

# DRAFT

## Southeastern Massachusetts Commuter Rail Task Force

**Minutes of the November 18, 2009 meeting held at the Commonwealth College Building at Bristol Community College in Fall River at 4:00 PM.**

Present:

John Bullard, Vision 2020, Chair  
Kristina Egan, EOT  
Linda Grubb, Lakeville  
Christine Legere  
Kyla Bennett, PEER  
Matt Schweisberg, U.S. EPA  
Lilia Cabral, SRPEDD  
Priscilla Chapman, Mass Audubon  
Randall Kunz, Mattapoisett  
Constance Brawders, Westport  
Joseph Laydon, Stoughton  
Richard O'Flaherty, East Bridgewater  
Louis Gitto, Stoughton  
Robb Johnson, TNC

Melinda Ailes, MSBDC  
Bob Moitozo, Rehoboth  
Carolyn Lamarre, TRWA  
George Spatcher, URCC  
Steve Smith, SRPEDD  
Susan Peterson, Rochester, SRPEDD  
Heather Graf, Norton/CCATS  
Eric Hove, RVA  
Jill Maclean, City of New Bedford  
Karen Winger, OCPC  
John Clarke, Mass Audubon  
Greg Guimond, SRPEDD  
Nancy Durfee, SRPEDD  
Alan R. Anecheka-Nasemann, US Army  
Corps of Engineers

### 1. Call to Order

Task Force Chair John Bullard called the meeting to order at 4:05 PM

### 2. Minutes of the Meeting September 9, 2009

The minutes of the September 9 meeting were approved with no changes or additions.

### 3. Presentation: "Losing Ground; Beyond the Footprint" by John Clarke, Director of Public Policy and Government Relations, Massachusetts Audubon Society.

Mr. Clarke began the presentation by explaining that "Losing Ground" is the 4<sup>th</sup> edition of a series of studies completed every 5 years on how we're doing on conservation and how to do a better job on how we develop and where we develop. The publication and all the accompanying data is available on the website at:

<http://www.massaudubon.org/losingground/> .

Mr. Clarke explained and displayed how they keep track of sprawl frontiers and where these are located in the state. He explained how the state was losing 22 acres of open space a day to development. Five years ago that figure was 40 acres a day, so progress is being made. Massachusetts has a total of 5 million acres of land; 1 million acres is permanently protected, 1 million acres is developed and the remaining 3 million acres are up for grab. We need to protect at least half of that. The governor has committed to spending \$50 million on conservation, but with the economy, it may only be \$47 million, but that is a big help.

A question was posed to Mr. Clarke in regard to Mass Audubon's position on the Southcoast Rail project and Transit Oriented Development. What exactly is Mass Audubon's stand on TOD and on the Southcoast project?

Mr. Clarke responded that Mass Audubon supports Transit Oriented Development and the train to this region, but that they do not have a position regarding the route alternatives and how all of their public policy positions are based on science.

A question was asked that since the Hockomock Swamp is mapped as having the highest ecological integrity and there is concern that it doesn't make sense to bisect this area and save other areas elsewhere.

Mr. Clarke responded that they have the same question as it applies to each one of the alternative routes. He explained that they look at all the impacts and look beyond the immediate impact, as well as in terms of the ecological integrity. It's a very complicated process.

A question was asked concerning whether Mass Audubon studies the effects on the expansion of roads on the swamp without the train. Mr. Clarke responded that they did not. Ms. Egan responded that the train with smart growth has substantial environmental benefits over the 'business as usual' scenario.

Mr. Bullard pointed out that the decisions we make here impact quality of life well beyond our study area. "Losing Ground" is an analysis of the impacts on this region without the rail. This task force is concerned with the impacts of growth on the region and how rail might magnify positive impacts and how we can mitigate negative impacts. These studies look at the 'status quo' of the region.

#### 4.. Environmental Review Process

Ms. Egan began by explaining again the environmental review process. The U.S. Army Corps of Engineers is the lead federal agency for the Southcoast Rail Project. We need a Clean Water Act permit and only one route can get a permit and it has to be the Least Environmentally Damaging Practicable Alternative (LEDPA) route. The state has to come up with the locally preferred alternative and we want it to be the same route as is permitted by the U. S. Army Corps. We have an inter-agency coordinating group that meets monthly and discusses all the issues, which includes the state and the Corps. We have been developing a lot of technical data on what an alternative is and also what the

impacts of these alternatives will be, including 18 different resource areas. We have completed the development of the technical information and the key document is the alternatives comparison document. The state has not chosen any particular route, but there are transportation flaws with Attleboro and the rapid bus.

A question was asked whether any other alternatives would be looked at? Ms. Egan responded that everyone wants a document that is thorough and is defensible and will hold up in court. She explained that they would look at any request from a regulatory agency, but no other alternatives from the public would be considered.

Lou Gitto from Stoughton made a comment stating that if there is not adequate mitigation then Stoughton is considering closing its station since long-term development in downtown Stoughton would be severely hampered. Ms. Egan responded that if the Stoughton station was by-passed, then Canton service would be stopped and Canton would have to agree.

Mr. Alan R. Anacheka-Nasemann of the U. S. Army Corps of Engineers, senior project manager, continued the explanation of the environmental review process.

The U.S. Army Corps is the federal agency responsible for granting or denying a permit for this project and our involvement began in July 2007. We are responsible with being sure that the NEPA (National Environmental Policy Act) is complied with. We embarked on Phase I with 65 alternative routes. The NEPA process has been an Environmental Impact Statement. An EIS is required when an impact may significantly affect the quality of the human environment. The typical means in which we produce an EIS is through a third party contractor. MassDOT funds the contractor, but the contractor reports to and is responsible to the Corps.

The Army Corps cooperated with the state and decided to produce a joint EIR/EIS document. The processes for producing these documents are slightly different. As the lead federal agency we prepare the EIS but under the state's process the EIR is prepared by the applicant and submits it to the state for a certificate. The applicant can accept the federal EIS as the state EIR.

Scoping is an ongoing process for us until we release this draft EIS/EIR and it will ID the alternatives our study did not detail and why. Those that we determine need to be studied in more detail will be studied in more detail.

MassDOT's contractor has been preparing the technical reports and the interagency coordinating group has been reviewing and commenting on those documents and the Corps contractor has been evaluating those and has been writing the draft EIS. This is a thorough evaluation and the cooperating agencies will review, then it will be handed to MassDOT for the MEPA review. Then finally this draft EIS/EIR will be released to the public. The original target date for release was September, 2009, but this process is unpredictable. We have been receiving technical reports through last Thursday and our contractor is already writing portions of the EIS. The earliest possible date for this

document to be released to the public is June 2010 and this is not set in stone. Once the 'federal draft' is completed we need to incorporate the state MEPA process to make this a joint document. A pre-draft of this document may be ready by year's end. There is a tentative target timeline for this process but if any one step gets delayed in the process then the entire process will get pushed back.

Once the DEIS/DEIR is released there will be public hearings held within a minimum 30 days after the release date. There will be a 45 day review and comment period. All substantive comments are required to be considered. We would not reach a LEPDA determination until at least 120 days after the comment period. We must consider all feedback from our agency partners and all public comments before making this determination.

We will ultimately have a final Environmental Impact Statement / Environmental Impact Report and that schedule is still to be determined. A record of decision cannot be issued until at least 30 days have elapsed after that final report.

Mr. Anacheke-Nasemann wanted to acknowledge Steve Smith, SRPEDD and the task force for the time and effort put into this process.

A question was asked concerning the timeline and that if the state will issue its alternative prior to the release of the DEIS, but since it's a joint document, how can the state release its preference before the DEIS?

Mr. Anacheke-Nasemann responded that there are two state agencies involved here. MassDOT may have a preferred alternative, but it may not be a MEPA approved alternative. Ms. Egan continued the response by stating that the state's preferred alternative can be published in the MEPA section of the document, although that may not be the LEDPA. Mr. Anacheke-Nasemann added that there is no guarantee that MassDOT's preferred alternative is going to be the LEDPA.

Ms. Egan then added that they are hoping that the locally preferred alternative will be the same as the LEDPA.

A question was asked concerning the requests for additional data following the selection of the preferred alternative. Mr. Anacheke-Nasemann explained that the Army Corps has to process a permit application for a proposal by an applicant. The proposal has to be complete with plans and the preferred alternative before we can move forward. The plans and what we actually permit changes all the time. It is entirely possible that the plans that we need to issue a permit are different than the preferred alternative.

Is each alternative at an equal level of analysis detail? Ms. Egan responded that each of the alternatives are at 10% design level.

A comment was made that some of the participants have expressed more enthusiasm for one alternative over another, but that is not necessarily an opposition to the project.

A question was asked whether the Federal Transit Authority and Federal Highway get a preview of the document. Mr. Anacheka-Nasemann's response was that yes, they do get a look at the document before it is released and it's a document that needs to be vetted through and with the cooperation of these federal agencies. This particular EIS is as fast tracked as any EIS can be.

A question was asked if the National Parks Service a cooperating federal agency and the response was that the National Parks Service was invited to participate, but did not reply to our invitation, although their local contact has been providing information about Acushnet Cedar Swamp, a NPS-designated "National Natural Landmark," bounded on the East by the proposed New Bedford branch line and Rte 140.

Ms. Egan expressed her hope that this additional time that is being spent on the process will result in a stronger document.

A comment was made that this process will ultimately serve all of us.

#### 5. Technical Assistance

Erik Hove began a review of technical assistance for communities. This year there is \$300,000 in technical assistance through the regional agencies SRPEDD, OCPC and MAPC. Twenty communities applied for and will be receiving assistance with everything from housing and zoning to open space and residential by-laws. There will be workshops and meetings coming up.

#### 6. Other Business and Future Meetings.

The next task force meeting was announced to be on January 13 in Raynham at the Senior Center.

The meeting was adjourned at 6 pm.