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December 8, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE NOTICE OF PROJECT CHANGE

PROJECT NAME	: KeySpan Sagamore Line Reinforcement Project
PROJECT MUNICIPALITY	: Sandwich, Barnstable, Yarmouth, Dennis, Harwich
PROJECT WATERSHED	: Cape Cod
EOEA NUMBER	: 13543
PROJECT PROPONENT	: Colonial Gas Company, d/b/a KeySpan Energy Delivery New England ("KeySpan")
DATE NOTICED IN MONITOR	: November 8, 2006

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that it **does not require** the preparation of a Supplemental Environmental Impact Report (EIR).

A Certificate on the Final EIR (FEIR) for the project was issued on February 17, 2006 with a determination that the project adequately and properly complies with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). As further detailed in the FEIR Certificate, a component of the project that would affect Article 97 land, was withdrawn during the FEIR review process. The project component withdrawn consisted of an extension to the western segment of the pipeline that would cross Route 130 and extend approximately 190 feet into Shawme-Crowell State Forest. This project component has since been reintroduced and, in accordance with the requirements of the FEIR Certificate, an NPC has been submitted to address Article 97 and rare species issues relevant to the pipeline extension.

The project change involves a 190-foot extension to connect with the proposed Algonquin Gas Transmission (AGT) meter and regulation station (take station). This component of the project requires an Act of Legislation because it affects lands protected under Article 97 of the Amendments to the Constitution of the Commonwealth. As a result of the proposed change,

the project is also subject to the Massachusetts Endangered Species Act (MESA) regulations (321 CMR 10.00) and will require an Access Permit from MHD for crossing Route 130.

Since the issuance of the FEIR Certificate, the proponent has coordinated with AGT regarding the required legislative approval of Article 97 land easements associated with both the AGT and Keyspan projects. Issues relating to Article 97 land disposition and associated mitigation were addressed during the MEPA review of the Environmental Notification Form for the Algonquin Cape Cod Project (EOEA# 13796). A Certificate on the ENF for the Algonquin project was issued on July 10, 2006 with a determination that an EIR was not required. Subsequently, on August 9, 2006, Chapter 240 of the Acts of 2006 was enacted authorizing the transfer of easements to AGT and KeySpan and requiring compensation to the Commonwealth in accordance with Chapter 240. As further detailed in the ENF Certificate on the Algonquin Cape Cod Project, AGT has committed to reimburse the Commonwealth's General Fund for the market value of the easements within Shawme-Crowell and the Massachusetts Military Reservation (MMR), and to provide an additional sum towards mitigation of project-related impacts.

The pipeline extension associated with the project change affects habitat of the Eastern Box Turtle (*Terrapene Carolina*), which is state-listed as a species of Special Concern and is protected pursuant to MESA. NHESP has indicated in its comment letter that the proposed project can be conditioned such that it will have minimal impacts to state-listed species. These conditions may include actions similar to those described in the NPC. The proponent has committed in the NPC to erect siltation fencing around construction areas and have a qualified biologist on hand to ensure that no rare species are within fenced-in areas. As noted in its comment letter, NHESP will make a final determination on project conditioning during the formal review process.

As noted in the comment letter from the Cape Cod Commission, the project is a mandatory Development of Regional Impact (DRI) under Section 12(i) of the Cape Cod Commission Act. The proponent will be required to proceed through the Commission's DRI process in order to receive approval for the Western Segment as modified and described in the NPC. The proponent will need to provide the Commission with documentation from NHESP indicating that the project will not adversely impact rare species or their habitat. The Commission will also require that the proponent provide documentation demonstrating no adverse impacts to Article 97 lands and provide an open space offset as required by the Regional Policy Plan.

As recommended by the Commission, I ask that the proponent schedule work along Route 130 to avoid summer peak hours to the extent feasible, and that advance notification of roadway construction is provided to the public media and to the Commission. In addition, I ask that the proponent copy the Town of Sandwich Planning and Development Office on its correspondence with NHESP as requested in the Town's comment letter, and consult with the Planning Office regarding potential issues relating to the proposed project and the timing of MassHighway road upgrades in the project area.

Comments received from the Massachusetts Historical Commission (MHC) indicate that an ancient Native American archaeological site is located immediately northwest of the project area, and that the project area is likely to contain archaeological sites associated with the ancient and historical period occupation of the Sandwich area. The proponent should conduct an intensive (locational) survey as requested by MHC and consult with MHC regarding survey results and any project changes that may be required to avoid and minimize or mitigate effects to significant archaeological resources. I am requiring that the proponent provide documentation of an executed Memorandum of Understanding (MOU) with MHC prior to the issuance of any state agency permits for the project.

The Massachusetts Department of Environmental Protection (MassDEP) has identified several former disposal sites and one current disposal site in the vicinity of the proposed project. The proponent should evaluate the need for response actions as recommended in the MassDEP comment letter and notify MassDEP (pursuant to the Massachusetts Contingency Plan, 310 CMR 40.00) if any oil and/or hazardous material is identified during project implementation.

The Environmental Management Commission (EMC) in its comment letter has recommended mitigation measures to address impacts associated with illegal off-road vehicle activities which may be exacerbated as a result of the proposed project. The EMC oversees the northern training areas (Camp Edwards) at the Massachusetts Military Reservation (MMR) to ensure permanent protection of the drinking water supply and wildlife habitat. The proposed pipeline involves work adjacent to the Massachusetts Military Reservation (MMR) and will connect with the Algonquin pipeline that is proposed to extend into MMR and the Upper Cape Water Supply Reserve. The proponent should work closely with EMC to develop and implement an off-road vehicle management plan, which should include signs, barriers, monitoring of unauthorized use of the area and periodic police details.

The NPC includes a revised Section 61 Findings and commits to a range of mitigation measures including:

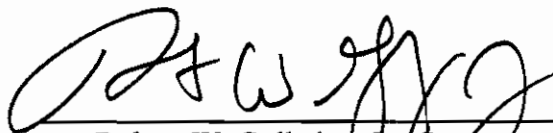
- compensation to the Commonwealth in accordance with Article 97 Chapter 240, and an additional sum for mitigation;
- measures to protect rare species during construction (a qualified biologist on-site and use of siltation fencing around construction areas);
- a detailed Traffic Management Plan (including public notifications), which will be submitted to Town officials for review prior to construction;
- construction equipment and dust emission controls, and best management practices (BMPs) to minimize noise impacts; and
- an Environmental Construction Plan (ECP), which addresses environmental responsibilities and communications, construction sequencing, erosion and sediment controls, stormwater management and spill prevention, siltation fencing and surveys to protect rare species, and wetlands protection measures.

The NPC has adequately described the proposed project change and identified potential impacts and mitigation measures. I am satisfied that any outstanding issues can be addressed

during the state and local review and permitting process. I remind state agencies to forward copies of the final Section 61 findings to the MEPA Office for the project record. The project as proposed in the NPC requires no further review under MEPA.

December 8, 2006

DATE


Robert W. Golledge, Jr. Secretary

Comments Received

- 11/03/06 Robert Fultz, Director of Planning and Development, Town of Sandwich
- 11/21/06 Division of Marine Fisheries
- 11/27/06 Massachusetts Historical Commission
- 11/28/06 Division of Fisheries and Wildlife,
Natural Heritage and Endangered Species Program
- 11/28/06 Cape Cod Commission
- 11/28/06 Department of Environmental Protection, Southeast Regional Office
- 12/06/06 Environmental Management Commission

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