



MASSWILDLIFE

## DIVISION OF FISHERIES & WILDLIFE

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May 20, 2022

Jonathan Roberge  
Eversource Energy  
107 Selden Street  
Berlin CT 06037

**RE: Applicant:** Jonathan Roberge, Eversource Energy  
**Project Location:** Transmission ROW 1231-1242 located in Hinsdale, Peru, Windsor, Plainfield, Ashfield, Conway, Shelburne, Deerfield and Montague  
**Project Description:** Lines 1231 and 1242 Reconductor and Structure Replacement Project (Related to NHESP 20-39441: Line 312 Structure Replacement Project (2020 & 2021))  
**NHESP File No.:** 21-39898

Dear Mr. Roberge:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received the MESA Project Review Checklist, site plans entitled "Lines 1231 and 1242 Reconductor and Structure Replacement Project and Line 312 Structure Replacement Project (2020 & 2021)" (dated 4/6/2022; prepared by Epsilon Associates, Inc. the "Project Plan") and additional materials in compliance with the Massachusetts Endangered Species Act (MGL. c. 131A) and its implementing regulations (321 CMR 10.00) (MESA).

The MESA prohibits the Take of state-listed species, which includes actions that "in reference to animals, means to harass, harm, pursue, hunt, shoot, hound, kill, trap, capture, collect, process, disrupt the nesting, breeding, feeding or migratory activity or attempt to engage in any such conduct, or to assist such conduct... Disruption of nesting, breeding, feeding or migratory activity may result from, but is not limited to, the modification, degradation or destruction of habitat of state-listed wildlife species" (321 CMR 10.02).

The Division has determined that the proposed project is located within the actual habitat of the state-listed species listed below, as well as a suite of state-listed lepidoptera species. These species and their habitats are protected in accordance with the MESA.

The project, as proposed, occurs within the  $\pm 26$  miles of existing transmission right-of-way (ROW) occurring in the towns of Hinsdale, Peru, Windsor, Plainfield, Ashfield, Conway, Shelburne, Deerfield and Montague. Work associated with the project includes replacement of 69 transmission structures within Priority Habitat, replacement of shield wire (OPGW) and conductor wires and vegetation management (tree trimming and/or removal) within 50 ft of the 1231/1242 centerline. In order to safely access work areas, the Applicant proposes upgrades to access roadways, temporary and permanent work pads at structure locations and temporary wire pulling pads. The Division has been involved in ongoing consultations with the Applicant and their representatives regarding this project in order to address

MASSWILDLIFE

impacts to state-listed species and their habitats within this ROW, which also houses Eversource's Line 312. Temporary and permanent impacts associated with this project on this ROW are cumulatively reviewed herein with impacts from upgrades on Line 312 in 2020 and 2021 (NHESP 20-39441, Division letter dated 7/29/2020 & NHESP 21-39898, Division letter dated 11/4/2021).

### ***Plants***

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as proposed must be conditioned in order to avoid a prohibited Take of Dwarf Scouring Rush, Barren's Strawberry, Purple Clematis, American Bittersweet and Hitchcock's Sedge (321 CMR 10.18(2)(a)). To avoid a prohibited Take of state-listed plants, the following condition must be met:

1. Plant Protection Plan: Prior to the start of Work, the Applicant shall submit a Rare Plant Protection Plan to the Division for review and written approval. Said plan shall detail procedures and best management practices for delineating and avoiding impacts to state-listed plants identified in and near the proposed work areas during construction, and be prepared and implemented by a qualified botanist in possession of a valid Scientific Collection Permit. Said Protection Plan shall be implemented as approved by the Division; any changes to the Plan must be submitted to the Division for review and written approval prior to implementation of said changes.

### ***Jefferson Salamander***

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as proposed must be conditioned in order to avoid a prohibited Take of the Jefferson Salamander (321 CMR 10.18(2)(a)). To avoid a prohibited Take of Jefferson Salamander, the following condition must be met:

2. Salamander Protection Plan: Prior to the start of Work, the Applicant shall submit a Salamander Protection Plan to the Division for review and written approval. Said plan shall detail procedures and best management practices for protecting state-listed salamanders during construction, and be prepared and implemented by a qualified biologist in possession of a valid Scientific Collection Permit. Said Salamander Protection Plan shall be implemented as approved by the Division; any changes to the Plan must be submitted to the Division for review and written approval prior to implementation of said changes.

### ***Wood Turtle***

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, will result in a Take (321 CMR 10.18 (2)(b)) of the Wood Turtle due to the loss and or fragmentation of suitable habitats and interference with the feeding, breeding, over-wintering and migratory activities of this species.

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

conservation and management plan that provides a long-term net benefit to the conservation of the state-listed species.

This Determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any person aggrieved by this decision shall have the right to an adjudicatory hearing at the Division pursuant to M.G.L. c. 30A, s.11 in accordance with the procedures for informal hearings set forth in 801 CMR 1.02 and 1.03. Any notice of claim for an adjudicatory hearing shall be made in writing, accompanied by a filing fee in the amount of \$500.00 and the information specified in 321 CMR 10.25 (3). The notice of claim shall be sent to the Division's Director, Mark S. Tisa, by certified mail, hand delivered or postmarked within twenty-one (21) days of the date of the Division's Determination.

Please note that projects resulting in a Take of two (2) or more acres within *Priority Habitat* must file an Environmental Notification Form with the Massachusetts Environmental Policy Act ("MEPA") Office and complete all MEPA actions prior to completing the MESA permitting process, per 301 CMR 11.03 (2)(b).

**Please note that no soil or vegetation disturbance, work, clearing, grading or other activities related to the subject filing shall be conducted anywhere on the project site until the MESA permitting process is complete.** If you have any questions regarding this letter, please contact Lauren Glorioso, Endangered Species Review Biologist, at [lauren.glorioso@mass.gov](mailto:lauren.glorioso@mass.gov) or (508) 389-6361.

Sincerely,



Everose Schlüter, Ph.D.  
Assistant Director

cc: Matthew Kelly, Epsilon Associates Inc.  
Scott Smyers, Oxbow Associates, Inc.  
Town of Ashfield Conservation Commission  
Town of Conway Conservation Commission  
Town of Plainville Conservation Commission