



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>

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

PROJECT NAME : Algonquin Gas Transmission East to West HubLine
Expansion Project
PROJECT MUNICIPALITY : Avon, Bellingham, Bourne, Boxford, Braintree, Canton,
Fall River, Franklin, Holbrook, Hopedale, Medway,
Middleborough, Millis, Norfolk, North Attleboro,
Plymouth, Randolph, Rehoboth, Sharon, Stoughton,
Walpole, Wellesley, Weston, and Weymouth
PROJECT WATERSHED : Neponset, Weir, Taunton, Charles, Narragansett Bay, and
Merrimack Rivers
EOEA NUMBER : 14118
PROJECT PROPONENT : Algonquin Gas Transmission, LLC
DATE NOTICED IN MONITOR : December 10, 2007

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 **requires** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the proposed project consists of the construction of approximately 46.1 miles of multi-diameter pipeline, 31.5 miles of which are within Massachusetts. The 1-10 Extension includes the construction of 13.0 miles of new 36-inch diameter pipeline from Weymouth to Canton. The Q-1 System includes the installation of 18.5 miles of new 36-inch in diameter pipeline that will replace a segment of an existing 24-inch in diameter pipeline from Medway to Canton. Significant portions of the 31.5 mile pipeline will be within the existing Algonquin Q-1 System Right-of-Way (ROW) or adjacent to an existing power line ROW. The proponent is proposing several minor alignment deviations to facilitate construction.

The proposed project includes approximately 31,340 sf of pipeline support facilities. These support facilities include two compressor stations. The preferred alternative locations for two compressor station locations are Rehoboth and Boxford. The proponent will install above



ground over-pressure protection regulation in four locations. It will add gas chromatographs at nine existing meter stations. Upon completion of the pipeline construction, the land area will be restored to previous conditions. Portions of the project area are located within the Cranberry Brook Watershed Area of Critical Environmental Concern (ACEC).

The project requires the preparation of a mandatory EIR pursuant to Sections 11.03(1)(a)(1), 11.03(3)(a)(1)(a), and 11.03(7)(a)(3) of the MEPA regulations because it involves the direct alteration of 50 or more acres of land (approximately 430 acres), the alteration of one or more acres of Bordering Vegetated Wetlands (BVW) (approximately 64.9 acres), and the construction of a new fuel pipeline ten or more miles in length (approximately 31.5 miles). The project will require review and comment on a Federal Energy Regulatory Commission (FERC)-regulated project from the Energy Facilities Siting Board (EFSB). It may need to obtain a Superseding Order of Conditions for wetland resource area impacts, a Water Quality Certificate, a Minor Comprehensive Plan Approval, and a Chapter 91 Waterways License from the Department of Environmental Protection (MassDEP). The project will also require Construction Access Permits from the Massachusetts Highway Department (MassHighway) and the MBTA. It may require a Conservation and Management Permit from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP) because there is potential rare species habitat within the ROW. The project may require Orders of Conditions (some as "limited" projects) from the local conservation commissions (and in the event of an appeal, a Superseding Order from MassDEP). The project also requires a permit for a Reconnaissance Survey from the Massachusetts Historical Commission (MHC) State Archaeologist.

The project will require a Certificate of Public Convenience and Necessity from the FERC and an environmental assessment under NEPA. 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). It may need to obtain a Section 10 and a Section 404 Permit from the U.S. Army Corps of Engineers. The project will require a consultation under Section 7 of the Endangered Species Act with the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish and Wildlife Service. It may potentially require legislative approval for the use of Article 97 lands. 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, traffic, air quality, rare species, wetlands, stormwater, waterways, construction issues, historical and archaeological resources, and land alteration issues.

SCOPE

The proponent should prepare a Draft EIR (DEIR) in accordance with the general guidance for outline and content found in Section 11.07 of the MEPA regulations as modified by this Scope. The DEIR should include a copy of this Certificate, a copy of each comment letter received. I ask the proponent to divide each scoped area into a section for the I-10 Extension, the Q-1 System (18.5 miles of new 36-inch diameter pipeline), the Rehoboth Compressor Station, and the Boxford Compressor Station.

On October 10, 2007, the project proponent established a Special Review Procedure (SRP) with the MEPA Office, which would allow for coordinated National Environmental Policy Act (NEPA)/MEPA review of the Environmental Impact Statement (EIS)/EIR consistent with the requirements and constraints imposed by the state and federal regulations. The SRP was developed in the event that additional documentation (outside of the Federal Energy Regulatory Agency (FERC) processes) is required to ensure compliance with MEPA. The proponent will submit a Draft EIR Addendum, which will identify the Massachusetts-specific components of the FERC's Draft EIS and provide the supplemental information to assure compliance with the scope of the ENF. The Secretary reserves the right to find the Draft EIR adequate but nonetheless require the preparation of a Supplemental Draft EIR to address any unresolved issues. Likewise the Secretary would reserve the right to find the Final EIR (FEIS Addendum) adequate but nonetheless require the preparation of a Supplemental Final EIR to address any unresolved issues.

Project Description & Regulatory Environment

The EIR should include a detailed description of the project. A Project Summary in clear non-technical language should be included in the EIR. This section of the document should summarize all phases of the project, the time frame for each phase, the alternatives analyzed, the type and extent of potential impacts, and mitigation measures that the proponent is committed to. It should also include a list of permits required and a timetable and cost estimate for the project.

The EIR should include a description of all aspects of the project and a schedule for construction and other development activities. It should also include maps and plans at a reasonable scale that clearly locate and delineate project elements, priority and estimated rare species habitat, surface water and wetlands resource areas, adjacent land uses (and zoning of undeveloped land), Zone IIs and other water protection districts on or adjacent to the project site. The EIR should provide a list of all MassHighway and DCR roadways, MBTA/ railroad ROW's, MWRA pipelines, Article 97-eligible properties, and town pipelines that will be crossed by the proposed pipeline. It should discuss how the project is compatible with local zoning and the regional land use plan.

The EIR should identify any permits or approvals required and provide an update on the permitting process. Any changes to the proposed project since the ENF filing, including any design changes based on consultations with state agencies during the permitting process, should be summarized in the EIR.

Alternatives Analysis

The EIR should include an evaluation of alternatives to demonstrate that the proposed project is being designed to avoid, minimize or mitigate environmental impacts to the maximum extent feasible. The alternative analysis should include the no-build alternatives to establish baseline conditions. The ENF noted that several alternatives have been evaluated including an upgrade to KeySpan's LNG distribution facility in Yarmouth, a new LNG facility, an increase in system compression, Conservation and Demand Side Management, and a "noticed alternative"

pipeline route. The EIR should include a discussion and analysis of all feasible alternatives including the reasons why certain alternatives are no longer being considered. The Department of Conservation and Recreation (DCR) has recommended the proponent develop an alternative pipeline route that avoids impacts to the Cranberry Brook Watershed ACEC. A summary chart that compares impacts of alternatives should be presented in the EIR. This should include a clear comparison of the impacts of each alternative and its project components (including but not limited to acres of land alteration, volume of earthwork, wetlands and wildlife habitat impacts, energy use, and construction-related impacts).

The EIR needs to fully identify compressor station alternatives. It should review the site suggested by the North Andover Board of Selectmen at 1600 Osgood Street in North Andover. The EIR should demonstrate in the text and in a tabular format why both Rehoboth and Boxford are the Preferred Alternatives. It should identify the zoning of each alternative as well as the other scoped issues.

Waterways Licensing

The EIR must describe how the proposed project will comply with the Waterways Regulations, 310 CMR 9.00. The waterways licensing concerns are addressed in MassDEP's comment letter.

The project appears to be subject to the Weymouth Municipal Harbor Plan (MHP). The EIR should identify the portion of the project site within the Designated Port Area (DPA). Both the MEPA Office and the permitting agencies need to evaluate site design and layout for the pipeline. The EIR should identify the amount of filled Commonwealth tidelands to be impacted by the project.

The EIR should provide sufficient information to document the project's compliance with all applicable provisions of M.G.L. c. 91 and its implementing regulations (310 CMR 9.00) and the Weymouth Municipal Harbor Plan. It should present a clear technical analysis of how the project complies with the various dimensional requirements set forth in the regulations as they pertain to new pipelines.

I ask the proponent to consult with MassDEP and MCZM to determine the issues to be included in the EIR analyzing alternative design and project layouts. The EIR will need to address how the project will meet the open space standards of the Waterways Regulations.

Air Quality/Greenhouse Gas Policy

The EIR should identify why the proposed turbines associated with the compressor stations will not meet Industry Performance Standards emissions limits contained in 310 CMR 7.26(43) Engines and Turbines. If the turbines could meet the emissions standards, the proponent would avoid the need to submit a Minor Comprehensive Plan Approval (MCPA). The EIR should discuss the concerns of MassDEP as expressed in their comment letter. If it is necessary to apply for an MCPA, the BACT analysis top case emission limits for NO_x, NH₃, CO, SO₂, VOCs, Particulate Matter (PM), and Pb must be evaluated in the EIR.

I acknowledge the limited scale of the compressor stations and associated impacts. However, the project requires a Non-Major Comprehensive Plan Approval for each compressor station from MassDEP and therefore, it is subject to the EEA Greenhouse Gas (GHG) Emissions Policy and Protocol. The EIR must demonstrate consistency with the analysis and mitigation provisions therein. This Policy is available on-line at <http://www.mass.gov/envir/mepa/pdffiles/misc/GHG%20Policy%20FINAL.pdf>. The EIR should quantify GHG emissions associated with the compressor stations and propose mitigation to affect those emissions.

Cumulative Impacts

The EIR should describe the cumulative impacts of the project including impacts associated with other proposed Algonquin Gas Transmission (AGT) pipeline extensions in the vicinity. According to the ENF, the proposed project is being designed to accommodate anticipated growth and demand for gas in the area. The EIR should provide additional information (quantified to the extent feasible) on projected growth and anticipated increases in fuel use as it relates to the proposed project. The EIR should also describe the proponent's energy conservation programs and other measures to mitigate impacts associated with increased fuel use. The EIR should describe the AGT pipeline project and provide an update on the status of this project. The EIR should discuss how the AGT pipeline is related to the proposed project and provide an assessment of cumulative impacts of both projects.

Rare Species

NHESP has determined that nine state-listed rare species are located in and/or near the proposed pipeline routes (preferred and noticed alternative routes). These species include the Tall nut-sedge, which is "Endangered"; Blanding's Turtle, which is listed as "Threatened"; and seven species of Special Concern: the Eastern Box Turtle, the Mocha Emerald, the Oak Hairstreak, the Bridle Shiner, the Eastern Pondmussel, the Four-toed Salamander, and the Blue-Spotted Salamander. The EIR should demonstrate how the proposed project will avoid and minimize impacts to these state-listed species. The proponent should consult with NHESP regarding proposed revisions to the MA Endangered Species Act (MESA) regulations and the applicability of MESA for the preferred and alternative routes and facilities. The proponent should consult with NHESP regarding wildlife and botanical species survey requirements as further detailed in the NHESP comment letter. The proponent should provide an update in the EIR on consultations with NHESP, the results of any surveys conducted, and the Conservation and Management Permit process. Because the proposed project and its facilities include the crossing of streams and rivers that provide habitat for state fisheries, the proponent should work with NHESP's fisheries program to assess potential impacts associated with all the alternatives presented.

Wetlands

The Wetland Section of the EIR should contain an alternatives analysis to ensure that all wetland impacts are avoided, and where unavoidable impacts occur, impacts are minimized and

mitigated. The EIR should illustrate that the impacts have been minimized and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00).

The EIR should address the significance of the wetland resources on site, including public and private water supply; riverfront areas; flood control; storm damage prevention; fisheries; shellfish; and wildlife habitat. The ENF has indicated that the project would impact the following wetland resource areas: approximately 64.9 acres/2,827,044 sf of BVW, 6,800 linear feet of Bank, and 0.74 acres of Land under Water (LUW). It did not determine the amount of Isolated Land Subject to Flooding (ILSF), Bordering Land Subject to Flooding (BLSF), Salt Marsh, and Riverfront Area. The project may impact 0.74 acres of a Designated Port Area. The project may potentially impact salt marsh that is south of the Fore River. The proponent should identify if horizontal directional drilling will be used in the area of the salt marsh. If impacts occur to salt marsh, the EIR will need to develop salt marsh restoration plans.

All resource area boundaries, riverfront areas, applicable buffer zones, and 100-year flood elevations should be clearly delineated on a plan. Filled and flowed tidelands should be surveyed, mapped, and located on the plans. Each wetland resource area and riverfront area should be characterized according to 310 CMR 10.00. The text should explain whether the local conservation commission has accepted the resource area boundaries, and any disputed boundary should be identified. The EIR should provide an accurate measurement of the wetland resource areas that will be affected by the project.

For any amount of required wetlands replication, a detailed wetlands replication plan should be provided in the EIR that, at a minimum, includes: replication location(s) delineated on plans, elevations, typical cross sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring.

Portions of the project may qualify for "limited" project status. The EIR should identify which areas may be granted "limited" project status. It should identify any discharges to Outstanding Resource Waters (ORW). No discharges are allowed to ORWs within an ACEC. The EIR should provide construction plans and a description of measures proposed to avoid, minimize and mitigate impacts to wetlands resources. The EIR should discuss revegetation plans for wetland buffer areas.

Land Alteration

The ENF indicates that most of the proposed project work will occur in previously disturbed areas. The EIR should quantify areas of additional clearing and grading needed and demonstrate that the project is being designed to minimize clearing of vegetation and alteration of topography. It should also include plans for revegetation of areas that will be cleared as a result of the project. The EIR should identify and quantify potential impacts associated with removal of public shade trees and alteration of stone walls.

Stormwater and Drainage

The EIR should provide information and plans to demonstrate how the project will comply with MassDEP's stormwater management policy. It should include a Stormwater Pollution Prevention Plan and a Spill Prevention Control Plan. The EIR should provide additional information on the proposed plans.

Water Supply Protection

The project will involve work in areas designated as Wellhead Protection and Public Water Supply Areas. The EIR should describe measures proposed to ensure protection of public water supplies. It should also discuss the potential use, generation and management of hazardous materials associated with project implementation and address wellhead protection issues. If any blasting within wellhead protection areas is proposed, the EIR should identify this fact and determine the perchlorate content of the blasting materials. The EIR should determine if any risks are posed to surface or groundwater supplies.

Historical and Archaeological Resources

The EIR should address the concerns stated in the comment letter from the Massachusetts Historical Commission (MHC). Some sections of the pipeline pass through historic districts, and there are potential known Native American archaeological sites within and adjacent to the proposed routes. An archaeological reconnaissance survey should be conducted for the entire project area to identify archaeologically sensitive areas that may require further testing. The proponent should consult with MHC regarding the survey and provide an update on consultations and survey results in the EIR. The EIR should describe how the project is being designed to avoid impacts to historic buildings, smaller scale historic structures such as stone walls and fences, and potential archaeological resources.

Construction

The EIR should include 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 CMP should address potential impacts and mitigation relating to land disturbance, noise, night-time lighting, dust, odor, vehicle emissions, construction and demolition debris, and construction-related traffic. It 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. The EIR should address Weymouth's concerns regarding "frac outs" from directional drilling below the Weymouth Fore River. The Division of Marine Fisheries recommended that the proponent follow the horizontal directional drilling best management practices developed for the HubLine project to reduce potential impacts from "frac outs".

Noise

The EIR should identify existing noise levels at the site of both proposed compressor station locations. It should estimate the noise levels at the compressor stations under full operation. According to MassDEP's comment letter, the ENF reported a sound increase of 13 dBA at a blowdown venting. This sound increase does not meet the sound criteria of policy 90-001. The proponent should evaluate and report on potential acoustical controls to reduce the sound impacts from blowdown venting.

Traffic

The EIR should determine if the traffic impacts associated with the proposed project will be minimal. It should provide the details of any access or traffic management issues that would be handled during the permitting process. The EIR should include a locus map that clearly identifies existing or proposed state highways that will be impacted by the project. It should also discuss potential disturbance to traffic control signal equipment and demonstrate a commitment to replace any disturbed equipment to current MassHighway standards. The EIR should identify the access conditions to both compressor stations.

Site Contamination

The proposed project is located along ROW's/roadways containing multiple former disposal sites. The EIR should summarize the proponent's efforts to comply with the Massachusetts Contingency Plan (310 CMR 40.00) in the event that any oil and/or hazardous material is identified during project implementation, and the potential need to hire a Licensed Site Professional (LSP). It should describe how the project will be designed to avoid and minimize any potential environmental impacts associated with disposal sites and releases of oil and/or hazardous materials.

Article 97 Issues

The EIR should provide a list of any property within the pipeline ROW or adjacent to the ROW that would be considered as open space covered by Article 97 of the Articles of Amendment to the Constitution of the Commonwealth. It should discuss any proposed disposition/lease/easement of such land.

Public Safety

The EIR should identify the impacts of any gas hazard or accident upon public safety resources and the types of response that would be required by the pipeline, its facilities, and compressor stations. In the event of an incident, the EIR should identify the appropriate equipment that should be available and the recommended distances for such safety equipment from the source of the event. The EIR should identify sensitive receptors (schools, hospitals, churches, and residences) to gas pipelines and facilities. It should also identify the recommended distances for different land uses from the pipeline and compressor stations.

Mitigation

The EIR should describe all measures to avoid, minimize and mitigate adverse effects on the environment and include a summary of mitigation measures to which the proponent is committed. It should include proposed Section 61 Findings for all state permits. The proposed Section 61 Findings should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation measures. A schedule for the implementation of all mitigation measures should also be included in the EIR.

Response to Comments

The EIR should respond to the comments received to the extent that they are within MEPA jurisdiction. The proponent should use either an indexed response to comment format, or a direct narrative response. The EIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

Circulation

The EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to local officials in each affected community. The proponent should ensure that a copy of the EIR is available to Massachusetts residents and officials who commented during the federal review process. In addition, a copy of the EIR should be provided for review at public libraries in the affected communities. The proponent should consult with the MEPA Office regarding the circulation requirements prior to filing the EIR.

January 9, 2008

DATE



Ian A Bowles

Comments received:

MassDEP/CERO, 12/12/07
Massachusetts Historical Commission, 12/21/07
MCZM, 12/26/07
NSTAR, 12/27/07
North Andover Public Health Dept., 12/27/07
Stoughton School Committee, 12/27/07
MassWildlife, 12/27/07
North Andover Town Manager, 12/28/07
Mayor of Weymouth, 12/31/07
North Andover Town Manager, 12/31/07
Division of Marine Fisheries, 12/31/07
DCR, 12/31/07

MassDEP/Boston, 12/31/07
MassAudubon, 12/31/07
DCR, 12/31/07
Spetra Energy, 1/2/08
Natural Resource Group, 1/3/08
Barbara J. Glendinning, 11/18/07
Christian Colwell, 11/19/07
Kathleen Colwell, 11/19/07
Charles C. Ormsby, 11/19/07
Ram & Lynn Arvikar, 11/19/07
Form Letters Opposing the Project (5), 11/19/07
Douglas J. and Janet E. R. Swatski, 11/20/07
Stanley Bialy, 11/25/07
Form Letters Opposing the Project (142), 12/10/07
George J. Hamilton, 12/12/07
TRC Solutions, 12/14/07
Barbara Glendinning, 12/17/07
Cheryl Herland, 12/19/07
Form Letters Opposing Project (51), 12/20/07
James Winn, 12/21/07
Edward F. and Noreen P. Finn, 12/26/07
Wally Frink, 12/26/07
Albert Imhoff, 12/27/07
David Ghikas, 12/27/07
Sandy DeVita, 12/27/07
Patricia Ghikas, 12/27/07
Wayne Mansfield, 12/27/07
David & Janet Doyle, 12/27/07
Sandy Lieto, 12/27/07
Michelle Smith, 12/27/07
Don A. Reitano, 12/27/07
Christian Colwell, 12/27/07
Michelle Smith, 12/27/07
Form Letters Opposing the Project (75), 12/27/07
Brian and Meg Gross, 1/2/08
Norma & Lola Colletta, 1/2/08
Lori Palldino, 1/2/08
Domenic Giulielmi, 1/2/08

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