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Via email: [foley@mvcommission.org](mailto:foley@mvcommission.org)

December 16, 2014

Paul Foley  
Martha's Vineyard Commission  
33 New York Avenue  
Oak Bluffs, MA 02557

**Subject: MV Hybrid Cable Project – Compliance with MVC DRI 641 Conditions**

Dear Paul:

Epsilon Associates, Inc. (Epsilon) is pleased to submit the attached document describing how the MV Hybrid Cable Project complied with the conditions issued by the MVC.

Please let me know if you have any comments or questions.

Sincerely,  
EPSILON ASSOCIATES, Inc.

Lester B. Smith, Jr.  
Principal and Coastal Geologist

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# NSTAR/COMCAST COMPLIANCE WITH THE MARTHA'S VINEYARD COMMISSION'S CONDITIONS

## DRI 641 – MARTHA'S VINEYARD UNDERSEA CABLE

12/16/14

### 1.0 Cable Installation

This document reviews the compliance with the conditions issued by the Martha's Vineyard Commission (MVC) on the Comcast/NSTAR Undersea Cable project (DRI 641). Below we provide each condition in italics followed by the Applicant's statement concerning compliance.

- 1.1 As offered by the Applicant, the Applicant shall employ Best Management Practices during the active construction period to prevent erosion or sedimentation and to minimize noise and light from the operation.*

The applicant employed Best Management Practices during the construction of the project as defined on project plans approved by the MVC and the Tisbury Conservation Commission (ConCom)

- 1.2 As offered by the Applicant, the Applicant shall perform a post-construction video survey of the marine cable route approximately four to six weeks after initial installation. This survey shall consist of a one-day reconnaissance-level survey consisting of side scan, bathymetry, and video transects over the cable alignment to determine if any visible evidence of the cable trenching or significant disturbance is still present. If any is found, a subsequent survey shall be conducted one year later that will consist of the same reconnaissance-level data collection.*

The Applicant performed post-construction underwater video, and high resolution side scan and bathymetric surveys of the marine cable route. These surveys documented that the Project did not cause significant impact to the protected Special, Sensitive and Unique Resources (SSUs) protected by the Ocean Sanctuaries Act which include hard/complex bottom habitats and eel grass beds. The only disturbance caused by the cable plowing operation that was evidenced by the marine surveys was a sandy path the width of the plow with a 1-2 foot deep furrow. In this sandy furrow area, there were multiple observations of Black Sea Bass and Scup and in general fish counts were much higher than during the pre-construction survey. It is our opinion that the higher fish observations are related to new habitat created by the trenched sand furrow along the cable route.

## 2.0 Power and Cable Distribution

- 2.1 As offered by the Applicant, the Applicant shall make use of existing pole locations and route the new cables on these poles to the maximum extent practicable.*

For the upland installation, the applicant made use of existing poles to the maximum extent practicable.

## 3.0 Construction Season and Hours

- 3.1 As offered by the Applicant, no digging or cutting shall begin until October 15, 2013 (after Columbus Day) and shall be completed by May 15, 2014.*

Construction commenced in mid-October after Columbus Day and was completed by late May 2014. The extension to late May was requested ahead of time by NSTAR through the MV Commission.

- 3.2 As offered by the Applicant, the HDD pit and drill rig shall be in place for the duration of the Horizontal Directional Drill (HDD) operation and pulling of conduit, for a period not exceed accumulative total of 90 days. Once complete and the conduit pulled, the rig shall be removed and a pre-cast manhole shall be set in the pit and the area backfilled.*

The HDD work area was cleaned after the installation and a pre-cast manhole was installed and backfilled.

- 3.3 As offered by the Applicant, construction shall be conducted in accordance with Town of Tisbury regulations governing construction hours.*

Construction was conducted during the hours specified by the Town of Tisbury.

- 3.4 As offered by the Applicant, Comcast/NSTAR shall work with the Tisbury Police Department to determine the best approach to protect traffic during the construction phase.*

NSTAR and its contractors communicated with the Tisbury Police Department regarding traffic and other issues prior to and during the construction phase.

## 4.0 Communications

- 4.1 As offered by the Applicant, a communications plan shall be developed to communicate the project scope, construction process, timetable, impacts, and contact telephone numbers to the West Chop Association and abutters prior to the beginning of construction and at major milestones in the process and filed with the MVC.*

On behalf of NSTAR and Comcast, Epsilon submitted a work start notification to the MVC and abutters on November 20, 2013 which informed the Commission that Caldwell Marine International, LLC had been selected as the contractor for the Project. It also provided a list of anticipated start dates for the various phases of the work on Martha's Vineyard. It also included a list of Project contacts to ensure clear communication. Epsilon provided periodic updates of the construction process via phone calls and emails to Paul Foley of the MVC.

## 5.0 Noise, Dust, Leaks

*5.1 As offered by the Applicant, if the Town of Tisbury Conservation Commission determines that dust generation has become a problem, the area shall be watered to reduce dust generation.*

The Project's Environmental Field Supervisor (EFS) confirmed that dust problems did not occur, and throughout the construction process the Contractors were made aware of the need to water disturbed area, especially on dry and windy days.

*5.2 As offered by the Applicant, if noise complaints are received, measurements shall be taken immediately. If noise ordinance levels are exceeded, noise curtains or other noise reducing equipment shall be used to reduce noise beyond the work area.*

The Project's Environmental Field Supervisor (EFS) confirmed that no noise complaints were received.

*5.3 As offered by the Applicant, all diesel-driven equipment shall be monitored for any fuel leakage. Absorbent cloth material or trays shall be used under such equipment to capture any fuel or lubricant leakage, and spill kits shall be retained at the equipment to rapidly remove any unexpected spills.*

The Project's Environmental Field Supervisor (EFS) confirmed that NSTAR's Contractors retained appropriate spill kits and regularly inspected their equipment for leakage and no leakage problems occurred.

*5.4 There shall be no generators or fuel storage tanks permanently installed at the site.*

The Project's Environmental Field Supervisor (EFS) confirmed that no generators or fuel storage tanks were permanently installed at the site.

## 6.0 Site Alteration, Landscaping, Restoration, and Monitoring

*6.1 As offered by the Applicant, a Site Restoration and Landscape Plan shall be submitted to and be subject to the approval of the MVC Land Use Planning Committee. The Plan should:*

- ◆ Be prepared in collaboration with the Tisbury Conservation Commission, Sheriff's Meadow Foundation and property owners abutting the distribution line right of way.
- ◆ Provide for the removal of the fence surrounding the unused riser station and its replacement with a permanent new fence and vegetation to lessen or break up its visibility.
- ◆ Ensure restoration or re-vegetation of disturbed land and vegetation between Main Street and the HDD site to its pre-construction state, or increase vegetative screening.
- ◆ Provide for vegetative screening to visually break up the view of the riser station using native plantings compatible with the electric facilities on and near the right of way.
- ◆ If any pitch pines, scrub oaks, or other native trees and shrubs must be cut in order to allow access to or room for the construction, (notably a few trees along the western side of the Squantum Avenue layout and a small area of scrub oak at the north end of the path), cut or mow this vegetation and allow it to re-sprout once the work has been done.
- ◆ Provide for the natural re-vegetation of any trees and vegetation necessary to provide sufficient access to the work area,
- ◆ Require that the site cleanup, landscaping, and restoration has been reviewed and approved by the LUPC, in consultation with Sheriff's Meadow Foundation and the Tisbury Conservation Commission

A Landscape Management Plan was submitted to the MVC for review and approval. This was prepared with input from the Sheriff's Meadow's Foundation, West Chop Trust, and Project abutters, and was approved by the Tisbury Conservation Commission. Each of the other bulleted requirements was complied with during the Project setup, construction and post-construction activities.

**6.2** *If the timing of construction precludes completing this landscaping and restoration before the cable is put into operation, the Applicant shall put funds into escrow equal to the cost of this work, to be returned after the work is completed in the appropriate season.*

Much of the site restoration has already occurred. For the remaining plantings, NSTAR and Comcast are committed to providing and maintaining the plantings proposed in the landscape plan.

**6.3** *As offered by the Applicant, the Applicant shall not damage the tree canopy of Main Street.*

The Project's Environmental Field Supervisor (EFS) confirmed that the tree canopy along Main Street was not altered by the Project.

- 6.4** *As offered by the Applicant, the existing unused riser station shall be upgraded to accommodate the Project.*

NSTAR upgraded the existing riser station to accommodate the Project.

- 6.5** *As offered by the Applicant, equipment shall access the job site via NSTAR's access road from the easement that shall be entered from Golf Road; the equipment shall not access the job site via Main Street. Cars and pickup-truck-sized vehicles may use Main Street when access from the NSTAR right-of-way is unavailable.*

The Project's Environmental Field Supervisor (EFS) confirmed that construction equipment utilized the Golf Road access road easement to support the Project.

- 6.6** *As offered by the Applicant, along the access to the HDD site along the Squantum Avenue layout, clearing and cutting of vegetation shall be kept to a bare minimum.*

The Project's Environmental Field Supervisor (EFS) confirmed that disturbance including layout, clearing and cutting of vegetation was kept to the bare minimum along the accessway from Main Street to the HDD manhole at the back of the dune.

- 6.7** *As offered by the Applicant, potential impacts to the Squantum Avenue layout shall be minimized by using timber or composite matting to protect the path, adjacent wetlands, and trees along the road and to reduce the chances of soil compaction, erosion and rutting.*

The Project's Environmental Field Supervisor (EFS) confirmed that timber matting was utilized to minimize impacts to this accessway.

- 6.8** *As offered by the Applicant, vegetation shall be trimmed to a width of no more than 12 feet to accommodate the drill rig and associated equipment.*

The Project's Environmental Field Supervisor (EFS) confirmed that disturbance including layout, clearing and cutting of vegetation was kept to the bare minimum along the accessway from Main Street to the HDD manhole at the back of the dune.

- 6.9** *As offered by the Applicant, erosion/sedimentation controls shall be installed along the edge of wetlands where necessary, or as requested by the Tisbury Conservation Commission or the Martha's Vineyard Commission to protect them. (Note: the use of composite matting may not require installation of erosion controls due to the fact that no soils will be disturbed.)*

The Project's Environmental Field Supervisor (EFS) confirmed that erosion and sedimentation controls were utilized where timber matting was not present.

- 6.10** *As offered by the Applicant, a construction fence shall be installed to mark the limit of work.*

The Project's Environmental Field Supervisor (EFS) confirmed that a construction fence was installed along the limit of work.

**6.11** *As offered by the Applicant, the plan shall prohibit the use of any fill, other than the temporary timber or composite construction matting, as fill may contain the seeds of invasive plants and other weeds.*

The only use of fill that was required was clean sand and gravel that was used as underground base for the concrete vault at the Tisbury landing. Gravel and stone was used under some sections of the timber matting to provide an even surface. This gravel/stone was removed when the mats were removed.

**6.12** *As offered by the Applicant, Comcast and NSTAR shall work closely with the Tisbury Conservation Commission and Sheriff's Meadow Foundation, on the preparation and implementation of a landscape management plan for this project.*

The Applicant worked closely with the Sheriff's Meadow Foundation and abutters in the preparation of the landscape management plan. The Tisbury Conservation Commission approved the plan once it was developed.

**6.13** *As offered by the Applicant, the applicant shall procure the plants specified in the landscape plan and have them planted by a professional landscaper. The applicant shall maintain this vegetation on NSTAR property. For any plants on private property, upon the individual property owner formally granting permission to the applicant, the applicant shall provide the property owner a recommended schedule for maintenance and watering.*

The Applicant will follow the landscape management plan which was prepared by a landscape architect professional and planting will be done by a professional landscaper. NSTAR will maintain the vegetation on its property and will supply the abutters with recommendations for maintenance and watering.

## **7.0 Construction Supervision**

**7.1** *As offered by the Applicant, NSTAR and Comcast shall employ an independent Environmental Field Supervisor (EFS) to ensure that all environmental conditions and requirements are adhered to.*

Jeremy Fennell, a wetland scientist at Epsilon Associates served as the Independent Environmental Field Supervisor (EFS). Jeremy has extensive experience in providing environmental monitoring service for utility and other construction projects. Jeremy completed weekly environmental monitoring reports that have been submitted to the MVC.

**7.2** *The selection of the EFS shall be subject to the approval of the MVC Land Use Planning Committee and the Tisbury Conservation Commission.*

A copy of Jeremy Fennell's resume was submitted to the MVC.

**7.3** *As offered by the Applicant, the EFS shall be a professional environmental scientist knowledgeable about the project and the environmental conditions and regulations whose role will be to provide daily guidance to the construction contractors to ensure all environmental regulations and requirements, including the Order of Conditions from the Tisbury Conservation Commission and Martha's Vineyard Commission, are executed properly.*

The EFS was a professional environmental scientist who is knowledgeable about the project and environmental conditions and regulations. He provided environmental guidance to the construction contractors ensuring that all regulations and requirements were complied with.

**7.4** *As offered by the Applicant, the EFS individual shall have stop-work authority should a non-compliance activity occur. The EFS will be in contact with the proponent's construction management.*

The EFS had stop work authority, however there were no non-compliance activities during the course of Project construction so it was not necessary to exercise this authority.

**7.5** *As offered by the Applicant, the project shall comply with the conditions and requirements set for it through the MEPA process by state agencies including: Massachusetts Coastal Zone Management, Division of Marine Fisheries, Natural Heritage and Endangered Species Program and Massachusetts Department of Environmental Protection.*

The Project followed all of the requirements and conditions by the MEPA process and by permits issued by state agencies. Extensive coordination occurred with the state agencies. Before the Applicant filed an Environmental Notification Form (ENF) with MEPA, the Applicant and consultants met with MEPA and state Ocean Team members to discuss the proposed marine sampling plan. These agencies suggested that the Applicant should conduct a preliminary environmental survey to confirm that the selected route avoided hard complex bottom and eel grass beds. This survey was conducted and it was confirmed that these could be avoided. After the Expanded ENF was submitted the Project Team again met with these state officials to discuss the scope of work for a comprehensive marine sampling plan to cover a 400 foot wide corridor for the cable alignment. This comprehensive survey was then conducted and the results were presented in a Single Environmental Impact Report (EIR). The Project Team again met with state officials after Comcast and NSTAR decided to pursue a Hybrid Submarine Cable with both electric (NSTAR) and fiber (Comcast) components. Next a Notice of Project Change was filed with MEPA. An additional meeting was held with state officials to discuss the possibility of pursuing a shorter Horizontal Directional Drill (HDD) at the Tisbury Landing due to fears that the presence of large boulders



could interrupt the HDD installation. The state agencies signed off on a shorter HDD as a contingency as did the MVC. As it turns out a shorter HDD was not necessary and the entire 3,000 foot HDD was installed from the Tisbury landing. In 2013 the New England Environmental Business Council (EBC) awarded the Project proponents and consultants the EBC Nicholas Humber Environment-Energy Award for Outstanding Collaboration.

**7.6** *As offered by the Applicant, the project shall comply with the requirements of the Massachusetts Ocean Management Plan.*

The Project complied with all of the requirements of the Massachusetts Ocean Management Plan and extensive coordination occurred with the Ocean Team as described in response to 7.5 above.

## 8.0 Security During Construction

**8.1** *As offered by the Applicant, construction materials shall be locked in containers, and vehicles shall be locked when construction is not in progress.*

The Project complied with this requirement.

**8.2** *As offered by the Applicant, the HDD pit will be secured with temporary fencing to prevent entry.*

The Project complied with this requirement.

## 9.0 Drilling Materials

**9.1** *As offered by the Applicant, drill cuttings shall be vacuumed from the "pit" and filtered in a separating unit to reclaim the drill fluid from the cutting materials. The cutting materials shall be properly collected and disposed of in accordance with applicable regulations.*

The Project complied with these requirements.

**9.2** *As offered by the Applicant, if any cuttings are to be disposed of on Martha's Vineyard, the location shall be proposed to and shall be subject to the approval of the MVC Land Use Planning Committee before drilling begins.*

The Project complied with this requirement.

**9.3** *As offered by the Applicant, as the pilot hole approaches the targeted exit hole location, the contractor shall flush drilling fluids and cuttings from the bore hole with water, and shall use water in place of drilling fluid in the final stage of drilling.*

The Project complied with this requirement.

*9.4 As offered by the Applicant, should any toxic materials be discovered during the drilling operation, the materials shall be analyzed and the proper federal and state agencies notified as well as the Tisbury Conservation Commission and MVC. The materials shall be collected and processed in accordance with regulatory requirements.*

The Project did not encounter any toxic materials during the drilling operation.