

<p style="text-align: center;"><i>For Office Use Only</i></p> <p style="text-align: center;">Executive Office of Environmental Affairs</p> <p>MEPA Analyst: <i>Aisling Eglinton</i></p> <p>Phone: 617-626-1024</p>
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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: KeySpan Sagamore Line Reinforcement Project		EOEA #: 13543	
Street: Route 130, Service Road (Sandwich, Barnstable); Whites Path, North Main Street, Great Western Road, Highbank Road, Upper County Road, Great Western Way, Depot Street (Yarmouth, Dennis, Harwich); Route 39 (Harwich)			
Municipality: Sandwich, Barnstable, Yarmouth, Dennis, Harwich		Watershed: Cape Cod	
Universal Transverse Mercator Coordinates: from 4623690 Northing, 375458.84 Easting to 4618685 Northing, 416282.88 Easting		Latitude: from 41°45'19" North to 41°42'53" North Longitude: from 70°29'53" West to 70°0'93" West	
Status of project construction: 0 %complete			
Proponent: Colonial Gas Company d/b/a KeySpan Energy Delivery New England ("KeySpan")			
Street: 52 Second Avenue			
Municipality: Waltham		State: MA	Zip Code: 02451
Name of Contact Person From Whom Copies of this NPC May Be Obtained: Katie Lesser			
Firm/Agency: Epsilon Associates, Inc.		Street: 3 Clock Tower Place, Suite 250	
Municipality: Maynard		State: MA	Zip Code: 01754
Phone: 978-461-6207	Fax: 978-897-0099	E-mail: klesser@epsilonassociates.com	

In 25 words or less, what is the project change?

The project change involves the extension of one segment of the project by 250 feet into lands owned by MassHighway and the Department of Conservation and Recreation.

See full project change description beginning on page 3.

Date of ENF filing or publication in the Environmental Monitor:  
 The ENF was filed on May 16, 2005, and noticed in the May 25, 2005 Environmental Monitor

Was an EIR required?  Yes  No; if yes,  
 was a Draft EIR filed?  Yes (Date: October 17, 2005)  No  
 was a Final EIR filed?  Yes (Date: January 3, 2006)  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:

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	5.6	0.02 (1,000 sf)	5.6
Acres of land altered	0	760 sf	760 sf
Acres of impervious area	0.9	0.9 + 240sf	0.9
Square feet of bordering vegetated wetlands alteration	0	n/c	0
Square feet of other wetland alteration	1600 sf Riverfront Area (temporary)	n/c	1600 sf Riverfront Area (temporary)
Acres of non-water dependent use of tidelands or waterways	0	n/c	0
<b>STRUCTURES</b>			
Gross square footage	NA	NA	NA
Number of housing units	NA	NA	NA
Maximum height (in feet)	NA	NA	NA
<b>TRANSPORTATION</b>			
Vehicle trips per day	NA	NA	NA
Parking spaces	NA	NA	NA

WATER/WASTEWATER			
Gallons/day (GPD) of water use	NA	NA	NA
GPD water withdrawal	NA	NA	NA
GPD wastewater generation/ treatment	NA	NA	NA
Length of water/sewer mains (in miles)	NA	NA	NA

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 Project has all necessary approvals under Article 97. See Chapter 240, Acts of 2006, Attachment C to this filing.

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:

See discussion 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).

a. *The "Project" as most recently reviewed*

As most recently reviewed, the Project is the construction, by Colonial Gas Company d/b/a KeySpan Energy Delivery New England ("KeySpan"), of approximately 13.1 miles of new high-pressure, distribution pipeline on Cape Cod, Massachusetts. The new pipeline will consist of three segments, designated the Western, Middle and Eastern Segments. See Figure 1-1. This Project Change relates to the western terminus of the Western Segment.

The ENF (May, 2005) and DEIR (September, 2005), identified the point where the Western Segment would tie into a proposed Algonquin Gas Transmission, LLC ("AGT") pipeline, EOE No. 13796, as being on Service Road, Sandwich, just east of Rt. 130. In the FEIR

(January, 2006), this point of interconnection was shifted westward several hundred feet, to a meter and regulator station (also called a “gate station” or “take station”) approximately 200 feet west of the state Route 130 layout. This land west of Route 130 is owned by the Department of Conservation and Recreation, and is protected under Article 97 of the Massachusetts Constitution. See Figure 1-2.

As discussed in the FEIR, this shift would have three implications for the Project: (1) the project would require Article 97 legislation; (2) a state highway access permit from Massachusetts Highway Department (“MHD”) will be required for the crossing of Route 130, and (3) this portion of the project will be subject to the Massachusetts Endangered Species Act (MESA).

In reviewing the FEIR, MEPA determined that compliance with the EOEA Article 97 Land Disposition Policy (“LDP”) was required before MEPA could approve a Final EIR proposing a transfer of Article 97 land. Consequently, the Proponent withdrew the proposed change of take station location, to allow the remainder of the 13.1-mile project to proceed into permitting (see February 17, 2006 letter, Attachment A).

On February 17, 2006, the Secretary issued a Certificate finding that the FEIR adequately and properly complied with MEPA and instructing KeySpan that a Notice of Project Change (“NPC”) would be required if the Project were to include the extension of the Western Segment (see Attachment B). In compliance with the Certificate, KeySpan is now submitting this NPC.

*b. Changes to the Project as previously Reviewed.*

The information provided in the DEIR regarding the Western Segment was based on the assumption that the Western Segment start point location was on the eastern side of Route 130. Subsequent to the filing of KeySpan’s DEIR, it was determined that the AGT-constructed gate station, as shown on Plan designated DWG.BB-Z-2029 (included as Attachment C), will be located on the western side of Route 130, approximately 200 feet from the edge of the state highway layout.<sup>1</sup> To connect to the gate station, KeySpan now anticipates crossing Route 130 to connect to the gate station with approximately 250 feet of its proposed 20-inch Western Segment. The affected land includes land within the Route 130 layout, owned by the Massachusetts Highway Department (“MHD”), and the immediately westward adjacent parcel, owned by Massachusetts Department of Conservation and Recreation as part of the Shawme-Crowell State Forest. The EOEA Article 97 Policy has now been complied with.

*c) Significance of the proposed change.*

*i. Article 97 Legislation*

The Western Segment will cross several hundred feet of land owned by the state as part of the Shawme-Crowell State Forest. On August 9, 2006, Chapter 240, Acts of 2006 was

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<sup>1</sup> On April 28, 2006, AGT filed an ENF with MEPA (EOEA No. 13796). After an extension of the comment period, during which on-going agency discussions took place, the Secretary issued a Certificate on the ENF on July 14, 2006, indicating that an EIR was not required for the AGT project.

enacted, authorizing the Commissioner of Capital Asset Management and Maintenance to transfer easements to AGT and KeySpan. See Attachment D. For the purposes of compliance with the EOEA Article 97 LDP, the portions of both the AGT and KeySpan projects requiring legislative approval were coordinated by the two companies. The easements conveyed to AGT and KeySpan in the vicinity of the meter station are shown on a plan identified as DWG.BB-Z-2029, as referenced on page 3 of Chapter 240. See Attachment C.

Prior to the enactment of Chapter 240 and its signature by Governor Romney, AGT also held discussions with the MEPA office within EOEA concerning the requirements of the LDP. AGT submitted into the MEPA record letters dated June 7, 2006 and June 8, 2006 describing the manner in which its project met the standards for exemption, and included a discussion of alternatives, public purpose and mitigation (see Attachment E). In addition, AGT commissioned an appraisal of the value of the easements shown on the plans attached to Chapter 240, and entered into subsequent discussions with the Department of Conservation and Recreation and the Division of Fisheries and Wildlife to reach agreement on the compensation to be paid for the required easements. In arriving at an appropriate amount for those easements, the easement rights specific to KeySpan's project were included within the overall amount negotiated by AGT. In other words, AGT negotiated a value for the easements, with appropriate mitigation, that encompassed the overall easement rights that were granted by Chapter 240. Accordingly, AGT will reimburse the Commonwealth's General Fund for the market value of the easements as determined in accordance with Chapter 240 and provide an additional sum for mitigation.

*ii. State Highway Access Permit*

KeySpan has had initial conversations with MHD regarding crossing the highway at the location described above. At the recommendation of MHD, KeySpan will not apply for an access permit until one year prior to construction, which is scheduled to occur in the period 2009-2014.

*iii. Massachusetts Endangered Species Act (MESA)*

The project as previously proposed was exempt from MESA review because it was covered under the exemption provided to utilities within 10 feet of a paved roadway (see comments of the Natural Heritage and Endangered Species Program dated July 1, 2005 and November 10, 2005, Attachment F). As shown in Figure 1-3, the area west of Route 130 in which the gate station will be constructed is listed as Priority Habitat. The KeySpan pipeline connection to the gate station will extend further than 10 feet from the pavement and approximately 190 feet of 20-inch pipeline (the length of pipeline measured from the approximate location of the AGT-constructed gate station and the edge of Route 130 pavement) is subject to MESA.

KeySpan has discussed its construction west of Route 130 with NHESP staff (personal communication, D. Nein, December 22, 2005). In order to avoid long-term impacts or "takes" of local populations of state-listed rare species, KeySpan will erect siltation fencing around the construction area and will have a qualified biologist on hand to ensure that no rare species are within the fenced-in area.

KeySpan will request a determination under 321 CMR 10.18(2)(a) that the proposed project has avoided a Take as proposed. This determination is good for three years from the date of determination. KeySpan anticipates construction of the Western Segment between 2009-2014. Therefore, KeySpan will file the request for a determination closer to the time of construction of this segment, to ensure the determination will be valid at the time of construction.

In addition, as a precautionary measure to keep sensitive species out of the work zone on Western Segment east of Route 130, KeySpan has committed to erecting siltation fencing around the limits of the active work zone in areas that are proximate to mapped habitat. The fencing will be taken down after the construction "spread" (equipment) has proceeded several days further along Service Road.

*iv. Section 61 Finding*


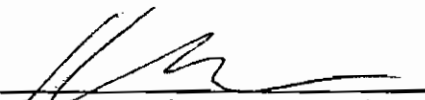
In light of the above project change, the proponent's draft Section 61 Finding, as presented in the Final EIR, has been modified. Please see Attachment G.

**ATTACHMENTS & SIGNATURES**

Attachments:

- 1. Secretary's most recent Certificate on this project (see Attachment B)
- 2. Plan showing most recent previously-reviewed proposed build condition (see Figure 1-1)
- 3. Plan showing currently proposed build condition (see Figure 1-2)
- 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 1-1)
- 5. List of all agencies and persons to whom the proponent circulated the NPC, in accordance with 301 CMR 11.10(7) (see Attachment H)

Signatures:

10-30-06		10/30/06	
Date	Signature of Responsible Officer or Proponent	Date	Signature of person preparing NPC (if different from above)

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