



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>

October 10, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ESTABLISHING A SPECIAL REVIEW PROCEDURE

PROJECT NAME : Algonquin East to West Expansion Project
PROJECT MUNICIPALITIES : Multiple Towns¹
PROJECT WATERSHEDS : Charles and Boston Harbor (Neponset)
EEA NUMBER : 14118
PROJECT PROPONENT : Algonquin Gas Transmission, LLC
DATE NOTICED IN MONITOR : N/A

Pursuant to the Massachusetts Environmental Policy Act (G. L. c.30, §§ 61-62H) and Section 11.09 of the MEPA regulations (301 CMR 11.00), I hereby establish a **Special Review Procedure** (SRP) to guide the MEPA review of this project.

Algonquin Gas Transmission, LLC (Algonquin) has proposed a natural gas pipeline expansion project (the "East to West Project") that comprises multiple components within several states. In Massachusetts, the components include an extension of Algonquin's I-10 pipeline system, replacement of certain portions of Algonquin's Q pipeline system, modifications to several existing meter stations, and construction of two new compressor stations. All the facilities will be owned and operated by Algonquin.

The project involves several discrete elements and involves actions by and coordination among numerous state and federal agencies. The proponent requests that the project undergo

¹ Q1 Pipeline is proposed to be located in Medway, Bellingham, Franklin, Millis, Norfolk, Walpole, Sharon, Canton and Stoughton. I-10 Extension is proposed to be located in Weymouth, Braintree, Holbrook, Randolph, Avon, Stoughton and Canton. G5 Compressor Station is proposed to be located in Rehoboth. North Shore Compressor Station is proposed to be located in Boxford or Danvers.

coordinated² review under MEPA by the Executive Office of Energy and Environmental Affairs (EEA), and the Federal Energy Regulatory Agency (FERC), the lead federal agency responsible for review of the East to West Project pursuant to the National Environmental Policy Act (NEPA) and for preparation of a federal Environmental Impact Statement (EIS) under NEPA.³

EEA, FERC and the proponents have all indicated a desire for coordinated MEPA/NEPA review to the maximum extent feasible. At Algonquin's request, the FERC has initiated a pre-filing NEPA process under its Docket No. PF07-15-000. The FERC has informed EEA that it intends to issue a Notice of Intent to prepare an EIS during October 2007, and Algonquin has informed EEA that it intends to file an Environmental Notification Form (ENF) shortly thereafter. The FERC anticipates issuing its Draft EIS in mid-2008.

To coordinate successfully the review process among the FERC and EEA, a degree of administrative flexibility in reviewing the project pursuant to MEPA is necessary. After considering the factors cited in Section 11.09 of the MEPA regulations, I hereby find that the review of the project would benefit from the establishment of a Special Review Procedure (SRP). The SRP is largely for administrative convenience, designed to allow for coordinated NEPA/MEPA review of an EIS/EIR document consistent with the requirements and constraints imposed by state and federal regulations. In order to ensure that the proposed project fully complies with MEPA, I have developed the following SRP in the event that additional documentation (outside of the FERC processes) is required to ensure compliance with MEPA.

SPECIAL REVIEW PROCEDURE

The MEPA and NEPA processes will be coordinated as follows. The FERC will prepare and circulate a Draft EIS, which will also serve as a portion of the Draft EIR. As soon as feasible after release of the Draft EIS, Algonquin will file a Draft EIR Addendum that shall identify the Massachusetts-specific components of the FERC's Draft EIS and provide such supplemental information as Algonquin deems appropriate to assure that the combination of the FERC's Draft EIS and Algonquin's Draft EIR Addendum adequately fulfill the requirements of the scope to be included in the Certificate on the ENF. I will review the combination of the FERC's Draft EIS and Algonquin's Draft EIR Addendum as the Draft EIR, coordinate comment periods with the FERC to the maximum extent feasible, and issue a Certificate on the Draft EIR following the close of the public comment period. Because the FERC will prepare the EISs,

² The term "coordinated review" as used in this Certificate and in the MEPA regulations refers to the practice of allowing a single set of documents to serve simultaneously as both an EIS under NEPA and an EIR under MEPA. In common usage, the practice is sometimes referred to as "joint review," although this term is misleading since both the FERC and EEA retain independent authority to judge the adequacy of the information submitted pursuant to their respective statutory and regulatory responsibilities.

³ The primary federal approval for the East to West Project is a certificate of public convenience and necessity issued by the FERC under the Natural Gas Act. Other federal agencies will participate as cooperating agencies in the FERC's preparation of an EIS.

rather than the proponent, a situation may arise following review of the Draft EIS whereby the Draft EIS is adequate as an EIS and generally adequate as an EIR as well, but has left unresolved certain issues pertinent to the MEPA review. If this is the case, and the unresolved issues are sufficiently important, I reserve the right to find the Draft EIR adequate but nonetheless require the preparation of a Supplemental Draft EIR. In my Certificate on the Draft EIR, I will make specific findings as to whether I am invoking this provision of the SRP. This administrative mechanism gives me adequate assurance that the Draft EIS prepared by the FERC can form the basis of the Draft EIR under MEPA. I also reserve all rights granted to me by Section 11.08(8) of the MEPA regulations regarding determinations of adequacy of the Draft EIR.

Following review of the Draft EIR, the FERC will prepare and circulate a Final EIS. This document will also serve as a portion of the Final EIR. As soon as feasible after release of the Final EIS, Algonquin will file a Final EIR Addendum that shall identify the Massachusetts-specific components of the FERC's Final EIS and provide such supplemental information as Algonquin deems appropriate to assure that the combination of the FERC's Final EIS and Algonquin's Final EIR Addendum adequately fulfill the requirements of the scope to be included in the Certificate on the Draft EIR. I will review the combination of the FERC's Final EIS and Algonquin's Final EIR Addendum as the Final EIR. I will again coordinate comment periods with the FERC to the maximum extent feasible, and will issue a Certificate on the Final EIR after the close of the public comment period. Because the FERC will prepare the EISs, rather than the proponent, a situation may arise following review of the Final EIS whereby the Final EIS is adequate as an EIS and generally adequate as an EIR as well, but has left unresolved certain issues pertinent to the MEPA review. If this is the case, and the unresolved issues are sufficiently important, I reserve the right to find the Final EIR adequate but nonetheless require the preparation of a Supplemental Final EIR. In my Certificate on the Final EIR, I will make specific findings as to whether I am invoking this provision of the SRP. This administrative mechanism gives me adequate assurance that the Final EIS prepared by the FERC can form the basis of the Draft EIR under MEPA. In addition to this special mechanism, I also reserve all rights granted to me by Section 11.08(8) of the MEPA regulations regarding determinations of adequacy of the Final EIR.

The EIS documents will follow the FERC regulations for outline and content. I anticipate that the EIS will include the principal content of the required EIR, although data presentation and sequence may be different from the usual structure of an EIR as specified in Section 11.07 of the MEPA regulations. As such, I will not expect the EIS/EIR documents to follow the general guidelines for outline contained in Section 11.07. However, to aid reviewers in finding information relevant to the EIR process, I ask that the EIS and Algonquin's Addenda include a cross-reference index or other form of content guide that explains which sections of the EIS correspond to requirements of the EIR. I also ask that the EIS include a copy of this Certificate and the Certificate on the ENF, as well as copies of the comments received. All of these documents (as well as any other documents related exclusively to MEPA review) may appear in an appendix to the EIS or the Algonquin Addenda.

The proponent's signature below indicates its consent to the establishment of a Special Review Procedure and the specific provisions outlined in this Certificate.

October 10, 2007

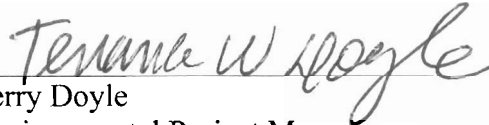
Date



Ian Bowles
Secretary of Energy and Environmental Affairs

October 17, 2007

Date



Terry Doyle
Environmental Project Manager
Algonquin Gas Transmission, LLC