

Critical Issues Analysis

Dartmouth Generation Facility
Town of Dartmouth
Bristol County, Massachusetts

April 2026

Final

Prepared for



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Acronyms and Abbreviations

ACECs	Areas of Critical Environmental Concern
APEs	areas of potential effects
AUL	activity use limitation
BESS	battery energy storage system
BGEPA	Bald and Golden Eagle Protection Act
Buffer	approximately 802.8-acre area (excluding Study Area) for the 0.5-mile buffer around Study Area
CFR	Code of Federal Regulations
CIA	critical issues analysis
CMR	Code of Massachusetts Regulations
Conservation Commission	Town of Dartmouth Conservation Commission
CWA	Clean Water Act
DOER	Department of Energy Resources
EFSB	Energy Facility Siting Board
ESA	Endangered Species Act
FAA	Federal Aviation Administration
GIS	geographic information system
IPaC	Information for Planning and Consultation database
LI District	Town of Dartmouth Limited Industrial zoning district
MACRIS	Massachusetts Cultural Resources Information System
MassDCR	Massachusetts Department of Conservation and Recreation
MassDEP	Massachusetts Department of Environmental Protection
MassGIS	Massachusetts geographic information system database
MBTA	Migratory Bird Treaty Act
MEPA	Massachusetts Environmental Policy Act
MHC	Massachusetts Historical Commission
MW	megawatt
MWh	megawatt hours

NCT	Notice of Criteria Tool
NFPA	National Fire Protection Association
NHESP	Massachusetts Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
PowerTransitions	PowerTransitions Operations LLC
Project	transition of Dartmouth Generation Facility to a BESS facility, including two phases for development of BESS facilities
Study Area	approximately 28.2-acre parcel (Tax Parcel 67-9)
Tetra Tech	Tetra Tech, Inc.
USACE	United States Army Corps of Engineers
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
WMA	Wildlife Management Area
WPA	Massachusetts Wetlands Protection Act

Restriction on Disclosure and Use of Data

This document was prepared using publicly available information including online Geographic Information System databases. No direct agency inquiries or consultations were made and no independent field verification was conducted. The recommendations and opinions expressed are those of Tetra Tech, Inc. and are provided for the sole purpose of project evaluation and use by Dartmouth Energy Storage LLC and PowerTransitions Operations LLC.

The permitting information provided is based on Tetra Tech's understanding of the current regulations and their applicability to a battery energy storage (BESS) project as of the date this Critical Issues Analysis was prepared. In Massachusetts, regulatory requirements for BESS projects are still being developed and many municipalities, such as the Town of Dartmouth, do not have zoning requirements, ordinances or by-laws specifically for BESS projects. Additionally, there is some ambiguity in application and treatment of BESS projects in new regulations passed recently in Massachusetts as part of their 2024 Climate Act, and furthermore the legislation for large BESS projects is still evolving and has not yet been finalized. It is recommended that PowerTransitions consult with appropriate legal counsel experienced with energy project permitting in Massachusetts to determine the appropriate state permitting pathway for the Project.

Executive Summary

PowerTransitions Operations LLC is in early stage planning for development of battery energy storage system (BESS) facilities within an approximate 28.2-acre parcel (Tax Parcel 67-9) that currently houses the Dartmouth Energy Storage LLC Dartmouth Generation Facility in the Town of Dartmouth, Massachusetts (Study Area). The Dartmouth Generation Facility would remain operational during energy transition to a BESS facility (Project). Dartmouth Energy Storage LLC would redevelop the existing Dartmouth Generation Facility to transition power generation from a natural gas-fired combined cycle facility to a BESS facility in two phases. The Dartmouth Generation Facility would stay online until power could be transferred to the BESS facility, after which the Dartmouth Generation Facility would be decommissioned and demolished. Phase I BESS is an 80 megawatt facility that would use incremental transmission capacity at the same point of interconnection and Phase II BESS is an 81 megawatt facility that would replace the existing gas plant upon retirement, with the timeline for powering this facility dependent upon the timing and process to retire the existing gas plant. To the extent feasible, the goal of the Project is to site both the Phase I BESS and Phase II BESS facilities adjacent to the existing gas plant footprint (i.e., no demolition necessary to construct the two facilities on the site).

Tetra Tech, Inc. (Tetra Tech) has evaluated the existing conditions within the Study Area using various desktop, geographic information system (GIS) and publicly available databases in preparation of this critical issues analysis (CIA) to identify issues or conditions that may influence or constrain the development of the Project. This CIA utilizes data collected through the desktop GIS analysis, completed in February, March and April 2026. A list of all source data and information used in development of this CIA is provided in Section 11.0 (citations for report text) and Appendix B (sources used in the figures and mapping).

Based on this CIA, Tetra Tech has not identified any major issues that would suggest an insurmountable path to obtaining environmental permits for construction and operation of the Project. A comprehensive list of resources reviewed is provided in Table 1 (Due Diligence Matrix); and relevant regulations and permitting considerations identified for the Project is provided in Table 2a and Table 2b (Permit Matrices for Phase I BESS and Phase II BESS). In summary the Study Area contains wetlands, which require avoidance and/or development setbacks as reflected in the buildable area analysis for the Study Area (Appendix A, Figure 11). Avoiding direct impacts to wetlands is recommended to avoid in-water permitting efforts on the federal and state level; and to avoid work, not only in the wetlands, but also the 25-foot no build zone under the local wetland bylaw. The United States Fish and Wildlife Service Information for Planning and Consultation (unofficial review) identified the potential for northern long-eared bat (*Myotis septentrionalis*), a federally endangered species, to potentially occur in the Study Area. As tree clearing would be required to construct the Project, limiting tree clearing activities to the winter months could avoid impacts to this species to obtain a finding of no adverse effect under the Endangered Species Act. If the tree clearing window is met, consultation with the United States Fish and Wildlife Service would not be required. No other resources or development constraints have been identified for the Project (Table 1, Table 2a and Table 2b).

Permitting and legislation regarding BESS in Massachusetts is constantly evolving and there are currently ongoing updates to the local and state permitting processes for small (less than 100 megawatt hours) and large (100 megawatt hours or greater) BESS facilities as part of recent 2024 Climate Act legislation. It is recommended that establishing the correct permitting path for the two BESS phases be conducted in consultation with legal counsel experienced with permitting energy projects in Massachusetts. The phasing of the two BESS facilities must also be vetted to avoid segmentation under the various state and local approvals.

1.0 INTRODUCTION

Tetra Tech, Inc. (Tetra Tech) prepared this Critical Issues Analysis (CIA) for PowerTransitions Operations LLC (PowerTransitions) in support of Dartmouth Energy Storage LLC's Dartmouth Generation Facility energy transition to a battery energy storage system (BESS) facility (Project). Dartmouth Energy Storage LLC is seeking to redevelop the existing Dartmouth Generation Facility to transition power generation from a natural gas-fired combined cycle facility to a BESS facility in two phases. The Dartmouth Generation Facility would stay online until power could be transferred to the BESS facility, after which the Dartmouth Generation Facility would be decommissioned and demolished. Phase I BESS is an 80 megawatt (MW) facility that would use incremental transmission capacity at the same point of interconnection and Phase II BESS is an 81 MW facility that would replace the existing gas plant upon retirement, with the timeline for powering this facility being dependent upon the timing and process to retire the existing gas plant. To the extent feasible, the goal of the Project is to site both the Phase I BESS and Phase II BESS facilities adjacent to the existing gas plant footprint (i.e., no demolition necessary to construct the two facilities on the site).

The Project site is comprised of approximately 28.2 acres of land (Tax Parcel 67-9) located in the Town of Dartmouth, Massachusetts; and is identified as the primary Study Area for this CIA (Appendix A, Figure 1). The existing facility and supporting infrastructure comprise approximately 5 acres, with approximately 20 acres consisting of forested habitat, and the remaining 3 acres consisting of open areas.

This CIA provides a high-level analysis of data collected to-date, summarizes key-takeaways, anticipated permitting requirements, development restrictions and potential constraints related to development of BESS facilities at the Project site. The desktop evaluation includes review and mapping of potential existing biological and land resources within the Study Area and the 0.5-mile radius of the Study Area (Buffer) (approximately 802.8 acres, excluding Study Area) that may preclude, constrain, or otherwise affect development of the Project. Dartmouth Energy Storage, LCC may use the information provided in this CIA to refine the limits of disturbance for avoidance of sensitive resources or other constraints identified in developing conceptual layouts for the Phase I and Phase II BESS development projects.

The following sections describe the methodology used to develop this CIA, the results of the desktop constraints analysis, and anticipated permitting requirements. Based on the results of the CIA, a buildable envelope of the Study Area has been developed that includes anticipated natural resources and development standard setbacks (Appendix A, Figure 11). Data reviewed and results are compiled in a comprehensive table of resources considered (Table 1 Due Diligence Matrix) and a comprehensive table of potential federal, state, and local regulatory requirements, permits and procedures (Table 2a Permit Matrix Phase I BESS and Table 2b Phase II BESS). The Permit Matrix tables also identify the estimated need for each permit or regulatory requirement reviewed and applies a score of Low, Medium, High or Required, as well as anticipated timelines that can be expected for these processes. A set of figures and mapping are also provided to depict the results and layers reviews for the Study Area and Buffer (Appendix A, Figures 1–11). Appendix B includes the list of geographic information system

(GIS) and online data sources used to develop the mapping and figures provided in Appendix A, Appendix C includes the result of the United States Fish and Wildlife Service's (USFWS') Information for Planning and Consultation (IPaC) unofficial Project review results, and Appendix D include the results of a Federal Aviation Administration (FAA) review of the Project using their Notice of Criteria Tool (NCT).

2.0 METHODOLOGY

A desktop GIS review of publicly available data sources was used to identify natural and physical resources mapped within the Study Area and Buffer. Figures and maps showing resources present and layers that were reviewed¹ were used to create a buildable envelope that depicts natural and development standard setbacks and unconstrained areas of the Study Area that could be used to develop the BESS facilities. Online research, coupled with Tetra Tech's institutional knowledge of permitting and regulatory requirements in Massachusetts was used to develop the Permitting Matrix, permitting timelines and regulatory requirements that should be considered for future permitting and development phases of the Project. A list of GIS resources, datasets, and online sources used in developing the Appendix A mapping is provided in Appendix B and Section 11.0 includes additional references used in development of this CIA.

3.0 DESKTOP CONSTRAINTS ANALYSIS

3.1 Site Description

The Study Area is located on Energy Road, approximately 0.1 mile south of Old Fall River Road, 0.4 mile west of Faunce Corner Road, 1.1 mile north of Interstate 195, and 0.4 mile northeast of Hixville Road in the Town of Dartmouth, Bristol County, Massachusetts (Appendix A, Figure 1). The Study Area is approximately 28.2 acres in size, on tax lot 69-7. The existing natural gas-fired generation facility and supporting infrastructure comprise approximately 5 acres of the parcel, with approximately 20 acres consisting of forested habitat and 3 acres of open areas, including wetlands and surface waters. An electric transmission and natural gas line right-of-way separates the parcel roughly in half, and the surrounding area consists of forested habitat, several array areas associated with an existing solar facility, and a private access road to the existing facility. The New Bedford Regional Airport is located approximately 1.3 miles east of the Study Area. Setback and lot requirements for the Limited Industrial (LI) District in which the parcel is zoned, are provided in Table 1, and no overlay types or other restrictions/criteria for development on the lot were identified during desktop research, including review of the Town of Dartmouth by-laws.

¹ The legend included in the Appendix A figures includes the layers reviewed as part of the due diligence effort for this Critical Issues Analysis to document completion. Mapping data reflects only those resources that are present.

3.2 Natural Resources

Natural resources reviewed for this section include vernal pools, wetlands, surface waters, Massachusetts Department of Environmental Protection (MassDEP) mapped wetland hydrologic connections, floodplains, flood zones, surface water supplies, aquifers, wellhead protection areas, fisheries designations, and outstanding water resources. The Town of Dartmouth wetland and water resources by-laws related to water resources and development were also reviewed and this information is also summarized in Table 1.

3.2.1 Wetlands and Surface Waters

Wetlands are areas that are dominated by hydrophytic vegetation, are underlain by hydric soil, and exhibit indicators of wetland hydrology. Wetlands generally include swamps, marshes, bogs, and similar areas (33 Code of Federal Regulations [CFR] 328.3(b); 1984). Wetlands play a major role in the survival of plants, insects, amphibians, reptiles, birds, and mammals. Wetlands also have functional roles in the maintenance of water quality and reducing the potential for flooding.

Surface waters, such as streams, creeks, brooks, rivers and open waterbodies are important resources in natural ecosystems, providing drinking water, wildlife habitat, flood protection, and ecosystem connectivity.

3.2.1.1 Wetlands

Under the Wetlands Protection Act (WPA), the Commonwealth of Massachusetts protects wetlands. Wetlands provide significant functions and values and also protect a buffer zone within 100 feet of an area as specified in 310 Code of Massachusetts Regulations (CMR) 10.02(2)(b)2. Proposed work in a jurisdictional area requires a permit (WPA Order of Conditions) from the Town of Dartmouth Conservation Commission (Conservation Commission). In addition, the town maintains a 25-foot no build zone under the local by-law.

The MassDEP has mapped approximately 1.35 acres of wetlands, including wooded swamp deciduous wetland (approximately 1.25 acres) and wooded swamp mixed trees (approximately 0.10 acre) in the Study Area (Appendix A, Figure 2).

The desktop results for review and mapping of wetlands in the Study Area regulated under Massachusetts' WPA, Town of Dartmouth by-laws and other local and state regulations must be field-verified by a wetland delineation to determine presence/absence, and resource area type (i.e., bordering or isolated wetland). It is assumed that no work will occur within a wetland or waterway, therefore a jurisdictional determination from the United States Army Corps of Engineers (USACE) Clean Water Act (CWA) would not be required.

3.2.1.2 Surface Waters

The WPA defines riverfront areas as "Any river or stream that is a naturally flowing body of water that empties into any ocean, lake, or other river and that flows throughout the year." The United States Geological Survey (USGS) quadrangle map that covers the Study Area was reviewed for presence of

riverfront areas, which are identified on USGS quadrangle maps as solid blue lines to denote perennial flow (Appendix E). The Massachusetts GIS (MassGIS) data for mapped watercourses within the Study Area are limited to approximately 684.43 linear feet of intermittent stream (not including MassDEP wetlands hydrologic connections data) (Appendix A, Figure 2). MassDEP has mapped Wetlands Hydrologic Connection for the intermittent stream located in the Study Area to other mapped wetlands located within the Study Area and extending offsite. Based on the data reviewed, the intermittent stream mapped in the Study Area would not be classified as a perennial stream and associated Riverfront Area as defined by the WPA.

The surface waters mapped on Appendix A, Figure 2 include the Town of Dartmouth Wetlands Protection By-laws Regulations for the 25-foot and 100-foot setbacks that are also included in the buildable area map provided in Appendix A, Figure 11. Additional information on General Performance Standards for activity within Resource Areas and the Town of Dartmouth Wetlands Protection By-Laws Regulations is provided in Section 4.3, Table 2a, and Table 2b.

The desktop results for review and mapping of surface waters in the Study Area regulated under Massachusetts' WPA, Town of Dartmouth Wetlands Protection By-laws Regulations and other local and state regulations must be field-verified by a surface water delineation to determine presence/absence, and resource area type (i.e., perennial, intermittent). It is assumed that no work will occur within a wetland or waterway, therefore a jurisdictional determination from the USACE CWA would not be required.

3.2.1.3 Vernal Pools

The Massachusetts' WPA along with the Massachusetts Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program (NHESP) protects vernal pools within the state. Regulations within the WPA protect certified vernal pools and up to 100 feet beyond the pool boundary, limited to the extent of the resource area. Potential vernal pools may also be protected under the WPA.

A review of MassDEP data for vernal pools did not identify any potential vernal pools or certified vernal pools in the Study Area (Appendix A, Figure 2). A vernal pool survey, conducted within the appropriate seasonal window in the early spring (April, May but the beginning of the seasonal window will vary depending on actual weather conditions each year), would be required to identify potential vernal pools within the Study Area.

3.2.1.4 Groundwater, Wells and Surface Water Supplies

A review of MassGIS mapping data did not identify any surface water supply protection areas, wellhead protection areas, aquifers, or public water supplies within the Study Area (Appendix A, Figure 2).

3.2.1.5 Cold Water Fisheries, Diadromous/Anadromous Fish, and Outstanding Resource Waters

A review of MassGIS data did not identify any surface waters within the Study Area that would support cold water fisheries or diadromous/anadromous fish. No outstanding resource waters have been mapped by MassGIS within the Study Area (Appendix A, Figure 2).

3.2.2 Rare, Threatened and Endangered Species

An unofficial report for the Study Area was obtained from the USFWS' IPaC database to identify potential federally listed plant and wildlife species that could occur (Appendix C). The unofficial IPaC results identified northern long-eared bat (*Myotis septentrionalis*), a federal endangered species, as having the potential to occur in the Study Area. The IPaC also identified two species that are proposed for listing under the federal Endangered Species Act (ESA), but at this time are not afforded federal protection under the act. These three species include tricolored bat (*Perimyotis subflavus*) and Monarch butterfly (*Danaus plexippus*). The IPaC did not identify any federally designated critical habitats within the Study Area.

Northern long-eared bat is a tree-roosting species during their active period, and are expected to occur in the Study Area during their non-hibernating period of mid-April through October (spring staging occurs from April 15 – May 14; summer occupancy occurs from April 15 – September 30; pup season occurs from June 1 – August 15; and fall swarming occurs from August 16 – October 31) (USFWS 2026). They are a cave-dwelling species during their hibernating period, which occurs during the winter months. To avoid potential impacts to this species, tree clearing activities could be limited to the winter season (November 1 through April 14).

3.2.3 Protected Avian Species

Large numbers of birds migrate through, and breed in Massachusetts' wetlands and forests. Although abundance and diversity are greatest during the spring, summer, and early fall, the region's bird community is dynamic with changes in species richness and fluctuations in abundance throughout the year. Birds are protected by the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA).

3.2.3.1 Bald and Golden Eagle

Bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*) are protected by the federal Bald and Golden Eagle Protection Act. At the federal level, the BGEPA is the primary law protecting eagles. BGEPA prohibits "take" of eagles without a permit (16 United States Code 668-668c), with "take" defined to include "pursue, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb" and prohibits take of individuals and their parts, nests, or eggs. The USFWS expanded this definition by regulation to include the term "destroy" to ensure that "take" includes destruction of eagle nests. The term "disturb" is further defined by regulation as "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, ...injury to an eagle, a decrease in productivity, or nest abandonment" (50 CFR 22.3).

The IPaC report identified bald eagle breeding season and probability of presence information for the Study Area (Appendix C). The breeding season for bald eagle in the Study Area extends from early-mid October through the end of August yearly; however, nesting typically starts in January. The highest probability of bald eagle in the Study Area is in early July. A review of ebird data for the ebird location closest to the Study Area, Noquochoke Wildlife Management Area (WMA) (located approximately 1.3 miles southwest of the Study Area), indicates this species is periodically observed in January, February,

March, September, October, November and December (ebird 2026a). The most recent observation of bald eagle at Noquochoke WMA was December 31, 2025. The Study Area does not contain suitable foraging habitat for bald eagle, which prefers large open bodies of water, such as lakes and rivers, to hunt and scavenge for fish. This species roosts in tall, mature trees. A site survey would be required to determine if suitable roost trees occur in the Study Area or immediate vicinity.

A review of ebird observations for the Noquochoke WMA did not include any observations of golden eagle (ebird 2026b). Golden eagle is considered a rare visitor to Massachusetts, typically only occurring during migration, especially during fall and winter (Mass Audubon 2026). Golden eagle does not reside or breed in Massachusetts, and is not likely to occur in the Study Area.

If mature trees are determined through site evaluations not to occur on site, the November through February period may be suitable for site disturbance to avoid impacts to both migratory birds that may occur, as well as the tree roosting bat species such as northern long-eared bat discussed in Section 3.2.2. If an active bald eagle nest is determined to be present in close proximity and off-site of the Project site, a no disturbance zone would be required around the known nest tree from December 1 through July 15. The distance of the no disturbance zone from the known nest tree is dependent on if a visual buffer exists between the nest tree and the Project construction area. An 0.25-mile radius buffer is required for nests without a visual buffer and a 660-foot radius is required for nests with a visual buffer from the nest tree. Tree removal would not be allowed within 660-feet from an active nest during the breeding season (mid-October through the end of August); within a 0.25-mile radius from an important winter roost during the wintering period (December 1 – March 31); or within 330 feet of an active nest at any time.

The breeding season for bald eagles in Massachusetts begins during late fall or early winter, beginning with courtship (Massachusetts Division of Fisheries and Wildlife 2025). After courtship, the mated pair builds a large nest during December–February, and typically the mated pair will return every year to the same site and add to the existing structure in successive years. Trees selected for nesting (and sometimes for roosting and perching) are relatively large and, preferably, taller than their surroundings. The female lays on average two eggs (although one or up to three eggs are possible) several days apart, usually between early March and early April. Approximately 10 weeks after hatching, the young will begin to take short flights from the nest, spending time with their parents observing adult behavior for catching and finding food. By late fall, the adults will no longer care for their young, and the fledgling eaglets begin life on their own. The entire breeding cycle, from nest construction to fledging of young, lasts 6-8 months. Most bald eagles will nest within 200 miles of where they hatched (Massachusetts Division of Fisheries and Wildlife 2025).

3.2.3.2 Migratory Birds

All migratory birds are protected by the federal MBTA. The IPaC report identifies 11 bird species as potentially occurring in the Study Area, and identifies their probability of presence and breeding season for each species (Appendix C). This information is summarized below for each species.

- American oystercatcher (*Haematopus palliatus*) – breeds April 15 through August 31, with the highest probability of presence in late September;

- Bald eagle – breeds October 15 through August 31, with the highest probability of presence in early July;
- Black-billed cuckoo (*Coccyzus erythrophthalmus*) – breeds May 15 through October 10, with the highest probability of presence in the third week of May;
- Blue-winged warbler (*Vermivora cyanoptera*) – breeds May 1 through June 30, with the highest probability of presence from the second week in May through the first week in June;
- Chimney swift (*Chaetura pelagica*) – breeds March 15 through August 25, with the highest probability of presence in the second and third week in May, first week in June, first three weeks of July; and first, third and fourth weeks of August;
- Lesser yellowlegs (*Tringa flavipes*) – breeds elsewhere, with the highest probability of presence in the second week of August and first week of September;
- Prairie warbler (*Setophaga discolor*) – breeds May 1 through July 31, with the highest probability of presence in first week of June;
- Scarlet tanager (*Piranga olivacea*) – breeds May 10 through August 10, with the highest probability of presence in third and fourth weeks of May, second and fourth weeks of June, and first week of July;
- Semipalmated sandpiper (*Calidris pusilla*) – breeds elsewhere, with the highest probability of presence in the first week of October;
- Short-billed dowitcher (*Limnodromus griseus*) – breeds elsewhere, with the highest probability of presence in the first week of October; and
- Wood thrush (*Hylocichla mustelina*) – breeds May 10 through August 31, with the highest probability of presence in the third week of May.

Protection of migratory birds that could breed or nest in the Study Area could be avoided by conducting habitat disturbances outside of their breeding season and highest probability of presence periods. Although the periods of November, December, January and February are times when bald eagle could be observed, they are not likely to roost or breed onsite unless mature trees are present.

3.2.4 Significant Environmental Areas

Significant Environmental Areas include Priority Habitat and Estimated Habitats designated by the NHESP and Areas of Critical Environmental Concern (ACECs). Desktop reviews of publicly available information did not identify any NHESP rare species or sensitive habitats as occurring in the Study Area. Further consultation with NHESP is not required.

3.2.4.1 Massachusetts Natural Heritage Endangered Species Habitats

Certain habitats are deemed significant in Massachusetts, including Priority Habitat and Estimated Habitats identified by the NHESP. Priority Habitat is based on the known geographical extent of habitat for all state-listed rare species, both plants and animals, and is codified under the Massachusetts ESA.

Estimated Habitats are a sub-set of the Priority Habitats, and are based on the geographical extent of habitat of state-listed rare wetlands wildlife and is codified under the WPA, which does not protect plants. State-listed wetland wildlife species are protected under the Massachusetts ESA as well as the WPA. Natural Communities are also defined by NHESP as assemblages of species that recur together in particular environmental conditions.

A review of MassGIS data did not identify any designated NHESP polygons within the Study Area, which included a review of Priority Habitats for Rare Species and Estimated Habitats for Rare Wildlife (Appendix A, Figure 3).

3.2.4.2 Areas of Critical Environmental Concern

In Massachusetts ACECs are areas that receive special recognition because of the quality, uniqueness and significance of their natural and cultural resources. These areas are identified and nominated at the community level and are reviewed and designated by the state's Secretary of Energy and Environmental Affairs (the Secretary). The Massachusetts Department of Conservation and Recreation (MassDCR) is the administrator of the ACECs and would be consulted regarding the avoidance of potential impacts to sensitive resources within the ACEC.

A review of MassGIS data did not identify any ACECs within the Study Area (Appendix A, Figure 3).

3.3 Physical Resources

Physical resources reviewed for the Study Area included geologic features such as bedrock and karst geology; soil types, including soils considered hydric, prone to erosion, prime farmland and farmland of statewide importance; topography, and floodplains.

3.3.1 Geology

Bedrock and surficial geology was reviewed to inform site considerations during the construction phase of the Project. The Study Area surficial geology consists primarily of thick till, with the northeast and southwest corners of the site consisting of thin till (Appendix A, Figure 4). No karst features or shallow bedrock are mapped within the Study Area. Bedrock lithology of the Study Area is primarily metamorphic rocks undivided, with the northern-most section of the Study Area consisting of granite. Based on desktop review of geologic conditions, the Study Area appears generally suitable for construction of the Project; however, PowerTransitions may elect to conduct a geotechnical investigation to ground-truth existing geology and soil conditions within the development footprint.

3.3.2 Soils

The Study Area is comprised primarily of fine sandy loam type soils that are somewhat stony. Seven soil types occur within the Study Area, with the following three soil types comprising approximately 93 percent (%) of the Study Area: Woodbridge fine sandy loam (0–8% slopes, very stony) (14.7 acres), Ridgebury fine sandy loam (0–3% slopes, extremely stony) (8.8 acres), and Woodbridge fine sandy loam (3–8% slopes) (2.8 acres) (Appendix A, Figure 5). The four remaining soil types present each comprise

less than 1.0 acre of the Study Area: Paxton fine sandy loam (8–15% slopes) (0.6 acre), Woodbridge fine sandy loam (0–8% slopes, very stony) (0.5 acre), Ridgebury fine sandy loam (3–8% slopes) (0.4 acre), and Freetown muck (0–1% slopes) (0.4 acre) (Natural Resources Conservation Service [NRCS] 2026).

Woodbridge fine sandy loam (0–8% slopes, very stony) and Paxton fine sandy loam (8–15% slopes) are classified as farmland of statewide importance, and comprise approximately 54.4% of the Study Area; and Woodbridge fine sandy loam (3–8% slopes) is classified as prime farmland and comprises 10.0% of the Study Area.

Per the NRCS soils information for the Study Area soils, all soil types present are hydric. Hydric soil mapping and drainage classification surveys could be included as part of a wetland and surface waters delineation of the Study Area to better inform hydric soil conditions on the site. None of the soil types within the Study Area are classified as erodible soils.

No regulatory implications related to soils, prime farmland, or farmland of statewide importance was identified as part of this CIA analysis.

3.3.3 Topography

Topography within the Study Area is generally flat, with slopes ranging from 0–15% throughout the site (Appendix A, Figure 5 and Figure 6). A USGS quadrangle map that includes the Study Area is provided in Appendix E.

3.3.4 Floodplains

A review of Federal Emergency Management Agency Flood Insurance Rate Maps did not identify any mapped floods or zones in the Study Area or Buffer (Appendix A, Figure 2).

3.4 Cultural, Scenic and Recreational Resources

Cultural resources include archaeological sites, historic standing structures, objects, districts, and traditional cultural properties that illustrate or represent important aspects of prehistory or history, or that have important and long-standing cultural associations with established communities or social groups. Significant archaeological and architectural properties are generally defined by the eligibility criteria for listing in the National Register of Historic Places (NRHP).

The Massachusetts Historical Commission (MHC) serves as the State Historic Preservation Office (SHPO) in Massachusetts and maintains the Massachusetts Cultural Resource Information System (MACRIS), which is an online database of historic resources in the state. The database does not include information on all historic properties and areas in Massachusetts, nor does it reflect all the information on file on historic properties and areas at the MHC. However, MACRIS is a resource for preliminary screening.

A review of publicly available data from the MHC MACRIS did not identify any historic architectural structures of significance mapped within the Study Area (Appendix A, Figure 7). A total of 18 inventoried historic architecture structures/locations, including a large polygon area, are mapped within the Buffer.

NHRP-eligibility of these properties are unknown at this time. Based on the desktop review a portion of the sites shown on Appendix A, Figure 7 are identified as having been demolished.

Review of cultural resources for this CIA is limited to inventoried historic architectural resources available through MACRIS, as review of archaeological resources in the Study Area is not available. Completion of a desktop review of MACRIS and filing of a Project Notification Form is necessary to initiate consultation with SHPO. SHPO consultation will determine if a Phase IB archaeological survey and/or an Historic Architecture survey are required. Separate consultation with potential interested tribes would be required for Project (documentation required to receive SHPO concurrence).

3.4.1 Federal, State or Tribal Lands

A review of publicly available ArcGIS data for federally recognized tribal lands did not identify any for the Study Area (ArcGIS 2026). No other federal, state or tribal-owned lands are known to occur in the Study Area or Buffer based on the desktop reviews of publicly available data compiled for this CIA.

The Tribal Directory Assessment Tool was reviewed which identified the following tribes which may have an interest in the Project:

- Mashpee Wampanoag Tribe
- Mohegan Tribe of Indians Connecticut
- Narragansett Indian Tribe
- Wampanoag Tribe of Gay Head (Aquinnah) (United States Department of Housing and Urban Development 2026).

Formal consultation with MHC and/or tribes with potential interest in the Project would occur as part of the permitting and pre-construction phases of the Project, and could involve other federal agencies if Section 106 consultation is required (see Section 4.2.8).

3.4.2 Conservation and Protected Lands, and Recreational Areas

MassGIS data for conservation lands, recreational areas, open space/Article 97 lands, and other protected lands was reviewed for the Study Area. A review of USGS data for protected areas was also review for the Study Area. None are present within the Study Area; however, several MassGIS privately-owned open space/protected lands, and a municipal-owned open space parcel are located within the Buffer (Appendix A, Figure 7).

3.4.3 Environmental Justice

Environmental justice areas were reviewed, which identified the entire Study Area and a majority of the Buffer as being located in the Block Group 2, Census Tract 6531.02, Bristol County, Massachusetts Minority Area (Appendix A, Figure 8). Environmental justice characteristics of this block group includes a minority population of 33%, a median household income of \$57,159 (which is 68% of the Massachusetts median household income), and 9% of households with language isolation (United

States Census Bureau 2022). For permitting, potential impacts to an Environmental Justice community is considered during the Massachusetts Environmental Protection Act (MEPA) process. If MEPA is required, the presence of an Environmental Justice community overlapping with the Study Area would require an Environmental Impact Report, public outreach, and other regulatory requirements as part of the MEPA process (see also Section 4.2.1.1).

3.5 Noise

Sound is caused by vibrations that generate waves of minute pressure fluctuations in the surrounding medium, whether it is air or water. Sound that causes disturbance or annoyance, or unwanted sound, is often called “noise.” Both Project construction and operation will generate sound.

The MassDEP regulates noise through 310 CMR 7.00, “Air Pollution Control.” In these regulations “air contaminant” is defined to include sound, and a condition of “air pollution” includes the presence of an air contaminant in such concentration and duration as to “cause a nuisance” or “unreasonably interfere with the comfortable enjoyment of life and property.” The regulations at 310 CMR 7.10 prohibit “unnecessary emissions” of noise. The MassDEP Division of Air Quality Control Policy Statement 90-001 (February 1, 1990) interprets a violation of this noise regulation to have occurred if sources cause either: an increase in the broadband sound pressure level of more than 10 A-weighted decibel above the ambient; or, a “pure tone” condition. The ambient background level is defined as the L_{90} level (sound level exceeded 90% of the measurement period) as measured during proposed operating hours. A “pure tone” condition occurs when any octave band sound pressure level exceeds both of the two adjacent octave band sound pressure levels by 3 decibels or more. These noise limits are MassDEP policy and are applicable both at the property line and at the nearest noise sensitive receptors. In some circumstances, the policy limits can be “waived” by MassDEP at property line locations when the adjacent land uses are not considered sensitive to elevated sound levels and are likely to remain so. The policy limits typically apply at the quietest period analyzed (i.e., nighttime) unless the measurement location is associated with daytime use only. MassDEP does not regulate sound from construction activities or moving motor vehicles.

A review of the Town of Dartmouth General By-laws for noise-related ordinances and requirements identified construction noise standards as codified in Chapter 250-4 (Noise, Additional allowances and regulated activities):

- Construction and demolition activity exception. The operation of tools and equipment used in Construction or Demolition is allowed between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and is not restricted within those hours by the 150-foot standard set forth in §250-3A(3). Said activity shall also be allowed beyond these hours if it is determined to be in the interest of public safety or welfare, and upon the issuance of and pursuant to a permit from the Building Department, which permit may be renewed for one or more periods of not exceeding one week each.

Section 250-3A(3) (Noise prohibition, General noise prohibition) states: The fact that the noise is plainly audible at a distance of 150 feet from the building, dwelling, structure, premises, shelter boat or conveyance from which it originates shall constitute prima facie evidence of a violation of this article.

No other noise-related regulations have been identified for the Project. It is anticipated that general construction noise originating from Project construction activities would be in compliance with the Town of Dartmouth noise requirements.

3.6 Air Quality

The Town of Dartmouth does not contain and specific by-laws or ordinances related to air quality. The existing Dartmouth Generation Facility is operating under an existing air quality permit.

3.7 Hazards

MassDEP tracks hazardous material sites as Tier Classified Chapter 21E and Activity Use Limitation (21E/AUL) sites and maps the approximate center of a site, building or property where a release occurred, source of contamination, or location of an on-site monitoring well. The sites mapped in this data layer represent only a subset of the total reported Chapter 21E sites tracked by MassDEP Bureau of Waste Site Cleanup. A review of 21E/AUL data available from MassDEP did not identify any of these sites in the Study Area.

Tetra Tech also reviewed the Phase I Environmental Site Assessment prepared for the Dartmouth Generation Facility in 2025, which provides a more structured and detailed review of potential hazardous materials and environmental concerns for the site. Based on the results of the Phase I Environmental Site Assessment investigation, no Recognized Environmental Concerns, Conditional Recognized Environmental Concerns, significant data gaps, or *de minimus* conditions were identified for the Dartmouth Generation Facility (Tetra Tech 2025).

No other hazards or hazardous materials were identified for the Study Area based on desktop reviews of publicly available data compiled for this CIA.

3.8 Zoning and Land Use Constraints

A review of the Town of Dartmouth zoning map and zoning code, and land use data available from the National Land Cover database was completed for the Study Area.

3.8.1 Zoning

The Town of Dartmouth zoning map identifies the Study Area as being located within the LI District (Appendix A, Figure 9). BESS is not a defined use in the Town of Dartmouth by-laws, nor is it defined as an allowable use by special permit. Discretionary authority by the Board of Selectmen would be required during the planning process to determine the potential to construct a BESS in the LI District.

Setbacks and development standards associated with the LI District are provided in Table 1 and discussed further in Table 2a and Table 2b. BESS is not a defined use in the town zoning code, so confirmation that BESS is an allowable use in the LI District should be confirmed with the Town of Dartmouth.

Project consistency with underlying zoning could be assessed once a preliminary layout plan has been developed to determine compliance with local zoning regulations, and identify review and approvals that may be required to support the local building permit process. Zoning exemptions may be pursued through the Massachusetts Energy Facility Siting Board (EFSB) process (see Section 4.2.1.2).

3.8.2 Federal Aviation Administration and Federal Communications Commission

The New Bedford Regional Airport is located approximately 1.3 miles east of the Study Area. A FAA NCT review was completed for the Project using a conservative max height of BESS infrastructure of 20 feet for the purposes of determining if Project infrastructure would trigger additional FAA reviews or notifications. The NCT results determined the Study Area is located within an area requiring noticing to the FAA. See Section 4.1.3 for noticing requirements.

As the BESS is not anticipated to emit frequencies subject to Federal Communications Commission licensing, consultation with the Federal Communications Commission is not anticipated to be required for the Project.

3.8.3 Coastal Zone

The Study Area is not located within a coastal zone (Appendix A, Figure 10). None of the following coastal zone data sets, regulations, or resource mappers were reviewed or considered for this CIA: Chapter 91 Jurisdiction (tidelands, contemporary or historic high water, inferred contemporary or inferred historic high water, landlock tidelands, marsh boundaries or public way areas), coastal wetland resources, National Oceanic and Atmospheric Administration Section 7 Endangered Species Mapper, National Oceanic and Atmospheric Administration National Marine Fisheries Service Essential Fish Habitat, National Marine Fisheries Service diadromous fish mapper, Magnuson-Stevens Fishery Conservation and Management Act, or eelgrass data.

3.8.4 Land Cover and Land Use

National Land Cover database information for the Study Area identifies the site as a mix of industrial (site of existing Dartmouth Generation facility), forests, forested wetlands, and brushland/successional habitats (Appendix A, Figure 8). While the Study Area appears to contain intact forest habitat that will require clearing to develop the Project, neither the Commonwealth of Massachusetts, nor the Town of Dartmouth have established regulations related to removal of forested habitats that should be considered during permitting or tree clearing for the Project. As noted in Sections 3.2.2 and 4.1.2, PowerTransitions may elect to limit tree clearing activities in the winter months to avoid impacting listed bat species that may occur in the Study Area.

3.8.5 Hospitals, Schools and Daycare Facilities

No hospitals, schools or daycare facilities were identified within the Study Area or Buffer based on desktop reviews of publicly available data compiled for this CIA.

4.0 PERMITTING REQUIREMENTS

4.1 Federal Requirements

4.1.1 United States Army Corps of Engineers

The Study Area is located within the USACE New England District, North Atlantic Division. The USACE regulates impacts to wetlands and surface waters under their jurisdiction as determined through their jurisdictional determination process. Construction activity within the limits of a wetland or surface water can have lasting effects and is strongly discouraged by state and federal regulations. Based on the results of this CIA and the potential buildable area identified for the Study Area, it is assumed the Project can avoid impacts to the waters of the United States under USACE and state jurisdictions. If construction of the Project cannot avoid wetlands or surface waters, a permit from both MassDEP and the USACE may be required, and consultation with these agencies on the appropriate wetland mitigation, if required, would be identified through this process. For impacts to wetlands and waters under USACE's jurisdiction that do not exceed 0.5 acres of permanent loss to waters of the United States, a Nationwide Permit, subject to the Pre-Construction Notification process is likely to be required.

Federal involvement associated with the project permitting, such as may be required with USACE, would also necessitate consultation with the MHC (for potential affects to cultural resources via the Section 106 process) and USFWS (for potential affects to federally listed species via the Section 7 process). Section 106 consultation with MHC requires completion of a comprehensive field investigation and evaluation of cultural resources, both known and potentially eligible for listing on the NRHP and documented consultation with tribes with a potential interest in the Project. Potential impacts to cultural resources could also be identified as part of the MEPA review, if required (see Section 4.2.3.1 and Section 4.2.8). The Section 7 process requires documentation of consultation with USFWS for any potential impacts and mitigation for plant and wildlife species under their jurisdiction (see Section 4.1.2).

4.1.2 United States Fish and Wildlife Service

Section 7(a) of the ESA (Public Law 93-205, as amended) establishes a national program administered by the USFWS for the conservation of threatened and endangered species of fish and wildlife and for terrestrial species and the ecosystems on which they depend. Consultation with the USFWS is necessary to ensure actions they fund, authorize, permit or otherwise carry out will not jeopardize the continued existence of any listed species, or result in the destruction or adverse modification of federally designated critical habitat.

The Study Area has the potential to provide foraging and roosting habitat for the federally endangered northern long-eared bat (Appendix C). An official IPaC review should be conducted once the development footprint for the Project is identified to initiate formal consultation with USFWS for potential impacts to this species. Additionally, once the tree clearing areas are defined within the

development footprint, evaluation of potential Project impacts to the species through a dkey review also should be completed, if IPaC review indicates such review is required. Consultation with USFWS for potential impacts to northern long-eared bat may determine winter tree clearing as an appropriate impact avoidance measure, which would require tree clearing be conducted during the winter months (November 1 through April 14) when northern long-eared bat is hibernating.

The federal ESA does not afford protection to species proposed for listing, such as tricolored bat and Monarch butterfly, which also were identified as potentially occurring in the Study Area. If these species are listed under the federal ESA, the USFWS would issue potential impact avoidance and conservation measures for the species at that time.

Aside from significant wildlife habitats and protected species (including bald eagles), impacts to birds as a result of the Project are likely to be limited to potential impacts to nesting birds. Clearing of vegetation during construction, especially forested, shrub and grassland habitats, may cause impacts on nesting birds and nesting habitat. Pursuant to the MBTA, harassment and harm to migratory birds should be avoided and minimized to the extent practicable. In addition to timing restrictions on clearing, avoidance measures may include implementation of obligatory reporting and avoidance protocols for finding active nests during construction. Consultation with USFWS would further inform avoidance measures that could be employed on the Project.

4.1.3 United States Environmental Protection Agency

In Massachusetts the United States Environmental Protection Agency (USEPA) administers the National Pollutant Discharge Elimination System General Construction Permit (CGP). As development of the Project is anticipated to disturb more than 1 acre of land where stormwater discharges could enter waters of the United States, coverage under the USEPA CGP would be required. The requirement of a USEPA CGP also triggers the federal nexus, requiring Section 106 consultation for compliance with the National Historic Preservation Act (see Section 4.2.3).

The USEPA released their main considerations for safe installation and incident response guidance for BESS in July 2025, which includes installation considerations and incident response considerations summarized below (USEPA 2025). These guidance and recommendations are part of USEPA's broader efforts to ensure safe and effective installation and operation of BESS facilities. Recommendations includes a 330-foot setback from the BESS facility where development and structures are prohibited for prevention of spread of fire should the BESS facility have a fire-related incident. The isolation zone is intended to protect nearby communities and first responders from potential hazards associated with BESS fires.

USEPA Installation Considerations for BESS. Proactive safety measures can be included in BESS site design to minimize the risk of a BESS fire. Consider the following before installing a BESS:

- Comply with state and local siting, zoning, marking, and permitting requirements to ensure site suitability.

- Consider the design of BESS units (battery chemistry, manufacturing quality assurance/quality checks, unit design, battery management system analytic capabilities, and system integration) and consult the most recent industry safety standards.
- Include remote sensors and monitoring (e.g., infrared, thermal, fire detection).
- Communicate with local first responders to develop emergency response plans for incidents.

USEPA Incident Response Considerations for BESS. Consider the following when developing an incident response plan for BESS:

- Ensure use of Personal Protective Equipment, including self-contained breathing apparatuses to protect against hazardous air emissions.
- Set an isolation zone for large commercial BESS that is at least 330 feet, depending on the site.
- Position responders upwind and uphill.
- Evaluate the need for community shelter-in-place or evacuation, depending on the incident and site.
- Current guidance is to focus the response on preventing the spread of fire.
 - Direct fire crews to let the fire burn itself out and to use water to prevent the spread of fire to neighboring batteries or other structures.
- Assess hazardous air emissions:
 - Use modeling to guide on-site decision making and initially monitor for hydrogen, carbon monoxide, hydrogen fluoride, hydrogen cyanide, and hydrogen chloride.
 - As an incident extends, sample air for metals and other combustion byproducts of burning plastics.
- Minimize, contain, and/or redirect runoff from water application, to the extent possible.
- Package contents safely for transport and disposal after the event, considering Department of Transportation and USEPA requirements.

4.1.4 Federal Aviation Administration

FAA noticing for the Project is anticipated for both phases of BESS construction due to the close proximity of the Study Area to the New Bedford Regional Airport (Appendix D). Noticing to the FAA requires submission of required structure information at least 45 days prior to the start of construction, or by the date an application for a construction permit is applied for, whichever is earliest. The max height information used in the NCT in Appendix was based on max height of BESS infrastructure of 20 feet. If a crane or other construction equipment exceeding 20 feet in height will be necessary to construct the BESS facilities, or if BESS infrastructure as designed will exceed 20 feet in height, the NCT review should be redone to determine if additional FAA requirements are applicable to the construction phase of the Project.

4.1.5 National Fire Protection Association

The National Fire Protection Association (NFPA) is a U.S.-based, international nonprofit organization founded to eliminate death, injury, property damage, and economic loss caused by fire, electrical hazards, and related dangers. It serves as a trusted source for fire and life safety knowledge worldwide, with a mission to minimize risks and effects of fire and other hazards by providing consensus-based codes, standards, education, research, and advocacy. Their work is intended to prevent fires before they occur and to ensure safety in the event of a fire.

The NFPA creates and maintains over 300 consensus codes and standards covering fire prevention, suppression, electrical safety, and hazard mitigation. They also conduct research on fire and life safety issues and advocates for policies that improve safety in homes, workplaces, and communities. By standardizing safety practices, the NFPA helps ensure that buildings, workplaces, and communities are designed and maintained to reduce fire risk and protect lives and property. Its codes and standards are often legally adopted in building codes and regulations, making them a foundational part of fire safety in the U.S. and beyond.

NFPA Standard 68 (Standard on Explosion Protection by Deflagration Venting), NFPA Standard 69 (Standard on Explosion Prevention Systems) and NFPA Standard 70e have been identified as being relevant to the Project. These standards should be considered during the design, installation, testing and maintenance phases for the Project.

NFPA 68: Standard on Explosion Protection by Deflagration Venting

NFPA 68 standard provides guidelines for explosion protection through deflagration venting. It outlines the design, installation, testing, and maintenance of venting systems that safely relieve pressure from combustible dust or gas explosions. The standard aims to protect structures from the dangers of deflagration explosions and includes updated recommendations to optimize explosion venting systems. This standard pertains to how the BESS structure/containment is vented, in case of catastrophic failure. During the planning, design, and construction phases of the Project, engineers, contractors and equipment providers should be engaged to assess the site, BESS design and construction of the Project to ascertain the optimum build of the BESS modules/containment in the event of a failure. The goal for applying this standard to the Project is to mitigate an explosive event, which may cause more harm and damage, by ensuring the venting system is adequate to the worst-case scenario of module failure.

NFPA 69: Standard on Explosion Prevention Systems

The NFPA 69 standard provides guidelines to follow to prevent for explosion protection through deflagration venting as described above for NFPA 68, as much as possible. There are multiple methods for buildout of the BESS system, such that proactive system protection methods will work to forestall, or at least mitigate, a possible failure. As with NFPA 68, engineers, contractors and equipment providers should be engaged to assess the site, BESS design and construction of the Project to ascertain the best equipment be included in the Project design to ensure worst-case scenario of module failure is mitigated to the extent practicable during the Project engineering design phase.

NFPA 70e: Standard for Electrical Safety in the Workplace

NFPA 70e provides guidelines that would have the most influence on the structures proposed for the BESS facility, and addresses safety and precautions. Apart from the standard personnel safety precautions as better outlined in Occupational Safety and Health Administration mandates, the Project site itself will be subject to permanent guidelines of build and personnel control, hence the reason this guideline is most pertinent to site strictures. Project contractors should be fully versed in these guidelines, and there should be discussion on the finer point or system orientation and buildout on the Project site.

The three NFPA standards and guidelines described above are even more important than usual, given the type of facility the BESS system will be sited in proximity to – a natural gas-fired generation facility. NFPA 68 and NFPA 69 should be followed to the strictest extents, with little room for error. NFPA 70e should be engaged a broader scope encompassing how the system is orientated with respect to the adjacent natural gas-fired facility, taking into account terrain and weather conditions (e.g., wind direction) which may affect the safety of not just the BESS site, but the existing natural gas-fired generation facility as well.

4.2 State Requirements

The Study Area would not impact Open Space or lands protected by Article 97 of the Massachusetts Constitution, thus an easement or Grant of Location request from the MassDCR is not required for the Project.

4.2.1 State Permitting Requirements

4.2.1.1 Massachusetts Environmental Policy Act Certificate

The MEPA is administered by the Massachusetts Executive Office of Energy and Environmental Affairs is a public review process under which applicants must describe the environmental effects of proposed actions, consider a range of alternatives and evaluate and propose mitigation. MEPA requires state agencies that will be issuing permits for a proposed major development project to consider the environmental consequences of the proposed action and determine that impacts to the environment have been adequately minimized. The Secretary must certify that the proponent has adequately described the project and its alternatives, and assessed the potential environmental impact and mitigation measures as a prerequisite to state agency approval of any required permits.

The requirement for the Project to obtain a MEPA Certificate is driven by the need for other state agency actions or a state permit, or state funding, and if it meets or exceeds certain thresholds. The Project will require approval from EFSB and the related MEPA category is (7) Energy. Because the Project is located within an Environmental Justice area, it would automatically require an Environmental Impact Report. However, BESS is not specified within the threshold list so review by the Secretary would be needed to confirm.

4.2.1.2 Massachusetts Energy Facilities Siting Board

The EFSB oversees the siting and approval of energy infrastructure projects in the state. The EFSB has specific pre-filing requirements for applicants seeking approval for energy infrastructure projects, and as part of recent legislation associated with Massachusetts 2024 Climate Act, BESS projects that are 100 MWh or greater would require EFSB approval through the comprehensive permitting process. Small projects (less than 100 MWh) qualify for the local permitting process (see Section 4.3.1.2). It is possible that the two separate phases proposed for the Project (Phase I, 80 MW; Phase II 81 MW) would be considered as a single project, thereby meeting the 100 megawatt threshold and requiring approval from EFSB.

The EFSB and Department of Public Utilities review large BESS under Massachusetts General Legislature c. 164, §69, ensuring reliable, low-cost, and environmentally sound energy. Chapter 164, Section 69J of the Massachusetts General Legislature is a Petition to Construct (Petition for approval of construction; filing guidelines; approval or rejection; application of section), which would be required from the EFSB. Department of Public Utilities may approve zoning by-law exemptions for BESS. The EFSB comprehensive permitting process exemptions are issued on a project-specific basis for projects that demonstrate serving the public interest and local zoning restrictions that would otherwise impede necessary infrastructure. The EFSB zoning exemption process provides a statutory pathway for energy developers to bypass local zoning restrictions for projects that are essential to public welfare, grid reliability, and clean energy development, through a structured review process and permitting timeline.

Proposed revised EFSB 980 CMR 17.00 regulations were issued on April 3, 2026, with a request for comments due on baseline standards and common conditions guidance due by April 17, 2026. More information is to be provided when the regulations are issued and new consolidated permit program is implemented, by July 1, 2026 (EFSB 2026). If both phases of the BESS are included in the Project, it is likely Massachusetts would consider these as one project, greater than 100 MWh, which would require EFSB review through their new consolidated permitting process. Due to several unknowns on how the EFSB approval requirements would be applied to the Project, it is Tetra Tech's recommendation that legal counsel input be obtained on the appropriate path for permitting the Project with both phases of development. If only one BESS phase is implemented, it is likely the Project could proceed through the local permitting process as discussed in Section 4.3.1.

Table 2b provides the permitting outline for the Project assuming that the two phases would be required to obtain approvals from EFSB as part of the consolidated permitting process for large BESS facilities (100 MWh or larger).

4.2.2 State Natural Resources Regulations

4.2.2.1 Vernal Pools

If vernal pool surveys completed for the Study Area identify the presence of vernal pools within or near the proposed development footprint for the Project, seasonal restrictions for construction may be required to minimize or avoid potential impacts. Impacts to these resources could also potentially

trigger a compensatory mitigation requirement. The vernal pool limit extends to the edge of the state resource area; if no work is within the resource area, it is assumed that there would be no impact to vernal pools, if any are documented within the Study Area.

4.2.3 Consultation on the Presence of Historically and Culturally Significant Properties

Section 106 of the National Historic Preservation Act (16 United States Code §470f) is triggered when projects require federal permits, occur on federal lands, or involve federal funding. Such federal undertakings require consultation by federal agencies with the SHPO and interested Native American tribes. This CIA assumes that impacts to waters of the United States would be avoided by the Project and a CWA permit from USACE would not be required. However, as the Project would require coverage under a National Pollutant Discharge Elimination System Construction General Permit from USEPA for stormwater discharges, this permit triggers the federal nexus for Section 106. The USEPA would act as the lead federal agency responsible for review of the Project under Section 106 of the National Historic Preservation Act in conjunction with the Massachusetts SHPO. These consultations identify the areas of potential effect (APEs) for the proposed undertaking, and potential adverse effects to archaeological, architectural, or other cultural resources that are listed in or are potentially eligible for listing in the NRHP. Generally a project involves two APEs: one for subsurface/archaeological resources and a second for aboveground resources. The archaeological APE will most often be confined to the area where direct disturbance is possible. The APE for aboveground structures and landscapes of cultural significance is focused on indirect effects. Complete of required cultural resource studies and consultation with the SHPO are required before the Section 106 process can be initiated and completed between the federal lead agency (USEPA in the case for this Project) and the SHPO.

Desktop review was completed only for inventoried historic architecture (above-ground structures) available through MACRIS, and information on the NRHP status (listed or eligible for listing) is not provided for this data. As the Project will have a federal nexus, the Section 106 process with SHPO is required. The first step to initiate consultation with the SHPO is to file a Project Notification Form through their online system, which will include specific development information and disturbance areas anticipated for the Project. Within 30 days the SHPO will respond with information for the Project site and indicate if additional site surveys are required. As the Project location consists of undisturbed lands (i.e., past disturbance cannot be used to justify non-survey work), it is likely the SHPO will require further investigation of the site to confirm the potential for cultural resources to occur. Surveys could include a Phase IB investigation with shovel testing and/or an historic architecture survey.

If required by SHPO for the Project, a historic architecture survey would determine if historic structures (aboveground resources) and a Phase IB survey would determine if archaeological resources (belowground resources) could potentially be impacted by the Project. These surveys would include a comprehensive desktop review, site reconnaissance survey (historic architecture), shovel testing (Phase IB survey), preparation of survey reports, and consultation with SHPO on the findings. The APEs for the survey areas would be determined in conjunction with MHC. Any areas that are determined to be potentially significant could require follow up investigation on a case-by-case basis as determined

in consultation with MHC. The goal of completion of these surveys is to obtain a finding of no adverse effect from SHPO and concurrence that all required investigations (and mitigation if findings are made and mitigation required by SHPO) have been completed. Along with documentation that tribal consultation has been completed with tribes with a potential interest in the Project, SHPO concurrence on the Project is required for the Section 106 process to be completed with USEPA. Tribal consultation should occur separate from the SHPO consultation process; however, SHPO may provide a list of tribes required to consult with.

The timeline to complete tribal consultation, SHPO consultation and Section 106 process is dependent upon SHPOs recommendation for site surveys, findings from the surveys if required, development of appropriate mitigation if required. If SHPO consultation through the Project Notification Form process does not require any additional site surveys, the SHPO consultation process could be complete within 3–6 months. If historic architecture and/or Phase IB surveys are required, the anticipated timeline to complete survey and consultations is 6–9 months. Coupled with the Section 106 process (approximately 3 months), the timeline to complete survey work, if required, SHPO consultation on the findings, and the Section 106 process between SHPO and USACE can be expected to take 9-12 months. PowerTransitions should initiate consultation with SHPO early in the Project planning process to accommodate for the Section 106 consultation timeline.

4.3 Local Requirements

4.3.1 Conservation Commission

4.3.1.1 Wetlands Protection By-Law Regulations

In accordance with the WPA and Town of Dartmouth Wetlands Protection By-law Regulations, there is a 100-foot buffer to all wetland resources areas. Although not specifically contained in the By-law, the Conservation Commission references a “25-foot buffer” from all wetland resource areas. The 25-foot buffer is not defined in the By-law, but is assumed to be a no build zone. The wetlands mapped on Appendix A, Figure 2 include the 25-foot and 100-foot buffers that are considered in the buildable area map provided in Appendix A, Figure 11. Additional information on General Performance Standards for activity within Resource Areas is provided in Table 2a and Table 2b.

If development of the Project would require work in 100-foot resource buffer zone, this can only be approved at the discretion of the Conservation Commission. Efforts to minimize impacts within the 100-foot resource buffer zone should be considered during the Project design. A delineation of water resources within the Study Area is required to establish the limits of wetland and streams on the site, which will determine the actual limits of the 25-foot and 100-foot buffers and further influence the buildable area.

For permitting purposes, this CIA assumes wetlands and streams, including their 25-foot and 100-foot buffers will be avoided. We assume that there will be no direct impacts to wetlands or surface waters and at a minimum, work will not be proposed within the 25-foot no build zone. Any work within the 100-foot buffer zone requires an Order of Conditions from the Conservation Commission.

4.3.1.2 Local Consolidated Permitting Process (2024 Climate Act)

As part of the 2024 Climate Act legislation recently approved in Massachusetts developers of small BESS projects (less than 100 MWh) may qualify for the consolidated local permitting process. The consolidated local permit process allows for the local municipality to approve the project, which would include all necessary local permits, approvals, or authorizations to construct and operate the BESS (with the exception of ministerial permits such as street opening permit or electrical permit). This local consolidated permitting process would only be applicable if each BESS phase is considered as stand-alone independent projects and do not exceed 100 MWh. Small BESS developers selecting the local consolidated process will use a common standard application developed by the DOER. It is unlikely that the two phases could be permitted independently to meet the small BESS project criteria due to several unknowns as to how the EFSB approval requirements would be applied to the Project (see Section 4.2.1.2). Tetra Tech recommendation is that legal counsel input be obtained on the appropriate path for permitting the Project with both phases of development.

Table 2a provides the permitting outline for the Project assuming that the two phases would be permitting independently, meeting the small BESS project criteria (less than 100 MWh) for permitting through the local consolidated permitting process.

The consolidated permitting process still requires approval from each municipal board, however the town issues a single permit, thereby streamlining the process and avoiding the potential for multiple appeals.

4.3.2 Town of Dartmouth

The Town of Dartmouth by-laws do not specifically allow or preclude BESS as an allowable use in LI Districts. Early in the Project planning process PowerTransitions should consult with the Town of Dartmouth to 1) determine if BESS would be allowed, and 2) if a Special Use Permit approval from the Planning Board and/or Select Board is required. The Special Use Permit process allows for certain uses not permitted in the Zoning Bylaw. The Town of Dartmouth's Article 24 Site Plan review process for construction of a new structure will likely also be required by the Planning Board as part of the local approval process. An assessment of visual resources and scenic character could be required as part of the Site Plan review process, including identification of potential visual resource impacts and changes to the scenic character of the landscape. During site plan review, input from other town officials, including the fire department and board of health, is sought during the process.

4.4 Summary of Permitting Requirements

This CIA assumes the Project will be able to avoid direct impacts to wetland and waters under the jurisdiction of USACE, MassDEP, and the Conservation Commission. If this is achieved, federal permits anticipated to be required would be limited to a USEPA NPDES CGP and completion of Section 7 consultation with USFWS for northern long-eared bat and concurrence from SHPO of no adverse effect. The federal permit nexus is triggered by the requirement for a USEPA NPDES CGP, which will require Section 106 consultation between USEPA and SHPO for compliance with the National Historic Preservation Act. FAA review and filing of notification forms for infrastructure and equipment that meet

certain height criteria is anticipated to be required due to the proximity of New Bedford Regional Airport.

In Massachusetts, regulatory requirements for BESS projects are still being developed and many municipalities, such as the Town of Dartmouth, do not have zoning requirements, ordinances or by-laws specifically for BESS projects. Additionally, there is some ambiguity in application and treatment of BESS projects in new regulations passed recently in Massachusetts as part of their 2024 Climate Act, and furthermore the legislation for large BESS projects is evolving and has not yet been finalized. State and local permitting paths could include MEPA, EFSB, and/or the Town of Dartmouth. Local permitting approvals are anticipated from the Town of Dartmouth, including zoning, special use permit, and/or siting plan review. As legislation regarding permitting BESS in Massachusetts continues to evolve, it is recommended that PowerTransitions consult with appropriate legal counsel experienced with energy project permitting in Massachusetts to determine the appropriate state and local permitting requirements for the Project.

5.0 BUILDABLE AREA ANALYSIS

Appendix A, Figure 11 identifies the buildable area identified for BESS development within the Study Area. The existing electric and natural gas right-of-way for the existing natural gas pipeline are excluded from the potential buildable area, and includes a 50-foot setback from the maintained vegetation line of the right-of-way. The existing plant infrastructure area has been buffered to include a 25-foot offset to allow for continued operations and maintenance activities to continue unimpeded during construction of the Project. The buildable area includes a no-build 25-foot setback from all wetlands and surface waters², including the hydrological connection between wetlands and surface waters. A 25-foot property line setback is also included as required by the Town of Dartmouth development standards and setbacks identified for the LI District. While avoiding any development impacts within the 100-foot resource buffer is recommended, activity within this area may be allowed per the discretion of the Conservation Commission.

The setbacks for the LI District identify a 50-foot setback from the front of the property line, and a minimum frontage of 150 feet, these have not been incorporated into the buildable area, as it is unclear where these would be applied. Based on available information reviewed for this CIA, it is assumed the access road (Energy Road) is a private road maintained by Dartmouth Energy Storage LLC. It does not appear that the lot maintains frontage along Energy Road. Consultation with the Town of Dartmouth is required to determine the application of front setbacks and frontage minimums.

The maximum lot coverage allowed under the zoning regulations is 65 percent. For a lot of 28.2 acres, the maximum development area is 18.33 acres. If approximately 5 acres is removed for the existing energy facility developed area, the remaining buildable acreage for the lot is 13.33 acres. With consideration of the natural resources and development setbacks the northern buildable area shown on Appendix A, Figure 11 is 9.6 acres and the southern buildable area is 5.0 acres (14.6 acres total).

² Field verification of the limits of all wetlands and streams present within the Study Area is necessary to delineate the limits of these resources and types, which will further inform the applicable 25-foot no-build and 100-foot resource buffers and the resulting buildable area.

buildable area). In considering the maximum future buildout limit is 13.3 acres to meet the lot coverage requirement, there is sufficient area available outside the existing generation facility to site the BESS facilities.

The three main factors affecting the buildable area are the 25-foot no-build zone, the 100-foot buffer, and the zoning lot coverage of 65 percent. Delineation of the water resources onsite to confirm limits of the buffer zones is required to confirm the buildable area identified for Project. Additionally, confirmation from the Town of Dartmouth on applying the appropriate front property line setback and minimum frontage is required to finalize the buildable area limits.

6.0 SUMMARY OF PERMITTING

The primary resources present in the Study Area that should be avoided by development activities are wetlands and streams, and the 25-foot no build zone. The Study Area also has the potential to provide suitable foraging habitat for northern long-eared bat, a federally endangered species. Avoiding impacts to wetlands and streams, appears to be obtainable considering the buildable area identified for use in Appendix A, Figure 11.

Avoiding direct impacts to northern long-eared bat are also anticipated to be feasible by including winter tree clearing restrictions in the construction phase, which would require tree clearing activities be conducted only within the period of November 1 through April 14. USFWS consultation through the IPaC process would streamline the Section 7 approval process and a determination of “may affect, but not likely to adversely effect” the species could be obtained from USFWS.

There are several unknowns at this time on the appropriate state and local permitting paths for the Project. State and local regulations regarding BESS are continuing to change, as BESS becomes more common as an energy alternative. While obtaining the permit to construct the Project itself is not anticipated to be challenging, determining the most effective and efficient permitting path and identifying the necessary agency approvals is likely to require legal counsel support in navigating the new and emerging legislations in Massachusetts associated with the recent 2024 Climate Act.

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Table 1. Due Diligence Matrix

Parcel Address: 1 Energy Road, Dartmouth, Massachusetts
Assessor’s Parcel Identification: Owner – Dartmouth Power Associates LTD PTR, Property ID – Map 67, Lot 9

ZONING INFORMATION

Zoning District	Allowable Uses	Setbacks and Lot Requirements	Overlay District	Comments
Limited Industrial District (LI)	The Town of Dartmouth zoning code and general by-laws do not specifically allow or preclude battery energy storage system (BESS) facilities (Chapter 375, §375-21.2 Allowed Uses; §375-21.3 Special permit uses). In Limited Industrial Districts, all uses on a lot shall cover more than 65% of the entire lot (not including landscaping) (Chapter 375, Zoning §375-32.4 Limited Industrial District).	Front (from street right-of-way lines or vehicular easement lines): 50 feet Rear, Side (all other perimeter or property lines): 25 feet Setback from all other perimeter property lines if the entire building or structure is 8 feet or less in height (average height of roof, from the ground, can be 12 feet or less) and does not exceed 200 square feet in area: 10 feet Setback from residential districts: 100 feet Minimum Frontage: 150 feet Minimum lot size: 43,560 square feet (1 acre) Lot coverage: no more than 65%, excluding landscaped areas Non-inhabitable structures: may extend above 50 feet, but no higher than 60 feet (may exceed 60 feet with Planning Board approval, by Special Permit)	☐ Yes ☒ No if yes; overlay type and restrictions/criteria:	See Figure 9 and Table 2, Permit Matrix

Sources: Town of Dartmouth 2014; Town of Dartmouth 2024a; Town of Dartmouth 2024b.

NATURAL RESOURCES INFORMATION

Resource	Present within Study Area? ³	Comments
Physical Resources		
MassDEP Wetlands	☒ Yes ☐ No	The Study Area contains approximately 1.35 acres of mapped MassDEP wetlands, including wooded swamp deciduous wetland (approximately 1.25 acres) and wooded swamp mixed trees (approximately 0.10 acre). See Appendix A, Figure 2. <i>Note: Presence/absence and type of wetlands regulated under MA Wetlands Protection Act and/or local bylaw or regulation must be field-verified by a wetland delineation.</i>
Town/City Wetlands Jurisdiction-Bylaw/Ord.	☒ Yes ☐ No	In accordance with the Town of Dartmouth Wetlands Protection Bylaw Regulations, the town maintains a 100-foot buffer to all wetland resources areas. Although not specifically contained in the Bylaw, the Conservation Commission references a “25-foot buffer” from all wetland resource areas. The 25-foot buffer is not defined in the Bylaw, but is assumed to be a no build zone. See additional information on General Performance Standards for activity within Resource Areas in the Permit Matrix (Table 2).

³ The Study Area is defined as the approximately 28.2-acre lot identified by a red boundary on Figures 1-11. The Buffer is defined as the approximately 802.8-acre area that defines the area outside the Study Area that is within a 0.5-mile radius of the Study Area (yellow dashed line on Figures 1-11). If “Yes” is checked in this column, the resource is present within or the regulatory process is relevant to the Study Area. If “No” is checked in this column the resource or regulatory process is not present within or relevant to the Study Area; however, resources may be mapped within or are relevant to the Buffer. If resources or regulatory processes present within the Buffer but outside the Study Area are relevant to the permitting or regulatory processes, this information is identified in Table 2 (Permit Matrix).

Resource	Present within Study Area? ³	Comments
MassDEP Perennial Stream (Riverfront Area)	☐ Yes ☒ No	Public data for mapped rivers within the Study Area are limited to approximately 684.43 linear feet of intermittent stream (not including the hydrologic connectivity). See Appendix A, Figure 2. A review of the United States Geological Survey quadrangle map does not identify this stream as perennial (see Appendix E). Based on the data reviewed the intermittent stream mapped in the Study Area would not be classified as a Riverfront Area as defined by the Massachusetts Wetland Protection Act. The stream extends into and out of the Study Area, and it is possible the buffer and/or Riverfront Area could extend onto it from offsite areas. <i>Note: Stream limits and flow type will need to be verified by a field-verified watercourse delineation.</i>
FEMA Flood Zone (Bordering Land Subject to Flooding)	☐ Yes ☒ No If yes: Zone, A, AE	No FEMA Flood Zones are mapped within the Study Area. See Appendix A, Figure 2.
FEMA Floodway	☐ Yes ☒ No	No FEMA Floodways are mapped within the Study Area. See Appendix A, Figure 2.
Surface Water Supply Protection Area	☐ Yes ☒ No If yes: Zone A, B, or Zone C	No Surface Water Supply Protection Areas are located within the Study Area. See Appendix A, Figure 2.
Surface Water Supply Protection Qualifier	Class Type: Inland: A, B, C Coastal: SA, SB, CSO	Not applicable, as no Surface Water Supply Protection Areas are present within the Study Area.
Wellhead Protection Area	☐ Yes ☒ No If yes: Zone I, II, or Interim Wellhead Protection Area (IWPA)	The Study Area is not located within a Zone I, Zone II or IWPA. See Appendix A, Figure 2.
Aquifer	☐ Yes ☒ No	No aquifers are mapped within the Study Area. See Appendix A, Figure 2.
Cold Water Fisheries	☐ Yes ☒ No	Not applicable. The Study Area does not contain any Massachusetts Department of Fish and Wildlife-designated cold water fishery areas. See Appendix A, Figure 2.
Anadromous Fish	☐ Yes ☒ No	Not applicable, as the Study Area is not located within an area subject to coastal-freshwater migration of fish species. See Appendix A, Figure 2.
Outstanding Resource Waters	☐ Yes ☒ No	The Study Area does not contain any mapped outstanding resource waters. See Appendix A, Figure 2.
Public Water Supply	☐ Yes ☒ No	The Study Area does not contain any mapped public water supplies. See Appendix A, Figure 2.
21E Site / AUL	☐ Yes ☒ No	The Study Area does not contain any mapped Massachusetts Department of Environmental Protection (DEP) Classified Oil and/or Hazardous Material (21E) or Activity Use Limitation (AUL) sites. See Appendix A, Figure 8.
Conservation / Recreation		
Area of Critical Environmental Concern	☐ Yes ☒ No	The Study Area does not contain any Area of Critical Environmental Concern. See Appendix A, Figure 3.
Certified Vernal Pool	☐ Yes ☒ No	The Study Area does not contain any mapped MassWildlife Natural Heritage and Endangered Species Program (NHESP) certified vernal pools. See Appendix A, Figure 2.
Potential Vernal Pool	☐ Yes ☒ No	The Study Area site does not contain any mapped potential vernal pools. See Appendix A, Figure 2.
Priority Habitat for Rare Species	☐ Yes ☒ No	The Study Area does not contain any mapped NHESP Priority Habitats of Rare Species. NHESP Priority Habitats of Rare Species is mapped in the northern-most portion of the Buffer. See Appendix A, Figure 3.
Estimated Habitat of Rare Wildlife	☐ Yes ☒ No	The Study Area does not contain any NHESP Estimated Habitat of Rare Wildlife. NHESP Estimated Habitat of Rare Wildlife is mapped in the northern-most portion of the Buffer. See Appendix A, Figure 3.

Resource	Present within Study Area? ³	Comments
USFWS IPaC Federal Threatened and Endangered Species	☒ Yes ☐ No	An unofficial IPaC review for the Study Area was completed to identify federally-listed species that could occur in the Study Area. This review identified one listed species: northern long-eared bat (<i>Myotis septentrionalis</i>), a federally endangered species, as having the potential to occur. The IPaC also identified two species that are proposed for federal listing: tricolored bat (<i>Perimyotis subflavus</i>) and Monarch butterfly (<i>Danaus plexippus</i>) as having the potential to occur. See Appendix C, Table 2a and Table 2b.
Open Space/Article 97	☐ Yes ☒ No	The Study Area does not contain any mapped Open Space or Article 97 areas. See Appendix A, Figure 7.
USFWS Critical Habitat for T&E Species	☐ Yes ☒ No	The unofficial IPaC review did not identify any federally-designated critical habitat for threatened or endangered species occurring within the Study Area. See Appendix C.
Cultural Resources		
MassHistoric Inventory/MACRIS	☐ Yes ☒ No if yes: National Register, Preservation Restriction; MA Historic Landmark, Local District, Inventoried Property	Review of publicly available data from Massachusetts Historic Commission (MHC) did not identify any historic architectural resources within the Study Area. A total of 18 historic architectural resources (one polygon, 17 points) are located within the Buffer area, outside the Study Area. See Appendix A, Figure 7; Table 2a and Table 2b. Archaeological resources information for the Study Area or Buffer was not available for review.
OTHER: ACCESS		
Massachusetts Department of Transportation (MassDOT) highway access permit (direct or indirect)	Required: ☐ Yes ☒ No	Based on desk-top research conducted to determine ownership of Energy Road, it appears this is a private roadway, presumably maintained by the PowerTransitions Operations LLC. Improvements to Energy Road would not require a MassDOT Highway access permit. Access to Energy Road is provided by Old Fall River Road, which is a town-maintained roadway and work on this roadway, if required for the Project, also would not be required to obtain a MassDOT Highway Access Permit.

Sources: Resources for information mapped and shown on Figures 1-11 are identified in the source list provided in Appendix B.

Table 2a. Permit Matrix Phase I BESS (80 Megawatts)

Parcel Address: 1 Energy Road, Dartmouth, Massachusetts

Based on the current critical issues analysis (CIA) and Project understanding, PowerTransitions plans to construct Battery Energy Storage System (BESS) facilities in two phases. This permit matrix covers the Phase I, 80 megawatt (MW) BESS permits and timelines anticipated; and includes the assumption that Phase I BESS (80 MW) and Phase II BESS (81 MW; described in Table 2b) are treated and permitted by relevant agencies as separate, stand-alone projects. In Table 2b assumptions are included that relevant agencies consider the Phase I and Phase II BESS projects part of the same overall project (totaling greater than 100 MW hours), which triggers a different set of state permitting requirements. Based on our permitting experience in Massachusetts, separating and permitting the Phases would be considered segmentation by the issuing authorities. If agencies agree to permit Phase I and Phase II BESS as independent projects, there would be no difference in the permitting steps and requirements for the Phase I BESS or Phase II BESS, and the following permits and timelines in this table (Table 2a) would be applicable to both phases.⁴

Permit /Issuing Authority	Trigger	Comments and Recommendations	Permitting Timeframe	Permit Requirement ⁵ , Fees	Agency Contact
FEDERAL ⁶					
United States Environmental Protection Agency (USEPA) National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP)	1 acre of disturbance where stormwater discharges to waters of the United States (WOTUS)	Stormwater Pollution Prevention Plan and permit eligibility must be prepared at least 2 weeks prior to the start of construction.	14 days prior to construction: file eNOI with USEPA.	Coverage under the USEPA NPDES permit. No fees.	Electronic filing of eNOIs are completed via USEPA’s website: https://www.epa.gov/npdes/submitting-notice-intent-noi-notice-termination-not-or-low-erosivity-waiver-lew-under Login required: https://cdx.epa.gov
United States Fish and Wildlife Service (USFWS) (federal nexus, due to USEPA permit requirement)	USFWS Endangered Species Act (ESA) (Section 7 (a)(2)) consultation Consultation includes IPaC reviews and coordination with the local USFWS ecological field office Migratory Bird Treaty Act Bald and Golden Eagle Protection Act	Required in support of a federal authorization (see USEPA CGP above). Suitable roosting habitat for northern long-eared bat (<i>Myotis septentrionalis</i>) potentially present; consultation with USFWS required due to federal nexus. Complete an official IPaC review to initiate the consultation. Run a dkey review (if IPaC indicates) for the species once tree clearing limits and construction details are known. Note: impact avoidance to the species is anticipated to include winter tree clearing restriction; conduct all tree clearing activities between November 1 and April 14	Early in permitting process: Informal consultation with USFWS recommended to determine if species-specific surveys or Section 7 consultation is required for the project. 4–5 months pre-construction: Run updated informal IPaC to confirm no new listed species identified aside from northern long-eared bat. 4–6 months pre-construction: run official IPaC review if winter clearing is not anticipated to be feasible 2 – 3 months pre-construction: run official IPaC and dkey (if required), if winter clearing anticipated to be feasible.	Consultation required if tree clearing activities outside of time of year clearing restrictions are anticipated. No fees.	USFWS New England Ecological Services Field Office 70 Commercial St., Suite 300 Concorn, NH 03301 (603) 223-2541 newengland@fws.gov https://www.fws.gov/office/new-england-ecological-services/contact-us
Federal Aviation Administration (FAA)	Notice of Criteria Tool (NCT) review identifies notification requirements with FAA	Notification requirement triggered using an assumed max height of the BESS infrastructure of 20 feet. If cranes or taller equipment will be used during construction, or design of BESS	60-90 days before construction: File Form 7460-1 for infrastructure and equipment meeting requirements	Required, due to proximity of Project to New Bedford Regional Airport (assumes construction equipment and/or BESS	FAA Obstruction Evaluation/Airport Air Space Analysis (OE/AAA)AEOA online submissions https://oeaaa.faa.gov/oeaaa/oe3a/main/#/home

⁴ The permitting information provided is based on Tetra Tech’s understanding of the current regulations and their applicability to a BESS project as of the date this CIA was prepared. Regulatory requirements for BESS projects are still being developed and many municipalities, such as the Town of Dartmouth, do not have zoning requirements, ordinances or by-laws specifically for BESS projects. Additionally, there is some ambiguity in application and treatment of BESS projects in new regulations passed recently in Massachusetts as part of their 2024 Climate Act and furthermore the legislation for large BESS projects is still evolving and has not yet been finalized. It is recommended that PowerTransitions consult with appropriate legal counsel experienced with energy project permitting in Massachusetts to determine the appropriate state permitting requirements for the Project.

⁵ Permit Requirement Categories: Low, Medium, High or Required

⁶ Assumes Project will avoid impacts to waters of the United States under United States Army Corps of Engineers and State jurisdiction.

Permit /Issuing Authority	Trigger	Comments and Recommendations	Permitting Timeframe	Permit Requirement ⁵ , Fees	Agency Contact
		infrastructure height exceeds 20 feet, the NCT should be rerun to include locations and heights for each Project feature.	Within 45 days: FAA issues determination letter for each form filed Within 18 months: for each determination letter received, complete activity/construct infrastructure and file as-built/completion information with FAA for within 5 days of completion of activity/construction	infrastructure will exceed 20 feet in height as designed). No fees.	Note: requires login information
STATE					
Secretary’s Certificate Massachusetts Environmental Policy Act (MEPA)/Executive Office of Energy and Environmental Affairs 301 Code of Massachusetts Regulations 11.00	State action/permit AND threshold exceeded	The MEPA trigger is anticipated to be (7) Energy, and because the Project falls within an Environmental Justice area it would require an Environmental Impact Report. However, BESS is not specified within the threshold list so review by the Secretary would be needed to confirm.	6-9 months	Low No fees; although expenses could include interpretation services for Environmental Justice community. Legal counsel input required to determine if each phase could be permitted as stand-alone projects and not violate Massachusetts anti-segmentation law (General Law c.214 §7A).	MEPA online filing required: https://www.mass.gov/ready-to-file Requires login: https://eeaonline.eea.state.ma.us/EEA/MEPA/Portal/home
Massachusetts State Historic Preservation Office (SHPO) and Tribal Consultation	Federal nexus (i.e., federal permit) Obtain finding of no adverse effect	Completion of desktop review of Massachusetts Cultural Resources Information System (MACRIS) and file a Project Notification Form (PNF) to initiate consultation with SHPO. SHPO will determine if Phase IB archaeological survey and/or an Historic Architecture survey is required. Depending on results and findings of surveys, if required by SHPO, site mitigation/avoidance may be required. Separate consultation with potential interested tribes would be required for Project (documentation required to receive SHPO concurrence).	3-6 months (SHPO consultation, no survey requirements; planning phase); SHPO has 30 days to respond to the PNF filing, and 30 days to respond to any submissions. 6-9 months to accommodate surveys, if required as a result of SHPO consultation. 9-12 months if surveys are required by SHPO and to complete the SHPO and Section 106 consultation process is required under the National Historic Preservation Act (if federal nexus; in case of Project the USEPA CGP will trigger the federal nexus).	PNF filing required in support of federal authorization (USEPA CGP). If MEPA is required, SHPO would provide comments through the process. No required fees identified.	Massachusetts Historic Commission 220 Morrissey Boulevard Boston, MA 02125 (617) 727-8470 sec-dl-mhcweb@sec.state.ma.us https://www.sec.state.ma.us/divisions/mhc/mhc.htm MACRIS: https://mhc-macris.net/ PNF: https://www.sec.state.ma.us/divisions/mhc/download/pnf.pdf PNF Guide: https://www.sec.state.ma.us/divisions/mhc/download/pnfguide.pdf

Permit /Issuing Authority	Trigger	Comments and Recommendations	Permitting Timeframe	Permit Requirement ⁵ , Fees	Agency Contact
LOCAL					
Town of Dartmouth Conservation Commission ⁷	Permit triggered by working in jurisdiction. Local permitting through Conversation Commission could be directly through Order of Conditions or through the 2024 Climate Act Process. 2024 Climate Act: Developers of small BESS projects (less than 100 MWh) may qualify for the consolidated local permitting process, which allows for local municipality to approve project. Process would include all necessary local permits, approvals, or authorizations to construct and operate the BESS (with exception of ministerial permits such as street opening permit or electrical permit).	2024 Climate Act: applicable only if each BESS phase is considered stand-alone independent projects and do not exceed 100 MWh. Small BESS developers selecting the local consolidated process will use a common standard application developed by the Department of Energy Resources. Town of Dartmouth Wetlands Protection By-law Regulations: maintain 100-foot buffer to all wetland resources areas Conservation Commission “25-foot buffer” from all wetland resource areas assumed to be a no build zone. Confirm with Conservation Commission Agent. Work within resource areas and/or 100-foot buffer requires: “...burden of the applicant to demonstrate by a preponderance of the submitted credible evidence that such significant effects upon any Wetland Value will not occur.” Assumes Project direct impacts to resource areas will not be allowed due to difficulty of overcoming burden of proof of altering a resource area on an undeveloped site. Work in 25-foot and 100-foot buffer zones subject to authorization and discretion of Conservation Commission. Based on information reviewed, the river on the parcel and adjacent parcel appears to be intermittent. This should also be confirmed with Conservation Commission Agent.	Order of Conditions process: 3–4 months 2024 Climate Act Process: 12 months for local government to complete the permitting process, or the permit will be deemed approved with standard conditions; local process would include local permits and approvals, but no state permits or approvals	Order of Conditions process: Low, assumes no direct impacts to wetlands protected by Town of Dartmouth Wetlands Protection By-law Regulations. Avoidance of wetlands and surface water impacts have been assumed in this CIA. Fees required for Massachusetts Wetland Protection Act permitting are based on layout and activities identified in Notice of Intent (estimated as \$2,000–\$3,000). Additional fees for legal ads (determined by advertising rates; estimate up to \$500) and abutter notifications mailings (dependent on number of mailings). Conservation Commission may also require third party reviews, that have a minimum cost of \$3,500. 2024 Climate Act process: Legal counsel input required to determine if each phase could be permitted as stand-alone projects and not violate Massachusetts anti-segmentation law (General Law c.214 §7A). Fee for small clean energy storage facility, Tier II small (60 MWh – under 100 MWh) is \$50,000. An additional \$50,000 intervenor fee and \$7,500 fee for zoning exemption requests filed for small, clean energy storage facilities also may be applicable.⁸	Town of Dartmouth Conservation Commission 400 Slocum Road, Room 119 Dartmouth, MA 02747 (508) 910-1893 https://www.dartmouthma.gov/699/Conservation-Commission https://www.mass.gov/doc/225cmr-2900-small-clean-energy-siting-permitting-regs-draft-updated/download
Town of Dartmouth Zoning/Planning	Developers of small BESS projects (less than 100 MWh) may qualify for the consolidated local permitting process (2024 Climate Act). The consolidated local permit process allows for the local municipality to approve the project, which would include all necessary local permits, approvals, or authorizations to construct and operate the BESS (exception of ministerial permits such	The Town of Dartmouth by-laws do not specifically allow or preclude BESS as an allowable use in Limited Industrial Districts Consultation with Town of Dartmouth required to determine if BESS would be allowed and if a Special Use Permit approval from the Planning Board is required. The Special Use Permit process allows for certain uses not permitted in the Zoning Bylaw.	3–6 months	Special Permits: \$250 plus consulting review of \$1,000 (if applicable)	Town of Dartmouth Planning Board 400 Slocum Road, Room 317 Dartmouth, MA 02747 (508) 910-1816 https://www.dartmouthma.gov/594/Planning-Board-Planning-Department

⁷ Department of Energy 2026b.

⁸ Attachments 1, 2, and 3 of EFSB’s 220 CMR 32.00 Fee Schedules are currently in draft form and would be finalized upon final publication in the Massachusetts Register (Department of Public Utilities 2026).

Permit /Issuing Authority	Trigger	Comments and Recommendations	Permitting Timeframe	Permit Requirement ⁵ , Fees	Agency Contact
	as street opening permit or electrical permit). Allowed by right uses, setbacks, overlay districts.	The Town of Dartmouth’s Article 24 Site Plan review process for construction of a new structure could also be require by the Planning Board as part of the local approval process, with information distributed to local authorities to assess compliance with local law.			

Table 2b. Permit Matrix Phase II BESS (81 Megawatts)

Parcel Address: 1 Energy Road, Dartmouth, Massachusetts

Based on the current CIA and Project understanding, PowerTransitions plans to construct Battery Energy Storage System (BESS) facilities in two phases. This permit matrix covers the Phase II, 80 MW BESS permits and timelines anticipated; and includes the assumption that Phase I BESS (80 MW) (described in Table 2a) are considered one large project exceeding 100 MWh and permitted by relevant agencies as one project. If agencies agree that the Phase I and Phase II BESS are to be permitted as one large project, the primary difference would be that the state would permit the Project through EFSB approvals, and the local permitting process would not be necessary.⁹

Permit /Issuing Authority	Trigger	Comments and Recommendations	Permitting Timeframe	Permit Requirement ¹⁰ , Fees	Agency Contact
FEDERAL ¹¹					
USEPA NPDES CGP	1 acre of disturbance where stormwater discharges to WOTUS	Stormwater Pollution Prevention Plan and permit eligibility must be prepared at least 2 weeks prior to the start of construction.	14 days prior to construction: file eNOI with USEPA	Coverage under the USEPA NPDES permit. No fees.	Electronic filing of eNOIs are completed via USEPA’s website: https://www.epa.gov/npdes/submitting-notice-intent-noi-notice-termination-not-or-low-erosivity-waiver-lew-under Login required: https://cdx.epa.gov
USFWS (federal nexus, due to USEPA permit requirement)	USFWS ESA (Section 7 (a)(2)) consultation Consultation includes IPaC reviews and coordination with the local USFWS ecological field office Migratory Bird Treaty Act Bald and Golden Eagle Protection Act	Required in support of a federal authorization (see USEPA CGP above). Suitable roosting habitat for northern long-eared bat potentially present; consultation with USFWS required due to federal nexus. Complete an official IPaC review to initiate the consultation. Run a dkey review (if IPaC indicates) for the species once tree clearing limits and construction details are known. Note: impact avoidance to the species is anticipated to include winter tree clearing restriction; conduct all tree clearing activities between November 1 and April 14.	Early in permitting process: Informal consultation with USFWS recommended to determine if species-specific surveys or Section 7 consultation is required for the project. 4–5 months pre-construction: Run updated informal IPaC to confirm no new listed species identified aside from northern long-eared bat. 4–6 months pre-construction: run official IPaC review if winter clearing is not anticipated to be feasible. 2 – 3 months pre-construction: run official IPaC and dkey (if required), if winter clearing anticipated to be feasible.	Consultation required if tree clearing activities outside of time of year clearing restrictions are anticipated. No fees.	USFWS New England Ecological Services Field Office 70 Commercial St., Suite 300 Concorn, NH 03301 (603) 223-2541 newengland@fws.gov https://www.fws.gov/office/new-england-ecological-services/contact-us
FAA	NCT review identifies notification requirements with FAA	Notification requirement triggered using an assumed max height of the BESS infrastructure of 20 feet. If cranes or taller equipment will be used during construction, or design of BESS infrastructure height	60-90 days before construction: File Form 7460-1 for infrastructure and equipment meeting requirements.	Required, due to proximity of Project to New Bedford Regional Airport (assumes construction equipment and/or	FAA Obstruction Evaluation/Airport Air Space Analysis (OE/AAA)AEOA online submissions https://oeaaa.faa.gov/oeaaa/oe3a/main/#/home

⁹ The permitting information provided is based on Tetra Tech’s understanding of the current regulations and their applicability to a BESS project as of the date this CIA was prepared. Regulatory requirements for BESS projects are still being developed and many municipalities, such as the Town of Dartmouth, do not have zoning requirements, ordinances or by-laws specifically for BESS projects. Additionally, there is some ambiguity in application and treatment of BESS projects in new regulations passed recently in Massachusetts as part of their 2024 Climate Act and furthermore the legislation for large BESS projects is still evolving and has not yet been finalized. It is recommended that PowerTransitions consult with appropriate legal counsel experienced with energy project permitting in Massachusetts to determine the appropriate state permitting requirements for the Project.

¹⁰ Permit Requirement Categories: Low, Medium, High or Required

¹¹ Assumes Project can avoid impacts to waters of the United States under United States Army Corps of Engineers jurisdiction.

Permit /Issuing Authority	Trigger	Comments and Recommendations	Permitting Timeframe	Permit Requirement ¹⁰ , Fees	Agency Contact
		exceeds 20 feet, the NCT should be rerun to include locations and heights for each Project feature.	Within 45 days: FAA issues determination letter for each form filed. Within 18 months: for each determination letter received, complete activity/construct infrastructure and file as-built/completion information with FAA for within 5 days of completion of activity/construction.	BESS infrastructure will exceed 20 feet in height as designed). No fees.	Note: requires login information
STATE					
MEPA/Executive Office of Energy and Environmental Affairs 301 Code of Massachusetts Regulations 11.00	State action/permit AND threshold exceeded	The MEPA trigger is anticipated to be (7) Energy, and because the Project falls within an Environmental Justice area it would require an Environmental Impact Report. However, BESS is not specified within the threshold list so review by the Secretary would be needed to confirm.	6-9 months	Low No fees; although expenses could include interpretation services for Environmental Justice community.	MEPA online filing required: https://www.mass.gov/ready-to-file Requires login: https://eeaonline.eea.state.ma.us/EEA/MEPA/Portal/home
Massachusetts Energy Facilities Siting Board (EFSB) ¹²¹³	Developers of large BESS (100 MWh or greater) projects require a consolidation permit (2024 Climate Act), subject to EFSB jurisdiction. Note: the 80 MW and 81 MW BESS phases individually would be categorized as Tier 3 systems for permitting per the 2024 Climate Act legislation and use of the BESS Model By-law. Tier 3 BESS sited in Industrial zoning as a primary use (stand-alone systems) would be permitted by right and subject to Site Plan Review; BESS sited adjacent to existing power generating sites are considered to be Co-located BESS.	The two BESS phases could be considered one project and meet the size criteria. If a permit is received through this process it would likely include approval of a zoning exemption via EFSB. A single permit would be issued at the local level at end of process. Notes: seeking a consolidated permit may be beneficial if the local process could cause undue delays or if developer is building a facility in more than one locality and would need to adhere to competing by-laws.	15 months for EFSB to issue decision from time application is deemed complete; if not denied or approved within 15 months, permit is deemed approved with standard conditions. Notes: while the EFSB consolidated permitting process could be significantly shortened, it does require an extensive process, including, but not limited to, agency and stakeholder input, creation of an Intervenor Support Fund, and documentation of site suitability.	Legal counsel input required to determine if the individual phases require consideration as one larger project meeting the large project size criteria. Fee for a large clean energy storage facility, greater than 100 MWh, is \$125,000. An additional \$100,000 intervenor fee and \$15,000 fee for zoning exemption requests filed for large, clean energy storage facilities also may be applicable. ¹⁴	Department of Public Utilities 1 South Station, 3 rd Floor Boston, MA 02110 EFSB, Department of Utilities Siting Division: (617) 305-3525 Department of Utilities Main: (617) 305-3500 sitingboard.filing@mass.gov
SHPO and Tribal Consultation	Federal nexus (i.e., federal permit) Obtain finding of no adverse effect	Completion of desktop review of MACRIS and file a PNF to initiate consultation with SHPO. SHPO will determine if Phase IB archaeological survey and/or an Historic Architecture survey is required.	3-6 months (SHPO consultation, no survey requirements; planning phase); SHPO has 30 days to respond to the PNF filing, and 30	PNF filing required in support of federal authorization (USEPA CGP).	Massachusetts Historic Commission 220 Morrissey Boulevard Boston, MA 02125 (617) 727-8470

¹² Massachusetts Department of Energy Resources 2025.
¹³ Pierce Atwood 2024.
¹⁴ Attachments 1, 2, and 3 of EFSB's 220 CMR 32.00 Fee Schedules are currently in draft form and would be finalized upon final publication in the Massachusetts Register (Department of Public Utilities 2026).

Permit /Issuing Authority	Trigger	Comments and Recommendations	Permitting Timeframe	Permit Requirement ¹⁰ , Fees	Agency Contact
		Depending on results and findings of surveys, if required by SHPO, site mitigation/avoidance may be required. Separate consultation with potential interested tribes would be required for Project (documentation required to receive SHPO concurrence).	days to respond to any submissions. 6-9 months to accommodate surveys, if required as a result of SHPO consultation 9-12 months if surveys are required by SHPO and to complete the SHPO and Section 106 consultation process is required under the National Historic Preservation Act (if federal nexus; in case of Project the USEPA CGP will trigger the federal nexus)	If MEPA is required, SHPO would provide comments through the process. No required fees identified.	sec-dl-mhcweb@sec.state.ma.us https://www.sec.state.ma.us/divisions/mhc/mhc.htm MACRIS: https://mhc-macris.net/ PNF: https://www.sec.state.ma.us/divisions/mhc/download/pnf.pdf PNF Guide: https://www.sec.state.ma.us/divisions/mhc/download/pnfguide.pdf
LOCAL					
Town of Dartmouth Order of Conditions, Local Conservation Commission	Permit triggered by working in jurisdiction; direct local permitting through Conversation Commission through Order of Conditions. or	Town of Dartmouth Wetlands Protection By-law Regulations: maintain 100-foot buffer to all wetland resources areas. Conservation Commission “25-foot buffer” from all wetland resource areas assumed to be a no build zone. Confirm with Conservation Commission Agent. Work within resource areas and/or 100-foot buffer requires: “...burden of the applicant to demonstrate by a preponderance of the submitted credible evidence that such significant effects upon any Wetland Value will not occur.” Assumes Project direct impacts to resource areas will not be allowed due to difficulty of overcoming burden of proof of altering a resource area on an undeveloped site. Work in 25-foot and 100-foot buffer zones subject to authorization and discretion of Conservation Commission. Based on information reviewed, the river on the parcel and adjacent parcel appears to be intermittent. This should also be confirmed with Conservation Commission Agent.	3–4 months	Low, assumes no direct impacts to wetlands protected by Town of Dartmouth Wetlands Protection By-law Regulations are avoided. Avoidance of wetlands and surface water impacts have been assumed in this CIA. Fees required for Massachusetts Wetland Protection Act permitting are based on layout and activities identified in Notice of Intent (estimated as \$2,000–\$3,000). Additional fees for legal ads (determined by advertising rates; estimate up to \$500) and abutter notifications mailings (dependent on number of mailings). Conservation Commission may also require third party reviews, that have a minimum cost of \$3,500.	Town of Dartmouth Conservation Commission 400 Slocum Road, Room 119 Dartmouth, MA 02747 (508) 910-1893 https://www.dartmouthma.gov/699/Conservation-Commission

Permit /Issuing Authority	Trigger	Comments and Recommendations	Permitting Timeframe	Permit Requirement ¹⁰ , Fees	Agency Contact
Town of Dartmouth Zoning/Planning	Allowed by right uses, setbacks, overlay districts	The Town of Dartmouth by-laws do not specifically allow or preclude BESS as an allowable use in Limited Industrial Districts. Consultation with Town of Dartmouth required to determine if BESS would be allowed and if a Special Use Permit approval from the Planning Board is required. The Special Use Permit process allows for certain uses not permitting in the Zoning Bylaw.	3–6 months	Special Permits: \$250 plus consulting review of \$1,000 (if applicable).	Town of Dartmouth Planning Board 400 Slocum Road, Room 317 Dartmouth, MA 02747 (508) 910-1816 https://www.dartmouthma.gov/594/Planning-Board-Planning-Department

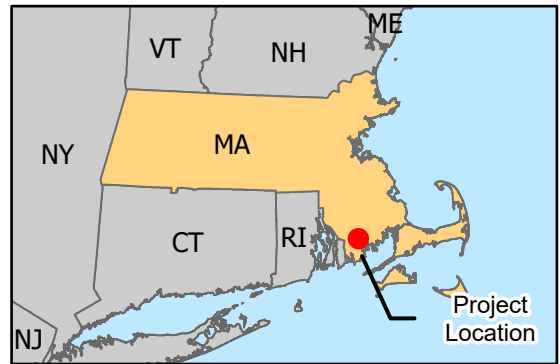
Appendix A

Figures



Legend

- Study Area
- Buffer (0.5-mile)
- Parcel (Map and Lot #)
- Town Boundary



0 500 1,000 2,000 Feet

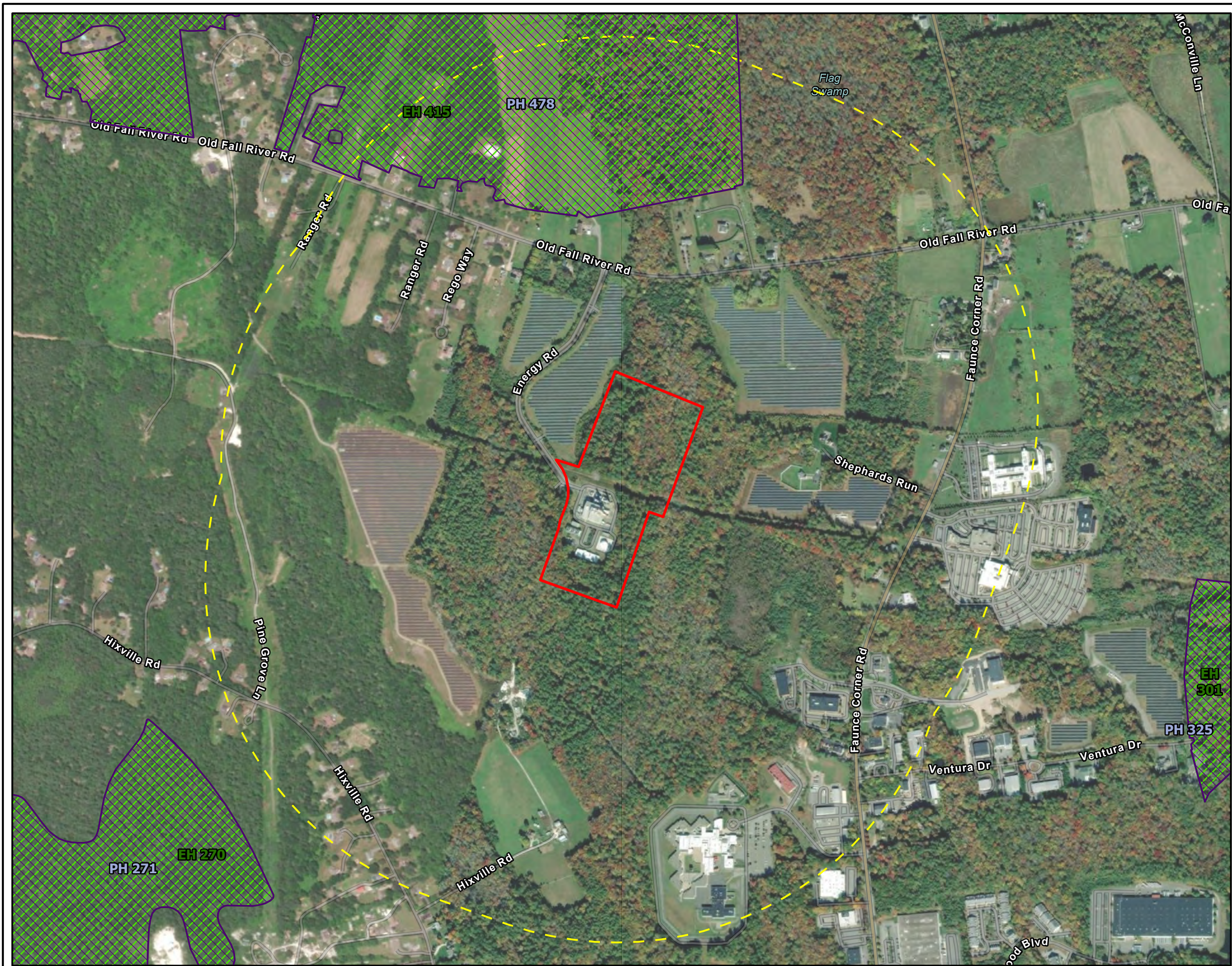
Figure 1. Project Location Map

Prepared For: PowerTransitions

Prepared By: 	Date: 03/2026
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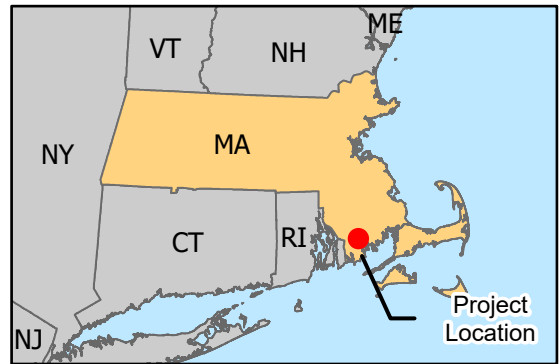
Source: Esri, et. al., 2025, MassGIS 2005

Coordinate System: North American Datum 1983
State Plane Massachusetts Mainland Feet



Legend

- Study Area
- Buffer (0.5-mile)
- NHESP Priority Habitats of Rare Species
- Estimated Habitats of Rare Wildlife
- Area of Critical Environmental Concern



0 400 800 1,600 Feet

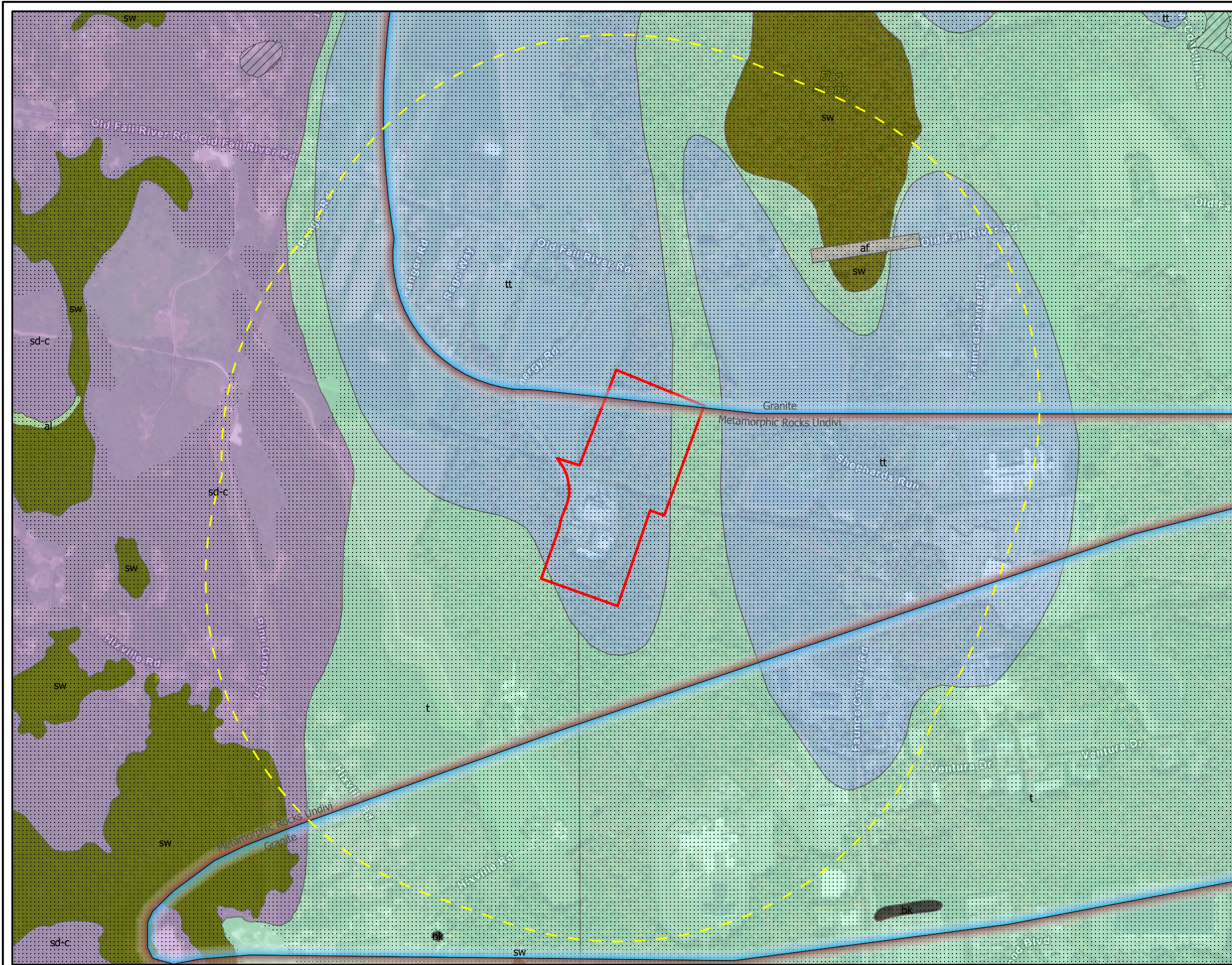
Figure 3. Natural Resources

Prepared For: PowerTransitions

Prepared By:	Date:
	03/2026

Source: Esri, et. al., 2025, MassGIS 2005

Coordinate System: North American Datum 1983
State Plane Massachusetts Mainland Feet



Legend

- Study Area
- Buffer (0.5-mile)

Surficial Geology

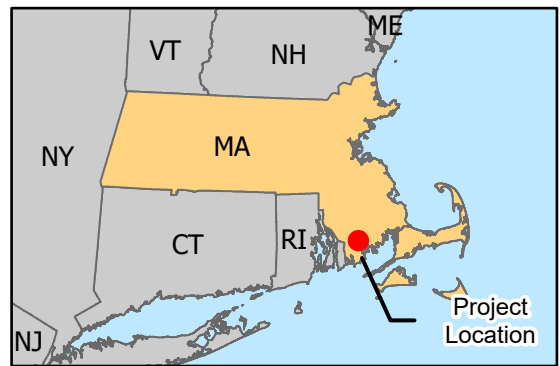
- af-artificial fill
- al-flood-plain alluvium
- bk-bedrock outcrops
- sd-c,glacial stratified deposits, coarse
- s-,swamp deposits
- t-thin till
- tt-thick till

Bedrock Lithology

- Granite
- Metamorphic Rocks Undiv

Slope

- 0-15%
- 15-25%



0 400 800 1,600 Feet

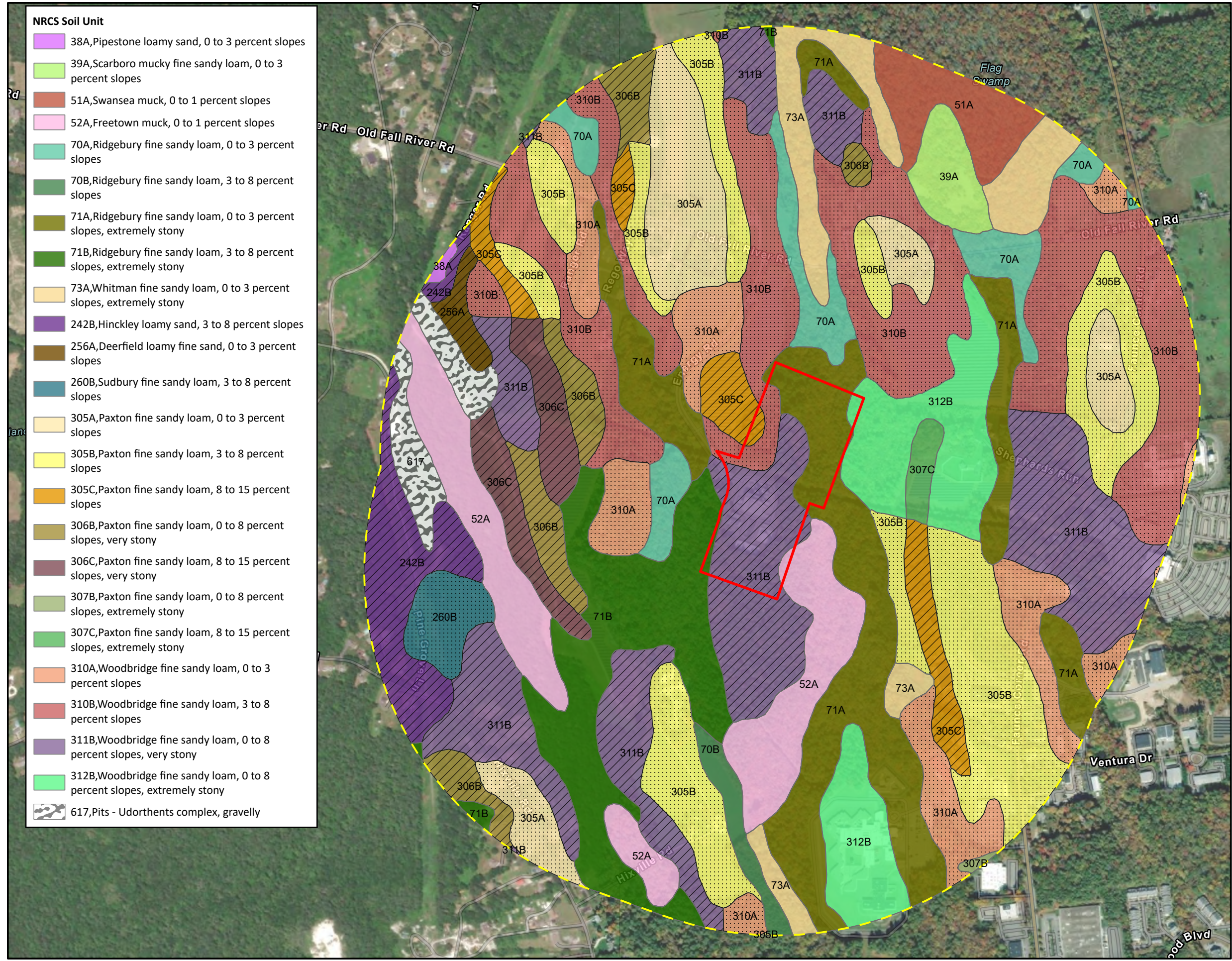
Figure 4. Geology

Prepared For: PowerTransitions

Prepared By:  **Date:**
03/2026

Source: Esri, et. al., 2025, MassGIS 2021

Coordinate System: North American Datum 1983
State Plane Massachusetts Mainland Feet



- NRCS Soil Unit**
- 38A,Pipestone loamy sand, 0 to 3 percent slopes
 - 39A,Scarboro mucky fine sandy loam, 0 to 3 percent slopes
 - 51A,Swansea muck, 0 to 1 percent slopes
 - 52A,Freetown muck, 0 to 1 percent slopes
 - 70A,Ridgebury fine sandy loam, 0 to 3 percent slopes
 - 70B,Ridgebury fine sandy loam, 3 to 8 percent slopes
 - 71A,Ridgebury fine sandy loam, 0 to 3 percent slopes, extremely stony
 - 71B,Ridgebury fine sandy loam, 3 to 8 percent slopes, extremely stony
 - 73A,Whitman fine sandy loam, 0 to 3 percent slopes, extremely stony
 - 242B,Hinckley loamy sand, 3 to 8 percent slopes
 - 256A,Deerfield loamy fine sand, 0 to 3 percent slopes
 - 260B,Sudbury fine sandy loam, 3 to 8 percent slopes
 - 305A,Paxton fine sandy loam, 0 to 3 percent slopes
 - 305B,Paxton fine sandy loam, 3 to 8 percent slopes
 - 305C,Paxton fine sandy loam, 8 to 15 percent slopes
 - 306B,Paxton fine sandy loam, 0 to 8 percent slopes, very stony
 - 306C,Paxton fine sandy loam, 8 to 15 percent slopes, very stony
 - 307B,Paxton fine sandy loam, 0 to 8 percent slopes, extremely stony
 - 307C,Paxton fine sandy loam, 8 to 15 percent slopes, extremely stony
 - 310A,Woodbridge fine sandy loam, 0 to 3 percent slopes
 - 310B,Woodbridge fine sandy loam, 3 to 8 percent slopes
 - 311B,Woodbridge fine sandy loam, 0 to 8 percent slopes, very stony
 - 312B,Woodbridge fine sandy loam, 0 to 8 percent slopes, extremely stony
 - 617,Pits - Udorthents complex, gravelly

Legend

- Study Area
- Buffer (0.5-mile)
- Prime Farmland**
 - All areas are prime farmland
 - Farmland of statewide importance
 - Not prime farmland

Note: All soils except 242B and 617 are hydric.

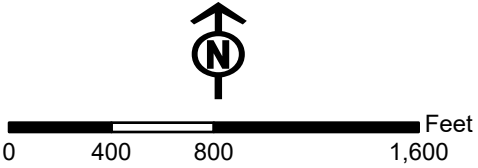
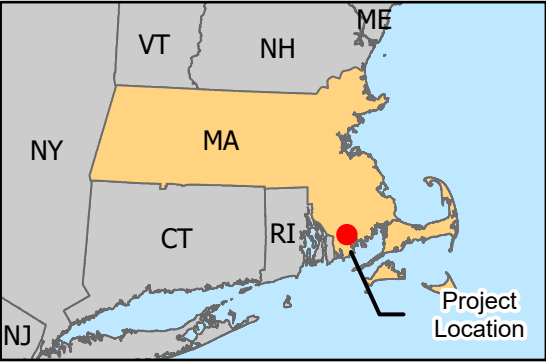


Figure 5. NRCS Soil Units

Prepared For: PowerTransitions

Prepared By:  **TETRA TECH** Date: **03/2026**

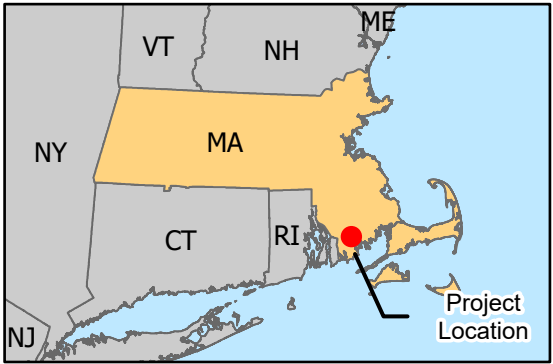
Source: Esri, et. al., 2025, MassGIS 2005

Coordinate System: North American Datum 1983
State Plane Massachusetts Mainland Feet



Legend

- Study Area
- Contour (1-foot)



0 100 200 400 Feet

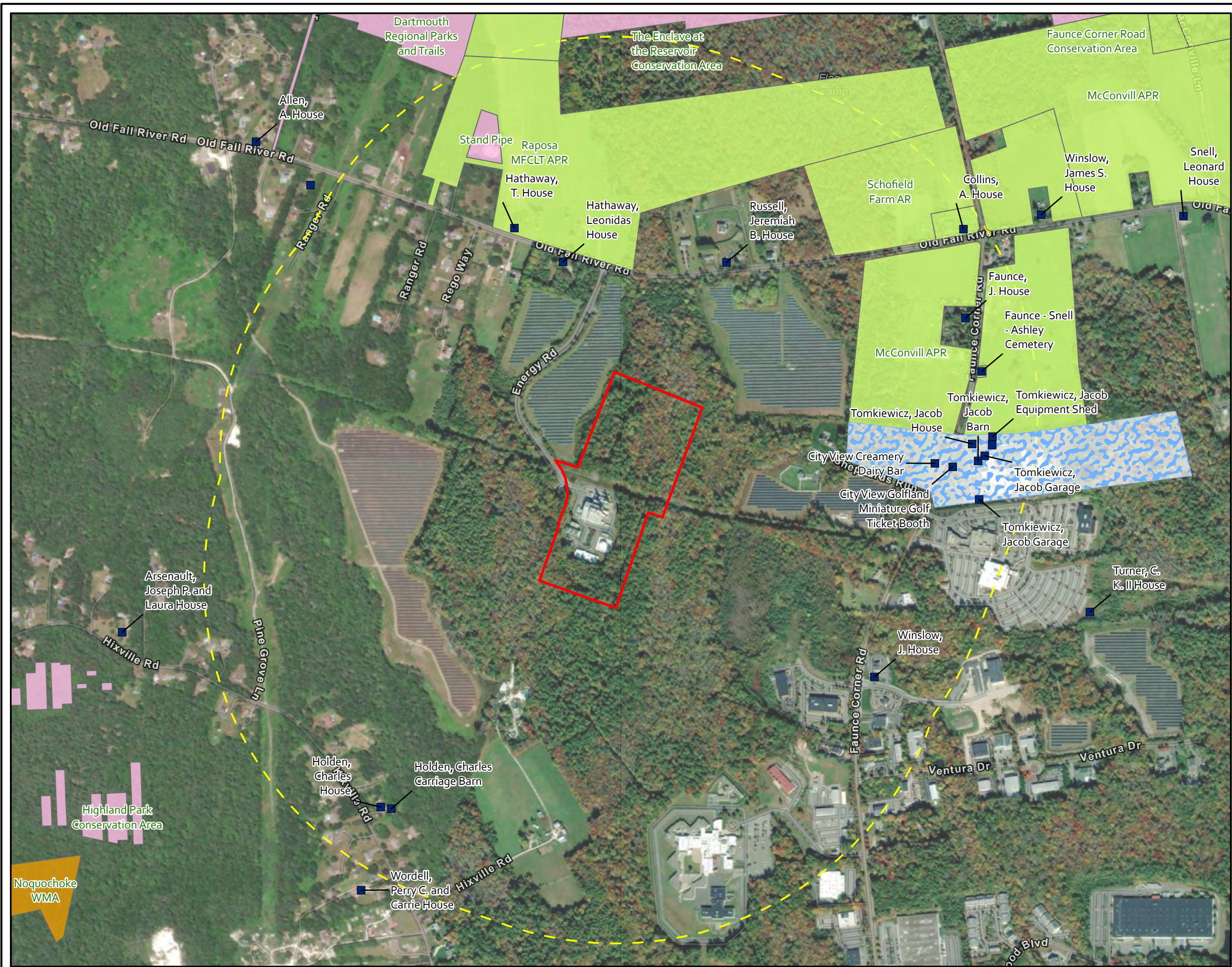
**Figure 6. Elevation Contours
(MA Lidar Project)**

Prepared For: PowerTransitions

Prepared By: 	Date:
	03/2026

Source: Esri, et. al., 2025, MassGIS 2021

Coordinate System: North American Datum 1983
State Plane Massachusetts Mainland Feet



Legend

Study Area

Buffer (0.5-miles)

Massachusetts Historic Commission Inventory

Inventoried Property Point

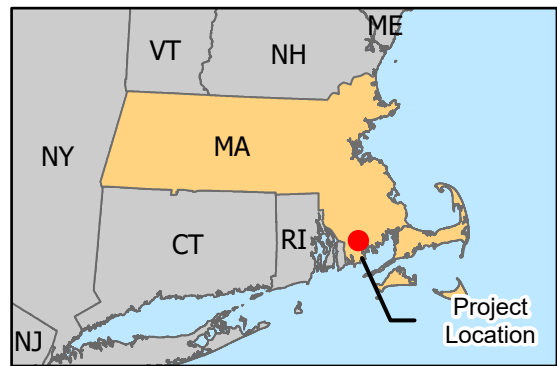
Inventoried Property

Openspace/Article 97

Municipal Open Space

Private

State-owned



0 400 800 1,600 Feet

Figure 7. Conservation and Recreation

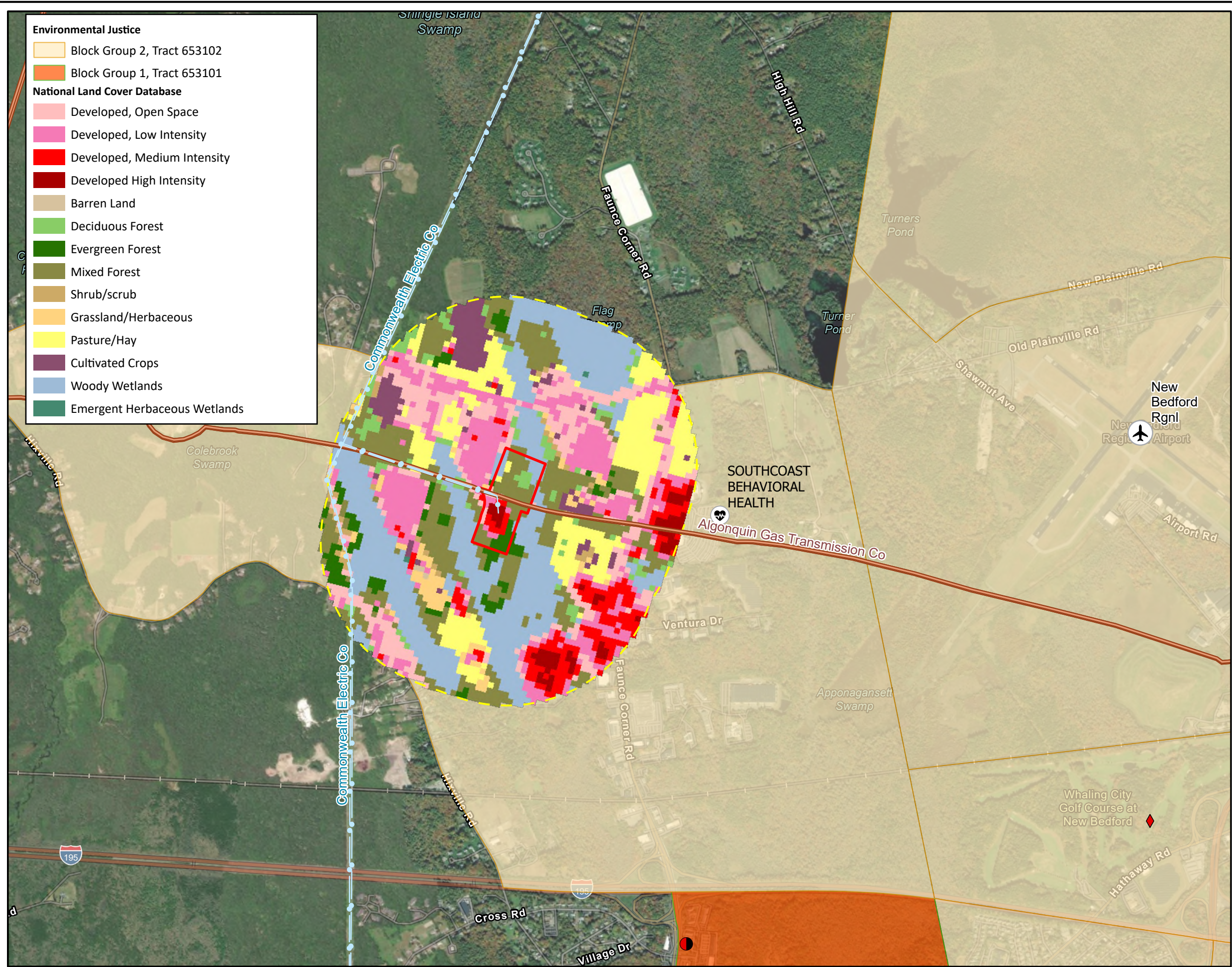
Prepared For: PowerTransitions

Prepared By: **TETRA TECH**

Date:
03/2026

Source: Esri, et. al., 2025, MassGIS 2005

Coordinate System: North American Datum 1983
State Plane Massachusetts Mainland Feet



Environmental Justice

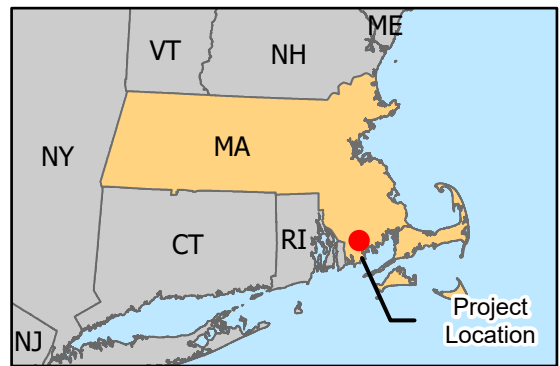
- Block Group 2, Tract 653102
- Block Group 1, Tract 653101

National Land Cover Database

- Developed, Open Space
- Developed, Low Intensity
- Developed, Medium Intensity
- Developed High Intensity
- Barren Land
- Deciduous Forest
- Evergreen Forest
- Mixed Forest
- Shrub/scrub
- Grassland/Herbaceous
- Pasture/Hay
- Cultivated Crops
- Woody Wetlands
- Emergent Herbaceous Wetlands

Legend

- Study Area
- Buffer (0.5-mile)
- Electric Transmission Line
- Natural Gas Pipeline
- Airports
- AULs
- Childcare Facility
- DEP Tier Classified 21E Sites
- Hospitals



0 750 1,500 3,000 Feet

Figure 8. Land Use

Prepared For: PowerTransitions

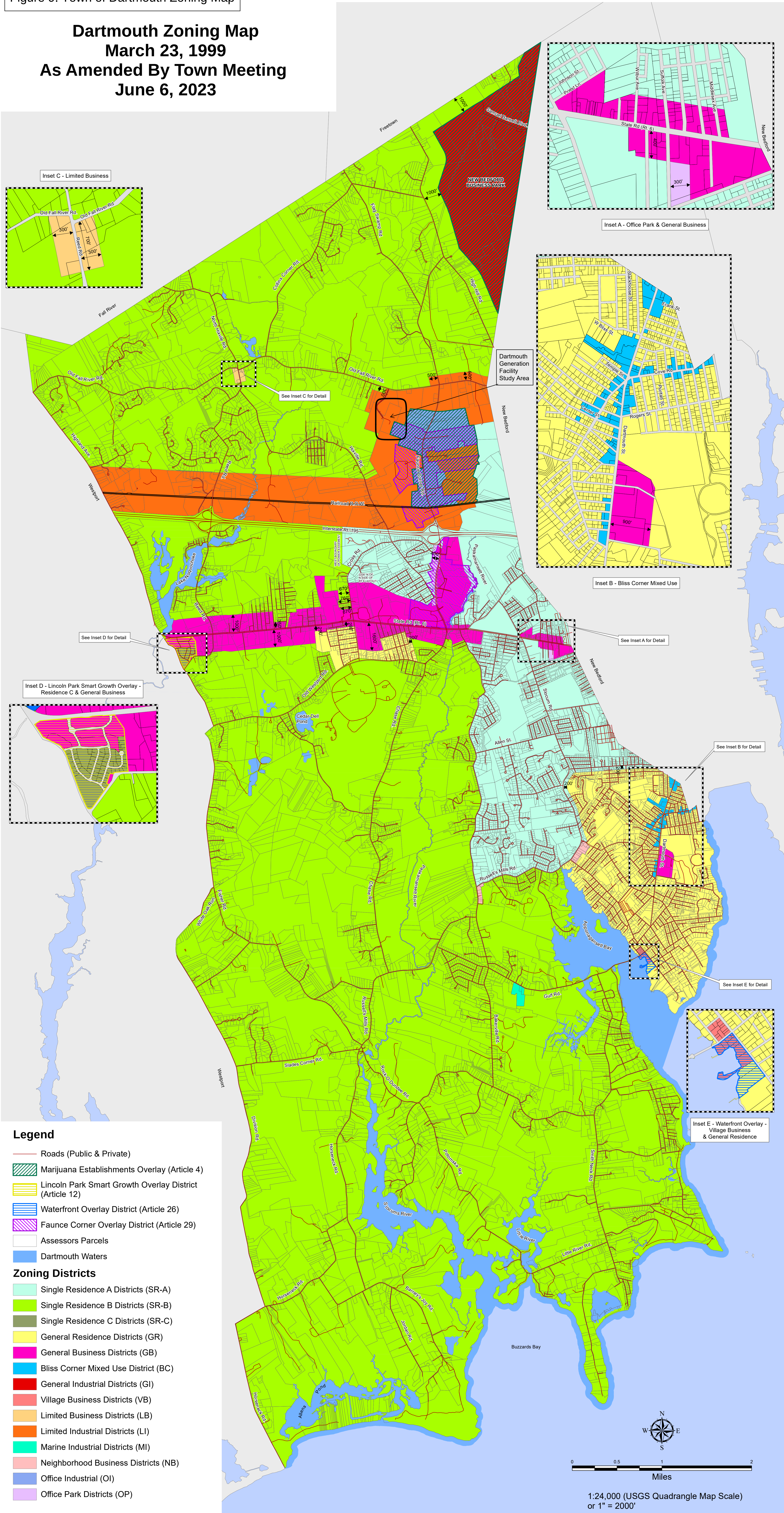
Prepared By:  **Date:**
03/2026

Source: Esri, et. al., 2025, MassGIS 2026

Coordinate System: North American Datum 1983
State Plane Massachusetts Mainland Feet

Figure 9. Town of Dartmouth Zoning Map

Dartmouth Zoning Map
March 23, 1999
As Amended By Town Meeting
June 6, 2023



This map is incorporated into the Dartmouth Zoning By-Law by Reference at Chapter 375 - Article 2.

For a full description of the Zoning Districts, please review the Zoning By-Law.

Town of Dartmouth Parcel boundaries are updated to January 1, 2022, are for reference and orientation purposes only and hold no regulatory authority.

For more information on Zoning Districts contact Planning Department.

For questions regarding Zoning Compliance contact
Director of Inspectional Services / Building Department.

§ 375-2.3. of the Zoning By-Law also identifies the following
additional zoning districts (depicted on separate maps):

Dartmouth Zoning Map – Aquifer Protection Districts - § 375-2.3 (B)
Dartmouth Zoning Map – Flood Hazard Areas - § 375-2.3 (C)

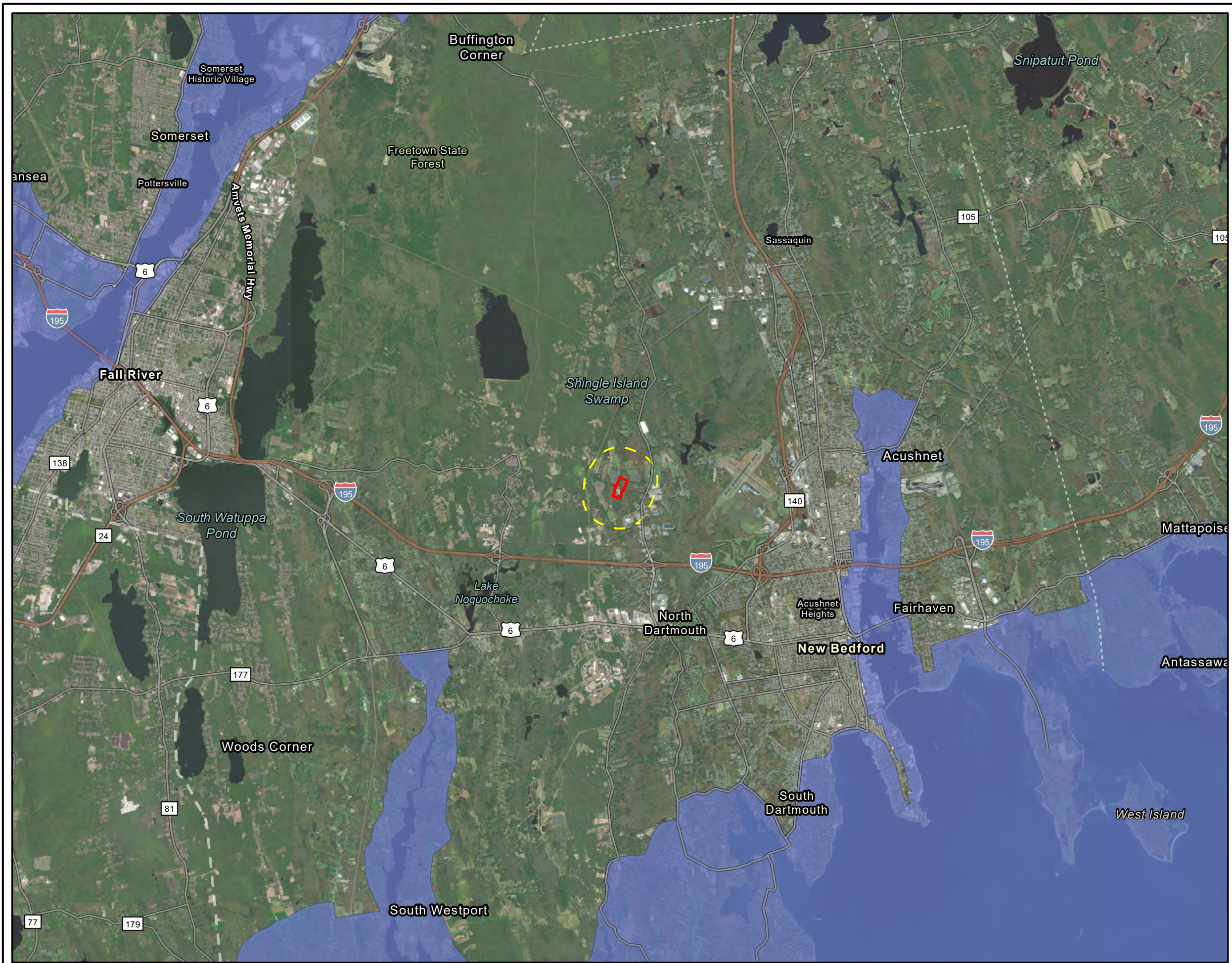


Town of Dartmouth
Geographic Information System

The boundaries of the overlay districts referenced on this map
are declared to be a part of the Zoning Bylaw and are on file
with the Town Clerk and Planning Board Office.

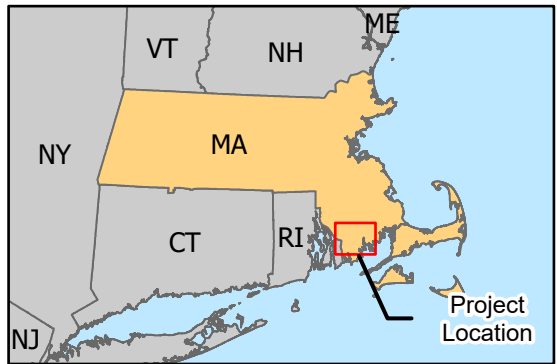
Disclaimer: Data shown on this map is provided for
planning and informational purposes only.

Tighe&Bond



Legend

- Study Area
- Buffer (0.5-miles)
- Massachusetts Coastal Zone



0 0.75 1.5 3 Miles

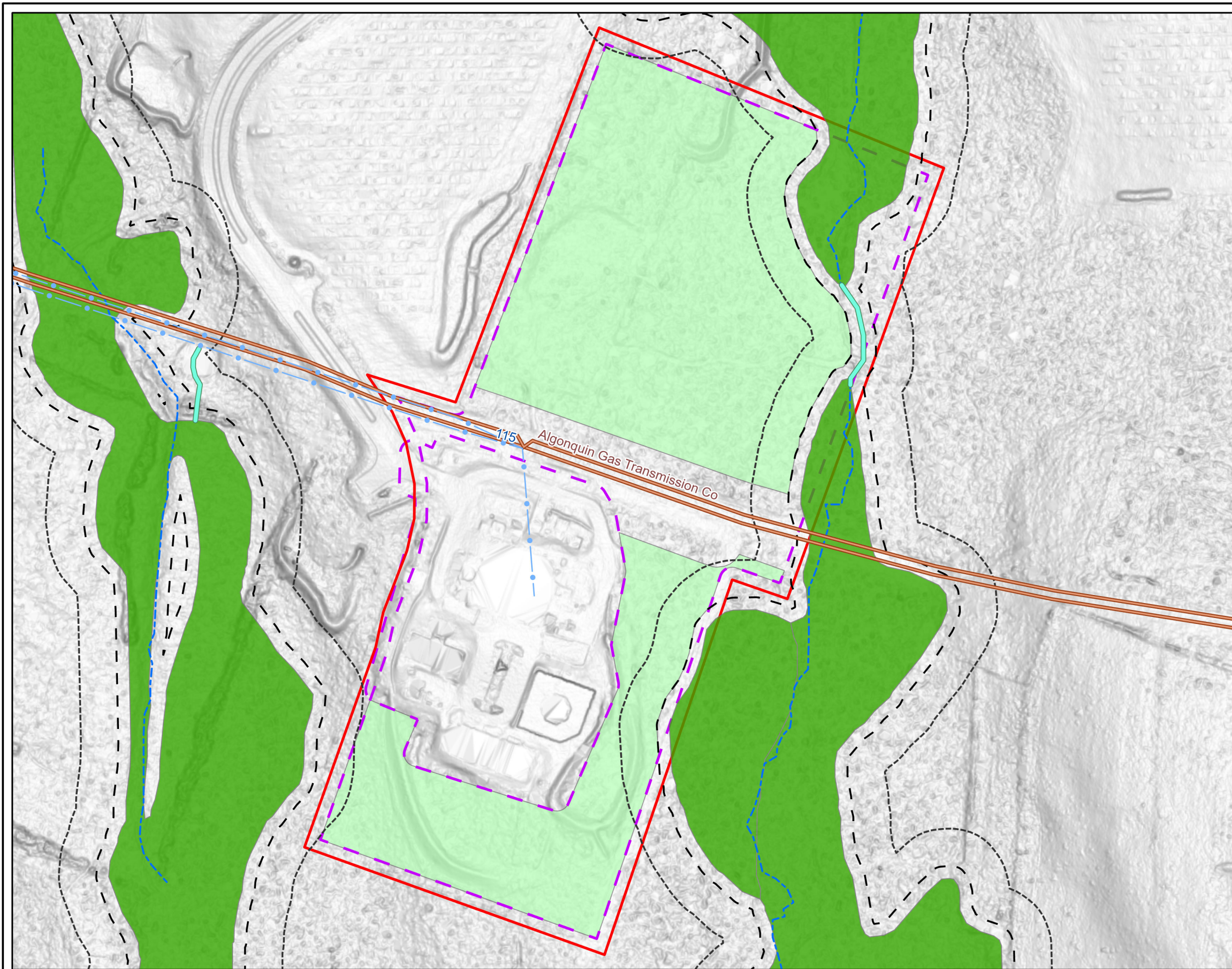
Figure 10. Coastal Zone

Prepared For: PowerTransitions

Prepared By:	Date:
	03/2026

Source: Esri, et. al., 2025, MassGIS 2005

Coordinate System: North American Datum 1983
State Plane Massachusetts Mainland Feet



Legend

-  Study Area
-  Potential Buildable Area
-  Development Setbacks
-  Wetlands and Waters 25-foot Buffer
-  Wetlands and Waters 100-ft Buffer
-  Electric Transmission Line
-  Natural Gas Pipeline
- Streams (USGS 25K Topo Lines)**
-  Intermittent Stream
-  DEP Wetlands Hydrologic Connections



0 100 200 400 Feet

Figure 11. Potential Buildable Area

Prepared For: PowerTransitions

Prepared By:		Date:
		04/2026

Source: Esri, et. al., 2025, MassGIS 2005

Coordinate System: North American Datum 1983
State Plane Massachusetts Mainland Feet

Appendix B

Geographic Information System and Online Data Sources

Layer	Link
Areas of Critical Environmental Concern	https://www.mass.gov/info-details/massgis-data-areas-of-critical-environmental-concern
AUL	https://www.mass.gov/info-details/massgis-data-massdep-oil-andor-hazardous-material-sites-with-activity-and-use-limitations-aul
Certified Vernal Pools	https://www.mass.gov/info-details/massgis-data-nhosp-certified-vernal-pools
Coastal Zone	https://www.mass.gov/info-details/massgis-data-areas-of-critical-environmental-concern
Cold Water Fisheries	https://www.mass.gov/info-details/massgis-data-ma-wildlife-coldwater-fisheries-resources
Diadromous Fish Habitat	https://www.mass.gov/info-details/massgis-data-diadromous-fish
Environmental Justice	https://mass-eoea.maps.arcgis.com/home/item.html?id=df069cc58b9949b7ba9ec5d33cd87cde
Estimated Habitats of Rare Wildlife	https://www.mass.gov/info-details/massgis-data-nhosp-estimated-habitats-of-rare-wildlife
FEMA Flood Zones	https://www.mass.gov/info-details/massgis-data-fema-national-flood-hazard-layer
Hiking/Bike Trails	https://www.mass.gov/info-details/massgis-data-department-of-conservation-and-recreation-roads-trails
Historic Areas	https://www.mass.gov/info-details/massgis-data-mhc-historic-inventory
Land Use	https://www.mass.gov/info-details/massgis-data-land-use-2005
Mass DEP Wetlands	https://www.mass.gov/info-details/massgis-data-massdep-wetlands-2005
Mass DEP Wetlands Hydrologic Connections	https://www.mass.gov/info-details/massgis-data-massdep-wetlands-2005
MassDEP Tier Classified Oil and/or Hazardous Material Sites (MGL c. 21E)	https://www.mass.gov/info-details/massgis-data-massdep-tier-classified-oil-andor-hazardous-material-sites-mgl-c-21e
NRCS Soils	https://www.nrcs.usda.gov/resources/data-and-reports/soil-survey-geographic-database-ssurgo
NLCD (MRLC)	https://www.mrlc.gov/data
Open Space	https://www.mass.gov/info-details/massgis-data-protected-and-recreational-openspace
Outstanding Water Resources	https://www.mass.gov/info-details/massgis-data-outstanding-resource-waters
Parcels	https://www.mass.gov/info-details/massgis-data-property-tax-parcels
Potential Vernal Pools	https://www.mass.gov/info-details/massgis-data-nhosp-potential-vernal-pools
Priority Habitats of Rare Species	https://www.mass.gov/info-details/massgis-data-nhosp-priority-habitats-of-rare-species
Rivers and Streams (USGS blue line)	https://www.mass.gov/info-details/massgis-data-massdep-hydrography-125000

Layer	Link
Surface Water Supply/Aquifers	https://www.mass.gov/info-details/massgis-data-surface-water-supply-watersheds
Surficial Geology	https://www.mass.gov/info-details/massgis-data-usgs-124000-surficial-geology
USGS 7.5 Minute Topographic Map	New Bedford North, Fall River East https://ngmdb.usgs.gov/topoview/
Wellhead Protection Area	https://www.mass.gov/info-details/massgis-data-massdep-wellhead-protection-areas-zone-ii-zone-i-iwpa

Appendix C

United States Fish and Wildlife Service Information for Planning and Consultation Unofficial Report Results

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Bristol County, Massachusetts



Local office

New England Ecological Services Field Office

☎ (603) 223-2541

📠 (603) 223-0104

70 Commercial Street, Suite 300
Concord, NH 3301-5094

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

Insects

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> Wherever found There is proposed critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/9743	Proposed Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act ² and the Migratory Bird Treaty Act (MBTA) ¹. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

There are Bald Eagles and/or Golden Eagles in your [project](#) area.

Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles are most likely to be present and breeding in your project area.

Review the FAQs

The FAQs below provide important additional information and resources.

NAME

BREEDING SEASON

Bald Eagle *Haliaeetus leucocephalus*

Breeds Oct 15 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your

Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

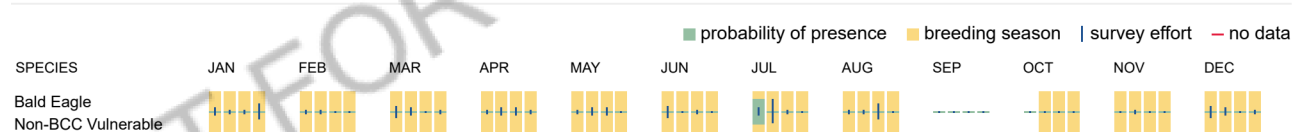
To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Bald & Golden Eagles FAQs

What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are an eagle ([Bald and Golden Eagle Protection Act](#) requirements may apply).

Proper interpretation and use of your eagle report

On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort line or no data line (red horizontal) means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide you in knowing when to implement avoidance and minimization measures to eliminate or reduce potential impacts from your project activities or get the appropriate permits should presence be confirmed.

How do I know if eagles are breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the [RAIL Tool](#) and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If an eagle on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your "IPaC PROBABILITY OF PRESENCE SUMMARY" at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:

The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Migratory birds

The Migratory Bird Treaty Act (MBTA) ¹ prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

Measures for Proactively Minimizing Migratory Bird Impacts

Your IPaC Migratory Bird list showcases [birds of concern](#), including [Birds of Conservation Concern \(BCC\)](#), in your project location. This is not a comprehensive list of all birds found in your project area. However, you can help proactively minimize significant impacts to all birds at your project location by implementing the measures in the [Nationwide avoidance and minimization measures for birds](#) document, and any other project-specific avoidance and minimization measures suggested at the link [Measures for avoiding and minimizing impacts to birds](#) for the birds of concern on your list below.

Ensure Your Migratory Bird List is Accurate and Complete

If your project area is in a poorly surveyed area, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles document](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the "Probability of Presence Summary" below to see when these birds are most likely to be present and breeding in your project area.

Review the FAQs

The FAQs below provide important additional information and resources.

NAME	BREEDING SEASON
American Oystercatcher <i>Haematopus palliatus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8935	Breeds Apr 15 to Aug 31

Bald Eagle *Haliaeetus leucocephalus*

Breeds Oct 15 to Aug 31

This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.

<https://ecos.fws.gov/ecp/species/1626>

Black-billed Cuckoo *Coccyzus erythrophthalmus*

Breeds May 15 to Oct 10

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9399>

Blue-winged Warbler *Vermivora cyanoptera*

Breeds May 1 to Jun 30

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Chimney Swift *Chaetura pelagica*

Breeds Mar 15 to Aug 25

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Lesser Yellowlegs *Tringa flavipes*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9679>

Prairie Warbler *Setophaga discolor*

Breeds May 1 to Jul 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Scarlet Tanager *Piranga olivacea*

Breeds May 10 to Aug 10

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Semipalmated Sandpiper *Calidris pusilla*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Short-billed Dowitcher *Limnodromus griseus*

Breeds elsewhere

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9480>

Wood Thrush *Hylocichla mustelina*

Breeds May 10 to Aug 31

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

- The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Migratory Bird FAQs

Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Avoidance & Minimization Measures for Birds](#) describes measures that can help avoid and minimize impacts to all birds at any location year-round. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is one of the most effective ways to minimize impacts. To see when birds are most likely to occur and breed in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of [Birds of Conservation Concern \(BCC\)](#), and other species that may warrant special attention in your project location, such as those listed under the Endangered Species Act or the [Bald and Golden Eagle Protection Act](#) and those species marked as "Vulnerable". See the FAQ "What are the levels of concern for migratory birds?" for more information on the levels of concern covered in the IPaC migratory bird species list.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) with which your project intersects. These species have been identified as warranting special attention because they are BCC species in that area, an eagle ([Bald and Golden Eagle Protection Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, and to verify survey effort when no results present, please visit the [Rapid Avian Information Locator \(RAIL\) Tool](#).

Why are subspecies showing up on my list?

Subspecies profiles are included on the list of species present in your project area because observations in the AKN for **the species** are being detected. If the species are present, that means that the subspecies may also be present. If a subspecies shows up on your list, you may need to rely on other resources to determine if that subspecies may be present (e.g. your local FWS field office, state surveys, your own surveys).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the [RAIL Tool](#) and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your "IPaC PROBABILITY OF PRESENCE SUMMARY" at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangeland" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Bald and Golden Eagle Protection Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially BCC species. For more information on avoidance and minimization measures you can implement to help avoid and minimize migratory bird impacts, please see the FAQ "Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Proper interpretation and use of your migratory bird report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list does not represent all birds present in your project area. It is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide implementation of avoidance and minimization measures to eliminate or reduce potential impacts from your project activities, should presence be confirmed. To learn more about avoidance and minimization measures, visit the FAQ "Tell me about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:

The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Wetland information is not available at this time

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the [NWI map](#) to view wetlands at this location.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

Appendix D

Federal Aviation Administration Notice of Criteria Tool Results

OE/AAA Pre-screening Results

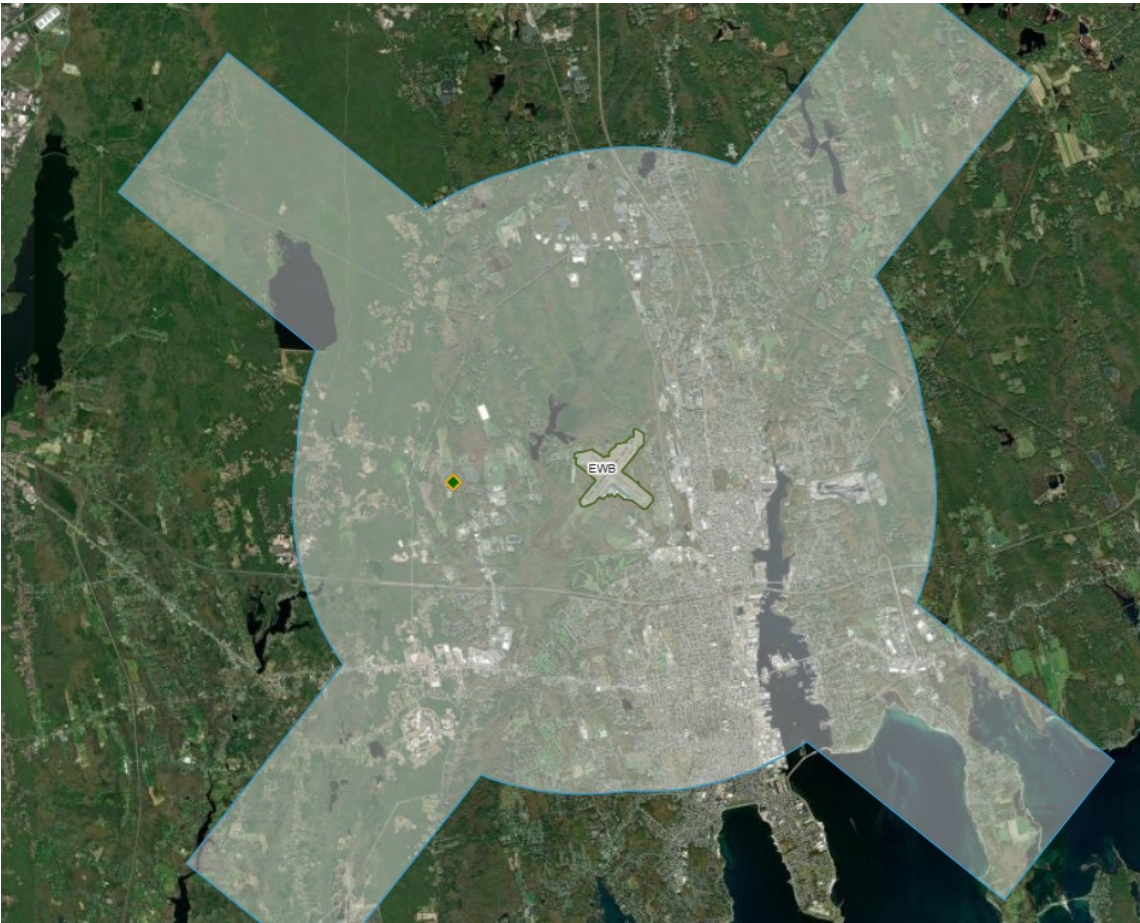
Mon Mar 02 2026 14:26:45 GMT-0500 (Eastern Standard Time)

Structure: Other

Latitude	Longitude	Height	Site Elevation	AMSL
41 40 29.94 N	70 59 52.54 W	20	156	176

Based on the information you provided, you are required to file notice with the FAA. You must submit notice at least 45 days before the start of the proposed construction or alteration or the date an application for a construction permit is filed, whichever is earliest.

Note: If you propose construction or alteration that is subject to the licensing requirements of the Federal Communications Commission (FCC), you must submit notice to the FAA on or before the date that an application is filed with the FCC. Visit FCC Licensing at <https://www.fcc.gov/licensing> to learn more.



Appendix E

United States Geological Survey Quadrangle Mapping of the Study Area

