

BY ELECTRONIC MAIL (page.czepiga@state.ma.us)

Secretary of Energy and Environmental Affairs
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
Page Czepiga, EEA No. 15703
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Sudbury-Hudson Transmission Reliability Project
EEA# 15703
(Protect Sudbury Inc.)

Dear Ms. Czepiga:

Please accept these comments from Protect Sudbury, Inc. for consideration by Secretary Beaton in response to the Final Environmental Impact Report (“FEIR”) submitted by Eversource Energy (hereafter “Proponent” or “Eversource”). Protect Sudbury’s fundamental position is that the need for the Sudbury-Hudson transmission line project has not been established by the Proponent and it is not necessary. As such, our comments are offered to protect our community if the project is approved despite our opposition. It is our expectation that MEPA will place primary emphasis on ‘avoidance’ as required by statute and afford our community the protection that is provided under the law. 301 CMR 11.01(1)(a).

I. Community Opposition to Project

Public input into all phases of the MEPA process is vital to the process and occurs through comment letters, site visits and community meetings. CMR 11.01 (1) (a)). As such, MEPA places great value on public input and on the impact to the community due to the potential environmental damage that may occur. Public concern for a proposed project is an important and continuing consideration throughout the entire MEPA process.

The Proponent’s proposed project remains vigorously opposed by citizens and local government in both the Town of Sudbury (“Sudbury”) and the Town of Hudson (“Hudson”). Opposition to such projects may not be unusual in MEPA’s experience, the unity, strength, and commitment of opposition to the proposed Project because of its avoidable environmental impacts is unprecedented.

It is important to note that while the community is opposed to a high voltage transmission line on the MBTA ROW, the Town of Sudbury generally supports the development of a recreation trail on the MBTA ROW. While the Proponent has created an artificial linkage between these two projects, the development of a recreation trail in Sudbury is not dependent upon the Proponent.

Sudbury has repeatedly extended offers to work cooperatively with the DCR. DCR's own internal directive instructs proponents of such projects to work closely with the host community.

Kurt Gaertner, Executive Office of Energy and Environmental Affairs and a representative on Governor Baker's "Trails Team" has stated, "...the administration is not going to be advancing trails that don't have local support.... We're not going to be forcing a trail unless it's something that municipalities voluntarily decide that it wants to do". Golden Spike Conference, July 28, 2018. Eversource's proposal is wholly inconsistent with those remarks.

Throughout the filing, the Proponent has spun a deceptive narrative of the so-called benefits this project might offer to the Commonwealth. The Proponent claims to offer a path to greater grid reliability, lower energy costs, 'new and improved' wildlife habitats, and a new recreation trail, yet glosses over the truth of the actual impacts on our community and our environment. Large-scale spraying of carcinogenic herbicides uncomfortably close to the water supply for 18,000 people; the killing and destruction of the eastern box and Blandings turtles, harm to cold water fisheries, and the state listed whip-poor-will nesting areas, as well as the decimation of acres of wooded habitat and forest canopy, all impacts that could easily be avoided if the Project were not sited on a undisturbed corridor.

Eversource completely dismisses out of hand the under street alternative route that would yield the same grid reliability, without ANY of the egregious impacts on community, residents, water supply, local wildlife and habitats.

The existing MBTA ROW is already currently used extensively as a multi-use recreational trail in a fashion that is consistent with the wishes of the community. It is a (currently) shaded canopy over a soft dirt path that walkers, runners, bikers, cross country skiers, equestrians, canines, and wildlife enjoy year-round. Many of these uses will be lost to our community if this project is permitted in its present form.

Moreover, the Proponent states in the FEIR that no use of the MBTA ROW will be permitted until the DCR is able to complete their portion of the project. The Proponent's hollow offer of an unfunded rail trail that may never be built, atop a new high voltage transmission line in a manner that our town and its elected officials have rejected, is inconsistent with the wishes of the community.

The Proponents opinion that they are doing what is in the "best interests of the citizens of the Commonwealth" is simply their *opinion*. It is an opinion not shared by state legislators, local officials, local, state and national environmental organizations. A complete listing of individuals and organizations in opposition to this project is contained in Appendix 1.

Sudbury, as a Home Rule Chartered municipality, strongly believes in the principles of home rule and self-determination as set forth in Article LXXXIX of the Massachusetts State

Constitution. These principles and rules of law have been the foundation of our opposition to the project. Specifically, as set forth in Article 2 of this amendment.

“It is the intention of this article to reaffirm the customary and traditional liberties of the people with respect to the conduct of their local government, and to grant and confirm to the people of every city and town the right of self-government in local matters...”

We believe that these principles set forth in our state constitution should rank above any opinions expressed by the Proponent a private for-profit corporation headquartered in Connecticut,

II. Risk Assessment of Proposed Project: Lack of Specific Experience Puts Assessment into Question

The Proponent has limited experience in designing and constructing underground transmission lines on inactive railroad rights of way. Further, the Proponent has absolutely no experience in simultaneously constructing both an underground transmission line and a recreational trail. In testimony presented to the EFSB, November 9, 2017, the Proponent acknowledged that they did not have previous experience in the collocation of an underground transmission line with a rail trail.

Q. [GREEN] Is this the first project where the company has proposed collocating an underground transmission line with a rail trail or some other pedestrian facility?

A. [SODERMAN] There is one location in Connecticut, in Richfield, underneath an overhead transmission line where a rail trail was constructed after an overhead transmission line already was built.

(Appendix 2. Volume 5, Evidentiary Hearing, p: 748 -760)

The Proponent demonstrates this lack of experience in the FEIR as they switch between the construction and design standards for each of these two projects. ‘Chameleon-like’ in their approach, the Proponent simply calls it an ‘access road’ when it suits them and applies one set of environmental standards with the expectation that MEPA will follow suit. Likewise, when the relaxed MEPA standards for rail trails are advantageous to them, the access road suddenly transforms into a rail trail. **The difficulty and risk associated with the construction and permitting of two fundamentally different projects should not be taken lightly.** In fact, the risk associated with combining these projects substantially increases the potential for unintended consequences.

Likewise, MEPA has not been consistent in its own application of requirements. This project should be evaluated as both a fully developed high voltage transmission line and a fully developed recreation trail. The MEPA standards for each individual project must be fully applied and with even more caution to account for the potential of impacts from this unique and hazardous construction approach.

The inexperience of the Proponent is also evident in a deficient DEIR requiring a substantive number of additions and revision. This pattern continued into the FEIR, which is replete with even more deficiencies, omissions and errors. For example, the Proponent's use of outdated topographical maps that significantly understated the impact on wetlands and amount of bordering land subject to flooding significantly changes the scope and level of permitting for this project. These fundamental errors should be a cause of great concern to MEPA.

III. History of Non-Performance by Proponent: Underestimating Environmental Impacts on the Community

Town of Sudbury

Since the construction of a Sub-Station in South Sudbury in the 1950's and the subsequent construction of an overhead transmission line through South Sudbury to Framingham, the Town of Sudbury and citizens of Sudbury have firsthand experience with the Proponent's inability to honor commitments and communicate with the community on hazardous and on-going maintenance activities.

History has shown that once the Proponent's projects are completed, maintenance is an afterthought and typically assigned to third-party contractors with no knowledge of the history of the project or prior agreements with Sudbury. Failure to inform Town officials and residents of these on-going maintenance activities on this existing right of way have been well documented in Sudbury throughout the years.

That attitude is reflected in the Memorandum of Understanding between the DCR and Eversource and is illustrative of this business practice.

"Eversource will construct the gravel base that will serve as the base of the MCRT and will also provide permanent and perpetual access for the construction, reconstruction, maintenance and access to Eversource's Transmission Project. Such access will be by foot, vehicle, truck, crane or other equipment, as deemed necessary at Eversource's sole discretion, through the property and to its facilities within and along the Massachusetts Central Branch Rail Line and the MCRT Leased Premises."
(FEIR Appendix 2-4 Sec. 2.0)

The Proponent once gaining legal access to a property exercises this 'right' with impunity, at their "sole discretion" and with disregard to the impact to the surrounding community.

This pattern continues even within the MEPA process itself. As noted by the Proponent in FEIR Section 2.2.4 Coordination with Agencies and Stakeholders, between January and May, the Proponent has managed to have four meetings with the DCR yet only one meeting with the Town of Sudbury.

State of Massachusetts

Perhaps the most significant example of the Proponent's disregard for the environmental impact of their activities on the communities in which they operate is the continued use of dangerous herbicides throughout the Cape Cod area. Their continued use of glyphosate-based herbicides threatens the health and safety of residents and their drinking water. Even in the light of the mounting evidence as to the carcinogenic dangers presented by this herbicide and the recent court awards to victims exposed to this substance, they are intractable in their position. The Proponent does not respond to community concerns about the environmental impact of their maintenance practices; we implore that MEPA step in and require them to discontinue all use of such herbicides.

Such behavior should be carefully considered by MEPA when evaluating the Proponent's promises of compliance to MEPA and State and Local regulations.

IV. MEPA Requirements – Avoid or Minimize and Mitigate

MEPA regulations require that a project proponent take all feasible measures to avoid Damage to the Environment or, to the extent Damage to the Environment cannot be avoided, to minimize and mitigate Damage to the Environment to the maximum extent practicable.

It appears that the primary tenet of "avoidance" was not carefully considered given the tacit acceptance by MEPA in the DEIR of the underground route along the long-abandoned rail line/right-of-way owned by the Massachusetts Bay Transportation Authority in Sudbury (the "MBTA ROW"). This is particularly troublesome when an under-street alternative is available without impacts such as the 23.93 ac. of permanent 'alteration' and the additional 284 sq. ft. of permanent fill within bordering vegetated wetland. These permanent alterations do not even account for the indirect alteration to biological changes that have been documented to occur using the herbicides prescribed as part of Eversource's and the DCR's routine maintenance methods.

A. Project Alternatives: Eversource Did Not Consider Project Alternatives

The FEIR is deficient in that the Proponent has not taken "all feasible means to avoid damage to the environment". 301 CMR 11.01(1)(a).

Under 301 CMR 11.07 (6) (f)(4) of the MEPA requirements, the Proponent is required to provide "an analysis of the principal differences among feasible alternatives under consideration, particularly regarding potential environmental impacts"

The Proponent's presentation of the project alternatives in the DEIR and again in the FEIR are deficient and do not meet the requirements outlined under 301 CMR 11.07 (6) (f)(4).

In the DEIR Section 2.3 the Proponent essentially restates the information contained in their initial petition to the EFSB submitted in April 2017. The Proponent argues that the “Noticed Alternative” is inferior to the “Preferred Alternative” based on cost and environmental impact. However, expert testimony has been offered by both the Town of Sudbury and Protect Sudbury to the EFSB that the “Noticed Alternative” is superior to the “Preferred Alternative” on each of these major criteria. The Proponent’s submittal should be considered in context with the submittals of Protect Sudbury and the Town of Sudbury.

Indeed, the expert opinion offered by all stakeholders must be analyzed by MEPA to render a thoughtful and logical determination given the entire range of project alternatives available.

1. Alternatives Analysis - Cost

The FEIR is deficient as the Proponent has not provided conclusive evidence their “Preferred Alternative” is superior in cost to the “Noticed Alternative”.

The Proponent concedes that the under-street alternative has less natural environmental impact to their proposed project than the MBTA ROW route.

“As identified in the DEIR, although the Noticed Alternative would have less impacts to natural environmental considerations it was not selected as the Preferred Project given its substantially higher costs.” (FEIR, Answer c.69.)

The Proponent therefore primarily bases its argument for MEPA certification of the “Preferred Route” on project cost. Yet, throughout the EFSB hearing and in filed testimony, the basis for this claim was refuted by experts from both the Town of Sudbury and Protect Sudbury. (Appendix 3a Protect Sudbury Initial Brief, Section D and Appendix 3b, Town of Sudbury Initial Brief, Section F (4)).

Conceptual estimates, such as those presented in the DEIR are inherently uncertain. This level of uncertainty is reflected in the wide range of -25% to +50% assumed for these types of estimates. Moreover, conceptual estimates are not helpful in evaluating cost estimates for project alternatives where, as in this case, the project estimates are relatively close together and where there is a wide range and variation of the competing projects (under street, underground and on an existing utility ROW).

The Proponent indicated that they have had limited experience in building underground transmission lines in inactive rail beds. They do however have extensive experience in building under street transmission lines. Common sense alone would indicate that cost estimates associated with a project in which the Proponent has had limited experience will result in less accurate cost estimates with greater variability. On the other hand, constructing an under-street route, which is routinely undertaken by the Proponent, would result in more accurate cost estimates with less variability.

2. Alternatives Analysis - Environmental Impact

In a meeting in November 2016 between Eversource, VHB, Sudbury and Protect Sudbury, when questioned about the potential environmental impact of the MBTA ROW route, Marc Bergeron, VHB, Senior Project Manager/Wetland Scientist stated, “we acknowledge there are significant permanent negative environmental impacts with the MBTA route, overhead or underground, which would not be present with an under-street route.”

Yet, despite this statement, Eversource’s route scoring methodology comes to the foregone conclusion that the MBTA ROW has substantially LESS environmental impact than the under-street route. The Proponent’s self-created scoring system is fundamentally flawed, with no distinction between the temporary impact on the developed environment and the permanent impacts on the natural environment. The Proponent’s route scoring clearly illustrates that major damage will take place in every route except the under-street one. Any damage done by an under-street route is temporary, while the damage to the environment in this case is permanent.

This flawed route scoring methodology and results were included by the Proponent in both the DEIR and FEIR and resulted in an entirely spurious conclusion: From the DEIR;

3.5.4.2 Environmental Analysis Results Summary

In summary, Candidate Routes located along the MBTA ROW (with an underground design) had the lowest overall scores as these routes tend to balance impacts to both the developed and natural environment. Candidate Routes located entirely within public roadways have the least impact on the natural environment but the highest impact to the developed environment.

In fact, when performing the relative route scoring calculation while using a statistically relevant denominator, the Proponent’s Preferred Route ranks 18th best, ranking significantly poorer than Under Street Alternatives. The Town of Sudbury EFSB Initial Brief, March 2, 2018, Section IV(D) presents a thorough analysis of the flawed Eversource route selection process. The Town of Sudbury EFSB Final Brief, Section II (c) of March 16, 2018, provides additional support for this argument. Appendix 3b, Section D.

In testimony provided to the EFSB by both Sudbury and Protect Sudbury, we enumerated the flaws in the Eversource routing analysis between the MBTA ROW and the under-street route. In Sudbury, the MBTA ROW abuts 6,145 feet of protected open space with public access and contains or directly abuts 5,930 linear feet within state priority and estimated habitat areas. It has eight perennial stream crossings, and ten vernal pools located within 100’ of the MBTA centerline. Two National Wildlife Refuges, the Great Meadows National Wildlife Refuge, and the Assabet River National Wildlife Refuge, have a total of 4,185 linear feet of property line abutting the MBTA ROW in the project area. These lands were purchased through citizen dollars for the purposed of permanent protection of natural resources of the Town, the

Commonwealth, and the nation. The proposed project passes through three Zone 2 aquifers, areas containing endangered state-listed rare species, fragile wetland areas, and involves the clearing of 23.93 acres of trees and dumping 282 square feet of fill. Yet, the Eversource analysis incredibly (and falsely) concluded that the MBTA ROW route would somehow have LESS impact than an under-street route with virtually none of these environmental risks.

There is no logical basis on which MEPA can grant a FEIR certificate with such a glaring inconsistency in the FEIR filing of the Proponent given the additional information provided by the expert testimonies of Sudbury and Protect Sudbury at the EFSB hearings and included here for your review and evaluation.

3. No-Build Analysis: Deficient Analysis by Proponent

The no-build analysis offered in both the DEIR and FEIR is deficient. Per 301 CMR 11.01(6)(f)(2) “the alternative of not undertaking the Project (i.e., the no-build alternative) for the purpose of establishing a future baseline in relation to which the Project and its alternatives can be described and analyzed, and its potential environmental impacts and mitigation measures can be assessed”.

In the DEIR, the Proponent dismissed this requirement by stating in 3.3.1 that if the project were not built it would not address the identified reliability requirement. It provides absolutely no environmental baseline to measure the actual environmental impacts.

For example, the Proponent has acknowledged that the MBTA ROW rail bed is likely contaminated, both by its nature as a rail bed and by the identified Mass EEA hazardous waste sites along the ROW corridor. There is no provision in the FEIR for determining the current characteristics of the water quality in proximity to the rail bed; i.e. baseline conditions. Further, there is no monitoring or testing of the water table during or after construction. In short, there is no base case established. Waiting for the test results that will measure the amount of contamination on the MBTA ROW does not excuse the Proponent from this requirement. Given the extent of the known contamination, these test results must be made available to MEPA prior to certification and evaluated by MEPA so that proper oversight can be ordered.

Further, while the Proponent has identified the 23.93 acres of tree clearing in the FEIR, they are silent on the impact to the viewscape of properties near the MBTA ROW. Protect Sudbury will cover this topic in more detail further on, but again, the Proponent has not documented the current viewscape so that their impact can be measured and be effectively mitigated if needed.

While the Proponent has acknowledged the presence of cold water fisheries, they fail to establish a baseline to assess and protect brook trout habitat in the Sudbury River tributary streams known to have wild brook trout populations. Native Eastern brook trout (*Salvelinus fontinalis*) are a notable keystone species in the northeastern United States, inhabiting flowing, highly oxygenated, cold-water streams. While brook trout are still relatively common in western and central Massachusetts, eastern populations are greatly reduced. Today, the

Eastern Brook Trout Joint Venture estimates that geographically isolated populations remain in only about 10% of the sub watersheds in eastern Massachusetts. The survival of these remaining populations is threatened by habitat degradation (e.g. streamflow and temperature changes due to increased watershed development), dams, undersized or inadequate road culverts, non-point source pollution, climate change, and by competition and predation by non-native fish species (including rainbow and brown trout). The FEIR is deficient in failing to address the findings of a remarkable 2014 study report “Protecting Trout-Bearing Streams in the Sudbury River Watershed” by OARS, USGS, Greater Boston Trout Unlimited, Sudbury Conservation Commission, and Sudbury Valley Trustees. See Appendix 24

Further, observations of juvenile bald eagles in Memorial Forest and the Plympton Trail adjacent to the Project, entered in the NHESP Vernal Pool and Rare Species Reporting System (A9622 and A9623) are not included in the FEIR. The potential for impacts that result from human-induced alterations initiated around a previously used nest site during a time when eagles are not present, as described by The Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c) should be addressed by the FEIR.

Observations of other rare species reported at the Sudbury substation in 2014 by Oxbow Associates (teaming with VHB for NSTAR), should likewise be included in the FEIR to establish a baseline. These are observations (A2567 and A2568) in the NHESP VPRS system, as indicated in attached memo ‘substation-observations-2014.pdf’, obtained by Protect Sudbury via public records request from the Massachusetts Department of Fish and Game. Appendix 25

The Proponent has also already identified a handful of significant historical sites, yet they offer no base case analysis for these historic structures and artifacts known to be present on the project site. Waiting for an additional assessment ordered by the Massachusetts Historical Commission (“MHC”) does not excuse the Proponent from this requirement.

B. Historical and Archeological Interests: Many Potential Impacts Not Addressed by Proponent

Protect Sudbury is aware that the “MHC” is in the process of conducting a field survey of the MBTA ROW. Protect Sudbury is an organization with local knowledge of historical and archeological remains, structures and artifacts on or in the immediate proximity of the MBTA ROW. We offer the following information to ensure that all such structures, remains, and artifacts are protected under the appropriate state and/or federal statutes.

The FEIR is deficient to the extent that these sites have either not been identified to date by the Proponent or may not be found in the field survey being conducted by MHC.

1. Native American Presence

The history of Native American presence in Sudbury is well documented. Their presence in East and South Sudbury is an area in which many relics and artifacts have been discovered over the

years. Specifically referenced in the text of the “History of Sudbury” by Albert Hudson are locations adjacent to or in the areas now occupied by the MBTA ROW. See Appendix 22 for representative samples.

“Another place where relics have been found in abundance is on the Coolidge estate, by Lanham Meadows, a little south of the East Sudbury depot. “

“Another place worthy of mention is at South Sudbury, on the east side of Mill Brook, on what was lately the farm of Israel How Brown”

(From the History of Sudbury, Massachusetts 1638 – 1889, by Alfred Sereno Hudson)

To proactively explore the MBTA ROW for Native American sites of cultural significance, Protect Sudbury, in cooperation with the Town of Sudbury, contracted with representatives from the Narragansett and Wampanoag tribes to do an initial field survey of the entire length of the MBTA ROW in Sudbury.

On Friday, May 25th, 2018 a team consisting of members of Protect Sudbury, the Sudbury Historical Society, and preservations officers from two tribes conducted the survey.

In the report prepared by the tribes, it was determined that two culturally significant sites were identified that will require further investigation pursuant to the National Historic Preservation Act and National Register of Historic Places guidelines. (Appendix 5a)

2. Boston and Maine Railroad Section Tool House

The Proponent identified the existence of the structure listed in the National Registry of Historic Places yet is silent on how this structure will retain the context of its historical significance or how construction activities would be safely conducted near this structure.

3. Unidentified Archeological Site

The foundation of what appears to be an early settlement was discovered in May 2018 in an area on the MBTA ROW. This site is subject to Section 106 review. Pictures and GPS coordinates are provided in Appendix 6.

4. The Central Massachusetts Railroad

The railroad itself has a rich history. In fact, it was instrumental in linking central and western Massachusetts with Boston in the late 1800’s and early 1900’s. On the MBTA ROW today, the original switch towers and other railroad apparatus still exist. These artifacts should be accounted for and evaluated by the Massachusetts Historical Commission for preservation and restoration.

5. Historic Districts

The MBTA ROW runs through the Sudbury “George Pitts Historic District”. Adjacent to the MBTA ROW are eleven houses that are listed in the Massachusetts Historic Commission’s database of historic buildings.

Including C Culter House 7 Maple Ave;
Forrest D House, 10 Maple Ave;
11 Maple Ave;
F Bradshaw House 14 Maple Ave;
15 Maple Ave;
J Shedd House 19 Maple Ave;
22 Maple Ave;
25 Maple Ave;
28 Maple Ave;
31 Maple Ave;
and 34-36 Maple Ave

(Appendix 7a, 7b, 7c “Historic Homes - Maple Ave. Sudbury”)

The MBTA ROW also bisects and directly abuts the Wayside Inn Historic District #2. There are homes both modern and historic that abut the MBTA ROW and are within the Wayside Historic District #2. (Appendix 8 “Wayside Inn Historic District”)

It is incumbent on the Proponent to preserve lands surrounding these structures to maintain the appropriate and proper historical context.

6. Historic Bridges

The FEIR is deficient as the 75% design calls for the destruction of one historic bridge and the ‘refurbishment’ of another historic bridge. The filing is also deficient in not fully describing the process of bridge demolition, construction, renovation and the associated environmental impact. Some of the deficiencies are set forth below.

Hop Brook (Bridge 127)

The Proponent’s FEIR 75% design now calls for the demolition of this bridge structure. See FEIR 2.1.2.2.

Note however, in the DEIR the Proponent concludes that rehabilitation of the bridge is “feasible”. No new information was presented in the FEIR to justify this change in approach.

Hop Brook (Bridge 128)

The Proponent's latest plan calls for refurbishment of this bridge. It is unclear what the Proponent means by refurbishment relative to maintaining the historic character of the bridge structure. The primary design objective for the Proponent is to facilitate the passage of construction vehicles. The placement of high voltage transmission lines on this structure in any location would be inconsistent with its historic character.

Rationale for Proposed Construction Technique for Water Crossings

Bridge demolition and bridge refurbishment clearly have greater environmental impact than other alternatives available such as the Horizontal Directional Drilling ("HDD") technique the Proponent has discussed. According to the Proponent (See 2.1.2.3) the environmental risks/impact include, but are not limited to:

- ✚ Unspecified amount of vegetation removal
- ✚ Erosion of the river bank
- ✚ Debris entering environmentally sensitive waterways
- ✚ Installation of new bridge abutments creating high levels of suspended solids in environmental sensitive waterways.

The most common practice in place for crossing narrow waterbodies used in the utility industry is HDD. It is also generally acknowledged that while equipment staging is typically required, overall disturbance within a sensitive area will be minimized. The Proponent has used such construction techniques throughout their service area for over 40 years and is thoroughly familiar with them. The MBTA ROW is ideally suited to the HDD technique due to the lack of the typical constraints found in residential and business areas. (existing utilities, narrow and limited work areas). The work area requirement noted in the FEIR (Section 3.2.4.2) is well within the space available at each of these bridge crossings. The Federal Energy Regulatory Commission ("FERC") classifies the waterbody crossings at the two Hop Brook locations as "Intermediate". As such, HDD is feasible and could be done at a significantly less cost

Most importantly, the Proponent has acknowledged that the HDD is "feasible" for the projects waterbody crossings. (See FEIR Section 3.2.4.2)

Proponent's Rationale for Bridge Removal and Refurbishment

The Proponent claims that a "turning platform" is required to turn construction vehicles around to facilitate construction. Nevertheless, other options are available to the Proponent. For example, the areas that would be cleared for splice boxes (50' x 60') are more than adequate to turn the vehicles. Of course, there is always the option of putting the vehicle in reverse and exiting the construction area in that fashion. The need for any such "turning" structure, temporary or permanent has never been mentioned by the Proponent. In fact, Eversource has

long recognized the feasibility of other options that do not involve bridge construction/reconstruction.

Specifically, since the start of the public phase of this project in 2016, the Proponent has stated at public meetings in Sudbury, Hudson and Stow that the required maintenance for this transmission line could be easily accomplished by a non-contiguous access road. The access road has numerous street access points and any required maintenance access can easily be accomplished in this fashion. At the Stow Board of Selectman's meeting, Feb. 23, 2016, Beverly Shultz, Eversource Project Manager stated, "We are not proposing a bike path. We're proposing an access road that can be utilized. I would like to point out that, I was mentioning that there are some existing bridges. We do not plan to make use of those bridges. We don't really know the condition of those bridges nor their ability to support our very large construction and maintenance vehicles. So, we will come from either direction from roads when we need to get to any part of the right of way. There are a number of roads that cross over the right of way." Video recording available of this statement is available on the Town of Stow website in the Stow TV section.

In addition, the only other rationale that the Proponent could provide was that it would benefit the DCR recreation trail. In fact, the Proponent under terms of the Memorandum of Understanding ("MOU") in FEIR Appendix 2-4 Section 5.0 is required to "design, permit, and construct bridge improvements within the MCRT leased premises".

This agreement, however, should not be considered in any evaluation of Eversource's filing. The rail trail is simply not an integral component of the transmission line project and provides no benefit to electric ratepayers.

Accordingly, the Proponent's statement that they project will somehow assist DCR in the construction of these bridges is unfounded and should be rejected.

Bridges are Historic Structures

All three bridges, Hop Brook (Bridge 127), Fort Meadow Brook (Bridge 130) and Hop Brook (Bridge 128) are considered historic resources by the State of Massachusetts. All are listed in the State Registry for Historic places database the Massachusetts Cultural Resource System. ("MACRIS")

The MHC database listing and description of these structures are contained in Appendix 7d and 7e.

In addition, applications have been submitted by the Sudbury Historic Commission ("SHC") to the MHC for consideration for National Registry listing. As the Proponent has pointed out in the DEIR, Section 2.6.1.1:

“No undertaking shall cause effects on properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unknown historic properties within the permit area, unless the Corps or another Federal action agency has satisfied the consultation requirements of Section 106 of the National Historic Preservation Act (“NHPA”).

The FEIR is deficient in that both properties must go through the proper review by appropriate State and Federal agencies.

Bridges - Summary and Conclusion

MEPA’s priority is avoidance. The certain damage, destruction, and defacement of these historic structures can be avoided by instructing the Proponent to avoid any bridge replacement or refurbishment.

There are many other avenues for the DCR to pursue that do not involve construction of an unnecessary and costly transmission line if it wishes to rehabilitate these bridges for use as a recreation trail, as it has done with so many other similar projects. In fact, it already has a willing partner to begin this process with; the Town of Sudbury.

C. Project Segmentation, Macro Level: Circumventing MEPA Thresholds

The Proponent’s filing is deficient at a macro level. It circumvents MEPA permitting thresholds by segmenting the construction of the project into three separate, but integral pieces; the Sudbury sub-station, the transmission line on the MBTA ROW and the Hudson sub-station. All three must be completed for the Proponent to address the reliability issue identified by ISO New England and then presented by the Proponent to the EFSB. This has resulted in an underestimation of the wetlands impact and the amount of bordering lands subject to flooding (“BLSF”) among other factors associated with environmental impact. MEPA permitting thresholds have been circumvented and have restricted MEPA’s regulatory authority.

As per 301 CMR 11.01(2)(c),

“In determining whether a Project is subject to MEPA jurisdiction or meets or exceeds any review thresholds, and during MEPA review, the Proponent, any Participating Agency, and the Secretary **shall consider the entirety of the Project**, including any likely future Expansion, and not separate phases or segments thereof. The Proponent may not phase or segment a Project to evade, defer or curtail MEPA review”. (emphasis added)

Transmission Line Project Segmentation

The Proponent's filing at the EFSB clearly defines the parameters of the proposed project,

"Eversource Energy ("Eversource" or the "Company"), seeking approval from the Energy Facilities Siting Board ("Siting Board") pursuant to G.L. c. 164, § 69J ("Section 69J") to construct, operate and maintain an approximately 9-mile, 115-kilovolt ("kV") underground transmission line between Eversource's Sudbury Substation located in Sudbury ("Sudbury Substation") and the Hudson Light & Power Department's ("HLPD") Substation in Hudson ("Hudson Substation") (the "New Line")". – Petition of NSTAR Electric Company d/b/a Eversource Energy Pursuant to G.L. c. 164, 69J EFSB Case # 17-02

The FEIR discusses only one of the three components of the proposed project, the "New Line". Missing is the expansion that was required at the Sudbury Sub-Station specifically for the interconnection equipment required for the "New Line". Also missing is the extensive work to be performed at the Hudson Substation to interconnect the "New Line".

The illustration contained in the DEIR Figure 2 – 1 of the existing Sudbury Substation and the proposed Improvements clearly shows the extent of the new work being proposed at the Sudbury Sub-Station and the Proponents use of the expanded footprint of the sub-station.
Appendix 9

In the Proponent's EFSB filing which describes the goal of the project as connecting the Sudbury Sub-Station to the Hudson Sub-Station, they clearly affirmed the relationship between the "New Line" referenced in the FEIR. They also clearly noticed the need to build out the footprint of the Sudbury sub-station for the "new line" to accommodate the new equipment required for interconnection the line with the sub-station. Although the Proponent chose to complete this portion of the project in 2014, the work performed at this time was a necessary component of the project described in the FEIR. Therefore, the impact of the Sub-Station project on wetlands and BLSF should be included in calculating the overall impact of the project in the FEIR. The Sudbury Substation Project Description submitted by Oxbow Associates and the various permitting application obtained by Protect Sudbury under public records request provides additional confirmation of the relationship of these projects as well as information regarding the wetland and environmental impact of this project.

See, Appendix 10 'Sudbury Substation Project Description Oxbow Associates'.
Appendix 11 'Sudbury Substation Permitting Process Files'.

Included is an email from Beverly Schultz, Eversource Project Manager to Jody Kablack, Sudbury Town Planner (retired) obtained through a public records request, that clearly indicates that the work at the Sudbury substation was performed in anticipation of the 115 kV Transmission line proposed in this project. Appendix 12

In addition, the MOU between Eversource and the Town of Sudbury also provides a correlation between the Sudbury substation work and the proposed 115 kV line. (Appendix 13)

The Proponent provides a description of specific components of the substation upgrade in Section 2.4 of the petition before the EFSB. (Appendix 14)

Although the Hudson Sub-Station work to accommodate this new line is being constructed by Hudson Light and Power, it is required specifically and exclusively for the 'new line' being constructed by the Proponent.

The executed agreement between Hudson Light and Power and Eversource obtained through a public record request made by Project Sudbury to Hudson Light and Power on April 12, 2016, confirms the relationship between these projects. (Appendix 15)

The illustration contained in the DEIR (Figure 2 -2 Existing Hudson Substation and Proposed Improvements) clearly shows the proposed expansion and the potential environmental impact.

D. Project Segmentation, Micro Level: HVTL and Rail Trail Require Different Construction Methods and therefore have Very Different Environmental Impacts

The FEIR submitted by the Proponent attempts to further segment the project by attempting to combine a high voltage transmission line project with a project to construct a recreation trail to artificially minimize the environmental impacts and avoid more stringent MEPA regulations. At the heart of this deficiency in the Proponent's filing is the assumption that the construction of an underground high voltage transmission line and the construction of a recreation trail fundamentally use the same construction methods, have a similar environmental impact and should, therefore, be permitted as such. This assumption led to the premise that rail trail development guidelines are adequate for providing the necessary construction and environmental guidance for trenching a 5' x 5' ditch for 7 miles, through a contaminated rail bed, and into the underlying water table. MEPA should evaluate and permit each project (transmission line and rail trail) individually under the appropriate construction and environmental guidelines. When these project activities cross paths, MEPA should consider the unintended consequences of building these projects simultaneously and apply even more rigorous and stringent standards and reject the Proponent's attempt to piggyback these projects to avoid additional regulation. Guidelines should be put in place to account for the impacts combining two radically different projects in some of the most environmentally sensitive areas in the State.

E. Contamination – Groundwater – Water Supply

The FEIR is deficient with respect to the handling of known and potential contamination throughout the project area.

The Eversource evaluation of hazardous materials was conducted in accordance with the MassDEP guidance document entitled “Best Management Practices for Controlling Exposure to Soil During the Development of Rail Trails”. The Proponent’s project is, however, an underground utility installation with far greater potential to disturb/expose contaminated soils than the typical rail-trail project for which the MassDEP guidance document was developed. As an example, the proposed power transmission duct bank along the Preferred Route is shown with the bottom of the completed duct bank over 5 feet below finish grade. Construction measures necessary for utility installation typically require excavation below the bottom of the proposed duct bank. In comparison, the typical rail trail development would limit excavation activity to near the existing grade surface. Thus, the use of this MassDEP guidance document for evaluating the Preferred Route may significantly underestimate the potential impact of contaminated soils on the Preferred Route cost. Any contaminated soils encountered during the construction would need to be handled in accordance with the requirements of the Massachusetts Contingency Plan (MCP)(310 CMR 40.). Eversource should conduct an MCP Phase 1 level of investigation (310 CMR 40.0483) to further assess the contamination risks and potential costs. Eversource should conduct these tests and report the results to both the EFSB and MEPA before a final FEIR certificate is issued.

The majority of the project extends along an unused rail corridor, which was operational for 90-years. As outlined by VHB, railroad operations result in elevated levels of residual contamination consisting of carcinogenic PAHs, heavy metals and petroleum. Other than spills, typical railroad bed contaminants are not very soluble and do not generally represent a migrating source of contamination but the railroad ballast and more importantly the entrained fines and underlying soils do pose a significant of exposure, hence MassDEP establishment of BMPs (within the guidance document) requiring 12-inches of clean fill over a geosynthetic barrier. MassDEP Guidance goes on to say:

“DEP does not believe that these BMPs are, by themselves, sufficient and appropriate for use without more extensive site investigation in industrial areas with known or likely non-railroad sources, or in rail yards.”

Available data indicates groundwater depth at the property ranges from approximately 1.26 to 6.13 feet below grade surface. That raises two key issues: 1) that the soils beneath the ballast would have received 90-years of relatively immobile contaminants being washed through the stone ballast to the organic soils below, and 2) the groundwater is relatively shallow meaning that industrial corridors will likely result in plumes beneath the project route that will require special handling and treatment during construction (at additional cost). The Eversource filing includes a representative sketch (EFSB17-02 Figure 5-15) that shows the typical duct bank trench detail as 4 feet wide and 5½ to 8 feet deep, depending on the design profile of the duct

bank. At a minimum, that places the bottom of the duct bank at 5 to 6 feet below grade, not only encountering area groundwater but also placing the excavation in the zone of higher contaminant concentration. While the MCP includes provisions to limit liability for contamination discovered during utility construction, it does not remove the responsibility for managing risk.

The Proponent primarily relies upon the MassDEP's Best Management Practices for Controlling Exposure to Soil During the Development of Rail Trails ("Rail Trail BMP"). See FEIR Section 9.4.4 Project Mitigation Measures. **The Proponent's petition to the EFSB is for the construction of a high voltage underground transmission line, not a rail trail.** As such, the ASTM Standard, Phase 1 and 2, is the proper standard to apply to the underground transmission line project. In fact, the Rail Trail BMP states "the DEP does not believe that these BMPs, (referring to the Rail Trail Guidance) are sufficient themselves or appropriate to use without more extensive site investigation in industrial areas with known or likely non-railroad sources" of contamination.

The Rail Trail Guidance is intended for constructing a rail trail using a capping technique on top of an existing rail bed to protect the contaminates from disturbance and potential migration into groundwater. **The Rail Trail BMP does not account for construction of an underground transmission line, which in this case involves trenching a 5' x 5' trench into ten contamination sites in Sudbury identified within the Energy and Environmental Affairs data portal for waste sites and reportable releases.**

The regulations outlined under 310 CRM 40.000 are directly applicable to the underground transmission line and should be applied accordingly. Specifically, but not limited to the following Sections:

General Law - Part I, Title XVI, Chapter 111, Section 160.pdf

"Examination of water supply; assistance to cities, towns, and districts for groundwater aquifers and recharge areas"

General Law - Part I, Title II, Chapter 21A, Section 11C.pdf

"Prohibition on alteration or pollution of rivers and streams"

General Law - Part I, Title II, Chapter 21C, Section 7.pdf

"Collection, transportation, treatment, and disposal of hazardous waste; licenses; underground drinking water sources"

General Law - Part I, Title II, Chapter 21E, Section 8.pdf

"Rules governing testing and analysis; quality assurance program; independent forensic laboratories"

As a matter of precedent, MEPA has applied the 310 CRM 40.000 regulations in previous cases of a similar nature. Specifically, in the Eversource's West Roxbury to Needham Reliability

Project; Boston, Dedham, Needham, MA; MEPA Draft Environmental Impact Report; EEA No. 15529. The following is a representative example from that filing.

Solid Waste

” Proponent will manage contaminated soil or other material along the Preferred Route pursuant to the provisions of a Utility Release and Abatement Measures (URAM) regulated under the Massachusetts Contingency Plan (MCP, 310 CMR 40.0000).”

Finally, while the Proponent provides brief mention to a section of 310 CRM 40.000, they leave the door open to disregard these requirements at their own discretion. From DEIR Section 9.3

“Work will then likely be conducted as a Utility-Related Abatement Measure (URAM) pursuant to 310 CMR 40.0460 of the MCP” (emphasis added)

Allowing the Proponent to arbitrarily apply rules more applicable to a rail trail would circumvent the appropriate MEPA permitting process.

F. Contamination Sites: Proponent Omits Sites

The FEIR is also deficient with respect to the issue of potential contamination by omitting known contamination sites. The following sites are omitted from the Proponent’s filing.

1. Former Sudbury Rod and Gun Club

The Proponent claims that RTN 3-24573, Former Rod and Gun Club, 33 Bulkley Road, Sudbury poses “No Significant Risk”. (See DEIR Section 9.2.1 Environmental Database Review)

As noted in the detailed filings and records within the MassDEP Waste Site Reportable Release database, this site contained high concentrations of lead because of its extensive use as a gun club. Remediation already performed in the site adjacent to the MBTA ROW required removal of hundreds of tons of topsoil. It is clear from historical sources that the orientation of the firing range resulted in the unintentional use of the MBTA ROW berm as the safety backstop for the range. As such, it is likely that the MBTA ROW is also highly contaminated with lead.

A report created in cooperation with the U.S. Fish and Wildlife Service, Water-Resources Investigation Report 02-4282, “Ground-Water Contamination from Lead Shot Prime Hook National Wildlife Refuge, Sussex County, Delaware” concludes that such sites pose a significant threat to groundwater and water supplies. The former Sudbury Rod and Gun Club site poses a significant risk and must be investigated and remediated accordingly.

The Proponent claims this site ‘has no significant risk’. We disagree. This EPA listed site presents significant risk for both the transmission line project and the recreation trail project.

MEPA must look at this site across both potential uses and consider the consequences of both disturbing the lead contaminated soil around a 5' x 5' trench into groundwater levels as well as the regular presence of the public near this contaminated site.

2. Former Raytheon Site – 528 Boston Post Road

The FEIR is deficient with respect to performing an Environmental Site Assessment with Subsurface Investigation in substantial conformance with the scope and limitations of ASTM Practice E 1527-13 with respect to 528 Boston Post Road, Sudbury, Massachusetts. (Appendix 17)

The MBTA ROW is in immediate proximity to the northeastern portion of the former Raytheon property documented at this site. The conclusions reached by the Proponent in their hydrology report are that the known contaminants in this area are not likely to be released into the groundwater in this Zone 2 aquifer. Yet they also say that “Because portions of the overburden, where the clay layers are not present, are highly permeable sand and gravel, the Raymond Road aquifer is sensitive to surface spills and sources of contamination”. EFSB17-02 Appendix Groundwater Hydrology Assessment.

The presence of CVOCs in groundwater was first identified between 1990 and 1991, and the Site was initially assigned RTN 3-3037. The initial investigations were requested by DEP as part of a regional investigation for the source of CVOCs in the Town of Sudbury’s Raymond Road well field. It is believed that the CVOCs migrated from this site and contaminated the water being drawn from the Town’s Raymond Road wellheads. While the groundwater concentrations have remained consistent with those detected during earlier studies, Raytheon, the former occupant of that site, elected to provide notification based on updated reporting requirements under the MCP. That notification was assigned RTN 3-27243. Raytheon then continued to perform groundwater quality monitoring at the Site since that time.

The Proponent’s belief that additional groundwater contamination is ‘not likely’ is not consistent with the history of the site. Their assessment that contaminants at this Zone 2 aquifer would not migrate to the drinking water supply is also in error. Adherence to the standards for Rail Trail development will not protect the Town of Sudbury’s water supply. MEPA must establish additional safeguards to protect Sudbury’s primary source of drinking water.

Most of the reference documents in their hydrology assessment are derived from reports and tests performed between 1970 and the 1990’s. A more recent report by Sanborn Head Engineering provides their Phase 1 Environmental Site Assessment with Subsurface Investigation for a property adjacent to the MBTA ROW. The report accurately defines the potential for groundwater contamination at their site and the proper monitoring and mitigation measure. This is the standard to which the Proponent should be held to. Reliance upon reports produced 30 to 40 years ago for this critical resource is just not adequate. See Appendix 23.

G. Viewshed

The FEIR is deficient for not including a Visual Assessment Analysis of the “Preferred Alternative”.

Protect Sudbury disagrees with the Proponent’s conclusion that the “Preferred Alternative” underground route on the MBTA ROW does not require a Visual Assessment Analysis. In fact, this analysis was performed for the Noticed Variation, one of three routes being considered by the EFSB and would be of significant value in assessing the impact on the viewshed on the “Preferred Alternative”. The Noticed Variation Visual Analysis is included as a reference. (Appendix 17)

The Proponent submitted a Viewshed Analysis for the “Preferred Alternative” in a similar case; a West Roxbury to Needham transmission line. That visual analysis is also included as a reference. (Appendix 18)

The Proponent asserts that ‘on average’ the required clearing is 22 feet. While even that 22’ footprint will contribute to the loss of viewshed, the points at which additional grading and fill are required will result in the taking of trees beyond the 22’ limit. Further, the installation of twenty-eight splice vaults along the MBTA ROW will result in clearings of up to 60’ x 50’ (See FEIR Figure 2-2). The Proponent fails to consider the extreme proximity of over 300 residences and businesses to the MBTA ROW.

In certain cases, the areas adjacent to the ROW will essentially be clear-cut and will dramatically alter the viewshed of residences and businesses all along the route. The route also intersects two historic districts in Sudbury. The planned clearing will dramatically alter the historic nature of the settings in which these buildings are located.

Photographic examples are included to illustrate the impact that such alterations will have on a select group of residences and businesses. (Appendix 19)

The additional impact of a paved rail trail must also be considered when assessing visual impact. Such a recreational trail will invite a dramatically increased number of pedestrians, bicyclists, ambulances, police cars and runners. Non-authorized use will undoubtedly occur by other motorized vehicles. The Proponent has indicated that they too will deploy motorized maintenance vehicles at will and without notice. FEIR Appendix 2-4 Sec. 2.0
Such access will be by foot, vehicle, truck, crane or other equipment, as deemed necessary in Eversource’s sole discretion through the property and to its facilities within and along the Massachusetts Central Branch Rail Line and the MCRT Leased Premises.”

Mitigation measures for each residence, business, historic district and certain conservation areas should be determined by the Proponent prior to the issuance of a FEIR certificate. These measures are typical of such projects. The FEIR should contain clear commitments to

implement Viewshed mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

To accurately assess the impact on viewshed the Proponent should be instructed to do a field survey of the entire ROW as part of the Visual Impact Analysis. They must first establish the base case of the current viewshed and then assess the impact of the tree clearings at each location. Mitigation measure and options should then be specified and placed into the FEIR so that these property owners are protected. The mitigation offered in the FEIR of “allowing the area to revegetate... and actively revegetating areas only as necessary” is both inadequate and leaves the determination of what is “necessary” totally in the hands of the Proponent. (FEIR Section 5.5.2)

H. Tree Clearances Not Defined

The FEIR is deficient as the Proponent has not clearly defined tree clearing parameters. The Proponent has been inconsistent in their definition of the parameters and definition of a ‘clearing’. The Proponent has been asked to define this term on several occasions in public forums. They consistently defined it to mean “Ground to Sky”, meaning that any tree adjacent to the defined clearing that had overhanging branches would also be removed. An example of a well-designed rail trail without ground to sky clearing is the rail trail in Dennis, MA. Appendix 20. A ‘ground to sky’ clearing example is also included for comparative purposes. Appendix 20a.

A “ground to sky” approach would have a much more significant impact on both the viewshed as well as the recreation trail. It also raises questions of whether such an approach in protective conservation areas would result in a violation of Article 97.

An explicit definition of “clearing” is required from the Proponent for adequate MEPA evaluation of these impacts.

H. EMF Radiation

The FEIR is deficient in that proposed Electromagnetic Frequency (“EMF”) levels exceed recommended State levels.

The Proponent has provided 75% design documents and maps that indicate the position of the 115kv high voltage transmission line relative to the recreational rail trail. It is estimated that the transmission line occupies the center line of the recreational rail trail approximately one-third of the entire length of the MBTA ROW route. The Proponent acknowledges this design characteristic in the FEIR. (See FEIR Section 2.3.1.3).

The Proponents EFSB filing provides EMF calculations for the “Project” at annual peak loading. (See EFSB17-02 Vol ii, Appendix 5-10, pg-116, Table A-3.

As indicated in the table, the EMF level directly above the cables on the rail trail is 88mG and 99mG at the Manhole locations.

The Proponent's stated EMF levels are beyond levels deemed even remotely acceptable, e.g. 85mG, particularly when considering that this project is proposed to include a rail trail. See EFSB15-04, Electric and Magnetic Field (EMF) Analysis for Woburn-to-Wakefield Junction Underground 345-kV Transmission Line, Table 2-2. (Appendix 20)

These levels are particularly alarming when considering the nature of the proposed rail trail. While a typical under street route would limit exposure due to infrequent street crossings by pedestrians and the EMF shielding provided to automobile occupants traveling along such roads, a rail trail is quite a different matter. By its very nature, it is intended to attract walkers, runners, and cyclists and encourage frequent and prolonged usage potentially exposing users to prolonged EMF and herbicide exposure. In fact, one hour spent by a child/or adult on the rail trail would exceed the recommended level of safe EMF exposure for an entire day, assuming otherwise normal exposure averaging 2mG/hour, and place that child/or adult at the upper 95th percentile of all Americans for EMF exposure per the NIEHS/DOE EMF RAPID Program Study (2002).

This issue speaks directly to the danger of combining the construction of a high voltage transmission line with a rail trail. This is only one of the many unintended consequences associated with combining these two disparate projects. Perhaps this is exactly why the Proponent, when questioned at the Siting Board hearing could provide no example of such a combined construction project. At a minimum, MEPA needs to apply the appropriate public safety standards to prevent such exposure to the public or deny the FEIR.

J. Greenhouse Gas (GHG) Emissions

The concern for greenhouse gas emission is rooted in our overall concern about their impact on global warming. In addition to what the proponent might contribute to this impact, equally important are the destructive activities that contribute to global warming. Therefore, the FEIR is deficient in that it fails to determine how much the proposed amount of tree clearing will impact carbon storage. Tree cutting, and clearing is recognized as a major anthropogenic disturbance that affects terrestrial carbon storage, in turn, contributes to global warming.

From the inception of this proposed project, Protect Sudbury was concerned about this potential impact and did a study of the impact of tree clearing in the MBTA ROW on carbon storage. Based on the current estimate by the Proponent of 24 acres of disturbance, we estimate a loss of over 10,000 trees being removed from the corridor. Such a disturbance would result in the loss of over approximately 900 tons of carbon storage on forested land.

That loss is equivalent to:

- Over 7,000,000 miles of miles driven by average passenger vehicle
- Over 300,000 gallons of gasoline consumed

Over 3,000,000 pounds of coal burned and
Over 400 homes use of electricity for one year

The proponent should be denied a FEIR certificate when an under-street alternative exists that carries none of these adverse environmental effects. The Proponent should be held accountable by MEPA for this valuable loss of precious environmental resource and their direct contribution to global warming. The Protect Sudbury study is contained in Appendix XX.

V. Conclusions and Summary

As noted above, the FEIR is deficient in the following key areas:

- ✚ Project Alternatives
- ✚ No Build Alternatives
- ✚ Bridge Construction
- ✚ Project Segmentation
- ✚ Groundwater Contamination
- ✚ Viewshed
- ✚ EMF Exposure and
- ✚ Greenhouse Gas Emissions

Many of these deficiencies identified are largely explained by the Proponent 'cherry picking' in its reporting, particularly in the way they have scaled the environmental impact of their routes. It is clear Eversource's proposal will result in permanent and significant environmental damage. Considering all the risks, costs, potential delays, and adverse effects it remains baffling as to why the Proponent continues to pursue this course of action and has been intractable in their position. There are a range of alternatives available to them - such as the under-street route - that would do little or no environmental harm and which the communities would accept if this project were to be proven necessary. We ask that MEPA focus squarely on their mandate to AVOID, then minimize and mitigate.

Regards,



Ray Phillips
President, Protect Sudbury Inc.



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