



Sudbury Valley Trustees

Conservation, Collaboration, and Community since 1953

September 7, 2018

Secretary of Energy & Environmental Affairs
Executive Office of Energy & Environmental Affairs
Attn: MEPA Office, Page Czepiga
100 Cambridge St., Suite 900
Boston, MA 02114

Re: Comments on FEIR filed August 8, 2018
EEA #15703, Sudbury-Hudson Transmission Reliability Project

Dear Secretary Beaton:

Please accept our comments on the Final Environmental Impact Report (FEIR) prepared by VHB for the Eversource Sudbury-Hudson Transmission Reliability Project. We previously filed public comments on the Environmental Notification Form (“ENF”) and the Draft Environmental Impact Report (“DEIR”).

Sudbury Valley Trustees (SVT) is an abutter to the project, owning 4,000 linear feet along the MBTA right-of-way that is being proposed by Eversource as their preferred route. This 220-acre SVT property is known as the General Federation of Women’s Clubs Memorial Forest (commonly known as “Memorial Forest”). SVT has managed this land and abutting conservation lands owned by the Women’s Federation for over 20 years. Established in 1953, SVT is as a regional conservation organization that works to protect natural areas and wildlife habitat throughout a 36-town region west of Boston.

While the preferred Eversource route appears to be a practical straight line between two points, it also happens to go through one of the most significant natural areas in Metrowest Boston. The FEIR and 75% plans present a proposal that reduces environmental impacts from the DEIR for the underground route and we were pleased to see some impact reductions, such as the reduction of the size of the splice vaults and the narrowing of the construction corridor. However, there is no doubt that the proposed project will still have significant short and long term impacts on rare species and sensitive habitats. There is a clear alternative that entirely avoids the extensive impacts to this unique conservation area.

Of foremost concern to SVT is the failure of the FEIR to include an assessment of the below-streets alternative. The lack of this assessment runs contrary to the MEPA requirement to avoid, minimize or mitigate environmental impacts. In the Secretary’s Certificate on the DEIR, Table #1 indicates that the Noticed Alternative (under roads) would have significantly less environmental impacts. We strongly believe that the FEIR is not complete without a full assessment of the environmental impacts of the below-streets option.

Concerns that we expressed in previous comment letters are still relevant:

- The Preferred Route, located along the MBTA abandoned rail line, will severely impact a globally rare natural community, several listed rare species, a rich assemblage of wetland resource areas, and hundreds of acres of conservation lands that were protected with private, local, state and federal tax dollars, and the wilderness character of this natural area located only 25 miles from Boston.
- The Desert Natural Area, south of Hudson Road, in the City of Marlborough and Town of Sudbury is comprised of 900 acres of high quality conservation lands composed of a diverse mix of forests, barrens, wetlands, and cold water streams. **Pitch Pine-Scrub Oak Barrens are recognized as a globally unique natural community that hosts 32 state-listed species plus eight “species of Greatest Conservation Need” as defined by the Massachusetts State Wildlife Action Plan.** These 900-acres, along with the additional 2,300 acres of national wildlife refuge located north of Hudson Road, create an incredible wilderness that supports a great diversity of wildlife and a recreational resource for thousands of people in the Metrowest region.
- The United States Government, Commonwealth of Massachusetts, Town of Sudbury, City of Marlborough and SVT have invested a tremendous amount of public and private resources in the acquisition and management of these lands. Over the last 25 years these conservation owners have worked in partnership to clean up what used to be a dangerous back land of shooting sprees and burning cars. Today, one can find safe and well-maintained trails, cold water streams that support native brook trout and a diverse array of wildlife habitats. The proposed project would put this investment at risk.
- The entire length of the proposed Eversource underground route that runs through this area is part of a **Priority Habitat for rare species**. Those species include whip-poor-will, Eastern box turtle, wood turtle, blue spotted salamander, and several moth species. The **only whip-poor-will** that has been heard calling in recent surveys has been next to the MBTA ROW. Construction and maintenance of the utility line and proposed rail trail will directly disrupt breeding habitat of the whip-poor-will. SVT also documented the presence of three state-listed moth species in the area: Pine Barrens Zanclognatha (*Zanclognatha martha*), Coastal Swamp Metarranthis (*Metarranthis pilosaria*), and Gerhard’s underwing (*Catocala herodias gerhardi*).
- The **ONLY** remaining population in this area of the **watch-listed species wild lupine** is located directly on the MBTA ROW. *The FEIR proposes to slightly reroute the rail trail partially around this lupine population, which will almost certainly result in severe impact to, if not complete elimination of this population. We have witnessed the destruction of a nearby lupine population due to recreational impacts.*
- **Post-construction maintenance issues continue to be a tremendous concern.** All of the “best management practices” on paper do nothing to safeguard the resources and the public in practice. The Eversource proposal assigns long-term maintenance of the corridor to DCR. Lack of sufficient funding regularly prevents DCR from providing adequate management of their park lands. It is improbable that they would have funding to maintain the proposed rail trail according to their BMPs. Furthermore, contractors hired by Eversource to

maintain or perform other work along the utility lines are notorious for wreaking havoc and not following best management practices. SVT has observed on numerous occasions how utility companies do not adequately supervise the contractors that they hire for this type of work.

In addition to the complete lack of an alternatives analysis, Eversource failed to address several items required by the Secretary's Certificate on the DEIR. **The FEIR is incomplete** because it does not include the following:

- Rare species surveys and wildlife habitat evaluations are underway but have not been completed. It is impossible to provide an adequate assessment of significant impacts to rare and declining species without this information.
- The wetlands delineations were not completed and approved prior to the filing of the FEIR; therefore, the FEIR does not account for this updated information.
- Handling of construction materials and especially hazardous waste continues to be of concern and the FEIR does not provide sufficient detail for how these materials will be addressed.
- The FEIR does not specify how construction practices will mitigate the import of invasive plants and seeds. As is typically the case, large construction projects like this proposed project will inadvertently import invasive seeds and plant materials to the site. The construction activity will also disturb established vegetation and soils which inevitably also promotes growth of invasive plant seeds already on site. Allowing the disturbed areas to regrow naturally is a good practice in most areas, but Eversource is not proposing to monitor and remove invasive plants following construction. Invasive species continue to be one of the greatest threats to our native habitats, plants and wildlife and SVT has expended considerable private resources on their control. DCR is unlikely to be able to implement the best management practices it proposes to manage invasive plants along the proposed rail trail.

Overall, even with improved planning to reduce environmental impacts, it is clear that sensitive habitats and species will be impacted during construction. For example, construction is planned to occur immediately adjacent to numerous vernal pools. It is highly unlikely, even with erosion control in place that impacts can be avoided given the proximity and precarious slopes. Additionally, the construction will remove canopy cover that is a critical element to maintaining the micro-climates of the vernal pools. The resulting open corridor will also eliminate some of the upland habitat of the vernal pools.

The FEIR specifies time-of-year restrictions on construction so as to minimize impacts to state-listed and other significant wildlife species; however, the report then goes on to say numerous times that the time restrictions will only be followed "to the extent practicable." That qualification nullifies the time restrictions, so that while work may be planned to occur outside of those time frames, any inconvenience may override those time restrictions.

The narrowing of the construction footprint from 30 ft. to 22 ft. is not fully controlled and limited based on the engineering plans. All of the "typical sections" shown in the FEIR indicate that the Limit of Clearing varies rather than being kept to either 22 feet for the transmission line/rail trail or just to 40 feet for the splice vault construction. How is Eversource actually limiting work to 22 and

40 feet as claimed in the text? What factors would influence this varied construction width and are there any limitations on the variation? Such variations should be specified on the plans and narrative but remain unclear in the FEIR.

The FEIR specifies that the stormwater management ditch and check dams areas designed for two-year storms *as per DCR's standards for conveyance of a 2-year storm*. It is unclear how this proposal will meet the DEP Stormwater Standards for TSS removal. In addition, this minimal design is grossly inadequate given the increased frequency of high intensity rainfall events we have been experiencing and which will only get worse with continued climate change patterns. A recent example from a project under construction in Marlborough illustrates this point. Marlborough's Environmental Monitor reported on conditions during an intense, short duration rain event on August 8, 2018. Despite additional proactive measures taken by the contractor (such as augmenting the erosion control barrier with additional temporary impoundments and a hefty berm of stump grindings) there was a major breach of the erosion control barrier. The erosion controls were blown apart by the stormwater and hay bales were washed 30 feet from the barrier. The monitor noted sediment deposition for about 30 feet through the breach with scouring and flow paths for an additional 70 feet. These types of storm events and stormwater control issues are becoming much more frequent. SVT is concerned for the proximity of Vernal Pools to the steep slopes of the ROW and the lack of specified outfall points and sediment controls for them. Thus, while the proposed stormwater plan may comply with MassDEP SMS it doesn't seem at all adequate especially in an environmentally sensitive area that contains perennial streams, a cold water fishery, vernal pools, and extensive BLSF.

Installing a major utility corridor right through the heart of this significant conservation land will generate unacceptable long-lasting, recurring impacts and environmental damage. We have experience to show that utility companies and their contractors frequently do not follow best management practices. SVT has witnessed these issues within the last year at several of our properties. Stream banks were severely damaged and never remediated in the case at Memorial Forest. Wetlands were filled at a site in Framingham. Public safety was put at risk at a case in Framingham and Ashland when unannounced large machinery sent large woody material flying into the woods and nearby trails. We cannot count on contractors to follow best management practices in their construction and maintenance practices. Conservation landowners are left to deal with the resulting damages and remediation is extremely difficult, if not impossible, to obtain.

In closing, SVT remains strongly opposed to the proposed preferred underground route along the MBTA abandoned rail line. We continue to encourage Eversource to pursue the under street alternative which will have much lower environmental impacts.

Sincerely,

Lisa Vernegaard
Executive Director