

COMMONWEALTH OF MASSACHUSETTS  
Energy Facilities Siting Board  
NSTAR Electric Company d/b/a Eversource Energy, EFSB 22-01  
Siting Board Staff Proposed Amendments to the Tentative Decision  
November 28, 2022

Page	Line	Change
10	26	Insert after “November 29, 2022” “and November 30, 2022, if necessary,”
11	8	Insert after “written comments from”: “Eversource, CLF/GR, and BRG. The Siting Board also received written comments from multiple members of the public.”
17	10	Delete “such an approach would give local veto power over the Board’s approval.” Replace with “such an approach would give a local agency power to effectively stay the Board’s decisions, a power that should be reserved to the Supreme Judicial Court which hears appeals of Siting Board decisions.”
18	20	Insert the following sentence after "... §§ 69O, 69O1/2.": “In this case, the record includes the record developed in this certificate proceeding, the Original Proceeding and the Project Change Proceeding.”
19	4	Insert the following citation at the end of the paragraph: “980 CMR 6.05.”
99	2-6	Replace the sentence "As indicated above, in the underlying proceedings, the Board conducted a comprehensive review of the Project’s potential impacts. In the underlying proceedings, the Siting Board had found that, with the implementation of various mitigation measures and conditions, the impacts of constructing the Substation would be minimized. See Eversource 2017 at 143; Eversource 2021 at 81." with "As indicated above, in the underlying proceedings, the Board conducted a comprehensive review of the Project’s potential impacts. In the underlying proceedings, the Siting Board had found that, with the implementation of various mitigation measures and conditions, the environmental impacts of constructing the Project, including the Substation, would be minimized. See <u>Eversource 2017</u> at 143."
102	22	Replace "DFE" with "mitigation measures".
103	30	At end of paragraph, add “ <a href="#">See GreenRoots, Inc. v. Energy Facilities Siting Board, 490 Mass. 747, 756-758 (2022).</a> ”
105	15-19	Replace “To license a project in tidelands, MassDEP must make three findings set forth in Chapter 91, Section 18 as follows: (1) the structures or fill serve a proper public purpose; (2) the purpose provides greater public benefit than public detriment to the rights of the public in tidelands; and (3) the determination is consistent with the policies of the Massachusetts Coastal Zone Management Program.” With “To license a project in tidelands, MassDEP’s required findings depend on whether a facility is a water dependent use or a non-water dependent use. Compare G.L. c. 91, § 14, with G.L. c. 91, § 18.”
107	9	After “Exh. EV-1, at 10;” add “Eversource 2017,”

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107	10	After “November 25, 2014” add “which identified the Substation as a water-dependent use facility”
115	fn. 111	Replace "a.k.a" with "referred to by CLF/GR as"
115	fn. 111	Replace the two instances of "Prescott Street parcel" with "Bremen Street Parcel".
126	fn. 116	Insert the following sentence after the first sentence: "In addition, CLF/GR argue that the standard of review and rights of an appealing party are different for a Chapter 91 License issued by the Siting Board (CLF/GR Brief at 19)."
126	fn. 116	Remove the citation ", 19" after "CLF/GR Brief at 14" from the first sentence.
129	19	Remove the phrase “reasonable or suitable” and replace with “suitable or appropriate”.
130	9	Remove the phrase “already permitted” after "... ancillary facility."
132	3	Italicize the phrase “power transmission substations”.
137	3	Insert after “lowest possible cost).”: “The extensive alternatives analysis in these proceedings clearly shows that there is no reasonable alternative location in East Boston for this Substation.”
139	27	Add footnote at end of paragraph: “The Supreme Judicial Court found that while the Project did not exceed an ENF threshold requiring the specific enhanced public participation provision of the EJ Policy, the Board implemented enhanced public participation procedures consistent with the EJ Policy. The Supreme Judicial Court also found that the Siting Board complied with the general EJ principles required by the EJ Policy. <a href="#">GreenRoots, Inc. v. Energy Facilities Siting Board, 490 Mass. 747, 752-755 (2022).</a> ”
151	15	Insert the following new footnote at the end of the paragraph: "The EJ Council convened on July 28, 2022. See <a href="https://www.mass.gov/event/july-28-2022-meeting-of-the-environmental-justice-council-ejc-2022-07-28t093000-0400-2022-07-28t113000-0400">https://www.mass.gov/event/july-28-2022-meeting-of-the-environmental-justice-council-ejc-2022-07-28t093000-0400-2022-07-28t113000-0400</a> ."
157	26	Remove the phrase “and implement standard different” after ... declines to deviate”.
160	7	Insert the following new footnote after "environmental benefits": “The Roadmap Act amended Section 62 of Chapter 30 to define environmental benefits as ‘the access to clean natural resources, including air, water resources, open space, constructed playgrounds and other outdoor recreational facilities and venues, clean renewable energy sources, environmental enforcement, training and funding disbursed or administered by the executive office of energy and environmental affairs.’”
160	13	Add after sentence ending with “and well-being.”: “Recognizing electric reliability as a benefit is consistent with the broad statutory definition of environmental benefits and the structure of Roadmap Act that explicitly links ‘energy and environmental benefits’ in its definition of the environmental justice principles.”

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162	11	Insert the following footnote at the end of the sentence: “BRG asserts that the belief that the City fully intended to construct a recreational facility on the site prior to the City’s land-exchange decision was not unreasonable.”
165	fn. 146	Insert the following sentence to the end of the footnote: “The Ballot Measure was unanimously endorsed by resolution of the City of Boston City Council. The final vote total for the Advisory Ballot Measure was: YES: 19,787 votes 16.25%; NO: 101,953 votes 83.75%.”
167	27	Change <u>Eversource 2021</u> at 143, to <u>Eversource 2017</u> at 150 and <u>Eversource 2021</u> at 93.