

MEPA Analyst: *Rick Bourne*

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# NPC

## Notice of Project Change

The information requested on this form must be completed to begin MEPA Review of a NPC in accordance with the provisions of the Massachusetts Environmental Policy Act and its implementing regulations (see 301 CMR 11.10(1)).

Project Name: Weaver's Cove LNG Project		EOEA #: 13061
Street: One New Street		
Municipality: Fall River	Watershed: Taunton River / Narragansett Bay	
Universal Transverse Mercator Coordinates: 321902 E, 4622221 N	Latitude: 41° 43' 54.7" N	Longitude: 71° 8' 29.2" W
Status of project construction:	0	%complete
Proponent: Weaver's Cove Energy, LLC		
Street: One New Street		
Municipality: Fall River	State: MA	Zip Code: 02720
Name of Contact Person From Whom Copies of this NPC May Be Obtained: Corinne Snowdon		
Firm/Agency: Epsilon Associates, Inc.	Street: 3 Clock Tower Place	
Municipality: Maynard	State: MA	Zip Code: 01754
Phone: (978) 897-7100	Fax: (978) 897-0099	E-mail: csnowdon@epsilonassociates.com

In 25 words or less, what is the project change? The project change involves . . . construction of offshore LNG berth/unloading platform approximately 4.25 miles from the previously-reviewed onshore LNG terminal and trenching/installation of LNG transfer system piping.

See full project change description beginning on page 3. (and Supplemental Narrative)

Date of ENF filing or publication in the Environmental Monitor: Filed June 30, 2003; Noticed July 8, 2003

Was an EIR required?  Yes  No; if yes,  
 was a Draft EIR filed?  Yes (Date: August 2004 (DEIS/DEIR )  No  
 was a Final EIR filed?  Yes (Date: 6/15/06 (SFEIR) )  No  
 was a Single EIR filed?  Yes (Date: )  No

Have other NPCs been filed?  Yes (Date(s): )  No

If this is a NPC solely for lapse of time (see 301 CMR 11.10(2)) proceed directly to "ATTACHMENTS & SIGNATURES" on page 4.

**PERMITS / FINANCIAL ASSISTANCE / LAND TRANSFER**

List or describe all new or modified state permits, financial assistance, or land transfers not previously reviewed: No new state permits are required for the Project. New applications will be filed for a Ch. 91 permit (dredging), Ch. 91 license (jetty and LNG transfer system), Non Major Comprehensive Air Plan Approval, Water Quality Certificate, CZM Consistency Determination and Orders of Conditions (Fall River and Somerset).

Are you requesting a finding that this project change is insignificant? (see 301 CMR 11.10(6))  
 Yes  No; if yes, attach justification.

Are you requesting that a Scope in a previously issued Certificate be rescinded?  
 Yes  No; if yes, attach the Certificate

Are you requesting a change to a Scope in a previously issued Certificate?  Yes  No; if yes, attach Certificate and describe the change you are requesting:

Summary of Project Size & Environmental Impacts	Previously reviewed	Net Change	Currently Proposed
<b>LAND</b>			
Total site acreage (LNG Terminal Site)	73	0 [offshore berth platform to occupy approx. one acre of water sheet]	73
Acres of land altered	73	0	73
Acres of impervious area	9.8	0	9.8
Square feet** of bordering vegetated wetlands alteration (**expressed in acres)	2.6 acres (Mill River Pipeline)	0	2.6 acres
Square feet** of other (Land Under Ocean) wetland alteration  (**Notes: 1) Area expressed in acres 2) Figures reflect activities in Massachusetts)	~ 158 acres (dredging area)	(-45 acres) (dredging area)	~ 113 acres (dredging area)
	0 (LNG transfer system)	+ 34 acres (net change LNG transfer system)	34 acres (net change LNG transfer system)
	~ 3 acres (Mill River Western lateral Taunton River Crossing)	0 (Mill River Pipeline)	~ 3 acres (Mill River Western lateral Taunton River Crossing)
Acres of non-water dependent use of tidelands or waterways	0	0	0
<b>STRUCTURES</b>			
Gross square footage (includes buildings, tanks and piers)	119,500	15,500 (Offshore Berth platform)	135,000

Number of housing units	0	0	0
Maximum height (in feet)	~ 195	0 [offshore berth structure approx. 40 above MLLW]; topworks approx. 95 ft above MLLW]	~ 195
<b>TRANSPORTATION</b>			
Vehicle trips per day	200	0	200
Parking spaces	30	0	30
<b>WATER/WASTEWATER</b>			
Gallons/day (GPD) of water use	495	0	495
GPD water withdrawal	0	0	0
GPD wastewater generation/ treatment	450	0	450
Length of water/sewer mains (in miles)	N/A	N/A	N/A

Does the project change involve any new or modified:

1. conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97? Yes No
2. release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction? Yes No
3. impacts on Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities? Yes No
4. impact on any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?  
Yes No; if yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources? Yes No
5. impact upon an Area of Critical Environmental Concern? Yes No

If you answered 'Yes' to any of these 5 questions, explain below:

**PROJECT CHANGE DESCRIPTION** (attach additional pages as necessary). The project change description should include:

- (a) a brief description of the project as most recently reviewed
- (b) a description of material changes to the project as previously reviewed,
- (c) the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6), and
- (d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts. If the change will involve modification of any previously issued Section 61 Finding, include a proposed modification of the Section 61 Finding (or it will be required in a Supplemental EIR).

The project description should include **(a)** a description of the project site, **(b)** a description of both on-site and off-site alternatives and the impacts associated with each alternative, and **(c)** potential on-site and off-site mitigation measures for each alternative

See following page.

**Note: The following is a brief summary of the proposed project change. Please see Supplemental Narrative for more detailed description.**

**(a) Project as Most Recently Reviewed**

The Weaver's Cove LNG Project as described in the Final Environmental Impact Report (FEIR) and Supplemental FEIR involved development of a liquefied natural gas (LNG) terminal on a 73-acre brownfield site in Fall River, MA. The Project included construction of a 200,000 cubic meter LNG storage tank and associated equipment, two pipeline interconnections to introduce vaporized LNG to the Duke/Algonquin gas transmission system, and a truck loading area to supply LNG to peak shaving facilities throughout New England. These elements of the Project are unchanged. LNG would be delivered directly to the terminal via ships with a capacity of approximately 55,000 cubic meters. To allow for safe navigation of the LNG ships, the Project included dredging of the approximately 7 mile long existing Federal navigation channel and expansion of the existing turning basin at the terminus of the Federal channel.

**(b) Material Changes to the Project**

In lieu of LNG ship transits directly to the terminal site, Weaver's Cove is proposing an offshore berth and unloading platform in Mount Hope Bay and a 4.25 mile long submarine LNG transfer system. The "pipe in pipe" LNG transfer system will convey LNG to the storage tank on the terminal site. In order for LNG ships to reach the offshore berth, a new turning basin and approach channel will be dredged in Mount Hope Bay. Collectively, these elements of the project change are referred to as the Offshore Berth proposal.

The Offshore Berth obviates the necessity of LNG ship transits up the Taunton River, including passage beneath the Braga Bridge and transit through the old and new Brightman Street draw bridges. Because the width of the channel through old Brightman Street Bridge no longer restricts the size of the LNG ships delivering product to the terminal, Weaver's Cove proposes to use ships of similar dimensions to those first proposed in Weaver's Cove's Environmental Notification Form and Draft Environmental Impact Report/ Draft Environmental Impact Statement. These "large" LNG ships are approximately 950 feet in length with a beam of approximately 145 feet and a draft of approximately 37.5 feet. As a result of ongoing improvements in ship design, similarly dimensioned vessels now have LNG capacities of up to 155,000 cubic meters, compared to 145,000 cubic meters in the original proposal. See further description of newly-proposed facilities in the attached Supplemental Narrative, and photo simulations provided as Figures 3a through 4b, attached to this form.

**(c) Significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6)**

- (a) Expansion of the Project. The Offshore Berth proposal includes an offshore berth and unloading platform, structure, a 4.25 mile long submarine LNG transfer system, and the dredging of a new turning basin and approach channel in Mount Hope Bay. Dredging of the existing Federal navigation channel from a point one half mile north of the MA/RI line to the existing turning basin adjacent to the land-based LNG Terminal site will no longer be required. Overall dredge volumes will increase although dredging requirements in the lower Taunton River will be greatly reduced. The previously-proposed unloading platform at the LNG Terminal site will be eliminated.

- (b) Generation of further impacts. As noted above, the construction of the new approach channel and Mount Hope Bay turning basin associated with the Offshore Berth proposal will result in an increase in the volume of dredged material although the dredging footprint will be reduced due to the elimination of the need to dredge the northern reaches of the Federal navigation channel and Federal turning basin. Importantly, the volume of dredging and trenching proposed in the lower Taunton River will be reduced from approximately 2,000,000 cy to less than 300,000 cy. Potential operational-period traffic impacts at the Brightman Street bridges will be eliminated.
- (c) Change in expected date for Commencement of the Project. The Project is expected to commence in 2013, subject to completion of permitting. Construction of the Project, including the Offshore Berth elements, LNG Terminal site and interconnecting laterals to the Algonquin system will involve a total of three years, assuming dredging time-of-year restrictions established for the Project as previously reviewed.
- (d) Change of the Project site. The unloading berth, previously proposed to be contiguous with the land-based LNG terminal site, will be relocated to an offshore site in Mount Hope Bay approximately 4.25 miles south of the terminal. The LNG Terminal site location is not changing, nor is the alignment of the two natural gas pipelines that will provide interconnections between the LNG Terminal site and the Algonquin regional gas pipeline system.
- (e) New application for a permit. No new state permits will be required beyond those identified in the earlier project review. Major state environmental permits will continue to be a Chapter 91 permit for dredging, a Chapter 91 license for in water structures, a Water Quality Certificate, an Air Permit, a Coastal Zone Management Consistency Determination and Orders of Conditions for near-shore and in-water work in Fall River and Somerset,
- (f) Delay in realization of net benefits to environmental quality. Delays in the licensing and permitting process have deferred of the Project's ability to provide a reliable and economic supply of natural gas both in liquid and vapor form to the New England region. To the extent that improved supplies of natural gas allow for the displacement of fuels such as oil, significant regional air emissions reductions are possible. A more reliable gas supply will also facilitate the construction and operation of quick start peaking power plants, a needed complement to the Commonwealth's plans for increasing reliance on intermittent renewable energy sources (photo voltaic, onshore wind, etc.)
- (g) Change associated with lapse of time. There have been no significant changes to the ambient environment since the filing of the Supplemental Final Environmental Impact Report. The lapse of time has underscored the importance of increasing the supply of natural gas to the New England region, including its ability to provide back-up supply for renewable energy sources.

#### (d) Mitigation

Subsequent to the prior MEPA filing, Weaver's Cove continued to refine its mitigation program for the Project as previously reviewed. This mitigation program remains applicable to the Project as presently envisioned. Further, Weaver's Cove has been actively engaged in multi-agency coordination meetings with the goal of developing a more robust mitigation program. A summary of the mitigation measures as presently anticipated is listed below.

#### Techniques to Avoid & Minimize Impacts:

- Adherence to Previously Recommended Time-of-Year Restrictions:

- dredging, trenching, and backfilling will be conducted during a 5 ½ month season (August 1 through January 14) in Mt. Hope Bay (south of the Braga Bridge) and a 2 ½ month period (November 1 through January 14) in the lower Taunton River (north of the Braga Bridge);
- Pipe pulling during the months of August, September and October. Backfilling operations would then be completed within the timeframes referenced above;
- Use of a closed or “environmental” bucket wherever possible / traditional open bucket may be required when working in coarser, more resistant, materials;
- Trenching parallel to current in the lower Taunton River;
- Maintain reasonable separation between dredges;
- No deliberate scow overflow.
- Implementation and adherence to agreed upon performance standards & mixing zones outlined in a water quality monitoring plan during dredging, trenching, and backfilling (e.g., monitoring of turbidity, dissolved oxygen, and metals).

#### In Kind Approaches to Mitigating Unavoidable Impacts:

- Weaver’s Cove will honor the following prior mitigation commitments with some modifications to reflect current proposal:
  - Shellfish harvest, relay and seeding program (tailored to reflect Offshore Berth project);
  - Salt marsh/intertidal restoration (0.7 ac) and open shallow sub-tidal habitat creation at LNG terminal site (.25 ac);
  - Freshwater wetland creation at LNG terminal site;
  - Funding for off-site eel grass creation or restoration (~ 8 times as productive as typical shallow subtidal habitats)
  - Funding for anadromous fish passage improvements (implementation of measures identified in Massachusetts Division of Marine Fisheries Technical Report TR-15 including fish ladder improvements, fish ladder construction, removal of dam remnants, and removal of small dams and other obstructions);

#### Compensatory Mitigation

- Weaver’s Cove will work cooperatively with the resource agencies to explore appropriate mitigation and monitoring protocols for unavoidable impacts based on the Neptune and Northeast Gateway models.

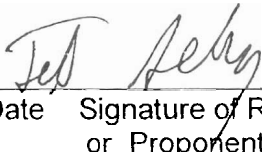

Lastly, while not specifically proposed as mitigation, the Project will discuss the use of mixed sand and gravel (up to ~ 3 inches in size) as backfill for the LNG transfer system trench. Use of this material may enhance the existing habitat for species that prefer structured habitat.

**ATTACHMENTS & SIGNATURES**

Attachments:

1. Secretary's most recent Certificate on this project See Attachment A
2. Plan showing most recent previously-reviewed proposed build condition See Figure 1
3. Plan showing currently proposed build condition See Figure 2
4. Original U.S.G.S. map or good quality color copy (8-1/2 x 11 inches or larger) indicating the project location and boundaries See Figure 2
5. List of all agencies and persons to whom the proponent circulated the NPC, in accordance with 301 CMR 11.10(7) See Attachment B
6. Other: Visual simulations of Offshore Berth. See Figures 3a, 3b, 4a and 4b.  
Supplemental Narrative. See Attachment C.

Signatures:

	10/15/08	10/15/08	
Date	Signature of Responsible Officer or Proponent	Date	Signature of person preparing NPC (if different from above)

Ted Gehrig	Victoria Fletcher
Name (print or type)	Name (print or type)
Weaver's Cove Energy, LLC	Epsilon Associates, Inc.
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