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**Environmental Review Committee**

**Meeting Minutes**

***Monday June 17, 2024 4:00 p.m.***

***Via Zoom***

Committee Members Present: Roger Bolton (Chair), Mark Smith, Kyle Hanlon, and Malcolm Fick (Ex-officio, non-voting)

Others Present: Melissa Provencher (BRPC), Courteny Morehouse (BRPC), and Tom Matuszko (BRPC)

**I. Call to Order & Open Meeting Law Statement**

ERC Chairman Bolton called the meeting to order at 4:03pm and read the Open Meeting Law Statement.

**II. Roll Call of Environmental Review Committee Members Attending the Meeting**

Committee Members Present: Roger Bolton (Chair), Mark Smith, Kyle Hanlon, and Malcolm Fick

Others Present: Melissa Provencher and Tom Matuszko (BRPC)

**III. Vote to Approve Minutes of the Environmental Review Committee Meeting of November 27, 2023 and April 30, 2024**

M. Smith made a motion to approve the minutes of November 27, 2023. The motion was seconded by R. Bolton. ERC Chairman Bolton conducted a roll call vote.

R. Bolton: Aye

K. Hanlon: Abstained

M. Smith: Aye

The motion passed and the minutes were approved.

K. Hanlon made a motion to approve the minutes of April 30, 2024. The motion was seconded M. Smith.

M. Smith provided a correction that on page 2, 3 lines up from the bottom the second "is" after "proponent is proposing is" should be omitted.

ERC Chairman Bolton conducted a roll call vote.

R. Bolton: Aye

K. Hanlon: Aye

M. Smith: Aye

The motion passed unanimously, and the minutes were approved as amended.

**IV. Discussion of the Expanded Environmental Notification Form (EENF) for the City of North Adams Mount Williams Reservoir Dam and Notch Reservoir Dam Improvements**

Chair Bolton stated that the Committee's review is part of BRPC's participation in the Massachusetts Environmental Policy Act (MEPA) Office Review and that the deadline for comments is June 20, 2024.

The Executive Committee has authorized the Environmental Review Committee to submit comments.

Chair Bolton explained that M. Provencher and M. Smith participated in the remote consultation session held by MEPA. Chair Bolton had technical issues and was able to join the second half of the remote consultation session.

M. Provencher presented the draft comments. M. Provencher explained that the reservoirs are the drinking supply reservoirs for the City of North Adams with the Mount Williams Reservoir as the primary source, and the Notch Reservoir as a secondary source. M. Provencher explained that the project does trigger a mandatory Environmental Impact Report (EIR) and that the proponent has submitted an Expanded Environmental Notification Form (EENF) requesting a waiver of the Draft and Final process and permission for a Single EIR. The intent of the project is related to the fact that the dams are in poor condition and are also high hazard dams. With the reservoirs serving as the City's drinking water sources and the high hazard dams being in poor condition doing nothing or removing the dams are not viable alternatives. The method for the approach that is being proposed is in order to comply with the requirements of Office of Dam Safety.

M. Provencher explained that both the Department of Environmental Protection (DEP) and the Department of Conservation and Recreation (DCR) were in attendance at the remote consultation session. Overall, the project was really well received and there didn't seem to be any concerns on behalf of DEP or DCR. M. Provencher explained that she didn't see many issues with the project as proposed and there will be another opportunity for review at the EIR stage. M. Provencher further explained that one of the biggest impacts is the permanent impacts to wetlands with the proposed mitigation through replication. During the remote consultation session, the proponent confirmed that they will provide a detailed replication plan within the EIR.

An additional requirement for a mandatory EIR is that the project is within one mile of an Environmental Justice neighborhood. There was a question during the remote consultation session about whether the meeting that was held was well received or well attended and we were told that it was not well attended. M. Provencher stated that she did encourage the proponent to reach out to BRPC to take advantage of other opportunities to engage with the community and make sure that they're aware of the project. The project still needs to go through the EIR stage and still needs more design and permitting. In addition, the project will be phased so that while one reservoir is drawn down, the other is still providing water. The project will be ongoing for several years, and it is important that the public is aware of the project throughout the course of that time, rather than simply being made aware now.

M. Smith inquired about whether the proponent proposed a replication plan and asked for clarification about whether our comments suggested that they prepare a replication plan or that we did not feel that what they provided was adequate. M. Provencher clarified that the language that is provided in the draft comments is the language from the EENF and that the proponent has not prepared a replication plan but has already promised to submit a plan with the EIR. The draft comments reiterate that it is very important that the replication plan be included in the EIR. M. Provencher also pointed out that there are rare species, and the proponent has been consulting with the Natural Heritage and Endangered Species Program. It has not been determined whether it will be considered a take. The two species that are present are a damselfly and a grass.

#### **V. Vote to Submit Comments on EENF for the City of North Adams Mount Williams Reservoir Dam and Notch Reservoir Dam Improvement**

K. Hanlon moved to approve the draft comments as written. M. Smith seconded the motion.

ERC Chairman Bolton conducted a roll call vote.

R. Bolton: Aye

K. Hanlon: Aye

M. Smith: Aye

The motion passed unanimously.

T. Matuszko clarified that there was some confusion about the deadline for comments based on the email MEPA circulated for the remote consultation session. M. Provencher confirmed that the due date is June 21<sup>st</sup> not June 20<sup>th</sup>. T. Matuszko informed the Committee that the comments are on the agenda to be ratified by the Executive Committee at their meeting on June 20<sup>th</sup>.

**VI. Discussion of the US Department of Energy (DOE) process for “National Interest Electric Transmission Corridor” (NIETC) designation and the proposed designation of the corridor that extends into New York state and traverses Windsor, Peru, Hinsdale, Dalton, Cheshire, Lanesborough, and Hancock in Berkshire County and before crossing into Franklin County**

Chair Bolton explained that the National Interest Electric Transmission Corridor” (NIETC) designation is not part of the MEPA process. Chair Bolton further explained that the Executive Committee had requested that the Environmental Review Committee discuss the proposed designation but there is no action for the Committee to take.

T. Matuszko explained that we don’t know much yet. What we do know is that this is a four phase process to designate these corridors. The first phase, which happened last year, was an overall assessment of the transmission needs in the entire country. The assessment indicated that the New York slash New England connection really needed additional redundancy capacity. There were six characteristics that the initial assessment looked at and the New England New York connection hit all six as being a need. That is the reason why the proposed designation is moving forward as it is. One of the issues mentioned in the assessment is that Massachusetts and other areas of New England are moving towards renewable energy and when that renewable energy is not available the New England grid has to buy power from New York and it's very expensive. Increasing the transmission capacity of this corridor is supposed to help defray the cost of purchasing that power in the in the future as it's needed. T. Matuszko explained that we are focusing on some of the land use aspects as the proposed designation does promise to bring additional Federal resources to the developer.

T. Matuszko explained that one of the approaches in considering BRPC comments is that the proposal will need to go through the National Environmental Policy Act (NEPA) process similar to MEPA. BRPC may provide detailed comments through a future environmental review. At this stage we are considering submitting comments that focus on sensitive resources within the proposed corridor, such as the number of acres of wetlands and that the proponent should follow the Wetlands Protection Act.

T. Matuszko further explained that we anticipate asking about whether the corridor really needs to be a mile wide. As stated earlier, this is a four phase process. They are currently in the second phase. The third phase is supposed to be focused on public engagement and outreach. The Department of Energy (DOER) is currently looking for some ideas about what that engagement and process should be. BRPC can provide some advice about that as well. In addition, we have started to pull together summaries of each town and quantitative data points including the number of parcels that would be affected, the

number of structures will be affected, the different types of land that will be affected, and the various unique resources. The proposed corridor includes the headwaters to the Westfield Wild & Scenic River and portions of the Appalachian trail.

M. Provencher added that, as mentioned earlier, the designation would open up federal funding. There is some degree of federal permitting that is described as being unlocked by the designation. This allows the Federal Energy Regulatory Commission (FERC) to potentially step in as a permitting entity. FERC may grant permits within a designated quarter where the State does not have the authority to cite a transmission line or a State citing authority has not acted on an application to cite a transmission line for over one year, or has denied an application. This raises some concerns with regard to Massachusetts Home Rule status and whether FERC will consider Massachusetts to be a state where the State does not have authority and have it automatically defer to FERC.

Chair Bolton and M. Fick reiterated that the Environmental Review Committee will not be approving comments. The Executive Committee will approve comments and will reference that comments were prepared with input from the Environmental Review Committee

#### **VII. Adjournment**

K. Hanlon moved to adjourn. M. Smith seconded the motion. ERC Chairman Bolton conducted a roll call vote.

R. Bolton: Aye

K. Hanlon: Aye

M. Smith: Aye

Materials distributed electronically:

- ERC Agenda 6/17/24
- ERC Minutes 11/27/23 and 4/30/24
- Draft comments on EENF for the City of North Adams Mount Williams Reservoir Dam and Notch Reservoir Dam Improvement