6 CONSISTENCY WITH THE CURRENT HEALTH, ENVIRONMENTAL PROTECTION, AND RESOURCE USE AND DEVELOPMENT POLICIES OF THE COMMONWEALTH

6.1 Introduction

Pursuant to G.L. c. 164, § 69J, the Siting Board shall approve a petition to construct a facility only if it determines that the plans for the applicant's new facilities are consistent with current health, environmental protection, and resource use and development policies of the Commonwealth. As discussed below and in more detail throughout this Application, the Project not only satisfies the requirements of this standard, but is also fully consistent with other important state energy laws and policies, such as the Electric Utility Restructuring Act of 1997 (the "Restructuring Act"), the Green Communities Act (c. 169 of the Acts of 2008), the Global Warming Solutions Act (c. 298 of the Acts of 2008) (the "GWSA"), the Energy Diversity Act (c. 188 of the Acts of 2016), the Clean Energy Act (c. 227 of the Acts of 2018), An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy (c. 8 of the Acts of 2021) (the "Roadmap Act"), and An Act Driving Clean Energy and Offshore Wind (St. 2022, c. 179) (the "Drive Act"). See, e.g., Conservation Law Foundation v. Energy Facilities Siting Board, 494 Mass. 594 (2024); GreenRoots, Inc. v. Energy Facilities Siting Board, 490 Mass. 747 (2022); Town of Sudbury v. Energy Facilities Siting Board, 487 Mass. 737 (2021).

6.2 Health Policies

The Project will be consistent with applicable health policies of the Commonwealth. The Restructuring Act provides that "reliable electric service is of the utmost importance to the safety, health and welfare of the [C]ommonwealth's citizens and economy." See Restructuring Act § 1(h). The Legislature has expressly determined that an adequate and reliable supply of energy is critical to the state's citizens and economy and the Massachusetts Supreme Judicial Court (the "SJC") has affirmed these principles provided in the Restructuring Act, noting that "State law makes it clear that the residents of the Commonwealth simply cannot be exposed to foreseeable and avoidable power outages." Sudbury, 487 Mass. at 748. The Project will be fully consistent with this tenet of the Restructuring Act. As discussed herein, the Project will enhance and ensure the reliability of the Company's interconnected electric transmission and distribution system that is served by the Rebuilt Lines by replacing the existing transmission lines, which are subject to frequent outages, with new higher-capacity lines, thus ensuring the availability of sufficient and reliable electric service to the citizens and businesses of the Commonwealth and the region.

In addition, the Company will design, build, and maintain the Project so that the health and safety of the public are protected. Throughout the construction and operation of the Project, the Company will adhere to all applicable federal, state, and local regulations, and industry standards and guidelines established for protection of the public. As discussed in *Section 5,* all design, construction, and operational activities will comply with applicable governmental and industry standards, such as the Massachusetts Code for the Installation and Maintenance of Electric Transmission Lines (220 C.M.R. §§ 125.00 et seq.) and the NESC and OSHA regulations and will have no adverse health effects. The Project will be designed in accordance with sound engineering practices using established design codes and guidelines published by, among others, the DPU, the Institute of Electrical and Electronic Engineers, the American Society of Civil Engineers, the American Concrete Institute, and the American National Standards Institute.

In sum, because the Project will be consistent with and promote the Commonwealth's energy policies as outlined in the Restructuring Act, and because reliable electric service is of "utmost importance to the safety, health and welfare of the [C]ommonwealth's citizens and economy," the Project will also be consistent with the Commonwealth's health policies.

6.3 Environmental Protection Policies

The Company will obtain all environmental approvals and permits required by federal, state, and local agencies and will construct and operate the Project in full compliance with applicable federal, state, and municipal statutes, regulations, and environmental policies. Thus, the Project will contribute to a reliable, low cost, diverse energy supply for the Commonwealth while avoiding, minimizing, and mitigating environmental impacts to the maximum extent practicable.

6.3.1 The Restructuring Act

The Restructuring Act requires that the Company demonstrate that the Project minimizes environmental impacts consistent with the minimization of costs associated with avoidance, minimization, and mitigation of the environmental impacts of the Project. Accordingly, an assessment of all impacts of a proposed project is necessary to determine whether an appropriate balance is achieved both among conflicting environmental concerns as well as among environmental impacts, cost, and reliability. A project that achieves the appropriate balance meets the requirement in G.L.c. 164, § 69J to minimize environmental impacts at the lowest possible cost.

To determine if a petitioner has achieved the proper balance among environmental impacts, cost and reliability, the Siting Board first determines if the petitioner has provided sufficient information regarding environmental impacts and potential mitigation measures. The Siting Board then determines whether environmental impacts are avoided, minimized, and mitigated to the maximum extent possible. Similarly, the Siting Board evaluates whether the petitioner has demonstrated that the project is needed and has provided sufficient cost information in order to determine if the appropriate balance among environmental impacts, cost, and reliability has been achieved.

Sections 3, 4, and *5* demonstrate that the Company compared a range of alternative projects and potential route options, and proposed specific plans to avoid, minimize and mitigate environmental impacts associated with the construction, operation, and maintenance of the Rebuilt Lines, consistent with cost minimization. As such, the Project is consistent with the environmental policies of the Commonwealth as set forth in the Restructuring Act.

6.3.2 State and Local Environmental Policies

The Company will obtain all environmental approvals and permits required by federal, state and local agencies and the Project will be constructed and operated to comply fully with all applicable federal, state and local regulations and environmental policies. Thus, the Project will contribute to a reliable, low cost, diverse energy supply for the Commonwealth with minimal environmental impact. By meeting the requirements for acquiring each of the requisite federal, state and local permits, the Project will be consistent with applicable state and local environmental policies. Table 6-1 identifies the anticipated permits, reviews, and approvals required for the Project. By meeting the requirements for acquiring each of these federal, state, and local permits, the Project will comply with applicable state and local environmental policies.

Table 6-1: Required Federal, State and Local Permits

Agency	Permit	Status
FEDERAL		
USACE	Section 404 Pre-Construction Notification ("PCN") Permit and consultations under Section 106 of National Historic Preservation Act ("NHPA") and Section 7 of the Endangered Species Act	Targeted to be filed in October 2026
EPA	National Pollutant Discharge Elimination ("NPDES") System Construction General Permit ("CGP") Authorization, Clean Water Act, 33 U.S.C. §1251 et. seq.: General Permit for Stormwater Discharges and Construction Dewatering Activities/SWPPP	To be filed at least 14 days prior to the start of construction.
STATE		
DPU	G.L. c. 164, § 72, approval to construct and operate a transmission line ("Section 72 Petition")	NEP filed motions with the Siting Board and the Department requesting that the Section 72 Petition be referred to the Siting Board and consolidated for hearing with the Section 69J Petition.
Executive Office of Energy and Environmental Affairs ("EEA")	MEPA, 301 CMR 11.00	NEP filed the ENF on January 15th, 2025[36]. Certificate on the ENF is anticipated to be issued on February 24th, 2025.
MassDEP	Section 401 of the Federal Clean Water Act (Water Quality Certificate); 314 CMR 9.00 Superseding Order of Condition 310 CMR 10.00 (Potential) Chapter 91 Waterways Notice of Minor Project Modification 310 CMR 9.00 (Potential)	Targeted to be filed in 2026.
MHC	Consultation under G.L. c. 9 in accordance with 950 CMR 70-71	Consultation with MHC is ongoing.
MassDOT	State Highway Access Permit (G.L. c.81 §21/G.L. c.85 § 2) Permits for crossing over state roads with utility lines.	In progress. Consultation with MassDOT is ongoing. Targeted to be filed in October 2026.
DCR	Construction Access Permit	In progress. Consultation with DCR is ongoing.

36 The ENF for the Project is provided as Appendix 6-1,

LOCAL		
Conservation Commissions in Auburn, Belchertown, Conway, Deerfield, East Brookfield, Leicester, Leverett, Millbury, North Brookfield, Pelham, Shelburne, Shutesbury, Spencer, Sunderland, Ware, and West Brookfield	Order of Conditions per the Massachusetts Wetland Protection Act ("MWPA")37 and local bylaws	Anticipated Summer/Fall 2026

6.3.3 The Green Communities Act

The Green Communities Act is a comprehensive, multi-faceted energy reform law that encourages energy and building efficiency, promotes renewable energy, creates green communities, implements elements of the Regional Greenhouse Gas Initiative (a program where Northeastern and Mid-Atlantic states cooperate to reduce GHG emissions) and provides market incentives and funding for various types of energy generation. The Green Communities Act (as amended and supplemented by St. 2012, c. 209, An Act Relative to Competitively Priced Electricity) has resulted in greater renewable supplies and substantial new conservation initiatives since enactment and continuing in future years.

The replacement of the Existing Line will strengthen and improve the reliability of the Company's transmission system. While the primary Project purpose is to meet that specific need, the more robust system will also enable the future integration of additional clean energy generated by renewables suppliers, expansion of electrification projects in the area, and will support increased usage of electric vehicles and the associated installation of electric charging stations, consistent with the Green Communities Act. The Project will meet the identified need in a reliable, cost-effective, and environmentally benign manner and therefore, is consistent with the Green Communities Act.

6.3.4 Global Warming Solutions Act and the Roadmap Act

The GWSA established aggressive GHG emissions reduction targets of 25 percent from 1990 levels by 2020 and 80 percent from 1990 levels by 2050. Pursuant to the GWSA, the Secretary of the EEA issued the Clean Energy and Climate Plan for 2020 in December 2010 and updated the plan in December 2015. Among other provisions, the GWSA requires administrative agencies such as the Siting Board to consider reasonably foreseeable climate change impacts (e.g., additional GHG emissions) and related effects (e.g., sea level rise) when considering and issuing permits. In April 2020, the Secretary of EEA established a 2050 statewide emissions limit of net zero GHG emissions (and in no event greater than 85% below 1990 levels). Further, in December 2020, the Secretary issued the Massachusetts 2050 Decarbonization Roadmap that calls for increased electrification (e.g., electric vehicles, electric home heating, new heat pump technologies), new local renewable resources (e.g., wind, solar and battery storage), and the delivery of power from remote clean energy resources, such as offshore wind.

[37] MWPA Orders of Conditions are local permits unless and until a superseding Order of Conditions is issued by MassDEP.

In 2021, the Roadmap Act codified commitment to net-zero emissions by 2050 and advances and extends the goals of the GWSA by establishing new interim goals for emissions reductions and authorizing a voluntary energy efficient building code for municipalities. The interim goals include: (1) by 2030, emissions must be 50% lower than they were in Massachusetts in 1990; and (2) by 2040, emissions must be 75% lower. The Roadmap Act also increases the required percentage of Massachusetts electricity that comes from renewable sources, requires an additional 2,400 MW of offshore wind, bringing the state's total renewable energy target to 5,600 MW, and improves access to solar power through a low-income services solar program trust.

Finally, the GWSA amended MEPA to require that agencies, departments, boards, commissions, and authorities, in considering and issuing permits, licenses, and other administrative approvals and decisions, consider reasonably foreseeable climate change impacts, including additional GHG emissions, and effects, such as predicted sea level rise. MEPA's GHG Emissions Policy and Protocol ("GHG Policy") requires that projects subject to MEPA quantify the project's GHG emissions and identify measures to avoid, minimize, or mitigate such emissions. The GHG Policy also requires proponents to quantify the impact of proposed mitigation in terms of emissions and energy savings.

GHG emissions from the Project will be below the applicable reporting threshold and, during the construction phase, short-term localized air quality effects will be minimal. On January 15, 2025, NEP submitted an Environmental Notification Form ("ENF") for the Project in accordance with MEPA. The certificate for the ENF is expected to be received by March 10th, 2025. The Company's adherence to the MEPA process demonstrates the Project's consistency with the requirements of the GWSA and the Roadmap Act.

NEP has taken steps to promote climate change adaptation and resiliency in the design of the Project and continues to consider climate change and long-term infrastructure resiliency as an important goal in its long-term infrastructure planning. The Project will result in a more climate-ready and resilient transmission system that can withstand more extreme weather events; address future increases in demand; and support future interconnections from renewable energy projects. In addition, the Project uses an existing ROW, thereby minimizing alteration of new land resources to construct the Project.

The system upgrades, as proposed, are intended to help ensure the long-term longevity and reliability of the region's electrical infrastructure in the face of growing demand and the changing climate. The Rebuilt Lines and the access route improvements will improve the resiliency of this energy infrastructure and provide high speed communications between substations, which will improve outage response times and help protect communities from outages during severe weather events.

The proposed Project has been designed to align with NEP's reliability goals and strategies by: (1) incorporating current design standards; (2) providing needed upgrades to existing electric transmission infrastructure; (3) providing the shortest project delivery time to meet the identified needs; (4) minimizing impacts to natural and social environments; and (5) providing a stronger electrical transmission system, vital to the public's safety, security, and economic prosperity.

The Project as designed will strengthen the regional transmission system and is consistent with both the Commonwealth's electric facility siting requirements and these future-state and local planning initiatives. Consequently, the Project is consistent with the GWSA and the Roadmap Act.

6.3.5 Energy Diversity and Clean Energy Acts

The Energy Diversity Act facilitates the procurement and integration of renewable energy generation resources, including new offshore wind energy generation, firm service hydroelectric generation, and a new class of renewable energy facilities that meet eligibility criteria. The Clean Energy Act amends the Energy Diversity Act to further encourage energy storage efforts and requires the Department of Energy Resources to investigate the potential for additional clean energy solicitations.

The Project will not only improve the reliability of the transmission system, but the Rebuilt Lines will also be able to accommodate future increased injections of renewable and other clean energy resources, such as new energy storage units, solar and wind. Accordingly, the Project is consistent with the Energy Diversity Act as amended by the Clean Energy Act.

6.3.6 Drive Act

The Drive Act includes several new climate change measures aimed at renewable energy and transportation sector GHG emissions and provides funding for offshore wind energy and electricity grid improvements and aims to bolster offshore wind industry by removing the price bidding cap. The law also increases offshore wind procurement to 5,600 MW and authorizes Massachusetts to join with other New England states when bidding for renewable energy projects, such as wind and solar. In addition, the Drive Act provides for the potential procurement of transmission infrastructure necessary to support the development of offshore wind generation for Massachusetts and the region. The Project is consistent with the Drive Act in that the Rebuilt Lines will be able to accommodate increased injections of renewable and other clean energy resources that may come online in the future.

6.4 Environmental Justice

The Roadmap Act includes several provisions that address the Commonwealth's EJ policies. See Conservation Law Foundation, 494 Mass. at 601; GreenRoots, Inc., 490 Mass. at 753. It requires the Secretary to direct EEA agencies, including the Siting Board, to consider EJ principles in making "any policy, determination or taking any other action related to a project review, or in undertaking any project pursuant to MEPA and related regulations that is likely to affect environmental justice populations." The Roadmap Act defines those EJ principles as including: (1) the meaningful involvement of all people with respect to the development, implementation and enforcement of environmental laws, regulations, and policies, including climate change policies; and (2) the equitable distribution of energy and environmental benefits and environmental burdens.

The Roadmap Act includes revisions to the MEPA review process and requires the Secretary to consider EJ principles during MEPA review to "reduce the potential for unfair or inequitable effects upon an environmental justice population." For projects subject to MEPA, the Roadmap Act requires an Environmental Impact Report ("EIR") for any project that is "likely to cause damage to the environment" and that is located within one mile of an EJ population (this distance is extended to five miles for a project that impacts air quality). The EIR must assess any existing unfair or inequitable environmental burden and related public health consequences impacting the EJ population from any prior or current operation or project that has damaged the environment. If such an assessment indicates an unfair or inequitable environmental burden or related health consequence, the EIR must also: (1) identify any environmental and public health impact from the proposed project that would likely result in a disproportionate adverse effect on such population; and (2) potential impact or consequence from the proposed project that would increase or reduce the effects of climate change on the EJ population.

The Roadmap Act also requires the Secretary to provide opportunities for meaningful public involvement through the MEPA review process. Where an EJ population is present within the one-mile DGA (or five miles if the project impacts air quality), and lacks English language proficiency, the proponent is required to indicate on an ENF if the population is reasonably likely to be affected negatively by the project. In such cases, the Secretary must require additional measures to improve public participation by the EJ populations, including: (1) translating public notices, ENFs, EIRs, and other key documents related to the Secretary's review and decisions in languages spoken by a significant number of the affected EJ population; (2) providing interpretation services at public meetings where a significant portion of the affected EJ population lacks English language proficiency; (3) requiring public meetings be held in accessible locations that are near public transportation; (4) providing appropriate information about the project review procedure for a proposed project; and (5) establishing a local repository for project review documents. MEPA has promulgated updated regulations and issued protocol to implement the provisions of the Roadmap Act (MEPA Interim Protocol for Analysis of Project Impacts on Environmental Justice Populations and the MEPA Public Involvement Protocol for Environmental Justice Populations).

The Company has implemented all EJ requirements that are applicable to the Project. The Company has undertaken, and will continue to undertake, ongoing community outreach in EJ communities in or adjacent to the Project area to facilitate the meaningful opportunity to participate by all. There are 19 EJ block groups within one mile of the Project, distributed in 13 municipalities. Only four of these block groups overlap with or are adjacent to the ROWs. These populations meet the EJ criteria for minority, low-income, and minority and low-income: wherein at least 14% of households have a median household income 65% or less than the state median household income. The Company has taken measures to enhance public involvement by EJ populations and conducted a baseline assessment of any potential existing unfair or inequitable environmental burdens and related public health consequences impacting EJ populations. The Company facilitated meaningful participation of residents of the proximate EJ communities by encouraging participation in outreach activities and soliciting feedback from the neighborhoods the Project will traverse. As part of the stakeholder outreach plan, NEP has promoted and will continue to promote public involvement by the EJ populations located within one mile of the Project through the use and dissemination of Project fact sheets, website content, meeting invitations and translation services for future presentations if requested. All contacts on the EJ Reference List were provided Advanced Notification of the MEPA filling of the Project via the EJ Screening Form on November 26, 2024, which contained information on how to request a meeting or additional Project materials. The EJ Reference List and municipality administrators were also notified by email of a virtual community meeting held on December 19, 2024, and the community was notified via meeting advertisements in three newspapers: the *Worcester Telegram & Gazette*, the *Greenfield Recorder*, and *The Republican*. NEP presented the Project to the Town's Select Boards and hosted open houses for residents in the towns listed in Table 6-2 below. Three Towns did not respond to the offer of hosting select board meetings and were provided with a digital copy of the presentation instead. These towns included Deerfield, East Brookfield, and North Brookfield. Dates of these meetings are provided below in Table 6-2. Continued outreach to EJ communities will be consistent with the Roadmap Act and the rules and protocols promulgated thereunder.

Table 6-2: Select Board and Open House Meetings and Dates

Date	Municipality	Interaction Type
4-Dec-23	Shelburne	Selectboard Presentation
5-Dec-23	Leverett	Selectboard Presentation
11-Dec-23	Sunderland	Selectboard
18-Dec-23	Conway and Pelham	Select Board Presentation
13-Feb-24	Shutesbury	Select Board Presentation
26-Feb-24	Spencer	Board of Selectmen Presentation
3-Mar-24	Belchertown	Select Board Presentation
4-Mar-24	West Brookfield	Board of Selectmen Presentation
19-Mar-24	Ware	Selectboard Presentation
25-Mar-24	Auburn	Select Board Presentation
26-Mar-24	Millbury	Board of Selectmen Presentation
1-Apr-24	Leicester	Select Board Presentation
5-Jun-24	Sunderland, Leverett, and Deerfield	Open House
11-Jun-24	Shelburne and Conway	Open House
17-Jul-24	West Brookfield, East Brookfield, North Brookfield, and Spencer	Open House
26-Jun-24	Belchertown, Shutesbury, Pelham, and Ware	Open House
17-Sep-24	Millbury, Auburn, and Leicester	Open House

In addition to facilitating public involvement, NEP has designed the Project to minimize the Project's impacts to all populations, including EJ populations. The Project poses no inherent public safety or environmental risk to the communities along or adjacent to the Lines. All person, regardless of race or income, would experience these same impacts associated with the Project. The type of facilities proposed by the Company exist in virtually every community in the state, including within the Project area.

The Project is carefully designed to minimize impacts associated with wetlands, noise, traffic, air, EMFs, safety, hazardous waste, flooding, visual aesthetics, and other environmental considerations. The Project is proposed within the existing ROW, thereby minimizing adverse environmental impacts to both EJ and non-EJ populations. NEP will implement measures to avoid, minimize, and mitigate potential environmental impacts throughout the entire Project alignment, including where it crosses through or is within one mile of mapped EJ populations. Permanent impacts to abutters and communities have been minimized and construction related impacts will be mitigated through use of BMPs, which will be designed and implemented in compliance with federal, state, and local rules and regulations. For these reasons, none of the impacts of the Project will result in disproportionately high or adverse human health or environmental effects to either EJ or non-EJ populations in the area. Because the nature and severity of Project impacts are minimal on all populations, including EJ populations, the Project will not materially exacerbate any existing unfair or inequitable environmental or public health burden impacting the EJ population. Overall, the Project will improve transmission system infrastructure and comply with comprehensive regional plans for maintaining electric transmission reliability in New England, for EJ and non-EJ populations alike.

Regarding the equitable distribution of energy and environmental benefits and environmental burdens, the energy and environmental benefits of the Project greatly outweigh the minimal impacts of the Project, even considering existing environmental burdens in the community. The Siting Board has previously stated that it views electric system reliability as an important energy benefit in its analysis of jurisdictional facilities. NSTAR Electric Company d/b/a Eversource Energy, Energy Facilities Siting Board ("EFSB") 22-01, at 160 (2022), affirmed Conservation Law Foundation, 494 Mass. at 602. To that end, the Project is needed to serve the electricity requirements of residents and businesses in the Project Area. Replacing the Existing Line, which is among the worst performing lines in the Company's system, with new, more resilient structures and conductors will improve the reliability of the electric system. In addition, the Project will allow for full participation in the electrification goals and the related objective of reducing emissions to offset the adverse effects of climate change, as set forth in the Commonwealth's 2050 Decarbonization objectives. Thus, from an energy resource perspective, the Project not only fully complies with the Roadmap Act and other statutory and regulatory policies, but it will contribute to advancing climate change and emission reduction initiatives and avoid a detrimental impact to the community and its residential and commercial inhabitants. A reliable electric supply is an essential need of society on which the health and welfare of citizens and the business interests of the Commonwealth are fundamentally dependent. See Town of Sudbury, 487 Mass. at 748 referencing St. 1997, c. 164, § (h) (Electric Utility Restructuring Act) ("reliable electric service is of utmost importance to the safety, health, and welfare of the commonwealth's citizens and economy"); St. 1997, c. 164, § 1 (a) ("electricity service is essential to the health and well-being of all residents of the commonwealth, to public safety, and to orderly and sustainable economic development"). The Project will ensure continued reliability of electric service in the Project area.

For all the foregoing reasons, the Project is consistent with the Commonwealth's EJ policies as codified in the Roadmap Act.

6.5 Resource Use and Development Policies

The Project, which will contribute to the long-term maintenance and reliability of the electric transmission system in the Project area and the region, will be constructed and operated in compliance with Massachusetts's policies regarding resource use and development. For example, in 2007, the EEA's Smart Growth/Smart Energy policy established the Commonwealth's Sustainable Development Principles, including: (1) supporting the revitalization of city centers and neighborhoods by promoting development that is compact, conserves land, protects historic resources and integrates uses; (2) encouraging remediation and reuse of existing sites, structures and infrastructure rather than new construction in undeveloped areas; and (3) protecting environmentally sensitive lands, natural resources, critical habitats, wetlands and water resources and cultural and historic landscapes. As described more fully in *Section 5*, the Project will support these principles because, among other reasons, the Rebuilt Lines will support the reliability of service to central Massachusetts, thereby supporting its revitalization and will not adversely affect environmentally sensitive lands because it will be predominantly located within previously disturbed parcels of land on an existing ROW.

Accordingly, the Project is in compliance with, and furthers, the Commonwealth's policies regarding resource use and development.

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