



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

April 18, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Fitchburg Expansion Project
PROJECT MUNICIPALITY : Lunenburg
PROJECT WATERSHED : Nashua River
EOEA NUMBER : 14202
PROJECT PROPONENT : Tennessee Gas Pipeline Company, LLC
DATE NOTICED IN MONITOR : March 12, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR). In the Expanded Environmental Notification Form (EENF), the proponent requested a Full Waiver from the requirement to prepare a mandatory EIR. The Certificate on the EENF is contingent upon the granting of a Full Waiver in the Final Record of Decision (FROD). If a Full Waiver is not granted in the FROD, then the Secretary will reissue this Certificate on the EENF with an EIR scope.

As described in the EENF, the proposed project has been designed to provide new natural gas transportation service to the Devens Regional Economic Zone and consists of the replacement construction of approximately 5.6 miles of 6-inch diameter natural gas pipeline with new 12-inch diameter natural gas pipeline from Lancaster Avenue in Lunenburg extending in a northwesterly direction to the existing KeySpan Energy Station located off Pleasant Street in Lunenburg. Most of the proposed pipeline replacement project will be located within an existing 30-foot wide gas and electric transmission easement corridor that traverses across 16 residential properties, 1.47 miles of active agricultural croplands, and approximately 250 linear foot (lf) of road crossings involving 10 municipal roadways. The proponent has identified up to 50 feet of temporary workspace, adjacent to the utility easement corridor, for construction staging activities.

The project also includes the construction of a new 2,220 square foot (sf) permanent inspection facility ('pig launcher') to be located off Millwood Street in Framingham, and a new 2,200 sf pig receiver building to be located within the existing KeySpan meter station on Pleasant Street in Lunenburg. Upon completion of the pipeline construction, the land will be restored to previous conditions.

The project requires the preparation of a mandatory EIR pursuant to Sections 11.03(1)(a)(1) and 11.03(3)(a)(1)(a) of the MEPA regulations because it involves the direct alteration of 50 or more acres of land (approximately 55.19 acres) and the alteration of one or more acres of Bordering Vegetated Wetlands (BVW) (approximately 6.8 acres of temporary disturbance, and 2.4 acres of permanent impact). The project will require review by the Federal Energy Regulatory Commission's (FERC) Energy Facilities Siting Board (EFSB). It may require a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP). The project may also require Construction Access Permits from the Massachusetts Highway Department (MassHighway). The project requires an Order of Conditions (some as "limited" projects) from the Lunenburg Conservation Commission (and in the event of an appeal, a Superseding Order from MassDEP). The project received a permit for a Reconnaissance Survey from the Massachusetts Historical Commission (MHC) in July 2007. The project will require a Certificate of Public Convenience and Necessity from the FERC. The project may also require a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit, a Spill Prevention, Control and Countermeasures Plan, and a Determination of General Conformity/Applicability from the US Environmental Protection Agency (EPA). The project may require a Section 404 Permit from the U.S. Army Corps of Engineers.

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required state permits with the potential to cause damage to the environment. In this case, MEPA jurisdiction extends to energy, wetlands, stormwater, waterways, historical and archaeological resources, and land alteration.

Land Alteration

Most of the proposed project work will occur within previously disturbed areas associated with an existing 30-foot wide gas utility easement corridor. As described in the EENF, the proponent has identified an 80-foot wide work corridor that includes the utility easement corridor and a 50-foot wide temporary workspace area, adjacent to the utility easement corridor, for construction staging activities. As described in the EENF, the project will result in the alteration of approximately 55 acres of land area for use as temporary workspace, access to workspace, and the construction of the new pig launcher and pig receiver buildings.

Wetlands

According to the information provided in the EENF, the project will involve approximately 16 stream crossings and will result in temporary and permanent impacts to approximately 6.8 acres and 2.4 acres of Bordering Vegetated Wetland (BVW) resource areas, respectively.

The project will also impact approximately 485 linear feet (lf) of Bank, and 465 sf of Riverfront Area. Portions of the project may qualify for "limited" project status. The proponent has also committed to employ an on-site environmental inspector to ensure compliance with the proposed *Upland Erosion Control, Revegetation, and Maintenance Plan*, and construction best management practices associated with the proponent's proposed wetland and water body construction and mitigation procedures. Specifically, the proponent has committed to use timber mats, erosion control, and either a dam-and-pump or flume construction process to minimize impacts to BVW resource areas at stream crossings. The proponent has proposed to re-grade and re-seed all disturbed upland and wetland resource areas.

Stormwater

As currently designed, the project will involve approximately 16 separate crossings of surface waters including a tributary to Pearl Hill Brook and Easter Brook. According to the comments received from MassDEP, the project requires a National Pollutant Discharge Elimination System (NPDES) Program General Permit for Storm Water Discharges from Construction Activities (Construction General Permit (CGP)), for land disturbance equal to or greater than one acre, where those discharges enter surface waters of the United States (U.S.) or a municipal separate storm sewer system (MS4) leading to a surface water of the U.S. The proponent must design a Storm Water Pollution Prevention Plan (SWPPP) as a requirement of the CGP. As noted elsewhere in this Certificate, the proponent has committed to a time-of-year (TOY) restriction for in-stream crossing work between June 1-November 30 time period to protect cold water and warm water fisheries.

Water Supply

According to MassDEP, the proposed gas distribution expansion project may involve blasting, and the handling and storage of hazardous materials in areas designated as Interim Wellhead Protection Areas (IWPAs) or Zone II areas of Public Water Systems. If any blasting within wellhead protection areas is proposed, the proponent should identify this fact and determine the perchlorate content of the blasting materials, and follow best management practices to minimize contamination. The proponent must provide MassDEP with a description of measures proposed to ensure protection of the public water systems.

MassDEP directs the proponent and/or the blasting contractors take the following reasonable steps to minimize potential problems, as they relate to blasting operations and perchlorate contamination:

- determine the perchlorate content of blasting agents and explosives to be used;
- avoid the use of perchlorate-containing explosive products, to the extent practical, when surface or groundwater can be affected with particular attention to the recharge areas of public drinking water supply wells (i.e., Zone II and Interim Wellhead Protection areas),

and within and adjacent to the sensitive watershed areas of public drinking water supply reservoirs (i.e., Zone B areas); and,

- institute rigorous "housekeeping" practices when the use of perchlorate-containing products to ensure proper detonation that will result in the nearly complete destruction of perchlorates, and take reasonable steps to prevent and address misfires.

Rare Species

According to the information provided in the EENF, the Massachusetts Division of Fisheries and Wildlife (DFW) identified Easter Brook and Pearl Hill Brook, located within the project corridor, as significant coldwater fisheries resource areas. DFW has requested that the proponent employ appropriate erosion and sedimentation control best management practices (BMPs) and time-of-year (TOY) construction restrictions to correlate with seasonal low stream flow conditions. The proponent has committed to a time-of-year (TOY) restriction for in-stream crossing work to occur between June 1 and November 30 to protect cold water and warm water fisheries associated with Easter Brook and Pearl Hill Brook located within the project corridor. Because the proposed project and its facilities include the crossing of streams and rivers that provide habitat for state fisheries, the proponent should continue to work closely with DFW and NHESP's fisheries program to avoid, minimize and mitigate potential impacts to fisheries resources to the maximum extent practicable.

Historical and Archaeological Resources

In July 2007, the proponent conducted an archaeological reconnaissance survey to determine the presence and significance of any Native American archaeological sites and historically significant architectural structures located within the proposed Fitchburg Expansion Project area that may require further testing. According to the information provided in the EENF, no potentially significant archaeological sites were identified within the project area. The reconnaissance survey identified three properties within the project area that appear to be eligible for listing in the National Register. As described in the EENF, the proposed expansion project will not result in any adverse impacts to these potential eligible properties.

Construction Period Impacts/Coordination

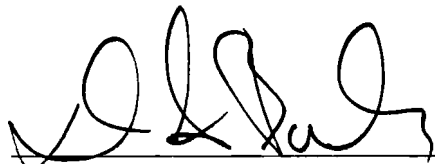
The construction period will be the major source of impacts from the project, including impacts from earth moving, impacts to vegetation, potential impacts from erosion and sedimentation, potential impacts to private property and adjacent land uses, and traffic impacts on adjacent roadways. The EENF includes a construction management plan (CMP) describing project activities and their schedule and sequencing, site access and truck routing, road closures, and best management practices (BMPs) that will be used to avoid and minimize adverse environmental impacts.

The proponent has committed to use of specialized construction techniques and erosion control procedures to avoid and minimize project construction impacts and to reseed and replant those portions of the construction corridor located within and adjacent to wetlands resource areas, agricultural lands, residential properties, and Article 97 lands, with appropriate native species of grasses, woody shrubs and trees. The proponent's CMP should address potential impacts and mitigation relating to land disturbance, erosion and sedimentation control, noise, night-time lighting, dust, odor, vehicle emissions, construction and demolition debris, and construction-related traffic. The CMP should identify the hours and days of the week that pipeline construction will occur. In developing the CMP, the proponent should consider procedures to respond to noise or other complaints. I anticipate that these issues will be addressed as part of the local and state permitting process for this project.

The proponent should continue to consult with the Lunenburg Conservation Commission during final project design regarding post-construction re-seeding and replanting. All construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetlands resource areas, endangered species habitat areas, residential areas and wellhead protection areas. The proponent should require its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel fuel pursuant to MassDEP's Clean Construction Equipment Initiative.

Based on a review of the information provided by the proponent, a review of the comment letters, and after consultation with the relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR.

April 18, 2008
DATE



Ian A Bowles, Secretary

Comments received:

04/09/08	Natural Heritage and Endangered Species Program (NHESP)
04/08/08	Massachusetts Historical Commission
04/09/08	Montachusett Regional Planning Commission
04/10/08	Massachusetts Development Finance Agency (MassDevelopment)
04/15/08	Massachusetts Department of Environmental Protection (MassDEP) - CERO

EENF #14202
IAB/NCZ/ncz