nevertheless, in accordance with general condition 310 CMR 10.53(3)(d)2, the proposed project will implement BMPs to ensure the adjacent resource areas are adequately protected, and impacts to the surrounding area are reduced, minimized, and restored to the maximum extent practicable. Project-specific BMPs are further discussed in Section 7.0.

5.2 Bordering Land Subject to Flooding (BLSF)

[310 CMR 10.57(4)(a)1.] – Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within Bordering Land Subject to Flooding, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows.

Access and work pads will be over-excavated to ensure there is no loss of flood storage within BLSF, and no increase in the horizontal extent of flood waters during peak flows. All temporary construction matting will be removed as soon as construction is complete.

5.3 200-ft Riverfront Area (RA)

Jurisdictional activities within 200-ft RA include 646-sf disturbance associated with access expansion and improvement, and 13,346-sf of disturbance associated with work/pull pad grading. In addition, 106,664-sf of temporary construction matting will be used within RA for access and work pads. Activities are proposed within the historically managed ROW, and are not anticipated to result in any significant alteration of RA habitats with vegetation to reestablish following construction. While stone access and work pads will remain in place to provide a stable surface for future maintenance and/or emergency work on the lines, these

areas will be allowed to naturally revegetate. Temporary matting will be removed once construction is complete, and any temporarily disturbed areas of RA will be restored to pre-existing conditions to the extent practicable.

[310 CMR 10.58(4)(a)] – Protection of Other Resource Areas. The work shall meet the performance standards for all other resource areas within the riverfront area... When work in the riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131 § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.

NEP has designed the Project to conform to the performance standards of other resource areas as described in this Notice of Intent.

[310 CMR 10.58(4)(b)] – Protection of Rare Species. No project may be permitted within the riverfront area which will have any adverse effect on specified habitat site of rare wildlife or upland, vertebrate or invertebrate species, as identified in the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent.

No specified habitat for rare species (NHESP Priority or Estimated Habitat), is located within the Project area in Amesbury.

[310 CMR 10.58(4)(c)] – Practicable and Substantially Equivalent Economic Alternatives. There must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40.

Section 4 of this narrative summarizes the alternatives analysis conducted for this Project. NEP has limited proposed work within RA to the extent feasible given existing conditions. There are no practicable and substantially equivalent economic alternatives to the Project with less adverse effects on the interests identified in the Act.

[310 CMR 10.58(4)(d)] – No Significant Adverse Impact. The work, including proposed mitigation measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40.

The Project is within a working utility ROW that is cleared and routinely maintained in accordance with an approved Vegetation Management Plan (VMP) and local, state, and federal law and regulation. Permanent impacts to the RA are minimal and will not change the character of the RA on site. However, NEP recognizes that maintaining/reestablishing the natural vegetation within the RA is critical to protecting water supplies, providing flood control, preventing pollution, and protecting wildlife and fisheries habitat. Therefore, NEP is proposing to use existing access routes and will limit improvements to those necessary to maintain the existing transmission line. Furthermore, once construction is complete, improved access and work pads will be restored through natural revegetation.

To offset construction impacts, crews will use protective measures and best management practices to avoid and minimize impacts. Consequently, the Project will not result in significant adverse impact or impairment or reduce the capacity of the RA to provide important wildlife habitat functions.

[310 CMR 10.58(5)] – Redevelopment Within Previously Developed Riverfront Areas

Although all work will occur within an existing ROW, NEP is not filing this NOI under the

redevelopment provisions of the WPA (310 CMR 10.58(5)). Access will not be located any closer to perennial streams on site than existing or historical routes.

6 Conformance with the Performance Standards of the Amesbury Wetland Regulations

6.1 Waiver Provisions

As a maintenance Project within an active transmission line ROW, impacts within wetland resource areas and buffer zones cannot be entirely avoided. NEP has aimed to meet the performance standards of the Amesbury Wetland Regulations as far as practicably possible, but due to the nature of the Project, is requesting a waiver from certain requirements - namely, access improvement, temporary access (IAN), and work pad improvements.

10.1(d) Land Subject to Flooding

When a Land Subject to Flooding, (Bordering or Isolated), or land within a minimum distance of 100 feet of Land Subject to Flooding (Bordering or Isolated) is determined to be significant to a wetland value, the following regulations shall apply:

- (1) A proposed project shall not cause any adverse effect or cumulative adverse effect on the wetland values of Land Subject to Flooding.*
- (2) Projects on land subject to flooding shall be permitted only in connection with such procedures determined by the Commission as not having the effect of reducing the ability of the land to absorb and contain floodwaters.*
- (3) The Commission may require compensating or greater flood storage capacity in the same watershed if it permits any filling of land subject to flooding, and all filling of areas subject to flooding shall be strictly minimized.*

As described in Section 5, activities within Land Subject to Flooding (and within the 100-ft BZ to Land Subject to Flooding), will be limited to the improvement/re-establishment of existing access, temporary access, and work pad improvements. Access and work pads will be over-excavated to ensure that there is no change in grades, and no loss of flood storage or increase in storm flows. BMPs including sediment and erosion controls will be in place to ensure that other values, including water quality, and the protection of fisheries and wildlife habitat values, are maintained. No compensatory mitigation is proposed, as no loss of flood storage capacity or permanent fill within Land Subject to Flooding. Where structure replacements are proposed, these will include the removal of the existing structures, and as such there will be no net loss of flood storage capacity.

- (4) Projects shall not have any adverse effect on vernal pools, whether certified or uncertified.*

No vernal pools are located within the Project area.

- (5) Notwithstanding the above provisions, no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate and rare plant species, as identified by procedures established under 310 CMR 10.59.*

Not applicable – No specified habitats for rare species occur within the Project area in Amesbury.

19.1(d) Riverfront Area

(1 through 5)

Not applicable.

(6) Notwithstanding the above provisions, no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate and rare plant species, as identified by procedures established under 310 CMR 10.59.

Not applicable – No specified habitats for rare species occur within the Project area.

20.0(d) Buffer Zone

(1) The intent of the Conservation Commission is to move all structures and activities as far away as possible from any Resource Area, in order to protect the wetland values of Resource Areas.

As described in Section 4, alternative locations for Project activities which further avoid/minimize impacts to wetland resource areas (including buffer zones), are limited due to the purpose of this project being maintenance of an existing transmission line, therefore some impacts within buffer zones are unavoidable. Section 7 describes proposed mitigation measures which NEP will employ to avoid, minimize, and mitigate for impacts to resource areas, including buffer zones.

(2) Except as otherwise specified, Resource Area buffers shall be retained and maintained in a naturally vegetated condition. Where buffer disturbance has occurred during construction, revegetation with native vegetation may be required.

As an actively managed transmission line ROW, vegetation within the Project area (including various buffer zones), is routinely managed in accordance with NEPs VMP. Once construction is complete, NEP is proposing to allow buffer zones to naturally re-vegetate to their existing condition, which is predominantly early successional scrub/shrub and herbaceous communities.

(3) The Commission may require that already-altered buffer zone be restored in order to protect or improve Resource Area values.

As an active transmission line ROW, vegetation within the ROW (including within buffer zones), is managed to maintain an early successional community type, compatible with the overhead transmission lines. Once construction is complete, NEP is proposing to allow this early successional community type to reestablish within buffer zones, but further “restoration” to the adjacent forested community type would not be appropriate within the ROW.

(4) Notwithstanding the above provisions, no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate and rare plant species, as identified by procedures established pursuant to 310 CMR 10.59.

Not applicable – No specified habitats for rare species occur within the Project area.

7 Construction Best Management Practices and Proposed Mitigation Techniques

NEP has established procedures that are to be followed by all employees and its contractors for accessing sites and performing construction activities on transmission line ROWs. These procedures ensure that NEP's projects are completed in accordance with all applicable environmental laws and regulations as well as with NEP policies and compliance objectives. NEP has an Environmental Department with full-time staff responsible for ensuring company procedures are implemented in the field. Additionally, NEP contracts environmental monitors to oversee the project execution and ensure permit compliance through restoration. The following sections provide a summary of BMPs that will be implemented for this Project. See **Attachment E** for an excerpt of National Grid's Environmental Guidance Document, Access, Maintenance and Construction Best Management Practices.

7.1 Avoidance, Minimization and Mitigation

The Project has undertaken extensive measures to avoid and minimize impacts to wetland resource areas. Where impacts are unavoidable, best management practices are proposed.

An extensive alternatives analysis was conducted for the Project, within Amesbury and along the entire Project ROW. Once the complete list of needs at each structure was identified, NEP and their consultants reviewed the structure locations and subsequently proposed shifts or reconfigurations to some of the work pads to avoid wetland resource areas. Wherever feasible, and in accordance with engineering and safety requirements, these shifts were made to avoid or reduce resource area impacts. The use of existing upland access will avoid the need for new land disturbance to access structures. Although resource area impacts could not be avoided in all cases, several design alternatives were implemented to reduce impacts to the extent practicable. In many locations, the footprint of the proposed work reflects the maximum amount of space needed to create the work area. Thus, in some locations, the actual impact area will be much less than what is depicted.

The next key evaluation criterion of the alternatives analyses was to minimize adverse impacts to environmental resources where impacts could not be avoided. The Project provides the best solution for maintaining and improving existing transmission line assets while avoiding and/or minimizing adverse environmental impacts. Due to the existing configuration of transmission line infrastructure, for the majority of impacts, there is little alternative to the location or scope of the proposed activities. In summary, there is no practicable alternative to the Project that would have less adverse impacts on the environment.

7.1.1 Wetland Replacement

The proposed Project will result in the loss of approximately 353-sf of BVW within Amesbury, associated with exempt maintenance of the existing structures. Mitigation for wetland fill is being provided under Section 401 of the CWA.

The wetland replication area is being cited so that it is contiguous to existing wetlands within

the ROW, in an area not likely to be impacted by future maintenance or construction on the lines, an upland area measuring approximately 722-sf will be converted to wetland. Note that the proposed size of wetland replication area is an estimate, and the final size may vary, depending on field conditions. Although not subject to the Amesbury Bylaw, the wetland replication area has been designed to meet the minimum requirements of the Amesbury Bylaw.

The proposed wetland replication site is located off of Pond Hill Road in Amesbury, adjacent to wetland AM-W4, which is located between structures 265 and 266. For more information, please refer to the Wetland Replication Plan and Soil Transect Data in **Attachment G**.

7.2 Best Management Practices (BMPs)

7.2.1 *Sediment and Erosion Controls*

Erosion and sediment control measures will be installed systematically as the Project's earth disturbance evolves. Initially, erosion controls will be installed following vegetation management along access and as the work pads are constructed erosion controls will be amended commiserate with the disturbance. These controls will function to mitigate work-related erosion and sedimentation, and to serve as a physical boundary to delineate work areas to contain construction activities within approved locations.

Erosion and sediment controls will be inspected on a regular basis, typically on a weekly interval or following a ½ inch rain event. The controls are maintained in working order until disturbed areas are stabilized. Refer to **Attachment E** for erosion and sediment control details. The locations of proposed sediment controls are depicted on the Environmental Resources Map in **Attachment B**.

7.2.2 *Construction Access*

Existing and historically utilized access routes are present within the ROW, and these will be used to the greatest extent practicable, as shown on the Environmental Resources Map in **Attachment B**. Temporary construction mats will be used to provide a work platform and access within BVW. Construction mats are a BMP used by NEP to protect the wetland substrate from impacts and to protect the root systems/seed bank of existing vegetation. Construction mats will be placed on top of existing vegetation and will be removed upon completion of work. If necessary, the wetland area will be restored through seeding and stabilization.

7.2.3 *Vehicle and Equipment Refueling and Maintenance*

To prevent impacts from hazardous materials, if refueling and maintenance in the field are necessary, vehicles and equipment will be brought to areas greater than 100-ft away from sensitive environmental features and all reasonable environmental precautions will be taken during refueling to prevent inadvertent spills. A paved area, such as a parking lot or roadway, is preferred to minimize the possibility of spill or release to the environment. Refueling precautions will include frequent checks for fuel spills, drips or seeps during the refueling operation. Vehicles are also equipped with spill kits to provide immediate response action, if needed. If it is not feasible to move equipment to a suitable area, special precautions will be employed to prevent oil or hazardous material release to the environment. These precautions include, but are not limited to, deployment of portable basins or similar secondary containment devices or the use of ground covers such as plastic tarpaulins.

7.2.4 Materials Stockpiling

Soil stockpile areas will be surrounded by appropriate sediment and erosion controls and will be stabilized if unused for more than 14-days (see **Attachment F**). During work within wetlands, any excavated material will be temporarily stockpiled next to the excavation but will not be placed directly into resource areas. Additional sediment and erosion controls will be used for saturated stockpile management in work areas in wetlands. Once a structure is complete native soils from excavation will be used to conduct restoration, prior to the removal of construction mats within wetlands. Following the backfilling operations, excess soil will be spread over upland areas or removed from the site in accordance with NEP policy.

Excavated material will be stockpiled near work areas and used as backfill where possible. When working in or close to resource areas, soils will be surrounded with sediment controls to prevent any sediment migration or inadvertent discharge into resource areas. Should materials need to be stored for an extended period of time stockpiles will be seeded and stabilized with straw mulch or other equivalent BMP to reduce erosion and sedimentation.

7.2.5 Dewatering

Where dewatering is necessary for structure replacements, discharge water will be pumped through a filtration system before being slowly released back into the ROW to infiltrate. Under no circumstances will untreated water be pumped directly to a wetland. Dewatering will be conducted at a rate so that the discharge water does not cause scouring or erosion and any dewatering will be monitored by the contractor performing the work.

7.2.6 Invasive Species Management

NEP has developed a set of procedures that will be implemented during the Project to minimize the spread of invasive species in wetlands within the Project ROWs during construction when the above-described circumstances are present. Invasive species control measures are provided in **Attachment E** (EG-303NE Documentation).

8 Conclusion

Although portions of the Project will occur within wetland resource areas, the proposed Project will:

- Minimize disturbance by utilizing an existing disturbed ROW;
- Maximize use of upland access to the greatest extent practicable;
- Utilize appropriate BMPs to protect wetland resource areas from sedimentation and soil disturbance during Project activities;
- Provide appropriate mitigation for unavoidable impacts to wetland resource areas; and,
- Qualify as a Limited Project under the WPA provisions for public utilities [310 CMR 10.53(3)(d)].

Therefore, NEP respectfully requests the Amesbury Conservation Commission find the proposed project adequately protective of the public interests of the WPA and Amesbury Bylaw, and issue an Order of Conditions for the proposed Project as currently designed.