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CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME	: South Coast Rail – Phase 1 Service
PROJECT MUNICIPALITY	: South Coast Region
PROJECT WATERSHED	: Buzzards Bay, Taunton River, Mount Hope Bay
EEA NUMBER	: 14346
PROJECT PROPONENT	: Massachusetts Department of Transportation (MassDOT)
DATE NOTICED IN MONITOR	: May 9, 2018

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G.L. c. 30, ss. 61-62I) and Section 11.08 of the MEPA regulations (301 CMR 11.00), I have reviewed the Final Supplemental Environmental Impact Report (FSEIR) and hereby determine that it **adequately and properly complies** with MEPA and its implementing regulations. In the FSEIR, MassDOT provided Responses to Comments on the Draft Supplemental Environmental Impact Report (DSEIR) and draft Section 61 Findings. Notice was published in the April 11, 2018 Environmental Monitor that the responses and findings would be filed, circulated, and reviewed as a FSEIR pursuant to 301 CMR 11.08(8)(b)(2)(b).

A Certificate on the Final Environmental Impact Report (FEIR) for the South Coast Rail (SCR) was issued on November 11, 2013. It indicated that the FEIR adequately and properly complied with MEPA and its implementing regulations and that the project could proceed to permitting. The Massachusetts Department of Transportation (MassDOT) filed a Notice of Project Change (NPC) to address potential environmental impacts associated with a proposal to provide interim rail service from Fall River and New Bedford (Phase 1) prior to construction of the South Coast Rail project (Full Build). The NPC described the interim service and identified associated changes and potential environmental impacts. The Phase 1 project is proposed to meet existing and future demand for public transportation

between Fall River/New Bedford and Boston and to enhance regional mobility while MassDOT continues to design and advance the Full Build project.

According to the DSEIR and the NPC, a review of construction costs for the Full Build project (in 2016) estimated that it would cost $3.3 billion and identified an in service date of 2030. MassDOT proposed to phase construction of the Full Build project to provide service to the South Coast Region much sooner than would be possible if it were constructed at one time. MassDOT estimates that Phase 1 will cost approximately $935 million and service is projected to start in 2022.

Phase 1 consists of the construction and operation of commuter rail service from Fall River and New Bedford to the Middleborough/Lakeville Main Line via Cotley Junction in Taunton and the Middleborough Secondary Line. Phase 1 will provide service using the Middleborough/Lakeville Main Line from South Station in Boston to Pilgrim Junction in Middleborough, where the rail intersects the Middleborough Secondary at the existing Middleborough Layover facility. The Middleborough Secondary Line, an active freight line, will be reconstructed and expanded.

The section of the project from the New Bedford Main Line and the Fall River Secondary Line extending to Cotley Junction is referred to as the Southern Triangle. The Southern Triangle is common to Phase 1 and the Full Build and underwent MEPA review as part of the South Coast Rail project. The Southern Triangle includes the two terminal stations proposed for Phase 1 - Whale's Tooth Station in New Bedford and Fall River Depot Station in Fall River.

Phase 1 will include the following improvements along the Middleborough Secondary: reconstruction of existing single track from Pilgrim Junction to Cotley Junction (approximately 7.1 miles) including limited new double track construction, culvert replacements and retaining wall construction;[1] new signal/communications systems; positive train control (PTC); and upgrades to five grade crossings.

Phase 1 will include three peak-period trains from and to each terminal station. Phase 1 will include construction of the two terminal stations, King's Highway Station in New Bedford, Freetown Station in Freetown, a new station in East Taunton[2], and a new station in Middleborough. The Freetown and Fall River Depot stations will require modifications. The existing Lakeville Station may be retained by providing a shuttle bus to the new Middleborough station or closed. Because the stations proposed for the Full Build project in Taunton are north of Cotley Junction they are not included in Phase 1.

The DSEIR notes that Phase 1 will provide independent utility because the capital construction elements will provide improved service earlier than the Full Build project could along a critical freight corridor. Upon Full Build, it will provide redundancy and resiliency for service disruptions.

Original Project Description and Procedural History

The South Coast Rail project consists of the development of a public rail system to connect the cities of Fall River and New Bedford to Boston and enhance regional mobility, while supporting smart growth planning and development strategies in affected communities. Fall River and New Bedford are

[1] Upgrades will be coordinated with the MassDOT State of Good Repair program along this alignment.
[2] The Taunton Depot Station proposed in the FEIS/R will be relocated to the new East Taunton site.

historically underserved areas with respect to public transportation options. The South Coast Rail is a priority transportation initiative and a component of MassDOT's efforts to increase transit access throughout the Commonwealth.

The South Coast Rail will provide commuter service to South Station using the Northeast Corridor, Stoughton Line, New Bedford Main Line, and Fall River Secondary Line. The New Bedford to Boston route is 54.9 miles long and the Fall River to Boston route is 52.4 miles long. Travel time during peak periods on the New Bedford line and the Fall River line are estimated at 77 minutes and 75 minutes, respectively. The project requires upgrades to track infrastructure along the existing Stoughton line including reconstruction of tracks from Canton Junction to Stoughton, construction of new tracks from Stoughton to Winter Street in Taunton, for a distance of 15 miles, on an abandoned right-of-way (ROW) which crosses through the Hockomock Swamp and the Pine Swamp. Reconstruction of tracks is also proposed from Winter Street in Taunton to Weir Junction, a distance of 1.7 miles. The project requires reconstruction of tracks in the Southern Triangle. Infrastructure improvements associated with the project include constructing, reconstructing, or widening 45 bridges, and constructing or reconstructing 46 at-grade railroad crossings.

The project includes ten new rail stations: North Easton, Easton Village, Raynham Park, Taunton, Taunton Depot, King's Highway, Whale's Tooth, Freetown, Fall River Depot, and Battleship Cove. New stations will include high-level platforms (four feet above track), canopies, commuter parking, a drop-off area for buses, and a kiss and ride area. Platforms will be designed to handle a nine-car train set (approximately 800 feet long). The station designs include areas for bike storage and pedestrian connections to neighboring streets.

The project includes two overnight layover facilities, one on the New Bedford Main Line (Wamsutta site) and one on the Fall River Secondary (Weaver's Cove East site). Independent of the South Coast Rail project, MassDOT is proposing an expansion of South Station (SSX) as well as mid-day layover facilities in Boston to address existing and future Massachusetts Bay Transit Authority (MBTA) and Amtrak capacity needs.[3] SSX will support infrastructure requirements associated with this project.

Numerous alternatives were introduced in the Environmental Notification Form (ENF) and reduced to eight alternatives for evaluation in the Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/R). The DEIS/R presented electric and diesel options for three rail routes; Attleboro, Stoughton, and Whittenton (a variant of the Stoughton route), as well as a Rapid Bus route, and a No-Build/Enhanced Bus scenario. The Certificate on the DEIS/R indicated that MassDOT had adequately supported the advancement of the Stoughton Electric Alternative as the Preferred Alternative in the Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/R). The Scope for the FEIS/R outlined the outstanding issues that were required to be addressed, including the development of specific and detailed mitigation plans.

For the purpose of the FEIS, the U.S. Army Corps of Engineers (ACOE) continued to analyze alternatives as part of the National Environmental Policy Act (NEPA) process, including the Whittenton Alternative. Because a joint Federal/State review document was filed, the FEIS/R included additional

[3] The layover facility was most recently addressed in the South Station Expansion Project (EEA #15028).

analysis of the Whittenton Alternative. Upon review of the FEIS/R, ACOE determined that the Stoughton Alternative was the Least Environmentally Damaging Practicable Alternative (LEDPA).

The FEIS/R evaluated the relative benefits and impacts of this large-scale transportation infrastructure project. Amongst the project's benefits are improved access to transit and the corresponding traffic, safety, air quality, and GHG reduction benefits associated with increased use of public transit. The project also has significant potential to facilitate sustainable land use and development patterns and will service Environmental Justice communities. The proposed route does however involve substantial environmental impacts. The FEIS/R refined impact estimates associated with alteration of wetlands and elimination or fragmentation of habitat (including rare species habitat and loss of biodiversity). It identified impacts to the Hockomock Swamp Area of Critical Environmental Concern (ACEC), which is one of the largest unfragmented wetland systems in the state, and the Pine Swamp conservation area in Raynham. The Certificate on the FEIS/R emphasized that the benefits and impacts of the South Coast Rail project are significant and acknowledged that any project of this scope and scale will bear environmental impacts.

The Certificate on the FEIS/R was issued on November 1, 2013 and indicated that the FEIS/R adequately and properly complied with MEPA and its implementing regulations and that the project could proceed to State permitting. Because the project, and associated wetland mitigation was presented at a conceptual design level in the FEIS/R, the Certificate on the FEIS/R included a requirement that MassDOT continue to consult with the Interagency Coordinating Group (ICG) on the development of mitigation for impacts to wetlands and rare species. It also required that the plan be published through the MEPA Office for public review and comment to provide an opportunity to gather additional input from State Agencies, advocacy organizations, municipalities and the public on the mitigation plan.

Interagency and Community Involvement

As noted previously, the project underwent joint environmental review. Throughout project development, MassDOT has conducted an extensive stakeholder involvement process that included the ICG and a broad civic engagement process. MassDOT held a number of public meetings prior to filing the NPC regarding potential phasing of the project and during review of the DSEIR.

These efforts are complemented by the South Coast Rail Economic Development and Land Use Corridor Plan (Corridor Plan) which has been developed in conjunction with 31 Corridor communities and three regional planning agencies (RPAs). The Corridor Plan identifies sustainable development principles to manage both the projected growth in the region under business as usual conditions and the induced growth associated with the project. MassDOT, other State Agencies, the RPAs, and municipalities have made significant progress in implementation of the Corridor Plan.

I have received numerous comments from public officials, State Agencies, environmental advocates, local residents, and other members of the public throughout review of the South Coast Rail project. Comments on the FSEIR were provided by Representative Robert M. Koczera, Representative William M. Straus, and Representative Keiko Orrall. Comments were also received from the Town of Middleborough and the Town of Stoughton.

I appreciate the ongoing participation of, and comments provided by, stakeholders during the environmental review of South Coast Rail and Phase 1. MassDOT should continue its commitment to stakeholder outreach and public input as it proceeds through permitting of Phase 1 and through design and permitting of Full Build.

Permitting and MEPA Jurisdiction

The Full Build project was subject to MEPA review because it is being undertaken by a State Agency and because it exceeds review thresholds set forth in the MEPA regulations (310 CMR 11.00), including thresholds for a mandatory EIR pursuant to the following sections: 11.03(1)(a)(1) and (2) because it is will result in alteration of 50 or more acres of land and creation of 10 or more acres of new impervious area; 11.03(3)(a)(1)(a) because it will result in alteration of more than one acre of Bordering Vegetated Wetlands (BVW); 11.03(3)(a)(2) because it involves alteration requiring a Variance in accordance with the Wetlands Protection Act (WPA); and 11.03(6)(a)(1)(5) because it involves construction of a new rail or rapid transit line along a new, unused or abandoned ROW. The Full Build project also exceeded the following ENF review thresholds: 11.03(1)(b)(3) because it involves conversion of land held for natural resource purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth (Article 97); 11.03(2)(b)(2) because it would result in more than two acres of disturbance of designated priority habitat that results in a take of a state-listed species; 11.03(10)(b)(1) and (2) because it may result in demolition of a part of a state-listed historic structure and destruction of a state-listed archaeological site; and 11.03(11)(b) because it is located within a designated ACEC. The project may also meet or exceed other MEPA review thresholds depending upon its final design.

The Full Build project requires a 401 Water Quality Certification (WQC), a Chapter 91 (c. 91) License, and a Variance from the WPA and the WQC regulations from the Massachusetts Department of Environmental Protection (MassDEP); a Conservation and Management Permit (CMP) from the Massachusetts Natural Heritage and Endangered Species Program (NHESP); a land disposition agreement with the Department of Conservation and Recreation (DCR); approval from the legislature and the Division of Capital Asset Management and Maintenance (DCAMM) for a disposition of land protected by Article 97 legislation; and review from the Massachusetts Office of Coastal Zone Management (CZM). The Full Build project also requires Orders of Conditions (OOCs) from local Conservation Commissions (and, on appeal only, Superseding Order(s) from MassDEP); an Individual Section 404 permit from ACOE; an Air Quality Conformance Determination; a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) from the U.S. Environmental Protection Agency (EPA); and review under Section 106 of the National Historic Preservation Act (NHPA) by the Massachusetts Historical Commission (MHC). The Full Build project is subject to the MEPA Greenhouse Gas Emissions Policy and Protocol (GHG Policy) and the Executive Office of Energy and Environmental Affairs (EEA) Environmental Justice (EJ) Policy.

Phase 1, considered on its own, would exceed ENF review thresholds pursuant to: 11.03(1)(b)(2) for creation of five more acres of impervious area; 11.03(2)(b)(2) because it would result in more than two acres of disturbance of designated priority habitat that results in a take of a state-listed species; 11.03(3)(b)(1)(b) for alteration of 500 or more linear feet (lf) of Inland Bank; and 11.03(3)(b)(1)(f) for alteration of one-half or more acres of other wetlands. Phase 1 may also exceed the ENF threshold pursuant to 11.03(1)(b)(1) for alteration of 25 or more acres of land.

Phase 1 will require three individual 401 WQCs from MassDEP and a CMP from NHESP. It will also require OOCs from local Conservation Commissions (and, on appeal only, Superseding Order(s) from MassDEP); two individual Section 404 permits from ACOE; review under Section 106 of the NHPA by MHC; and a NPDES CGP from EPA. ACOE determined that Phase 1 is a separate, albeit related project with independent utility from the Full Build. ACOE expects to assert its discretionary authority to require an Individual Standard Permit for Phase 1, with a complete public interest review and federal NEPA review process.

Because the proposed project is being undertaken by a State Agency MEPA jurisdiction is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations.

Review of the FSEIR

The Scope for the DSEIR was limited to the proposed changes associated with Phase 1 of the project. I determined that the DSEIR adequately and properly complied with MEPA and its implementing regulations, and that there were no substantive issues that remained to be addressed through MEPA review. MassDOT was required to provide a Response to Comments on the DSEIR and Proposed Section 61 Findings pursuant to the "rollover provision" at 11.08(8)(b)(2)(b) of the MEPA regulations. Notice was published in the April 11, 2018 Environmental Monitor that the responses and findings would be filed, circulated, and reviewed as a FEIR.

The FSEIR includes a Response to Comments and updated Draft Section 61 Findings as required by the Scope on the DSEIR.

MassDOT intends to permit and conduct early actions for the Full Build, which underwent MEPA review, while concurrently advancing a phased approach that will provide service in 2022 versus 2030 at the earliest for the Full Build. Interim service would extend to both New Bedford and Fall River using the existing Middleborough Main Line, while work simultaneously proceeds to design, permit and fund the Full Build Project. Phase 1 will provide service from New Bedford, Fall River and Taunton to Boston using the existing Middleborough Secondary Line and the existing Middleborough Main Line. The majority of the Phase 1 corridor (56 percent) will consist of the Southern Triangle, which was reviewed as part of the FEIS/R. Phase 1 will improve the track infrastructure along the Middleborough Secondary Line and add stations and overnight layover facilities for commuter rail service. Phase 1 service introduced use of the Middleborough Secondary to connect to the Middleborough Main Line.

The DSEIR supplemented information provided in the FEIS/R to address elements that will be constructed as part of Phase 1 that were not previously analyzed. It also provided an update on the total impacts of Phase 1 and the cumulative impacts of Phase 1 and the State of Good Repair projects. The DSEIR did not re-analyze those elements of the project described in the FEIS/R that remain unchanged. New elements proposed as part of Phase 1 include:

- Improvements to track infrastructure on the Middleborough Secondary Line;
- A new station at Pilgrim Junction in Middleborough;

- A new station in East Taunton south of Cotley Junction (replacing Taunton Depot Station proposed in FEIS/R);
- Modifications to previously studied stations at Freetown and Fall River Depot; and
- Use of diesel locomotives for Phase 1 Service, including phasing in of Tier 4 locomotives which have lower emissions.

Impact analyses provided in the DSEIR were consistent with the methodology applied in the DEIS/R and the FEIS/R; however, because limited design and permitting (15 percent level) has occurred for those elements of the Full Build north of Cotley Junction, the DSEIR did not provide a discussion of these impacts.

Diesel trains will be used for Phase 1 service because neither the Middleborough Secondary nor the Middleborough/Lakeville Line can support electric train service. Electrification would require installation of overhead catenary for Phase 1 as well as the Middleborough Line extending to Boston. Construction will be sequenced to add catenary for electrification along the Southern Triangle for the Full Build, while continuing to operate diesel trains during Phase 1 service.

The FSEIR indicates that MassDOT will continue to refine the schedule and operations for Phase 1 and investigate the feasibility of express trains and skip stops to provider shorter travel times to Southeastern Massachusetts. In addition, as part of a separate study, MassDOT will study and model increased service to Cape Cod from an operations and infrastructure perspective to determine demand and frequency of service. The FSEIR indicates that MassDOT will continue to work with the City of New Bedford to develop concepts for potential multimodal connections at Whale's Tooth Station.

MassDOT also provided a response to comments on the FSEIR[4] during the MEPA review period. Public comments continue to identify issues previously reviewed and include, but are not limited to, concerns surrounding delayed construction, schedule and mitigation associated with the Full Build; express train service from New Bedford and Fall River to Boston; service service to Cape Cod; station locations; lack of direct service for Taunton residents; advisability of criteria of a one-seat side to evaluate Phase 1 alternatives; and electrification of the entire Phase 1 route.

MassDOT's response addressed comments from Mass Audubon. The response clarified that Phase 1 will not require access across Mass Audubon property nor impact its property at Assonet Cedar Swamp Wildlife Sanctuary. MassDOT eliminated further consideration of this potential construction methodology and instead, will use smaller equipment that can be mounted to rail based vehicles. All temporary and permanent impacts to wetlands and open space at this location are consistent with impacts disclosed during MEPA review. As MassDOT advances construction methodologies, it will consult with the MEPA Office and permitting agencies regarding any deviations from the disclosures in MEPA documents.

MassDOT's response indicates that the alternatives analysis for the project preferred alternatives that would reduce overall trip times. Given the length of the commute from Fall River and New Bedford, additional operational moves (such as a passenger transfer (two-seat ride) or a reverse move), would add minutes and inconvenience to the trip, and therefore were not advanced.

[4] Email from Meredith Avery of VHB, on behalf of MassDOT on June 12, 2018.

MassDOT reiterated that it does not plan to electrify the Phase 1 project area because it would require electrification of the entire Middleborough Route, or the purchase of dual locomotives for use on only one line. Phase 1 is proposed to provide service to Fall River and New Bedford more expeditiously, while the Full Build is being designed and permitted. Electrification of the system, whether partially in the Southern Triangle, or throughout the entire Middleborough alignment, would add complexity, impacts to sensitive areas, and costs to Phase 1 that would impact some of the benefits that earlier service would bring. MassDOT is committed to advancing the Full Build through design and permitting, which includes electrification, and has committed to phase in cleaner diesel locomotives as part of Phase 1 operations.

Mitigation and Draft Section 61 Findings

The FEIS/R contained draft Section 61 Findings associated with each separate State Agency Action identified for the Full Build project. The FSEIR includes an updated and revised chapter that summarizes mitigation measures associated with Phase 1 including a summary table of all mitigation commitments. The FSEIR contains a clear commitment to implement mitigation measures, identifies the parties responsible for implementation, and contains a schedule for implementation. It does not estimate the individual costs of each proposed measure because of the ongoing planning and design of mitigation measures. The FSEIR notes changes to mitigation commitments since the issuance of the Certificate on the DSEIR.

MassDOT will continue to design Phase 1 elements to avoid and minimize impacts to environmental and social resources by maximizing the use of existing transportation infrastructure corridors, identifying potential station sites that avoid impacts to wetlands, rare species habitat, water resources, ACEC and open space, and residential areas and businesses, and using single track, with passing sidings as needed to reduce wetland impacts. Station designs will minimize traffic impacts and land acquisitions. MassDOT expects to undertake additional measures to minimize unavoidable impacts including, but not limited to, refining the grading design of tracks and roadways, station layout, and bridges and culverts. It anticipates that the conceptual mitigation measures identified in the FSEIR will develop into more specific, implementation-oriented mitigation measures during final design and permitting.

Land Alteration

- Site elements on previously developed lands to minimize new disturbance;
- Design stations to comply with the Massachusetts Stormwater Standards; and
- Implement erosion and sedimentation controls during construction.

Traffic and Transportation

- Modify traffic and pedestrian signal timing/phasing (Middleborough, Taunton, Fall River);
- Complete RSA (Middleborough);
- Restripe pedestrian and vehicular ROW elements (Middleborough, Taunton);
- Install new traffic signal (Taunton);
- Install grade crossing safety improvements (Middleborough, Taunton, Freetown);

- Provide approach warning signage (Freetown);
- Install signal interconnect infrastructure between Mount Pleasant Street and Church Street (King's Highway, New Bedford);
- Revise signal phasing and timings (Mount Pleasant Street at Jones Road/King's Highway, New Bedford);
- Improve signal equipment, phasing and timing to provide concurrent pedestrian crossing (King's Highway at Shaw's Drive, New Bedford)
- Pre-empt grade crossing signals. Reconfigure Stop & Shop Drive to accommodate diverted Tarkiln Hill Road traffic (King's Highway at Stop & Shop Drive, New Bedford);
- Pre-empt grade crossing signal. Revise signal timing, including longer pedestrian timings (Tarkiln Hill Road at Church Street, New Bedford);
- Improve crosswalks and pedestrian ramps (Acushnet Avenue at Hillman Street, New Bedford);
- Construct approximately 300 feet of sidewalk along east side of Acushnet Avenue (New Bedford);
- Revise signal timing, including longer pedestrian timings (Mill Street at Pleasant Street and Kempton Street, New Bedford).
- Install traffic signal (Coggeshell Street at North Front Street, New Bedford);
- Construct approximately 1,600 feet of sidewalk along the east side of South Main Street (Freetown);
- Improve crosswalks and pedestrian ramps (South Main Street at Narrows Road, Freetown);
- Improve crosswalks and pedestrian ramps (South Main Street at Copicut Street, Freetown);
- Widen North Main Street to provide an exclusive northbound and southbound left-turn lane. Modify traffic signal phasing to provide a westbound lead phase and exclusive pedestrian phase (North Main Street at President Avenue, Fall River);
- Improve pedestrian timing (President Avenue at N. Davol Street, Fall River);
- Remove vegetation at all grade crossings to improve sight distance; and
- Coordinate with local emergency service providers regarding grade crossing design.

Air Quality

- Prohibit excessive idling of construction equipment engines in compliance with 310 CMR 7.11, including posting of signage on-site;
- Ensure all diesel construction equipment used on-site is fitted with after-engine emission controls such as DOCs or DPFs;
- Implement protective measures around the construction and demolition work to protect pedestrians and minimize off-site dust transport;
- Implement dust suppression methods and conduct regular sweeping to minimize vehicular airborne dust and particulate matter;
- Consult with the Massachusetts Department of Energy Resources, Division of Green Communities to develop a joint approach to promote energy efficiency and GHG reductions in SCR communities; and
- Use plug-ins and electric block heaters at rail layover facilities.

Greenhouse Gas

- Install electric vehicle (EV) charging equipment at stations; and
- Use light emitting diode (LED) technology for station lighting.

Climate Change

- Follow MassDOT vulnerability identification procedure;
- Prevent/reduce impacts of flooding by reducing runoff from impervious surfaces; size drainage structures appropriately; consider flood barriers in vulnerable locations; and raise electrical components above future flood elevations (500-year level); and
- Protect equipment and passengers from increased heat by designing station shelters and landscaping to maximize shade and reduce heat gain; monitor effectiveness of current rail-neutral temperatures (95 degrees Fahrenheit); and explore use of renewable energy for back-up power at stations.

Wetlands

- Minimize impacts through design revisions; provide 1:1 Wetland Mitigation to meet WPA requirements; and provide additional mitigation to meet ACOE Guidelines;
- Monitor compensatory wetlands for success and invasive plant species, and implement an Invasive Species Control Plan during a post-construction monitoring period as required by the Section 404 permit (five to ten-year post-construction monitoring period); and
- Implement erosion and sedimentation control measures according to a Soil Erosion and Sediment Control Plan.

Water Quality and Drainage

- Construct sediment forebays to remove suspended solids and reduce other contaminants;
- Develop a Stormwater Pollution Prevention Plan (SWPPP) in compliance with the NPDES CGP that identifies construction-period best management practices (BMPs);
- Include water quality features in new and reconstructed swales to reduce erosion and total suspended solids (TSS) concentration in runoff;
- Adhere to the approved Vegetation Management Plan (VMP) and Yearly Operating Plans (YOPs);
- Design and install stormwater management systems (stations, layover facilities, etc) to meet Stormwater Management Standards for Land Uses with Higher Potential Pollutant Loading (LUHPPLs);
- Comply with the Clean Water Act by choosing BMPs that meet the Total Maximum Daily Load (TMDL) for the Taunton River Watershed;
- Provide stormwater management system at Pilgrim Junction Station;
- Choose BMPs designed to provide groundwater recharge and avoid impacts to groundwater quality;
- Implement stormwater improvements at Pilgrim Junction, East Taunton, Freetown, and Fall River Depot Stations;

- Implement trackside stormwater improvements
- Obtain authorization to discharge stormwater during construction under the NPDES CGP;
- Improve railroad drainage system to promote settling and infiltration;
- Install sediment forebays and check dams upgradient of discharge points;
- Adhere to the approved Vegetation Management Plan, as implemented with MassDOT's Yearly Operating Plans, which restrict the use of herbicides in areas adjacent to wetlands or sensitive resources;
- Develop and implement a comprehensive Soil Erosion and Sediment Control Plan in accordance with NPDES and MassDEP standards;
- Apply water to dry soil to prevent dust production;
- Stabilize any highly erosive soils with erosion control blankets and other stabilization methods;
- Use sediment control methods during excavation to prevent silt and sediment entering the stormwater system and waterways;
- Maintain equipment to prevent oil and fuel leaks; and
- Develop a SWPPP that incorporates erosion and sediment controls, spill control procedures, and proper handling of dewatering discharges.

Biodiversity and Rare Species

- Develop detailed species-specific mitigation measures for each site through consultation with NHESP;
- Fund the Eastern Box Turtle Mitigation Bank at an amount to be determined by NHESP to mitigate for 6.27 acres of impact to eastern box turtle habitat;
- Avoid impacts to rare species by locating stations outside of Priority Habitat; keeping tracks and culverts within their existing footprints; and avoiding tree removal time of year (TOY) restrictions related to the Northern Long-Eared Bat;
- Minimize impacts to rare species habitat by using single track along the Middleborough Secondary; modifying culverts to allow through movement; adjusting grading and using retaining walls to reduce habitat loss; replanting disturbed areas; and implementing an invasive species control plan;
- Mitigate temporary construction impacts by implementing erosion and sedimentation controls; installing turtle barriers; complying with TOY restrictions; and employing rare plant protections;
- Where possible based on engineering constraints and hydrology, replace bridges and culverts that connect areas of high biodiversity with structures that meet Massachusetts River and Stream Crossing Standards to facilitate fish and wildlife passage through the rail bed;
- Replant disturbed areas; and
- Install wildlife crossings (tunnel and between-tie crossings) to maintain population continuity for state-listed wildlife, at locations approved by NHESP.

Noise and Vibration

- Where noise levels are projected to occur above the Severe Noise Impact Level, choose noise mitigation measures that are proportional to the level of impact over the threshold level and are safe, maintainable, constructible, acoustically effective and cost-effective;
- Consider appropriate vibration mitigation measures at sensitive locations as design progresses;

- Incorporate noise guidelines and construction noise and vibration control plans that conform to applicable regulations and standards into permits and construction documents;
- Use equipment that generates lower vibration levels when near sensitive buildings;
- Enforce noise specifications in the field;
- Schedule unusually noisy activities to avoid impacting sensitive receptors;
- Provide noise walls or other noise measures where sensitive land uses would be subject to Severe impacts (if cost-effective according to MBTA and FTA criteria; e.g., less than $30,000 per dwelling unit) at two locations along the alignment: Murray Street Area, Fall River (Brightman Street to Cory Street) and Almay Street Area, Fall River (Cory Street to President Ave);
- Provide funding for building noise mitigation where sensitive land uses would experience severe impacts but walls are not cost-effective, at a rate of $5,000 per dwelling unit per decibel of noise impact above the Severe level, up to a maximum of $30,000 for each residence: 14 in Berkley, eight in Lakeville, 25 in Freetown, 12 in New Bedford, and 53 in Fall River;
- Incorporate vibration mitigation measures into the design and operating plan, including continuously welded rail, ballast and sub-ballast depth specifications, turnout locations at least 100 feet from sensitive receptors, and train and track maintenance (such as regular wheel re-truing) schedules;
- Maintain mufflers on construction equipment;
- Minimize truck idling;
- Fit any air-powered construction equipment with pneumatic exhaust silencers; and
- Prohibit nighttime construction.

Cultural Resources

- Work with ACOE, MHC, THPO, and other Section 106 parties to update the draft Phase 1 Programmatic Agreement (PA);
- Conduct intensive archeological surveys;
- Develop Mitigation Plans after all stages of intensive survey and National Register evaluations are complete and the results of the investigations are reviewed and approved by federal and state agencies as stipulated in the PA;
- Prepare archival documentation and provide interpretive signs that describe for the public the site's history, features, and significance for unavoidable historic impacts
- Develop and implement a Cultural Resource Monitoring Program;
- Develop a mitigation plan, in consultation with the ACOE and MHC, to minimize adverse impacts to historic properties as identified in the PA;
- In areas where there is a potential for vibration damage to historic structures, inspect building foundations prior to construction and monitor foundations during construction;
- Use non-contrasting paints on fences, roadway equipment, and signal bungalows; locate signs and fixtures in a sensitive manner within and adjacent to historic properties;
- Within historic districts, reduce visual impacts by reducing tree/vegetation clearing and using planting and landscaping to screen; and
- Minimize number of lighting poles adjacent to historic properties and paint poles a non-contrasting color.

Visual

- Provide station lighting fixtures, designs, and technologies that minimize night sky impacts;
- Design facilities and structures to blend with the surrounding landscape;
- Install screening in selected locations; and
- Avoid unnecessary tree clearing along ROWs.

Oil and Hazardous Materials

- Manage contaminated sites pursuant to the MCP and other applicable regulations and policies;
- Retain a licensed site professional (LSP);
- Test structures for hazardous materials and remove in accordance with applicable regulations;
- Conduct a pre-characterization of soils and prepare a Soil Management Plan; and
- Prepare Hazardous Materials and Solid Waste Management Plan, and Health and Safety Plan, to describe the regulatory context and procedures to be used during construction.

Land Use

- Implement the Smart Growth measures of the Corridor Plan as applicable in accordance with Executive Order (EO) 525;
- Provide incentives and guidance to municipalities for Smart Growth implementation (Implementation Responsibility includes State Agencies listed in EO 525);
- Monitor Smart Growth implementation using approved performance metrics (Implementation Responsibility includes State Agencies listed in EO 525); and
- Consistent with the MEPA Certificate on the SCR FEIS/R, MassDOT will continue to provide funding (average of $200,000 per year) to the RPAs to provide technical assistance to South Coast communities for the next several years.

As noted in the Certificate on the FEIR, additional development of mitigation is necessary as the design of the Full Build project advances. MassDOT will continue to meet with and consult with the ICG on the development of final mitigation for impacts to wetlands and rare species, including evaluation of wetland restoration/replication sites. MassDOT will file a draft mitigation plan, developed in consultation with the ICG, which will be published through the MEPA Office for public review and comment. The filing of this document will provide an opportunity to gather additional input from State Agencies, advocacy organizations, municipalities and the public on the mitigation plan. The timing of this publication will be developed in consultation with the MEPA Office, MassDEP, and MassDOT to ensure it supports public review and effectively supports the permitting process.

Conclusion

MEPA review of the South Coast Rail project has included extensive and detailed analysis of routes, technology and operations to meet the project goal of providing rail service to Fall River and New Bedford. It has included robust commentary on the project design and selection of alternatives. Based on a review of the FSEIR, consultation with State Agencies, and review of comment letters, I have determined that the FSEIR adequately and properly complies with MEPA and its implementing

regulations. Outstanding issues for Phase 1 can be addressed during State and local permitting and review.

June 15, 2018
Date

Matthew A. Beaton

Comments Received:

05/16/2018 State Representative William M. Straus
05/23/2018 State Representative Robert M. Koczera
06/08/2018 State Representative Keiko Orrall
06/06/2018 Old Colony Planning Council (OCPC)
06/06/2018 Greater Attleborough – Taunton Regional Transit Authority (GATRA)
06/06/2018 Public Employees for Environmental Responsibility (PEER)
06/07/2018 Massachusetts Department of Environmental Protection (MassDEP) – Southeast Regional Office (SERO)
06/08/2018 Andrew Jennings
06/08/2018 Town of Stoughton
06/08/2018 Mass Audubon
06/08/2018 Town of Middleborough
06/08/2018 Norman Orrall
06/08/2018 Massachusetts Sierra Club
06/11/2018 Massachusetts Department of Energy Resources (DOER)

Comments Sent to MassDOT and Copied to MEPA:

05/10/2018 Naftali Poritz (2nd duplicate email 05/24/2018)
05/12/2018 G. John Sowyrda (2nd email on 06/04/2018)
05/16/2018 Michael Levin
05/21/2018 Priscilla Chapman, Taunton River Watershed Alliance
05/25/2018 Michael Follo
05/31/2018 Joe Celeste
06/06/2018 Abraham Brody
06/07/2018 Scott Moberg
06/08/2018 John Carroll
06/08/2018 Leilani Dalpe
06/08/2018 Scott W. Lang

MAB/PPP/ppp