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June 29, 2026

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS ON THE FINAL ENVIRONMENTAL IMPACT REPORT

Project Name	: Cape Cod Canal Pipeline Relocation Project
Project Municipality	: Bourne
Project Watershed	: Buzzards Bay, South Coastal, and Cape Cod
EEA Number	: 16947
Project Proponent	: Algonquin Gas Transmission, LLC
Date Noticed in Monitor	: January 23, 2026

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G.L. c. 30, ss. 61-62L) and Section 11.08(8) of the MEPA regulations (301 CMR 11.00), I have reviewed the Final Environmental Impact Report (FEIR) and hereby determine that it **adequately and properly** complies with MEPA and its implementing regulations. As indicated below, this FEIR Certificate shall serve as the Public Benefit Determination under 301 CMR 13.00 for this project.

Project Background and Description

Purpose and Need

In 2020, the U.S. Army Corps of Engineers (ACOE) completed a multi-year Major Rehabilitation Evaluation of the Bourne and Sagamore Bridges which examined the relative merits of rehabilitating or replacing the bridges. The primary purpose of the study was to examine whether standard operation and maintenance, a program of repair and major rehabilitation, or replacement of one or both bridges, would provide the most reliable and fiscally responsible solution. Subsequently, the ACOE issued a Major Rehabilitation Evaluation Report (MRER) and an Environmental Assessment (EA) under the federal National Environmental Policy Act (NEPA), detailing findings, evaluating potential alternatives, and recommending the most cost-effective course of action for meeting future needs.[1] Based on a detailed evaluation of the costs and benefits of all feasible alternatives, the MRER concluded that replacement of each of the current bridges with two new bridges built to modern-day

[1] Available at: Cape Cod Canal Bridges Major Rehabilitation Study

highway design standards provides the best long-term investment for safe and reliable access across the Cape Cod Canal (the "Canal"). This project, sponsored by the Massachusetts Department of Transportation (MassDOT) (the "Cape Cod Bridges Program," EEA#16695), has separately undergone MEPA review and a Certificate on the FEIR was issued on April 17, 2026. As part of the evaluation, the ACOE also concluded that utility relocation would be required regardless of whether a rehabilitation or replacement alternative was ultimately selected, due to safety concerns of having the gas pipelines physically attached to the bridge superstructure. In addition, the MRER stated that in conjunction with the selection of the replacement alternative, the existing gas lines, which are currently attached to the undersides of both the Bourne and Sagamore Bridges, would not be permitted to be attached to the new bridges and would need to be relocated to underground crossings beneath the Canal.

As described in the FEIR, the project consists of the replacement of the two existing natural gas pipelines that convey natural gas from mainland Massachusetts to Cape Cod via utility connections currently attached to the Bourne and Sagamore Bridges. All work associated with the project will be located within the Town of Bourne. As part of the project, the Proponent will relocate the gas pipelines from the Bourne and Sagamore Bridges to a single underground crossing extending from a former quarry within the existing electric utility corridor, located south of the Bournedale Road and Glacier Way intersection, to the Joint Base Cape Cod (JBCC) Property adjacent to Jarvis Road. The Proponent will also relocate and remove landside sections of existing pipeline, relocate/construct four metering and regulating (M&R) stations,[2] and install new above-ground facilities such as valve sites, launchers and receivers. The project will require the construction/use of seven contractor laydown yards, 20 permanent access roads, and 19 temporary access roads.[3] As previously stated in the Draft Environmental Impact Report (DEIR) and reiterated in the FEIR, the primary goal of the project is to provide uninterrupted natural gas service to the existing National Grid gas distribution system on both sides of the Canal in advance of the replacement of the Bourne and Sagamore Bridges as part of the Cape Cod Bridges Program.

Gas Pipeline

The project proposes the installation of approximately 6.29 miles of new natural gas pipeline to replace the two existing 10-inch diameter pipelines that are currently attached to the undersides of the Bourne and Sagamore Bridges to supply gas across the Canal to Cape Cod. The replacement pipeline will not be attached to the replacement bridges, and instead, will cross the Canal through an underground crossing at one location via horizonal direction drill (HDD), replacing the two crossings currently attached to the Bourne and Sagamore Bridges. The majority of the pipeline installation will be accomplished using conventional open trench method, in a proposed construction right-of-way (ROW), between 100 and 125 feet (ft) wide. Once constructed, the pipeline will require a 50 to 75 ft wide permanent operation easement over numerous publicly and privately held parcels owned by different landowners. The project will also require the relocation and removal of other sections of the existing natural gas pipeline, which are currently located adjacent to the bridge crossings and in proximity to the two existing M&R stations. Specific project components include:

[2] A metering and regulating station is a small facility that tracks the volume of natural gas through the distribution network, continuously measuring the flow and adjusting the pressure as it passes through the station.
[3] This represents a decrease of one contractor yard from the DEIR.

- G-31 pipeline: This project component involves the installation of approximately 2.17 miles of 18-inch diameter pipeline that would transport natural gas from the vicinity of an existing valve site located at the junction of the G-8L, G-11, and G-24 pipelines (located adjacent to Route 25, north of Bournedale Road) southeast across the Cape Cod Canal to its terminus at the proposed Pave Paws Road M&R Station on JBCC. The G-31 pipeline crossing of the Cape Cod Canal will be constructed through HDD to avoid direct impacts to wetland resources along the Canal, federal recreation lands, and forested land south of the crossing.
- G-32 pipeline: This project component involves the installation of approximately 3.03 miles of 16-inch diameter pipeline that would transport natural gas from the proposed Pave Paws Road M&R Station on Joint Base Cape Cod to the proposed Bourne Rotary M&R Station located 0.20 miles southeast of State Route 28 (Route 28).
- G-24 pipeline: This project component involves the relocation of approximately 0.66 miles of existing 18-inch diameter pipeline that currently runs parallel to the Canal (on the mainland side) and crosses beneath the Sagamore Bridge. This segment of the G-24 pipeline will be relocated further east of the Sagamore Bridge and will be installed via HDD under the State Route 3 (Route 3)/U.S. Route 6 (Route 6) interchange to connect to the proposed Sagamore M&R Station then proceed south adjacent to the eastern shoulder of Canal Street to tie into the existing system. In addition, 0.49 miles of the existing G-24 pipeline will be removed.
- G-11 pipeline removal: This project component involves the removal or abandonment in place of an approximately 0.31-mile segment of the existing eight-inch diameter pipeline, which runs parallel to the existing segment of the G-24 pipeline identified for relocation. This section of pipeline requires removal as it is located within the Cape Cod Bridges Program project area. An approximately 0.43-mile segment of the G-11 pipeline will be relocated and bundled with the relocated segment of the G-24 pipeline that will be installed via HDD beneath the Route 3/Route 6 interchange, and connect to the proposed Sagamore M&R Station.
- G-8C and G-8L pipeline: This project component involves the removal or abandonment in place of approximately 1.33 miles of two existing eight-inch diameter pipelines due to the relocation of the Bourne M&R Station away from the Bourne Bridge further up the existing ROW.

Metering and Regulating (M&R) Stations

The project will require the relocation of two M&R stations on the mainland side of the Canal that are currently located in proximity to the Sagamore and Bourne Bridges. The Sagamore M&R Station is located immediately adjacent to the Sagamore Bridge and will be relocated to the northeast between Meetinghouse Lane and Canal Street. The Bourne M&R Station is located immediately adjacent to the Bourne Bridge along Route 6 across from Nightingale Pond Road and will be relocated along an existing eight-inch diameter pipeline (pipeline G-8C and G-8L) between State Route 25 (Route 25) and Heather Hill Road. Two new M&R stations will be constructed on the Cape Cod side of the Canal in order to connect the new pipeline to the local distribution system. The Pave Paws Road M&R Station will be constructed west of Pave Paws Road at the eastern terminus of the proposed 18-inch diameter pipeline, following the HDD transit of the Canal. The Bourne Rotary M&R Station will be constructed approximately 0.20 miles southeast of Route 28, south of the Bourne Rotary, at the terminus of the 16-inch diameter G-32 pipeline. Mainline valves will also be installed along the pipeline. In addition, pipeline “pig” launcher and receiver facilities will be installed at the start and end of both the G-31 and G-32 pipelines, and new receiver facilities will also be installed at the new terminus points for

the G-11, G-8C, and G-8L pipelines.[4] Both the mainline valves and the pig launcher and receiver facilities will be located entirely within the permanent operation ROW.

Changes Since the DEIR

Since the filing of the DEIR, the Proponent has continued to update and refine the project's design through coordination with federal, state, and local agencies and stakeholders. The FEIR describes the changes to the project since the filing of the DEIR for the project components listed below. As discussed in later sections, the design refinements (including changes to the layout of the proposed stormwater infrastructure, and a reduction in the total area needed for contractor laydown workspace and associated temporary access roads) have resulted in a decrease in total land alteration (18.6 acres) and tree clearing (21.2 acres) as well as a decrease in impacts to Priority Habitat (39.78 acres) and Estimated Habitat (32.66 acres).[5] In addition, revisions to the accounting of wetland impacts have resulted in a decrease in quantified wetland impacts as further detailed below. Specific updates since the DEIR include the following:

- **Contractor Yards & Access Roads** – Since the filing of the DEIR, the Proponent has evaluated the proposed use and size of the contractor yards to determine whether further modifications could be made to avoid or minimize impacts. Most of the workspace for construction of the pipeline, as well as the permanent workspace required for operations of the project facilities, was determined to be essential to the project design. However, the Proponent was able to remove one contractor yard and reduce the size of a second contractor yard. Access roads were also reevaluated to determine the need for tree clearing versus tree limbing or trimming. As a result of this reevaluation, tree clearing along three permanent access roads was reduced. Collectively, these design changes have resulted in a 21.2-acre reduction in tree clearing.
- **Stormwater Management** – As the design has advanced, minor modifications to the permanent operational areas of the four new M&R stations have been made to accommodate stormwater management infrastructure necessary to protect water quality and comply with Massachusetts Stormwater Management Standards (SMS) and Cape Cod Commission (CCC) requirements. These modifications were made to accommodate infiltration basins, drainage swales, and associated grading, resulting in a total increase of approximately 4.4 acres of permanent operational area.
- **Pipeline Removal** – Ongoing discussions with landowners along the existing pipeline right-of-way have identified additional sections of pipeline that will be removed, rather than abandoned in place. Specifically, a 0.21-mile section of the pipeline planned for abandonment is now proposed for removal in response to landowner requests. However, this change in design will not result in any additional impacts.

[4] A pipeline "pig" is an inline inspection device used to clean or inspect the pipeline. Pipeline pig launchers and receivers are aboveground facilities where pipeline pigs are inserted or retrieved from the pipeline.

[5] The Proponent provided supplemental information on June 22, 2026, correcting a calculation error that underestimated the project's tree clearing total. The FEIR originally stated that the revised tree clearing total would be 43.6 acres; however, additional changes to the stormwater management features increased tree clearing to 44.8 acres. The supplemental information provided an updated discussion and analyses based on the revised tree clearing quantification.

Project Site

The project site encompasses approximately 210.2 acres and is comprised of the existing and proposed natural gas pipeline corridor and the area surrounding the existing and proposed M&R stations. The existing M&R stations are located at the intersection of Route 6 and Route 25 at the Bourne Bridge (Bourne M&R Station), and south of Route 6 and Route 3 interchange at the Sagamore Bridge (Sagamore M&R Station). The project site also includes the area around the four proposed M&R stations located at the intersection of Commerce Way and Canal Street, the area between Route 25 and Heather Hill Road, along Pave Paws Road, and southeast of Route 28 near the Bourne Rotary. The new pipeline will connect the Route 25/ Heather Hill Road M&R station to the Pave Paws Road via HDD crossing beneath the Cape Cod Canal. The pipeline will then traverse across a section of Joint Base Cape Cod from the Pave Paws Road M&R station to the Bourne Rotary M&R station.

State and local wetland resource areas located within the project site include Coastal Bank, Land Under the Ocean (LUO), Land Containing Shellfish, Bordering Vegetated Wetlands (BVW), Isolated Vegetated Wetlands (IVW), Bordering Land Subject to Flooding (BLSF), and Isolated Land Subject to Flooding (ILSF), and Land Subject to Coastal Storm Flowage (LSCSF). According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) (Panel No. 25001C0314K, 25001C0502J, 25001C0316K, 25001C0318K, and 25001C0319J, effective July 6, 2021), portions of the project site are located within the A Zone. According to the Massachusetts Natural Heritage and Endangered Species Program (NHESP) Atlas (15th Edition), portions of the project site are located within Estimated and Priority Habitats of Rare Species. A portion of the project site is located within flowed tidelands, within the Herring River Watershed Area of Critical Environmental Concern (ACEC), and less than a half-mile of an Outstanding Resource Water (ORW) associated with a certified vernal pool. Additionally, the project site contains structures listed in the State Register of Historic Places and/or the Massachusetts Historical Commission's (MHC) Inventory of Historic and Archaeological Assets of the Commonwealth.

The project site is located within an Environmental Justice (EJ) Population characterized by Minority and Income which spans the Town of Bourne and the Town of Sandwich and constitutes the entirety of Joint Base Cape Cod, including the Camp Edwards Management Wildlife Area/ Upper Cape Water Reserve. The project site is located within five miles of two additional EJ Populations characterized by Income within the Town of Bourne and two additional EJ Populations characterized by Minority (1) and Income (1) within the Town of Wareham.[6] The FEIR maintained the previously identified one mile "Designated Geographic Area" (DGA) for the project and included additional analyses in accordance with the Scope.

Environmental Impacts and Mitigation

As noted, estimates of environmental impacts were revised since the DEIR based on more detailed analysis and design refinements performed for the FEIR. Potential environmental impacts associated with the project are now estimated to include the direct alteration of 210.2 acres of land (including 44.8 acres of forest clearing), the creation of 7.16 acres of impervious surface, the

[6] The EEA EJ Mapper is available at: https://www.mass.gov/info-details/environmental-justice-populations-in-massachusetts

construction of four parking spaces. [7] The project will also result in the alteration of wetland resource areas, including 55,232 sf of Coastal Bank (all temporary); 16,602 sf of IVW (13,173 sf temporary, 3,429 sf permanent); 52 sf of BLSF (all temporary); 12,138 sf of ILSF (all temporary); and 21,119 sf of LSCSF (all temporary).[8] The project will result in impacts to 83.79 acres of Estimated Habitat and 116.04 acres of Priority Habitat of Rare Species, as well as 7.09 acres of land within an ACEC, and 38.21 acres of land protected under Article 97 of the amendments to the state constitution.[9] In addition, the project will require the acquisition of right-of-way easements across 71 properties.

Measures to avoid, minimize, and mitigate environmental impacts include the collocation of the proposed pipeline within existing utility corridors; use of HDD to install the pipeline beneath the Canal; use of erosion and sedimentation controls during construction; use of construction swamp mats within wetland areas; construction of stormwater control measures to improve water quality, reduce flow rates and infiltrate runoff; adherence to time-of-year (TOY) restrictions for the protection of state- and federally-listed rare species; implementation of construction-period best management practices (BMPs) to minimize noise, air and water quality impacts; and restoration of disturbed areas following construction. The Proponent will also acquire and transfer 2,76 acres of forested land to the Town of Bourne and 60 acres of forested land to the Massachusetts Department of Fish and Game (DFG) for permanent protection, 53 acres of which would be preserved for the protection of state-listed species.

Jurisdiction and Permitting

This project is subject to MEPA review because it requires Agency Action and meets/exceeds the mandatory EIR threshold at 301 CMR 11.03(1)(a)(1) for the direct alteration of 50 or more acres of land. It also exceeds the Environmental Notification Form (ENF) thresholds at 301 CMR 11.03(1)(b)(1) for the direct alteration of 25 or more acres of land; 301 CMR 11.03(1)(b)(2) for the creation of five or more acres of impervious area; 301 CMR 11.03(1)(b)(3) for the disposition or change in use of land or an interest in land subject to Article 97 of the Amendments to the Constitution of the Commonwealth (Article 97), unless the Secretary waives or modifies the replacement land requirement pursuant to M.G.L. c. 3, § 5A and its implementing regulations; 301 CMR 11.03(2)(b)(2) for greater than two acres of disturbance of designated priority habitat, as defined in 321 CMR 10.02, that results in a take of a state-listed endangered or threatened species or species of special concern; 301 CMR 11.03(3)(b)(1)(a) for the alteration of coastal bank; 301 CMR 11.03(3)(b)(1)(d) for the alteration of 5,000 or more sf of bordering or isolated vegetated wetlands; and 301 CMR 11.03(11)(b) for any project of ½ acres or more acres within a designated ACEC, unless the Project consists solely of one single family dwelling. The project is required to prepare an EIR because it exceeds mandatory EIR thresholds and pursuant to 301 CMR 11.06(7)(b) because it is located within a DGA of one or more EJ Populations.

The project will require a 401 Water Quality Certification and a M.G.L. Chapter 91 (c.91) License from the Massachusetts Department of Environmental Protection (MassDEP); a Conservation & Management Permit from NHESP; one or more Highway Access Permit(s) from MassDOT; and review by the Environmental Management Commission (EMC), which was established by Chapter 47 of the

[7] This represents a decrease of 18.6 acres of land alteration (including a decrease of 21.2 acres of tree clearing) and 0.84 acres of impervious surface from the DEIR.
[8] These values represent a decrease of 6,739 sf of Coastal Bank from the DEIR.
[9] This represents a decrease of 39.78 acres of impacts to Priority Habitat and 32.66 acres of impacts to Estimated Habitat from the DEIR.

Acts of 2002. The project will require an Order of Conditions (OOC) from the Bourne Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions from MassDEP). The project will also require an easement (Land Transfer) from DFG, resulting in the disposition of Article 97 protected land (Southeast District Headquarters Parcel and Camp Edwards Wildlife Management Area). Additionally, the project will require a Public Benefit Determination (PBD) from the Secretary of the Executive Office of Energy and Environmental Affairs (EEA) under M.G.L. c. 91, § 18B, and a Development of Regional Impact (DRI) review by the CCC under § 12(i) of the Cape Cod Commission Act, St. 1989, c. 716.

The project will require the preparation and review of an Environmental Assessment under federal NEPA and will require a Certificate of Public Convenience and Necessity from the Federal Energy Regulatory Commission (FERC) pursuant to Section 7c of the Natural Gas Act (Docket No. PF25-4-000).[10] The project will also require the submittal of a Pre-Construction Notification (PCN) to the ACOE seeking authorization in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, as well as Section 408 Permission to Alter a ACOE Civil Works Project pursuant to Section 14 of the Rivers and Harbors Act. The project will require a National Pollutant Discharge Elimination System (NPDES) General Permit for Dewatering and Remediation Discharges from the U.S. Environmental Protection Agency (EPA).[11] The project will require consultation and review by the U.S. Fish and Wildlife Service (USFWS) in accordance with Section 7 of the federal Endangered Species Act (ESA), the Migratory Bird Treaty Act, the Bald and Golden Eagle Protection Act, and the Fish and Wildlife Coordination Act, as well as consultation and review by the National Marine Fisheries Service (NMFS) pursuant to Section 7 of the ESA, the Magnuson-Stevens Fishery Conservation and Management Act, and the Marine Mammal Protection Act of 1972. The project will require review by the Massachusetts Historical Commission through the State Historic Preservation Officer (SHPO) and other consulting parties in accordance with Section 106 of the National Historic Preservation Act.[12] Additionally, the project will require Federal Consistency Review by the Massachusetts Office of Coastal Zone Management (CZM).

The project is not seeking Financial Assistance from an Agency. Therefore, MEPA jurisdiction is limited to those aspects of the project that are within the subject matter of any required or potentially required Agency Actions and that may cause Damage to the Environment, as defined in the MEPA regulations.

[10] Notice of Availability of the EA was published in the *Federal Register* on June 3, 2026. See: https://www.federalregister.gov/documents/2026/06/03/2026-11090/algonquin-gas-transmission-llc-notice-of-availability-of-the-environmental-assessment-for-the.

[11] The FEIR states that while stormwater discharges from oil and gas exploration, production, processing, treatment, and transmission facilities are exempt from NPDES permitting requirements (Section 402(l)(2) of the Clean Water Act), hydrostatic testing of the proposed pipeline will generate test water that must be discharged following completion of the pressure test. Therefore, the FEIR acknowledges that a NPDES Dewatering and Remediation General Permit will be required for the project.

[12] The FEIR states that a final request for comments on the Intensive Archaeological Survey and Historic Architectural Survey & Effects Assessment Report was submitted to MHC on June 5, 2026. If no comments are received within 30 days, the absence of a response is assumed to indicate concurrence and the conclusion of the Section 106 process.

Review of the FEIR

The FEIR included a project description, existing and proposed conditions plans, revised estimates of project-related impacts, and an identification of measures to avoid, minimize and mitigate environmental impacts. It also included a Stormwater Management Report; draft landscape screening plans; an updated Quantitative Carbon Analysis: Forest Clearing and Soil Disturbance Report; Traffic Management Plans; and a Nighttime Construction Management Plan. The FEIR provided a response to comments on the DEIR and draft Section 61 Findings.

As noted above, the Proponent provided supplemental information on June 22, 2026, correcting a calculation error that underestimated the project's tree clearing total. The FEIR originally stated that the revised tree clearing total would be 43.6 acres; however, additional changes to the stormwater management features increased tree clearing to 44.8 acres. The supplemental information provided an updated discussion and analyses based on the revised tree clearing quantification. For purposes of clarity, all supplemental materials provided by the Proponent are included in references to the "DEIR," unless otherwise indicated.

I have received several comment letters that both recognize the importance of ensuring uninterrupted natural gas service to current customers on Cape Cod, and continue to question whether the proposed infrastructure represents or facilitates an increase in gas transmission capacity. Comments provided by regional organizations, including the Cape Cod Commission (CCC), acknowledge the efforts taken to minimize impacts, and for incorporating additional mitigation measures commensurate with the scale of project impacts on existing open space, tree clearing, and rare species habitat. Comments received also recommend that additional mitigation measures be considered during subsequent permitting.

Environmental Justice (EJ) / Public Health

As noted above, the project site is located within an EJ Population characterized by Minority and Income which spans the Town of Bourne and the Town of Sandwich and constitutes the entirety of Joint Base Cape Cod, including the Camp Edwards Management Wildlife Area/ Upper Cape Water Reserve. The project site is located within five miles of two additional EJ Populations characterized by Income within the Town of Bourne and two additional EJ Populations characterized by Minority (1) and Income (1) within the Town of Wareham. No languages were identified as being spoken by 5% or more of Limited English Proficiency ("LEP") residents within one or five miles of the project site. The FEIR maintained the previously identified one mile DGA for the project.

Community Outreach

As noted in the DEIR Certificate, the Proponent developed a Public and Agency Participation Plan (the "Participation Plan") in advance of the FERC pre-filing process (Docket No. PF25-4-000) and ENF filing in order to determine appropriate and effective methods of communication with stakeholders; identify responsible parties; and adhere to communication protocols and document the public consultation process. The Participation Plan details the anticipated outreach and program schedule as well as strategies to be used to solicit feedback from key stakeholders, and the local community. The

Proponent subsequently updated the Participation Plan to include key strategies to identify and potentially resolve issues raised by stakeholders in a timely fashion. Specific strategies include:

- Timely notification to state and municipal agencies; Community Based Organizations; state legislative and congressional delegation members; and leaders of Tribal nations in advance of or nearly simultaneously with notification to affected landowners in order to ensure that all parties have access to project information in a timely fashion;
- Active coordination among all specialties within the project team to facilitate information exchange and dissemination to interested stakeholders;
- Efforts to identify stakeholders where specific or targeted engagement may facilitate increased stakeholder involvement; and
- Ongoing communication with interested parties as facility designs are modified based on the response to stakeholder feedback.

According to the FEIR, the Proponent anticipates continuing to engage in a robust public involvement effort throughout the duration of the permitting process and during implementation of the project. In particular, the Proponent committed in the DEIR to maintaining a project website to provide a centralized, easily navigable location for the public to access online resources and information on the project, and reach out to project team with questions or other inquiries.[13] The Proponent has also established a phone hotline (1-888-331-6553) where stakeholders can request information such as additional meetings and accommodations such as translation services. Prior to the commencement of work, the Proponent will contact Town of Bourne municipal officials to alert them of the upcoming construction activities and coordinate mitigation measures to be implemented by the selected contractor.

Baseline Assessment and Project Impacts

The DEIR previously included a baseline assessment of any existing unfair or inequitable Environmental Burden and related public health consequences impacting EJ Populations across the one mile DGA. As noted in the Certificate on the DEIR, data surveyed show some indication of an existing "unfair or inequitable" burden impacting the identified EJ Populations. Specifically, the Massachusetts Department of Public Health (DPH) EJ Tool identified two municipalities (Bourne and Plymouth) as exhibiting "vulnerable health EJ criteria."[14] Several sources of potential pollution also exist within the one mile DGA. In the DEIR, the Proponent also surveyed environmental indicators tracked through the U.S. EPA's "EJ Screen," which shows a percentile measure of each indicator by census block as compared to the MA statewide rates.[15] Two indicators (Ozone and Superfund Proximity) were shown to be 80th percentile or higher of statewide rates within the one mile DGA.

In accordance with the Scope, the FEIR provides estimates of the number of construction period truck trips that are anticipated for project construction. In particular, the FEIR estimates that the project

[13] The project website is available at: https://www.enbridge.com/capecodcanal.
[14] This term is defined in the DPH EJ Tool to include any one of four environmentally related health indicators (heart attack hospitalization, childhood asthma, childhood blood lead, and low birth weight) that are measured to be 110% above statewide rates based on a five-year rolling average.
[15] As of February 2025, the EJ Screen tool is no longer available on EPA's website; however, the DEIR indicated that EJ Screen data were retrieved from a reproduced version of the online EJ Screen tool at an alternative, third-party site (Public Environmental Data Partners unofficial copy of EJScreen). The EJ Screen results presented in the DEIR reflect the most up-to-date indicator data (i.e., EJ Screen Version 2.3).

is expected to generate approximately 90 to 110 total truck trips per day. According to the FEIR, truck activity during construction will consist primarily of crew vehicles, pipe delivery trucks, and trucks delivering construction materials and equipment needed to support pipeline installation and facility construction. During peak construction, approximately 15 construction crews are expected to be active across the project area simultaneously, generating 30 crew truck trips per day. Pipe stringing operations, which involve delivery of pipeline segments to the construction rights-of-way ("ROWs"), are estimated to generate approximately 40 truck trips per day. In addition, an estimated 20 to 40 truck trips per day may occur for deliveries of construction materials, mechanical support vehicles, and occasional equipment transport associated with construction activities. The FEIR states these trips will likely include a mix of diesel- and gasoline-powered vehicles; however, to provide a conservative assessment, the FEIR has assumed that all trips will be diesel truck trips. As discussed in the DEIR Certificate, implementation of the project will result in minor, short-term impacts to the transportation system near the project area; however, these impacts are not expected to extend to the EJ Population with the DGA, due to the lack of public roadways traversing JBCC. In addition, the portion of the DGA that overlaps JBCC is largely composed of military training grounds and open space, with the closest residential and community facilities being located 3.5 miles from the closest edge of the project area. Access to JBCC will occur through controlled base entry points. Connery Avenue will be used for worker access and security processing only, and construction traffic will not travel beyond the security checkpoint. Pave Paws Road will provide access to the proposed Pave Paws Road M&R Station, the G-31 pipeline workspace, and portions of the G-32 pipeline corridor.

As noted above, further design refinements have reduced the total area of tree removal by 21.2 acres from the DEIR (for a total of 44.8 acres of tree clearing). The FEIR states that even though the project has prioritized collocation with existing ROWs, some vegetation removal and ground disturbance are unavoidable with the installation of underground infrastructure within a predominantly forested landscape. According to the FEIR, all areas temporarily cleared to facilitate construction will be allowed to naturally revegetate following construction, but will also be supplemented with a curated seed mix of species native to Barnstable County. In contrast, the newly established permanent ROW will be managed to maintain low-growing vegetation, resulting in areas dominated by herbaceous or scrub-shrub species rather than forested cover. Within areas of Priority and Estimated Habitat, restoration will include implementation of an NHESP-approved, site-specific native seed mix consisting of grasses, forbs, and wildflowers designed to enhance habitat for state-listed species. The Proponent will monitor all areas disturbed by construction activities to determine post-construction revegetation success for a minimum of two growing seasons following construction, or until revegetation is successful. To the extent that natural revegetation does not occur, the Proponent may also prepare a tree restoration and planting plan for certain affected areas; however, one is not proposed at this time. In addition, the Proponent is working to acquire undeveloped, forested land adjacent to the project area to mitigate for the disposition of Article 97 protected land; the land will have co-benefits for carbon sequestration and habitat protection for state-listed species.

Air Quality / Noise

The DEIR previously evaluated the project's potential air quality impacts through an analysis of emissions of carbon monoxide (CO), oxides of nitrogen (NO_x), sulfur dioxide (SO_2), particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs) for the four M&R stations and the valve expansion site. Emissions are expected to

result from operation of the proposed natural gas-fired water bath heaters, emergency engines, potential pipeline condensate handling, piping components, and occasional gas releases at the M&R stations and valve expansion site. As discussed above, the project will construct two new M&R stations on the Cape Cod side of the Canal, in addition to relocating the two existing M&R stations on the mainland side of the Canal. Accordingly, the project will increase overall air emissions as compared to existing conditions, though a comparison from existing to future conditions was not presented in the DEIR.

According to the FEIR, no changes have been made to the air quality analysis previously provided in the DEIR. As detailed in the DEIR Certificate, the four M&R stations and valve expansion site are projected to generate 38.08 tons per year (tpy) of CO, 32.64 tpy of NO_x, 0.2 tpy of SO_2, 2.44 tpy of both PM_{10} and $PM_{2.5}$, 5.93 tpy of VOCs, and 1.02 tpy of HAPs. According to the FEIR, the existing aboveground facilities will have zero operational emissions following removal and any increase from existing conditions will be attributable solely to the emissions from each of the four new M&R stations (two of which will be relocated from the mainland side of the Canal). However, to provide a conservative assessment, the analysis previously provided in the DEIR assumed that the cumulative emissions generated by the four proposed M&R stations would be in addition to the existing two M&R stations, due to a brief overlap in operation as the new stations are brought online and tested. Therefore, the numbers presented above reflect the increase in emissions over existing conditions under future build conditions.

The FEIR also evaluated whether the project would exceed MassDEP air permitting or emissions reporting requirements. According to the FEIR, the MassDEP Air Pollution Control Regulations (310 CMR 7.00) contain a provision that which allows for the exclusion of "products of combustion from any fuel utilization facility and emissions from an emission unit(s) installed in compliance with 310 CMR 7.03 or 310 CMR 7.26" in determining whether an increase in potential emissions exceeds the 1 tpy threshold. The FEIR states that when subtracting the emissions resulting from on-site combustion, each M&R station will a 0.99 tpy increase in VOCs, and a 0.09 tpy increase in HAPs, for a cumulative increase of 3.96 tpy of VOCs and 0.36 tpy of HAPs. The FEIR states that while the M&R stations collectively have the potential to increase emissions of VOCs and HAPs by more than 1 tpy, each station is considered a separate facility for air permitting purposes. When considered individually, the FEIR states that the potential emissions from each M&R station will not increase emissions from existing conditions by more than 1 tpy and will not require a MassDEP air permit.

The FEIR states that the four M&R stations have been specifically sited to avoid residential areas, to the maximum extent practicable. As such, the Sagamore M&R Station is located approximately 630 ft from the nearest residence; the Bourne M&R Station is approximately 720 ft from the nearest residence; the Pave Paws Road M&R Station is approximately 1,080 ft from the closest residence; and the Bourne Rotary M&R Station is situated roughly 1,800 ft from the nearest home. Of the proposed M&R stations, only one station (Pave Paws Road M&R Station) will be located within the mapped EJ census block group associated with JBCC. Two additional stations (Sagamore M&R Station and Bourne Rotary M&R Station) will be located within 1 mile of this EJ census block group. As noted above, however, the EJ Population consists largely of undeveloped areas within the JBCC with residences located over 3.5 miles from the project site; the FEIR indicates that pollutant emissions will disperse as they migrate from the project work limits to the EJ Population (census block group) located in the DGA and to the residential areas further away. In addition, the Proponent's existing preventive maintenance program will identify and prevent leaks and ensure leaks from piping components are found are repaired

quickly. This will ensure that equipment and pipeline maintenance are optimized to limit the frequency and extent of gas releases.

As detailed in the Certificate on the DEIR, the Proponent previously conducted a noise analysis to evaluate the potential construction and operation noise impacts of the project. Based on the analysis, sound levels due to M&R station operations are projected to range from 2 to 18 A-weighted decibels (dBA), well below measured ambient sound levels, which ranged from 50 to 68 dBA.[16] According to the FEIR, the operational noise of the relocated M&R stations will be comparable to the noise levels at existing M&R stations, and will be imperceptible given ambient sound levels. As such, the FEIR states that no permanent noise mitigation measures, including operational noise monitoring, are proposed. The Proponent also proposed the installation of a temporary 16-ft-tall noise barrier along the north side of the Canal HDD exit work site, in the event that limited nighttime construction work is required for HDD activities, to mitigate nighttime noise impacts on residences north of the project site. The FEIR states that installation of the sound barrier would only be required for construction of the HDD during nighttime hours, in order to comply with MassDEP's outdoor noise regulations, provided in 310 CMR 7.10, which prohibit an increase in sound levels of more than 10 dBA above the ambient levels at individual sound receptors. Following construction activities, the sound barrier would be removed. The FEIR also states that while sound barriers can cause some localized changes in the dispersion of dust or exhaust, such as slightly redirecting or slowing the movement of particulates during construction, these effects are generally minor and insufficient to provide measurable or reliable air quality benefits.

Land Alteration, Impervious Surfaces, and Stormwater

As noted above, the project will result in the direct alteration of 210.2 acres of land and the creation of 7.16 acres of impervious surfaces. Of total land alteration, the project will alter 44.8 acres of forested land (tree clearing) (reduction of 21.2 acres from DEIR), 154.7 of scrub-shrub/grassland (increase of 2.5 acres from DEIR), and 10.6 acres of residential/industrial previously disturbed areas. A breakdown of land alteration impacts by project component is presented in the table below:

Project Component	Forested Land (acres)	Scrub-Shrub (acres)	Previously Disturbed Areas (acres)	Total Land Alteration (acres)
Pipeline Facilities	28.6	106.6	7.4	142.5
Aboveground Facilities	7.9	6.9	0.1	14.9
Access Roads	4.5	22.7	2.4	29.8
Contractor Yards	3.8	18.5	0.7	23.0
Total	44.8	154.7	10.7	210.2

According to the DEIR, the 7.16 acres of new impervious surfaces (reduction of 0.84 acres from the DEIR) will be comprised of the M&R stations (5.34 acres) and their associated permanent access roads (1.82 acres).

The FEIR states that opportunities to minimize land alteration, tree clearing, and new impervious

[16] A-weighted decibels measure sound levels at a frequency that is most representative of how humans perceive "loudness."

surfaces were carefully evaluated throughout the design process. In particular, the project has been designed to minimize land alteration and reduce the extent of tree clearing only to areas required to construct and operate the proposed pipelines and associated aboveground facilities. The FEIR states that even though the project has prioritized collocation with existing ROWs, some vegetation removal and ground disturbance are unavoidable with the installation of underground infrastructure within a predominantly forested landscape. To mitigate these impacts, the Proponent intends to restore temporary construction workspaces, contractor staging areas, and temporary access roads to preconstruction conditions. While the intent is to allow these areas to naturally revegetate following construction, the Proponent will also seed the area with a native seed mix to encourage revegetation and site stabilization. However, the FEIR states that tree planting is not proposed at this time.

Tree Clearing

The FEIR provides an update on the anticipated forest clearing impacts, due to changes in the project design. Based on this assessment, tree clearing will occur over a total of 44.8 acres, with approximately 13 acres of forested land being permanently converted to herbaceous or scrub-shrub cover as part of the permanent ROW and 7.4 acres being permanently converted to paved industrial land for the M&R facilities and access roads. The remaining 24.4 acres of cleared land will only be utilized to facilitate construction (temporary construction workspace), and will be allowed to fully revegetate following project completion. As discussed below, trees would not be cleared from March 15 through November 30 to align with anticipated time-of-year restrictions (TOY) for the protection of federally and state-listed bat and bird species.

According to the FEIR, harvested timber and brush will be chipped for on-site reuse or removed from the project area and transported to a designated wood waste reclamation facility. However, due to the high proportion of pitch pine within the project area, merchantable timber for use in long-lived wood products is not anticipated. The Proponent has committed to manage and dispose of all trees, stumps, and vegetation debris associated with tree clearing in accordance with 310 CMR 16.03(2)(c)7 and any applicable MassDEP solid waste handling requirements. To mitigate land alteration and tree clearing impacts, temporary construction workspaces, contractor staging areas, and temporary access roads will be restored to preconstruction conditions to the extent practicable. Restoration activities will include regrading disturbed soils to original contours, replacing segregated topsoil, stabilizing soils with erosion control measures, and reseeding disturbed areas with appropriate vegetation. The Proponent will monitor all areas disturbed by construction activities to determine post-construction revegetation success for a minimum of two growing seasons following construction, or until revegetation is successful. To the extent that natural revegetation does not occur, the Proponent may also prepare a tree restoration and planting plan for certain affected areas; however, one is not proposed at this time. As noted, the Proponent has identified a 60-acre parcel for acquisition as replacement land for the project's impacts on Article 97 land. The FEIR indicates that this forested parcel will have co-benefits in preserving forest carbon stocks anfd protecting rare species habitat. Of the proposed 60 acres, approximately 53 acres would be preserved to satisfy the requirements for a CMP in accordance with the Massachusetts Endangered Species Act (M.G.L. c. 131A) (MESA).

Invasive Species Management

The FEIR states that the Proponent, in consultation with NHESP, is developing an Invasive Plant

Management Plan (IPMP) to guide the identification, treatment, and long-term management of invasive plant species within project area. The purpose of the IPMP is to reduce or eliminate invasive plant populations, improve habitat quality, protect native and rare plant species, and prevent the spread of invasive plants during construction and operation of the project. The FEIR states that site surveys conducted during the summer of 2025 documented a variety of invasive plant species within the project area, with several species identified as priorities for early management because of their aggressive growth and ability to spread rapidly, including Japanese knotweed (*Fallopia japonica*), common reed (*Phragmites australis*), reed canary grass (*Phalaris arundinacea*), and black swallowwort (*Cynanchum louiseae*). The FEIR states that the IPMP will utilize an integrated approach combining mechanical and chemical control methods. Chemical management using targeted herbicide applications will be the primary treatment method prior to construction, supplemented by manual cutting or removal to improve treatment effectiveness. Herbicides will be applied by licensed applicators using methods such as foliar spraying, cut-stem application, basal bark treatment, or other targeted techniques depending on the plant species and size. All herbicides used must be approved for use in wetland environments where applicable and will be applied only during appropriate seasonal treatment windows. Mechanical removal will also be used where appropriate. In cases where woody invasive plants are cut but root systems cannot be completely removed, regrowth will be treated during follow-up management visits.

According to the FEIR, management activities will be designed to reduce the risk that invasive species could spread as a result of ground disturbance and construction activities. Special procedures will also be included to prevent the spread of invasive species during soil disturbance and excavation. In particular, soils containing Japanese knotweed or common reed will be stockpiled separately from uncontaminated soils and surrounded by erosion and sediment controls to prevent dispersal of plant material. Construction equipment operating in areas containing these species will be cleaned before moving to other portions of the project area. Additional precautions will be required when invasive plant management occurs near rare plant populations. Any invasive plant treatment within 100 ft of known rare plants will be conducted under the supervision of a qualified botanist approved by NHESP. Rare plants will be clearly marked prior to treatment activities, and protective measures such as shielding plants during herbicide application will be used to prevent accidental impacts. Management may occur during multiple treatment cycles before construction begins, where possible. Follow-up monitoring and treatment will continue as necessary to ensure invasive species are effectively controlled and to support restoration of native vegetation communities.

Property Acquisition / Easements

As stated above, the project will require the acquisition of temporary and permanent ROW easements across 71 properties. Of the 71 properties, the project will impact seven parcels of land (covering a total of 127.15 acres) currently subject to Article 97. As discussed below, these parcels include land owned by the Town of Bourne Conservation Commission (three parcels), the Town of Bourne Recreation Authority (1 parcel), the Buzzards Bay Water District (1 parcel) and DFG (2 parcels). According to the FEIR, implementation of the project will require permanent easements across 68.3 acres. Of this total, 49 acres will consist of the pipeline ROW and above-ground infrastructure, and 19.3 acres will consist of permanent access roads. The project will require an additional 166.3 acres of temporary easements for construction workspace and contractor yards (166 acres), and temporary access roads (0.3 acres). The FEIR states that the Proponent has secured easements for 35 properties and is actively negotiating with landowners to acquire the necessary easements on the remaining 36 properties.

The FEIR states that temporary easements and revocable permits do not constitute a disposition or change in use of protected open space under Article 97; therefore, the project will only result in the disposition of 38.21 acres of Article 97 protected land associated with the permanent easements. In addition, as further discussed below, the Proponent has identified a 2.76-acre parcel and a separate 60-acre parcel for acquisition as replacement land for the project's impacts on Article 97 land. The FEIR states that the Proponent is currently working towards acquisition of the parcel, as further described below.

Stormwater Management

As noted above, the project will create 7.16 acres of impervious surface, of which approximately 5.34 acres are associated with the four new M&R stations, which will include gravel access roads, equipment pads, and operational areas. The remaining 1.82 acres is associated with the proposed permanent access roads. However, the FEIR states that the majority of the proposed permanent access roads are existing paved roadways that need only minor improvements, in order to fill potholes to re-level the roadway to accommodate larger construction equipment. To manage stormwater runoff generated from these surfaces, the Proponent is proposing a series of stormwater control measures (SCMs), including infiltration basins, vegetated swales, and sediment forebays. The SCMs have been designed to accommodate existing drainage patterns, such that runoff will be directed to a vegetated swale with a sediment forebay, which will provide pretreatment prior to discharge into an infiltration basin. Rock check dams have also been incorporated to reduce velocities as stormwater flows through the vegetated swales. Each infiltration basin will also be equipped with an emergency overflow structure which will direct excess stormwater to the adjacent vegetated areas via a riprap level spreader.

In accordance with the Scope, the FEIR included a Stormwater Report, which evaluated precipitation depth and peak intensities, utilizing NOAA Atlas 14 precipitation data (2yr – 3.41"; 10yr – 4.98"; 25yr – 5.96"; 50yr – 6.7"; and 100yr – 7.47") for a 24-hour storm event. The Proponent also evaluated precipitation depth associated with a 50-year, 24-hour storm event (8.80 inches) in 2070 utilizing precipitation data provided by the Climate Resilience Design Standards Tool (MA Resilience Design Tool). According to the FEIR, the SCMs have been designed to convey and attenuate post-development peak discharge rates up to the future (2070) 50-year storm event, with sufficient capacity within the infiltration basins to accommodate additional stormwater volumes. In particular, the FEIR states that the infiltration basins collectively provide approximately 98,508 cubic feet (cf) of stormwater storage, approximately 8.5 times the volume required under the Massachusetts Stormwater Management Standards (SMS). In addition, the SCMs will provide at least 80% total suspended solids (TSS) removal, with 44% TSS removal being provided before discharge to the infiltration basins.

Article 97

According to the FEIR, the project will impact, through temporary and permanent easements, seven parcels of land (covering a total of 127.15 acres) currently subject to Article 97. The Proponent has quantified the anticipated impacts to each property protected by Article 97, as detailed below:

- Sacrifice Rock Woods Conservation Area (owned by the Bourne Conservation Commission) – The Sacrifice Rock Woods Conservation Area is an 82.95-acre conservation parcel that offers an existing recreation trail network. The parcel is primarily a pitch pine-oak woodland with the exception of two electric transmission line corridors that bisect the property in a generally north-

south orientation. The project will require use of approximately 10.58 acres, including a temporary easement of 7.99 acres for construction workspace, and permanent easement of 2.59 acres for pipeline operation[17] (1.44 acres) and permanent access roads (1.15 acres).

- Cape Cod Land Bank Acquisition (owned by the Bourne Conservation Commission) – The Cape Cod Land Bank Acquisition consists of an undeveloped, forested parcel, maintained for the protection of wildlife and land preservation. There is currently no public access to the parcel; however, the southwest corner overlaps with an electric transmission line corridor. The project will require use of approximately 2.05 acres, including a temporary easement of 1.88 acres for construction workspace, and permanent easement of 0.17 acres for permanent access roads.

- Nightingale Pond Conservation Area (owned by the Bourne Conservation Commission) – The Nightingale Pond Conservation Area is an 18-acre conservation parcel. The impacted portion of the property is a smaller rectangular tract that is separated from the main conservation parcel. An existing two-track road crosses the parcel to facilitate access to the adjacent electric transmission corridor. The project will require use of approximately 0.05 acres, consisting of a temporary easement for a construction access road.

- Buzzards Bay Water District (owned by the Buzzards Bay Water District) – The Buzzards Bay Water District property, located adjacent to Bournedale Road, is maintained to protect water quality for three public water supply wells (Well No. 5 and Pump Stations No. 3 and No. 4) located on the parcel. The Zone I Wellhead Protection Areas for the three water supply wells cover most of the western and eastern portions of the parcel including a portion of the electric transmission line corridor, which bisect the property in a generally north-south orientation. The project will require use of approximately 7.82 acres, including a temporary easement of 5.58 acres for construction workspace, and permanent easement of 2.24 acres for pipeline operation (1.39 acres) and permanent access roads (0.85 acres).

- Southeast District Headquarters Parcel (owned by the Massachusetts Department of Fish and Game) – This parcel consists of a long, rectangular property extending from Route 25 to Bournedale Road; the Massachusetts Department of Fish and Game Southeast District office is located on the opposite side of Route 25. The parcel is generally comprised of pitch pine-oak woodland, but is crossed by an electric transmission line corridor. The project will require use of approximately 4.76 acres, including a temporary easement of 3.34 acres for construction workspace, and permanent easement of 1.42 acres for pipeline operation (1.23 acres) and permanent access roads (0.19 acres).

- Camp Edwards Wildlife Management Area (owned by the Massachusetts Department of Fish and Game) – The Camp Edwards Wildlife Management Area consists of several parcels owned by the Massachusetts Department of Fish and Game and located within the boundaries of Joint Base Cape Cod. While recreational activities, including operating motorcycles, all-terrain vehicles, and mountain bikes; horseback riding; camping; and building fires, may be conducted on the property, prior access authorization must be obtained. The parcels are mostly wooded with the exception of the Eversource Bourne Switchyard and three associated electric transmission line

[17] The project requires a 50 to 75 ft wide permanent operation easement centered over the proposed pipeline to facilitate monitoring and maintenance, as needed.

corridors extending to the east, southeast, and south from this facility. There are also a number of unpaved roads meandering throughout the property. The project will require use of approximately 100.8 acres, including a temporary easement of 69.01 acres for construction workspace, and permanent easement of 31.79 acres for pipeline operation (20.93 acres) and permanent access roads (10.86 acres).

- Bourne Scenic Park (owned by the Bourne Recreation Authority) – The Bourne Recreation Authority owns a small parcel located amongst a number of other parcels owned by the ACOE and leased to the Bourne Recreation Authority, collectively making up the Bourne Scenic Park. The project will require use of approximately 1.09 acres, including a temporary easement of 0.68 acres for construction workspace, and 0.41 acres for temporary access roads to facilitate removal of the existing Bourne M&R Station. The Proponent finalized a temporary workspace agreement with the Bourne Recreation Authority on January 23, 2026.

The FEIR states that temporary easements and revocable permits do not constitute a disposition or change in use of protected open space under Article 97; therefore, the project will only result in the disposition of 38.21 acres of Article 97 protected land associated with the permanent easements listed above.

Any disposition or change in use of Article 97 land requires a 2/3 vote of the legislature, and compliance with *An Act Preserving Open Space in the Commonwealth* (codified at M.G.L. c. 3, § 5A) (the "Open Space Act") and EEA's Article 97 Land Disposition Policy ("EEA Article 97 Policy"). The Open Space Act requires that proponents seeking to use land protected under Article 97 provide public notification of the proposed use, an alternatives analysis, and identification and dedication of replacement land to Article 97 purposes (which may be waived or modified by the EEA Secretary under certain circumstances, or provision of funding may be authorized in lieu of replacement land). The Open Space Act requires that the petition to file Article 97 legislation must include documentation of public notification; an alternatives analysis; a description of the replacement land (if not waived); a copy of the land appraisals, if necessary; a copy of the waiver or modification issued by the Secretary and/or a copy of the findings made by the EEA Secretary regarding funding in lieu of replacement land, if applicable.

The EEA Article 97 Policy establishes six criteria for determining when "exceptional circumstances" exist such that a disposition of Article 97 land may be appropriate. The FEIR detailed the project's compliance with the criteria outlined below.

1. *The Proponent of the disposition must conduct an analysis of alternatives, commensurate with the type and size of the proposed disposition, that achieve the purpose of the disposition without the use of Article 97 land, such as the use of other land available within the appropriate market area.*

As detailed above, the Bourne-Cape and Sagamore-Cape gas service areas are not interconnected and are supplied independently by two high-pressure header pipelines located on the Bourne and Sagamore Bridges. Replacement of these bridge-mounted pipelines requires a new pipeline connection to the regional gas distribution system at the existing G-8/G-11/G-24 interconnection north of Bournedale Road. Several routing alternatives that would avoid impacts to Article 97 land were evaluated; however, these alternatives would increase pipeline length and related impacts, lack adequate construction workspace, require more complex trenchless crossings, create new ROWs through forested

land, and result in greater impacts to residential areas. Specifically, the Proponent evaluated alternative routes for the G-31 pipeline that would avoid Article 97 parcels but would require routing near Route 25 and Dry Cedar Swamp Road (a residential area) or east through a narrow gap at Herring Pond Road within the Herring River ACEC. The preferred alignment minimizes tree removal and overall pipeline length; reduces construction and operational activity near residential areas; limits the number of affected landowners; utilizes existing access roads within the transmission line corridor; reduces construction-related traffic on public roadways; and avoids impacts to sensitive environmental resources, including Zone I Wellhead Protection Areas and certified vernal pools.

2. *The disposition of the subject parcel and its proposed use may not destroy or threaten a unique or significant resource (e.g., significant habitat, rare or unusual terrain, or areas of significant public recreation).*

According to the FEIR, the proposed G-31 and G-32 pipelines will cross several Article 97 parcels within the existing electric transmission line which includes Priority Habitat (PH 601 and PH 455) and Estimated Habitat (EH 400). Use of these established corridors substantially avoids additional forest clearing and limits new disturbance within Article 97 protected land. Nevertheless, project activities are anticipated to occur within mapped habitat of state-listed species, associated with the existing open utility corridors that support state-listed species adapted to non-forested conditions. In addition, the construction of the Pave Paws Road M&R Station will permanently convert forested land, providing state-listed species habitat, to industrial use. Following construction, temporary work areas within the project area will be restored to pre-construction conditions, and the permanent pipeline ROW will be maintained as open, non-forested habitat consistent with long-standing utility corridor management. As discussed below, the Proponent intends to fully meet the performance standards for a CMP and ensure a net benefit for state-listed species. In particular, the Proponent is coordinating with NHESP to develop species-specific protection plans, habitat restoration measures, and long-term net benefit commitments for the project's unavoidable impacts to state-listed species. The Proponent has also identified a 60-acre mitigation parcel that will have co-benefits for carbon sequestration and protection of rare species habitat.

3. *Real estate of equal or greater value, and of significantly greater resource value is granted to the disposing agency.*

According to the FEIR, the Proponent has reached an agreement in principle with the Town of Bourne regarding the provision of replacement land, for the project's permanent Article 97 impacts to the Sacrifice Rock Woods Conservation Area and Cape Cod Land Bank Acquisition parcels (cumulative impact of 2.76 acres). The FEIR states that on May 4, 2026, at the Annual Town Meeting, two articles were voted on and passed by the Town, authorizing the transfer of easements to the Proponent. In return, the Proponent intends to subdivide the parcel acquired for the relocated Bourne M&R Station, and will convey 2.76 acres of undeveloped, forested land to the Town. The Proponent is also coordinating with DFG for the project's permanent Article 97 impacts to the Southeast District Headquarters Parcel and Camp Edwards Wildlife Management Area (cumulative impact of 33.21 acres). As mitigation for these impacts, the Proponent is working to acquire an approximately 60-acre undeveloped, forested property located between JBCC and the proposed location of the Bourne Rotary M&R Station. The FEIR states that in both instances, the proposed replacement land consists of undeveloped, forested area, whereas the majority of anticipated impacts are proposed within the existing electric transmission line ROW. The

FEIR states that appraisals are being performed to determine the value of the property interests to be conveyed to the Proponent, and to ensure that the proposed replacement land is of equal or greater value.

The FEIR states that the Proponent is proposing funding in lieu of replacement land for the project's 2.24 acres of permanent Article 97 impacts to the Buzzards Bay Water District parcel, as the impacts will occur within the existing Eversource electric transmission line ROW, which is currently maintained as scrub-shrub. Implementation of the project would require a permanent easement for the operation and maintenance of the pipeline ROW and its associated access road, with the entirety of the area maintained as scrub-shrub. The FEIR states that the Proponent reached an agreement in principle with the Buzzards Bay Water District on April 28, 2026, to provide funding in lieu of replacement land, if approved by the EEA Secretary.

4. *The minimum necessary area of Article 97 should be included in the disposition and the existing resources continue to be protected to the maximum extent possible.*

The FEIR states that the project has been designed to minimize the area of disturbance on Article 97 parcels. Specifically, the Proponent is proposing the minimum needed construction workspace to execute the project in a safe and efficient manner considering the special construction and operational constraints presented by the existing electric transmissions lines in the corridor. The establishment of a permanent ROW across these parcels has also been limited to the width necessary (50 ft) for the Proponent to conduct operations and maintenance activities, whereas other areas along the proposed pipeline route will have a 75-ft permanent ROW.

5. *The disposition serves an Article 97 purpose or another public purpose without detracting from the mission, plans, policies and mandates of EEA and its appropriate department or division.*

According to the FEIR, the disposition of Article 97 land promotes important public purposes by maintaining uninterrupted natural gas service to 125,000 customers, 92% of which are residential customers, on Cape Cod while also enabling the commencement of the Cape Cod Bridges Program.

6. *The disposition is not contrary to the express wishes of the person(s) who donated or sold the parcel or interests to the Commonwealth.*

The FEIR states that, to the Proponent's knowledge, none of the dispositions of Article 97 property are contrary to the express wishes of the person(s) who conveyed the property to the current public landowners. As noted above, the Proponent coordinating directly with the current landowners in order to acquire the necessary easements and provide replacement land of equal or greater value or funding in lieu of replacement land.

Wetlands and Water Quality

As noted above, wetland resource areas are located on and adjacent to the project site. According to the FEIR, the project will result in the permanent alteration of 3,429 sf of IVW, and the temporary alteration of 55,232 sf of Coastal Bank; 21,119 sf of LSCSF; 13,173 sf of IVW; 52 sf of BLSF; and 12,138 sf of ILSF. Direct wetland impacts will be associated with inland route pipeline construction, and temporary impacts will be restored to pre-construction conditions at the completion of work. The Bourne Conservation Commission (or MassDEP in the case of an appeal) will review the project for its

consistency with the Wetlands Protection Act (WPA), the Wetland Regulations (310 CMR 10.00) and associated performance standards including the Massachusetts Stormwater Standards (SMS), and local bylaws. The FEIR states that the project qualifies as a Limited Project pursuant to 310 CMR 10.24(7)(b) and 310 CMR 10.53(3)(d) for the construction, reconstruction, operation and maintenance of underground and overhead public utilities, such as electrical distribution or transmission lines, or communication, sewer, water and natural gas lines, provided the work conforms to a number of conditions. However, the FEIR states that while the project meets the qualifications as a Limited Project under the Wetlands Regulations, the project has been designed to comply with all performance standards applicable to non-Limited Projects.

According to the FEIR, the anticipated impact to Coastal Bank has decreased by 6,739 sf, from what was previously reported in the DEIR. The FEIR states that these impacts were attributed to an optional workspace that would be utilized solely in the event of an "inadvertent return" during the HDD installation of the G-31 pipeline under the Canal.[18] To address this potential issue, the Proponent has developed a Best Drilling Practices, Monitoring, and Clean-up of Horizontal Directional Drilling Inadvertent Returns Plan (also known as a "frac out" plan) to avoid and minimize potential impacts associated with the HDD activities. The plan includes comprehensive fluid release minimization measures, (including geotechnical investigations, HDD design considerations, contingency planning, and early detection methods) as well as monitoring, notification, and response procedures for inadvertent returns in both upland areas and sensitive resources and adjacent wetlands. Based on the established procedures, the Proponent no longer anticipates use of this area, even as an option workspace.

Waterways / Public Benefit Determination (PBD)

According to the FEIR, approximately 778 linear ft (lf) of the proposed G-31 pipeline will be installed via the HDD approximately 87 ft beneath the flowed tidelands of the Canal, which is subject to licensing under M.G.L. c.91 and the Waterways Regulations at 310 CMR 9.00. The DEIR previously presented a discussion of how the project is anticipated to comply with the Waterways Regulations, and justification as to how the project meets the definition of an infrastructure crossing facility and water-dependent use project. In particular, the Waterways Regulations (at 310 CMR 9.02) define an infrastructure crossing facility as "...any infrastructure facility which is a bridge, tunnel, pipeline, aqueduct, conduit, cable, or wire, including associated piers, bulkheads, culverts, or other vertical support structures, which is located over or under the water and which connects existing or new infrastructure facilities located on the opposite banks of the waterway...." Under 310 CMR 9.12(2)(d), in the case of an infrastructure crossing facility, or any ancillary facility thereto, for which an EIR is submitted, MassDEP shall find such facility to be water-dependent only if the EEA Secretary has determined that such facility cannot reasonably be located or operated away from tidal or inland waters, based on a comprehensive analysis of alternatives and other information analyzing measures that can be taken to avoid or minimize adverse impacts on the environment, in accordance with MEPA.

As stated, the purpose of the project is to provide uninterrupted natural gas service from the mainland to the Cape Cod side of the Canal. As such, the project cannot reasonably be located or operated away from tidal waters and must cross the flowed tidelands of the Canal. To support a finding

[18] An inadvertent return is an unintended release of drilling fluid that migrates to the surface, through natural fractures or voids in subsurface soils, as it circulates throughout the bore hole.

of water-dependency, the Proponent conducted an alternatives analysis (referenced as "Alternative Crossing Locations" in the ENF and DEIR Certificates) which included an evaluation of utilizing an existing pipeline crossing of the Canal (G-24 pipeline). This alternative would obviate the need for a new crossing across the Canal; however, as noted above, the existing G-24 pipeline would not be able to adequately supply the local gas distribution systems on Cape Cod due to the capacity restrictions of the existing infrastructure. In addition, reducing the number of natural gas pipelines crossing the Canal (from three to one) would eliminate redundancy and potentially result in system reliability issues. Accordingly, the Preferred Alternative proposes to consolidate two of the three crossings (at the Bourne and Sagamore Bridges) through the installation of one new pipeline in the mid-canal area that is collocated with the existing electric transmission line corridor (which is suspended over the Canal). This collocation allows the Proponent to utilize the existing access road network within the transmission line corridors, which will greatly reduce construction vehicle traffic on local roadways; in addition, the Preferred Alternative would commence and terminate the HDD in areas with sufficient space to accommodate construction activities. I note that the nature and purpose of the proposed cable appear to be consistent with similar infrastructure crossing facilities, such as the Martha's Vineyard Reliability Project (EEA#16562), which have been determined to be water-dependent. Based on the analysis of alternatives and the proposed mitigation measures, described herein, I find that the project cannot be reasonably located away from tidal waters, and, therefore, supports a finding of water dependency under c. 91 regulations.

Consistent with the provisions of *An Act Relative to Licensing Requirements for Certain Tidelands* (2007 Mass. Acts, c. 168, § 8) (the Act), as codified in M.G.L. c. 91, § 18B, I must conduct a Public Benefit Review for projects in tidelands that are required to file an EIR.

The legislation states the following regarding the PBD:

> "*In making said public benefit determination, the secretary shall consider the purpose and effect of the development; the impact on abutters and the surrounding community; enhancement to the property; benefits to the public trust rights in tidelands or other associated rights, including, but not limited to, benefits provided through previously obtained municipal permits; community activities on the development site; environmental protection and preservation; public health and safety; and the general welfare; provided further, that the secretary shall also consider the differences between tidelands, landlocked tidelands and great pond lands when assessing the public benefit and shall consider the practical impact of the public benefit on the development.*"

The project is required to prepare an EIR because it exceeds mandatory EIR thresholds. The Proponent has provided information regarding the public benefits associated with the project. In particular, the project will ensure continued, reliable natural gas service to homes and businesses on both sides of the Canal, as the Cape Cod Bridges Program proceeds. As noted, the new pipeline will be installed via HDD beneath the Canal and the adjoining publicly accessible recreational areas, thereby maintaining the existing benefits enjoyed by the public, including navigation, fishing, and recreational passage. The proposed pipeline routing would also collocate the pipeline within the existing electric transmission corridor, which extends over the Canal, thereby minimizing new disturbance to previously undisturbed land. The PBD regulations, at 301 CMR 13.04(1), include a presumption that water-dependent projects provide adequate public benefit. As discussed above, I find that the project cannot be reasonably located away from tidal waters, and, therefore, may be classified as a water-dependent use project, pursuant to 310 CMR 9.12(2)(d). Comments from MassDEP on the FEIR express support for

this determination. For this reason and in consideration of the above benefits of the project, I find that the FEIR has demonstrated that the project will have a public benefit in accordance with M.G.L. c. 91, § 18B and 301 CMR 13.00. This FEIR Certificate shall serve as the PBD for this project.

Rare Species

According to the FEIR, based on the refinements detailed above, the project is anticipated to impact 116.04 acres of Priority Habitat (72.96 acres of temporary impacts and 43.08 acres of permanent impacts) and 83.79 acres of Estimated Habitat (51.33 acres of temporary impacts and 32.46 acres of permanent impacts). Permanent impacts are anticipated to result from the construction of the M&R stations as well as the construction, operation, and maintenance of the pipeline ROW and permanent access roads. Temporary impacts are anticipated to result from the construction of contractor ware yards, construction workspace, and temporary access roads. Construction activities within these areas will involve vegetation removal, tree clearing/limbing, grubbing and grading, equipment operation, trenching, staging, and related construction activities. Vegetation and ground disturbance will temporarily impact a range of habitat types, including heathland/grassland, scrub-shrub, and forestland.

Based on the anticipated impacts and consultations to date with NHESP, the project will likely result in a Take (321 CMR 10.18 (2)(b)) of Eastern Box Turtle (*Terrapene carolina*), Eastern Hognose (*Heterodon platirhinos*), Agassiz's Clam Shrimp (*Eulimnadia agassizii*), American Clam Shrimp (*Limnadia lenticularis*), Purple Tiger Beetle (*Cicindela purpurea*), and 11 state-listed butterfly and moth species.[19] Projects resulting in a Take of state-listed species may only be permitted if they meet the performance standards for a Conservation and Management Permit (CMP; 321 CMR 10.23). In order for a project to qualify for a CMP, the applicant must demonstrate that the project has avoided, minimized and mitigated impacts to state-listed species consistent with the following performance standards:

a) adequately assess alternatives to both temporary and permanent impacts to the state-listed species;
b) demonstrate that an insignificant portion of the local population will be impacted; and
c) develop and agree to carry out a conservation and management plan that provides a long-term net benefit to the conservation of the state-listed species.

The FEIR states that avoidance and minimization of impacts to state-listed species and their habitats have been a central consideration in the project's routing, siting, and construction planning. In particular, the Proponent has prioritized use of existing utility corridors to reduce habitat fragmentation and limit new disturbance. As proposed, approximately 90% of the pipeline ROWs are collocated within or immediately adjacent to existing utility easements, thereby minimizing the extent of forest clearing and preserving large, contiguous habitat blocks. Construction techniques have also been selected to avoid or minimize impacts to state-listed species, including the temporary placement of construction matting, geotextile fabric, or air bridging in or near wetland or pool/puddle features, to reduce soil disturbance and compaction; adherence to seasonal restrictions for tree clearing to avoid impacts to

[19] According to the FEIR, the specific species include Pine Barrens Macaria (*Macaria exonerata*), Buck Moth (*Hemileuca maia*), Melsheimer's Sack-bearer (*Cicinnus melsheimeri*), Barrens Dagger Moth (*Acronicta albarufa*), Herodias Underwing Moth (*Cataocala herodias*), Pine Barrens Zale (*Zale lunifera*), Pink Sallow Moth (*Psectraglaea carnosa*), Heath Metarranthis (*Metarranthis pilosaria*), Scrub Euchlaena (*Euchlaena madusaria*), Slender Clearwing Sphinx Moth (*Hemaris gracilis*), and Frosted Elfin (*Callophrys irus*).

state-listed breeding bird and roosting bat species; and minimization of construction noise and lighting near sensitive habitats.

According to the FEIR, the Proponent is continuing to refine species-specific protection plans, habitat restoration measures, and long-term net benefit commitments for unavoidable impacts to state-listed species. In particular, the Proponent is in the process of developing a Turtle Protection Plan; a Rare Plant Protection and Avoidance Plan; a Clam Shrimp Protection and Avoidance Plan; and an Invasive Plant Management Plan. The Proponent has also committed to restoring and reseeding temporarily disturbed areas with NHESP-approved seed mixes, and implementing long-term vegetation management to support rare species habitat. To provide a long-term net benefit for state-listed species, the Proponent is proposing off-site mitigation including acquisition and permanent protection of approximately 60 acres of land adjacent to JBCC, to be transferred to DFG as replacement land for the project's Article 97 impacts, as well as a monetary contribution to The Nature Conservancy's Eastern Box Turtle Mitigation Fund. Of the 60 acres proposed for acquisition, approximately 53 acres would be preserved for the protection of state-listed species.

Comments provided by NHESP state consultations with the Proponent began in February 2025 and have continued as refinements to the project have progressed. Comments state that in advance of a formal filing pursuant to the MESA, NHESP anticipates that the project will likely result in a Take (321 CMR 10.18 (2)(b)) of state-listed species including Eastern Box Turtle, Agassiz Clam Shrimp, Purple Tiger Beetle, state-listed lepidoptera, and Eastern Hog-nosed snake. Due to the removal of the G-32 contractor yard, it is anticipated that the project will likely avoid a Take of Papillose Nut Sedge. Comments state that NHESP is currently working with the Proponent to refine the project impact calculations for state listed species and explore opportunities for further minimization of impacts. Comments state that assuming the Proponent adequately mitigates for the projects Article 97 impacts (as discussed above), NHESP anticipates that the project could qualify for a CMP with a proposed long-term Net Benefit, pursuant to 321 CMR 10.23, that largely results in funding for off-site land protection and management.

Climate Change

Adaptation and Resiliency

As stated above, the Proponent evaluated precipitation depth and peak intensities, utilizing NOAA Atlas 14 precipitation data (2yr – 3.41"; 10yr – 4.98"; 25yr – 5.96"; 50yr – 6.7"; and 100yr – 7.47") for a 24-hour storm event. The Proponent also evaluated precipitation depth associated with a 50-year, 24-hour storm event in 2070 utilizing precipitation data provided by the MA Resilience Design Tool. In particular, the MA Resilience Design Tool predicts that a future (2070) 50-year storm event will result in 8.8 inches of precipitation over 24 hours. The FEIR confirms that the SCMs have been designed to convey and attenuate post-development peak discharge rates up to the future (2070) 50-year storm event, with sufficient capacity within the infiltration basins to accommodate additional stormwater volumes associated with larger storm events. The FEIR states that in the unlikely event that water levels exceed the confines of the basins, each infiltration basin will also be equipped with an emergency overflow structure which will direct excess stormwater to the adjacent vegetated areas in a controlled manner via a riprap level spreader.

According to the FEIR, opportunities to minimize land alteration, tree clearing, and new impervious surfaces were carefully evaluated throughout the design process. In particular, the pipeline will be collocated within existing, maintained electric transmission line corridors. Use of these established corridors substantially avoids additional forest clearing and limits new disturbance. To mitigate land alteration and tree clearing impacts, temporary construction workspaces, contractor staging areas, and temporary access roads will be restored to preconstruction conditions to the extent practicable. Restoration activities will include regrading disturbed soils to original contours, replacing segregated topsoil, stabilizing soils with erosion control measures, and reseeding disturbed areas with appropriate vegetation. To the extent that natural revegetation does not occur, the Proponent may also prepare a tree restoration and planting plan for certain affected areas; however, one is not proposed at this time. In addition, the Proponent is working to acquire undeveloped, forested land adjacent to the project area to mitigate the disposition of Article 97 protected land, which will have co-benefits for carbon sequestration and protection of rare species habitat.

Greenhouse Gas Emissions (GHG) / Tree Clearing

This project is subject to review under the May 5, 2010 MEPA Greenhouse Gas Emissions Policy and Protocol (MEPA GHG Policy), which requires Proponents to quantify carbon dioxide (CO_2) emissions and identify measures to avoid, minimize or mitigate such emissions. In accordance with the GHG Policy, projects that alter over 50 acres of land are also generally required to analyze the carbon associated with land and soil disturbance during the construction period and loss of carbon sequestration. The purpose of this analysis is to develop an estimate, not an exact accounting of GHG emissions associated with land alteration, including removal of trees and release of sequestered carbon in soil.

Stationary Sources

As noted above, the project includes removal of two existing M&R stations (the Sagamore and Bourne M&R Stations) and installation of four new M&R stations (the proposed Sagamore, Bourne, Pave Paws Road, and Bourne Rotary M&R Stations). Once the new project facilities, including the four new M&R stations, are constructed, tested, and ready for commissioning, the old, exiting stations will be taken out of operation, and the new stations will be put into operation. As such, the FEIR states that the existing aboveground facilities will have zero operational emissions following removal and any increase from existing conditions will be attributable solely to the emissions from each of the four new M&R stations. However, to provide a conservative assessment, the analysis previously provided in the DEIR assumed that the cumulative emissions generated by the four proposed M&R stations, would be in addition to the existing two M&R stations, due to a brief overlap in operation as the new stations are brought online and tested. The FEIR also includes the quantification of GHG emissions (consisting of CO_2, methane (CH_4), and nitrous oxide (N_2O) emissions) from the anticipated operations at the M&R stations and valve expansion site. Based on the analysis, the project is anticipated to generate a cumulative total of 37,165 metric tons of CO_2 equivalents per year (metric tons of CO_2e) (including 9,271 metric tons of CO_2e generated by each M&R Station, and 79 metric tons of CO_2e generated by the valve site).[20] As noted above, the MassDEP Air Pollution Control Regulations (310 CMR 7.00) contain

[20] The cumulative total of GHG emissions reported in the DEIR Certificate erroneously included only the emissions from a single M&R station and the valve site.

a provision that which allows for the exclusion of "products of combustion from any fuel utilization facility and emissions from an emission unit(s) installed in compliance with 310 CMR 7.03 or 310 CMR 7.26" in determining whether an increase in potential emissions exceeds the 1 tpy threshold. Nevertheless, that annual GHG emissions will be reported to MassDEP and records kept as required to comply with 310 CMR 7.71.

Tree Clearing

In accordance with the Scope, the FEIR clarifies the specific sequestration rates used as part of the quantitative carbon analysis, for both existing forested areas and cleared areas that will be allowed to regrow. According to the FEIR, a forest sequesters carbon at a rate dependent on its age. Young forests tend to have a low standing stock of carbon sequestered; however, they sequester carbon at a relatively high annual rate. In contrast, mature forests are characterized by a relatively high standing stock of carbon but a low annual sequestration rate. The FEIR states that the carbon analysis assumes the approximate age of the existing forests within the project area is 100 years old, and the age following implementation of the project is zero years old. The analysis relies on a model to estimate a forest's annual carbon sequestration rate as a function of the forest's age. Initially, sequestration rates in young forests are very low; however, after about two or three years the rate of carbon sequestration increases, reaching a maximum sequestration rate after 20 to 30 years before steadily declining. The FEIR acknowledges that construction activities have the potential to disrupt the seed bank and impact growing conditions via soil compaction and grading. To the extent that these impacts occur, reforestation (and the rate of carbon sequestration) could be slowed and/or delayed. As such, the Proponet has committed to restoring temporary construction workspaces following construction activities. Restoration activities will include regrading disturbed soils to original contours, replacing segregated topsoil, stabilizing soils with erosion control measures, and reseeding disturbed areas with native seed mixes. Based on the proposed restoration activities, the FEIR states that the timing of reforestation is not anticipated to be impacted by construction activities.

The FEIR includes a revised quantitative carbon analysis of project-related tree clearing and soil disturbance activities that account for anticipated CO_2e impacts over the project's 50-year lifespan, based on the design refinements noted above. According to the FEIR, the project is anticipated to clear approximately 44.8 acres of existing forested land and disturb the soil over an additional 1.4 acres of non-forested land, which has the potential to release approximately 8,719.7 metric tons of CO_2e currently sequestered in live forest biomass, soil, dead wood, and litter. Approximately 20.4 acres of the 44.8-acres will be permanently converted from wooded habitat to scrub-shrub habitat (13 acres) or paved/gravel surfaces (7.4 acres), and the remaining 24.4 acres will be allowed to revert to forest over time. The analysis estimates that 4,483.6 metric tons of CO_2e would not be sequestered in the future (over 50 years) due to project related impacts, for an estimated total project impact of 13,203.3 metric tons of CO_2e. Over the 50 years projected by the project, the analysis estimates that revegetation of the 37.4 acres (13 acres of scrub-shrub and 24.4 acres of reforestation) will sequester approximately 5,448.2 metric tons of CO_2e, resulting in a net project impact of 7,755.1 metric tons of CO_2e (total impact of 13,203.3 metric tons minus 5,448.2 of net sequestration due to reforestation) being released as a result of land clearing and soil disturbance activities.

As noted above, the Proponent is working to acquire 60 acres of continuous forest land adjacent to JBCC at the southern end of the G-32 pipeline, principally to mitigate for impacts to Article 97 land

owned by DFG over which the Proponent requires permanent and temporary access for construction and future maintenance; however, given the forested character of the parcel, additional carbon sequestration co-benefits are anticipated. According to the FEIR, the Proponent applied the same carbon accounting methodology to the 60 acres proposed for acquisition, to determine the total amount of carbon that would remain sequestered over the same 50-year period. Based on this analysis, providing permanent protection of this land for the next 50 years will result in a total of 11,677.6 metric tons CO_2e being sequestered (accounting for existing carbon stock and sequestration of additional carbon over the 50-year time period). Therefore, the FEIR states that permanent protection of the proposed 60 acres would adequately mitigate for the 7,755.1 metric tons of CO_2e estimated as the net carbon impact from the project's forest clearing activity, including temporary impacts to approximately 24.4 acres of trees and the permanent loss of approximately 20.4 acres of trees at the proposed M&R station sites, ROWs, and new permanent access roads.

Construction Period

According to the FEIR, the project is expected to commence in 2027 to ensure that all existing utility infrastructure is removed prior to the commencement of the Cape Cod Bridges Program. To maintain uninterrupted gas supply to Cape Cod, the project is projected to be in service by the fall of 2028 (fourth quarter), with all project activities being completed by 2029.

As noted above, the project is expected to generate approximately 90 to 110 total truck trips per day. The FEIR states these trips will likely include a mix of diesel- and gasoline-powered vehicles; however, to provide a conservative assessment, the FEIR has assumed that all trips will be diesel truck trips. While implementation of the project will result in minor, short-term impacts to the transportation system near the project area, these impacts are not expected to extend to the EJ Population with the DGA, due to the lack of public roadways traversing JBCC. In addition, the portion of the DGA that overlaps JBCC is largely composed of military training grounds and open space, with the closest residential and community facilities being located 3.5 miles from the closest edge of the project area. Access to JBCC will occur through controlled base entry points. Connery Avenue will be used for worker access and security processing only, and construction traffic will not travel beyond the security checkpoint. Pave Paws Road will provide access to the proposed Pave Paws Road M&R Station, the G-31 pipeline workspace, and portions of the G-32 pipeline corridor.

Mitigation and Section 61 Findings

The FEIR provides final mitigation commitments and draft Section 61 Findings for use by Participating Agencies, which are summarized below. The Section 61 Findings should be provided to Participating Agencies to assist in the permitting process and issuance of final Section 61 Findings.

Environmental Justice (EJ) / Public Health

- Continue to engage in a robust public involvement effort throughout the duration of the permitting process and during implementation of the project.
- Maintain a project website to provide a centralized, easily navigable location for the public to access online resources and information on the project, and reach out to project team with questions or other inquiries.

- Establish a phone hotline (1-888-331-6553) where stakeholders can request information such as additional meetings and accommodations such as translation services.
- Provide regular communications to Town of Bourne municipal officials to alert them of the upcoming construction activities and coordinate mitigation measures to be implemented by the selected contractor.
- Locate M&R stations and designate construction period truck routes away from residences and EJ neighborhoods.
- Construct a stormwater management system designed to convey and attenuate stormwater runoff up to the future (2070) 50-year storm event (8.8 inches), provided by the MA Resilience Design Tool, with capacity to accommodate additional precipitation volumes.
- Integrate low-impact development stormwater features, such as vegetated swales and infiltration basins to offset impervious surface impacts.

Air Quality and Noise

- Install M&R equipment in compliance with 310 CMR 7.03 or 310 CMR 7.26, to ensure a increase in potential emissions does not exceeds the 1 tpy threshold required for MassDEP air permitting.
- Implement a preventive maintenance program to identify and prevent leaks, limit the extent of gas releases, and ensure leaks from piping components are repaired quickly.
- Utilize recompression in an effort to minimize emissions associated with pipeline blowdowns and purge emissions, and minimize purge times to no more than necessary to safely purge the pipeline.
- Implement a preventive maintenance program to identify and prevent leaks, limit the extent of gas releases, and ensure leaks from piping components are repaired quickly.
- Utilize recompression in an effort to minimize emissions associated with pipeline blowdowns and purge emissions, and minimize purge times to no more than necessary to safely purge the
- Locate M&R stations and designate construction period truck routes away from residences and EJ neighborhoods.
- Implement a landscape screening plan for the Sagamore M&R Station.
- Develop and implement a Nighttime Construction Management Plan.
- Install a 16-ft-tall temporary noise barrier along the north side of the Canal HDD exit work site to mitigate nighttime noise impacts on residences north of the project site, in the event that limited nighttime construction work is required for HDD activities.
- Implement noise reduction BMPs during construction activities, including:
    - Construction activities will be restricted to daylight hours, unless nighttime construction is required due to site conditions, specialized construction techniques (e.g., drilling) that require sustained operations, weather-related events, or other special circumstances;
    - Vehicles and equipment will be equipped with mufflers;
    - Vehicles and equipment will be maintained in accordance with manufacturers' recommendations;
    - Construction materials will be handled and transported in a manner that minimizes noise;
    - Noise-generating equipment will be positioned to maximize distance from noise sensitive areas during night work;

- Equipment will be oriented such that exhaust outlets and primary noise generating components face away from noise sensitive areas whenever practicable during nighttime activities;
- Loading, unloading, and material handling activities will be scheduled to minimize nighttime noise where practicable;
- Slamming of dump truck tailgates will be minimized;
- Daytime scheduling will continue to be prioritized for material deliveries whenever feasible;
- Ambient-sensing or broadband ("white noise") backup alarms will be considered;
- Spotters will be used to support backing operations and reduce alarm duration;
- Hand signals, radios, or spotters will be used in place of horns (where safe to do so) or shouting for communication during nighttime operations; and
- Temporary relocation compensation may also be considered for the most impacted residents.

Land Alteration and Stormwater

- Collocate the G-31 and G-32 pipelines within existing transmission line corridors to avoid construction work in residential areas, minimize construction vehicle traffic on local roadways, and minimize impacts to forested land.
- Utilize HDD to install the relocated G-24 pipeline beneath the Route 3/Route 6 interchange to connect to the relocated Sagamore M&R Station.
- Install a safety fence at the edge of the construction workspace for a distance of 100 feet on either side of a residence or business establishment.
- Attempt to leave mature trees and landscaping intact within the construction work area unless the trees and landscaping interfere with the installation techniques or present unsafe working conditions.
- Acquire and transfer 60 acres of forested land adjacent to JBCC to the Massachusetts Department of Fish and Game for permanent protection.
- Leave tree stumps and rootstock within temporary work areas in place wherever practicable to encourage natural revegetation.
- Restore temporary construction workspaces, contractor staging areas, and temporary access roads will be restored to preconstruction conditions, to the extent practicable, by regrading disturbed soils to original contours, replacing segregated topsoil, stabilizing soils with erosion control measures, and reseeding disturbed areas with appropriate vegetation.
- Monitor all areas disturbed by construction activities to determine post-construction revegetation success for a minimum of two growing seasons following construction, or until revegetation is successful.
- Construct a stormwater management system designed to convey and attenuate stormwater runoff up to the future (2070) 50-year storm event (8.8 inches), provided by the MA Resilience Design Tool, with capacity to accommodate additional precipitation volumes.
- Integrate low-impact development stormwater features, such as vegetated swales and infiltration basins to offset impervious surface impacts.

Article 97

- Provide appropriate mitigation or compensation for all project components that result in the disposition or change in use of Article 97 land, including:
    - Acquisition and transfer of 2.76 acres of undeveloped, forested land to the Town of Bourne;
    - Acquisition and transfer of 60 acres of undeveloped, forested land to the Massachusetts Department of Fish and Game; and
    - Provide funding in lieu of replacement land to the Buzzard Bay Water District.
- Ensure that any replacement land will have equal or greater fair market value, significantly greater resource value, and be the minimum acreage needed for the proposed use.
- Secure legislation through a 2/3 vote of the Massachusetts General Court authorizing the disposition or change in use of Article 97 land.

Wetlands and Waterways

- Comply with all Standard and Special Conditions included in the Orders of Conditions to be issued by the Bourne Conservation Commission (or MassDEP in the case of an appeal).
- Prepare and implement a Stormwater Pollution Prevention Plan (SWPPP).
- Develop and implement an Erosion and Sedimentation Control Plan and a Spill Prevention, Control, and Countermeasure Plan.
- Protect wetland resource areas from secondary impacts during construction through the implementation of erosion and sedimentation controls, incorporating BMPs.
- Utilize HDD to install new pipeline beneath the Cape Cod Canal to avoid direct wetland impacts.
- Utilize low-ground-pressure equipment or temporary equipment mats, to allow the passage of equipment with minimal disturbance and compaction of the surface soils and vegetation.
- Restore contours, remove construction matting, and restore temporary wetland alterations in situ, following the completion of construction activities.
- Withdraw all water to be used for hydrostatic testing from municipal water sources in order to avoid impact to the surrounding surface water resources.
- Direct hydrostatic testing discharges into energy-dissipation devices, filter bags, or straw bale structures, which will be removed upon completion of testing, to minimize the potential for scour, erosion, and sediment transport to adjacent waterbodies.
- Ensure that the project provides public benefits, including ensuring continued, reliable natural gas service to homes and businesses on both sides of the Canal, as the Cape Cod Bridges Program proceeds;
- Installing the new pipeline will be installed via HDD beneath the Canal and the adjoining publicly accessible recreational areas, thereby maintaining the existing benefits enjoyed by the public, including navigation, fishing, and recreational passage.
- Collocating proposed pipeline routing would also collocate the pipeline within the existing electric transmission corridor, which extends over the Canal, thereby minimizing new disturbance to previously undisturbed land.

Rare Species

- Obtain a Conservation and Management Permit from NHESP to ensure a long-term net benefit for Eastern Box Turtle, Eastern Hognose, Agassiz's Clam Shrimp, American Clam Shrimp, Purple Tiger Beetle, and 11 state-listed butterfly and moth species.
- Develop and implement rare species protection plans, including but not limited to a Turtle Protection Plan, a Rare Plant Protection and Avoidance Plan, and a Clam Shrimp Protection and Avoidance Plan.
- Develop and implement an Invasive Plant Management Plan to reduce or eliminate invasive plant populations, improve habitat quality, protect native and rare plant species, and prevent the spread of invasive plants during construction and operation of the project.
- Comply with time-of-year (TOY) restrictions for tree clearing, avoiding the summer occupancy period for bats and the typical nesting season for migratory birds, from March 15 to November 30.
- Employ temporary construction matting, geotextile fabric, or air bridging in or near wetland or pool/puddle features, to reduce soil disturbance and compaction.
- Restore and reseed temporarily disturbed areas with NHESP-approved seed mixes, and implementing long-term vegetation management to support rare species habitat.
- Acquire and transfer 60 acres of forested land adjacent to JBCC to the Massachusetts Department of Fish and Game for permanent protection, 53 acres of which would be preserved for the protection of state-listed species.
- Provide a monetary contribution to The Nature Conservancy's Eastern Box Turtle Mitigation Fund.

Historic and Archaeological Resources

- Adhere to the Procedures Guiding Post-Review Discovery of Historic Properties and Human Remains Plan

Climate Change

Adaptation and Resiliency

- Construct a stormwater management system designed to convey and attenuate stormwater runoff up to the future (2070) 50-year storm event (8.8 inches), provided by the MA Resilience Design Tool, with capacity to accommodate additional precipitation volumes.
- Integrate low-impact development stormwater features, such as vegetated swales and infiltration basins to offset impervious surface impacts.
- Leave tree stumps and rootstock within temporary work areas in place wherever practicable to encourage natural revegetation.
- Restore temporary construction workspaces, contractor staging areas, and temporary access roads will be restored to preconstruction conditions, to the extent practicable, by regrading disturbed soils to original contours, replacing segregated topsoil, stabilizing soils with erosion control measures, and reseeding disturbed areas with appropriate vegetation.

Greenhouse Gas Emissions / Tree Clearing

- Implement a preventive maintenance program to identify and prevent leaks, limit the extent of gas releases, and ensure leaks from piping components are repaired quickly.
- Utilize recompression in an effort to minimize emissions associated with pipeline blowdowns and purge emissions, and minimize purge times to no more than necessary to safely purge the pipeline.
- Leave tree stumps and rootstock within temporary work areas in place wherever practicable to encourage natural revegetation.
- Acquire 60 acres of undeveloped, forested land adjacent to the project area to mitigate for the disposition of Article 97 protected land; the land will have co-benefits for carbon sequestration and habitat protection for state-listed species.
- Develop and implement a tree restoration and planting plan for certain affected areas, to the extent that natural revegetation does not occur.
- Ensure harvested timber and brush will be chipped for on-site reuse or removed from the project area and transported to a designated wood waste reclamation facility.
- Manage and dispose of all trees, stumps, and vegetation debris associated with tree clearing in accordance with 310 CMR 16.03(2)(c)7 and any applicable MassDEP solid waste handling requirements.

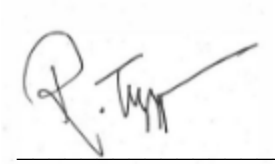
Construction Period

- Coordinate construction schedules with landowners and provide notification of construction commencement 3–5 days prior to the start of construction activities.
- Develop and implement an Erosion and Sedimentation Control Plan.
- Prepare and implement a Stormwater Pollution Prevention Plan (SWPPP).
- Limit fugitive dust emissions using industry-best practices, such as watering, sweeping, and wheel-washing.
- Reduce potential air emissions through the use of heavy equipment retrofitted with diesel emissions control devices, using Ultra Low Sulfur Diesel for all trucks and construction machinery, and minimizing idling.
- Minimize construction period noise impacts to the extent feasible through the use of mufflers, selection of quieter equipment, and minimizing idling.
- Develop and implement a Traffic Mitigation Plan that includes:
    - Installation of appropriate traffic management, signage, and safety measures in compliance with applicable permits for work in public roadways;
    - Timing of construction to avoid hours of peak travel and roadway use, if practicable;
    - Keeping at least one lane of affected roads open at all times by placing metal plates across the open trench as necessary;
    - Providing alternate access routes; and
    - Scheduling work within roadways and specific crossings to avoid commuter traffic and schedules for school buses to the greatest extent practical.
- Implement construction practices designed to reduce or mitigate potential impacts to groundwater resources, including:
    - Monitoring dewatering operations and discharging trench water to appropriately vegetated upland areas, receiving structures, or filter bags, as required;

  - Utilizing secondary containment structures when working in or near sensitive resource areas;
  - Enforcing restrictions on refueling locations and storage of contaminants;
  - Installing temporary trench plugs, where needed, to maintain existing groundwater flow patterns;
  - Prohibiting the use of herbicides in or within 100 feet of wetlands or waterbodies, except as allowed by applicable agencies
- Offer landowners pre- and postconstruction testing of water wells and springs within 150 feet of the construction workspace, to test for both water quantity and quality parameters. For any significant differences in the well water quantity between pre- and postconstruction sampling that cannot be attributed to naturally occurring conditions, such as seasonal groundwater level fluctuations, or changes in water quality constituent levels that exceed state drinking water thresholds for potable water wells, the Proponent will compensate the landowner for the installation of a new well or otherwise arrange for provision of suitable water supplies.
- Implement measures to minimize construction-related impacts to all residences and other structures located within 50 feet of the construction workspace, including:
  - Attempting to maintain a minimum distance of 25 feet between any residence or business establishment and the edge of the construction work area;
  - Installing the appropriate erosion controls to ensure sediments are controlled;
  - Installing safety fence at the edge of the construction workspace for a distance of 100 feet on either side of a residence or business establishment;
  - Attempting to leave mature trees and landscaping intact within the construction work area unless the trees and landscaping interfere with the installation techniques or present unsafe working conditions;
  - Ensuring piping is welded and installed as quickly as reasonably possible to minimize the amount of time a neighborhood is affected by construction;
  - Backfilling the trench as soon as possible after the pipe is laid or temporarily cover the trench with steel plates or construction matting and/or employ a night watchman at the area;
  - Completing final cleanup, grading, and installation of permanent erosion control devices within 10 days after backfilling the trench, weather permitting; and
  - Restoring all lawn areas and landscape immediately following cleanup operations
- Restore temporary construction workspaces, contractor staging areas, and temporary access roads will be restored to preconstruction conditions, to the extent practicable, by regrading disturbed soils to original contours, replacing segregated topsoil, stabilizing soils with erosion control measures, and reseeding disturbed areas with appropriate vegetation.
- Monitor all areas disturbed by construction activities to determine post-construction revegetation success for a minimum of two growing seasons following construction, or until revegetation is successful.

Conclusion

Based on a review of the FEIR and consultation with Agencies, I find that the FEIR adequately and properly complies with MEPA and its implementing regulations. No further MEPA review is required, and the project may proceed to permitting. Participating Agencies should forward copies of the final Section 61 Findings to the MEPA Office for publication in accordance with 301 CMR 11.12.



June 29, 2026
Date

Rebecca L. Tepper

Comments received

Comments submitted on the MEPA Public Comments Portal

6/22/2026 Berkshire Environmental Action Team
6/22/2026 Cape Cod Commission (CCC)
6/22/2026 Pipe Line Awareness Network for the Northeast, Inc.

Comments submitted by email

6/18/2026 Massachusetts Division of Marine Fisheries (DMF)
6/19/2026 Deborah Roe
6/21/2026 Denis Mahoney
6/22/2026 Massachusetts Department of Environmental Protection (MassDEP) Southeast Regional Office (SERO)
6/24/2026 Natural Heritage and Endangered Species Program (NHESP)

RLT/NJM/njm

Outlook

Re: Cape Cod Canal Pipeline Relocation Project, DEIR, EEA# 16947

From Logan, John (FWE) <john.logan@mass.gov>
Date Thu 6/18/2026 4:58 PM
To Moreno, Nicholas (EEA) <Nicholas.Moreno@mass.gov>
Cc richard.paquette@swca.com <richard.paquette@swca.com>; DMF EnvReview-South (FWE) <dmf.envreview-south@mass.gov>; Davis, Amanda (FWE) <Amanda.Davis@mass.gov>

Good afternoon Nicolas,

The Division of Marine Fisheries (MA DMF) has reviewed the Final Environmental Impact Report (FEIR) by the Algonquin Gas Transmission, LLC (Algonquin) for the Cape Cod Canal Pipeline Relocation Project in the Town of Bourne. The project proposes approximately 5.52 miles of new pipeline to replace National Grid's two existing 10-inch diameter natural gas pipelines currently attached to the Bourne and Sagamore Bridges. Relocation is required to facilitate ongoing maintenance of these bridges. The project includes a single crossing of the Cape Cod Canal, which is proposed via horizontal directional drilling (HDD).

Given that the proposal avoids in-water work and includes an HDD frac out plan, MA DMF has no further recommendations for sequencing, timing, or methods that would further avoid or minimize impact to marine resources at this time.

Best,

John

From: Logan, John (FWE)
Sent: Tuesday, February 10, 2026 4:18 PM
To: Moreno, Nicholas (EEA) <Nicholas.Moreno@mass.gov>
Cc: richard.paquette@swca.com <richard.paquette@swca.com>; DMF EnvReview-South (FWE) <dmf.envreview-south@mass.gov>; Davis, Amanda (FWE) <Amanda.Davis@mass.gov>
Subject: Cape Cod Canal Pipeline Relocation Project, DEIR, EEA# 16947

Good afternoon Nicolas,

The Division of Marine Fisheries (MA DMF) has reviewed the Draft Environmental Impact Report (DEIR) by the Algonquin Gas Transmission, LLC (Algonquin) for the Cape Cod Canal Pipeline Relocation Project in the Town of Bourne. The project proposes approximately 5.52 miles of new pipeline to replace National Grid's two existing 10-inch diameter natural gas pipelines currently attached to the Bourne and Sagamore Bridges. Relocation is required to facilitate ongoing maintenance of these bridges. The project includes a single crossing of the Cape Cod Canal, which is proposed via horizontal directional drilling (HDD). As noted in our response to the ENF submission, MA DMF supports the development of a "frac out" plan for the HDD component. The DEIR includes a contingency plan (Attachment 6 - Best drilling practices, monitoring and clean-up of horizontal directional drilling inadvertent returns – June 2025). This plan describes drilling fluid disposal, HDD working procedures, drilling and monitoring

procedures, response to inadvertent returns, notifications in the event of an inadvertent return, and a clean-up plan.

Given that the proposal avoids in-water work and has now developed an HDD frac out plan, MA DMF has no further recommendations for sequencing, timing, or methods that would further avoid or minimize impact to marine resources at this time.

Best,

John

John Logan, Ph.D.
Habitat Program
MA Division of Marine Fisheries
836 South Rodney French Boulevard
New Bedford, MA 02744
(508) 742-9722
http://www.mass.gov/eea/agencies/dfg/dmf/
https://www.researchgate.net/profile/John_Logan
Join the conversation! DMF is on Twitter, Flickr, Facebook, and YouTube.

Moreno, Nicholas (EEA)

From: Deborah Roe <deb@pacecleanenergy.org>
Sent: Friday, June 19, 2026 7:43 AM
To: Moreno, Nicholas (EEA)
Subject: Comments on EEA No. 16947 – Cape Cod Canal Pipeline Relocation Project

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Secretary Rebecca Tepper
c/o Nicholas Moreno, MEPA Analyst

Re: EEA No. 16947 – Cape Cod Canal Pipeline Relocation Project

Dear Secretary Tepper and Mr. Moreno,

I am writing to express my opposition to the Cape Cod Canal Pipeline Relocation Project as currently proposed.

While I understand that the replacement of the Bourne and Sagamore Bridges necessitates relocation of the existing gas pipelines, this project appears to go far beyond a simple relocation. The proposal replaces existing lower-pressure 10-inch pipelines with significantly larger, higher-pressure infrastructure that could dramatically increase the future capacity of the gas transmission system. Once this larger infrastructure is installed, future capacity increases could potentially be achieved through changes to metering and operating conditions without requiring the same level of environmental review currently before the Commonwealth.

The burden should be on Algonquin to demonstrate, with transparent data, that this project does not constitute a capacity expansion. At a minimum, the company should be required to disclose historical operating pressures, actual gas throughput volumes, and the maximum delivery capability of the proposed system. Without that information, neither regulators nor the public can independently evaluate claims that capacity will remain unchanged.

I am also concerned that the project is inconsistent with Massachusetts' legally binding climate commitments. State law requires net-zero greenhouse gas emissions by 2050, and state climate plans anticipate substantial reductions in fossil fuel consumption in buildings over the coming decades. Yet this project would install infrastructure expected to remain in service until approximately 2077. The FEIR appears to assume that current levels of gas demand will continue indefinitely rather than evaluating how electrification, heat pumps, energy efficiency, thermal energy networks, and distributed clean energy resources are expected to reduce demand over time.

Before approving this project, MEPA should require a detailed analysis of projected gas demand through 2050 and beyond. If future demand is expected to decline substantially, constructing oversized gas infrastructure today risks creating stranded assets that future ratepayers will be forced to pay for long after the infrastructure is no longer needed.

The environmental impacts are also significant. The project would disturb extensive wetland resources, rare species habitat, and Article 97 protected lands. The assertion that wetland impacts are merely "temporary" should not be accepted without independent verification by MassDEP. Wetland systems, especially those associated with sensitive sandplain ecosystems, can take many years to recover and may never fully return to their previous ecological condition. Similarly, no construction should proceed until all required Conservation and Management Permits have been issued and reviewed.

I am particularly concerned about the project's impacts on Environmental Justice communities and the cumulative emissions associated with the four proposed metering and regulating stations. Emissions should be evaluated collectively rather than station-by-station so that the full environmental burden of the project is properly understood. Communities already facing elevated pollution burdens should not be subjected to additional fossil fuel infrastructure without a thorough cumulative impact assessment.

The project also raises questions about climate resilience. State analyses reportedly identify significant risks associated with sea-level rise, flooding, storm surge, extreme precipitation, and extreme heat. Given that this infrastructure serves a critical public function, a comprehensive climate resilience analysis should be required before approvals are granted. The public deserves confidence that infrastructure expected to operate for decades can withstand the climate conditions it will encounter.

Finally, I urge MEPA to require a robust alternatives analysis. The choice should not be limited to either constructing oversized gas infrastructure or doing nothing. Alternatives should include maintaining existing delivery capacity without expansion, strategic electrification, thermal energy networks, heat pump deployment, energy efficiency investments, and other approaches that align with Massachusetts' climate goals while maintaining energy reliability.

The bridge replacement creates a rare opportunity to align infrastructure investments with the Commonwealth's long-term climate, environmental, and public health objectives. Rather than using this project as an opportunity to expand gas transmission capacity, Massachusetts should ensure that any replacement infrastructure is limited to what is demonstrably necessary and consistent with a transition to a clean energy future.

Thank you for your consideration of these comments.

Sincerely,

Deborah Roe
Connecticut Resident and Frequenter of Cape Cod
People's Action for Clean Energy (PACE)
Granby, Connecticut

--
Deb Roe, Program Manager
People's Action for Clean Energy
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Outlook

EEA No. 16947

From denis mahoney <dmahonee@yahoo.com>
Date Sun 6/21/2026 8:35 AM
To Moreno, Nicholas (EEA) <Nicholas.Moreno@mass.gov>

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Secretary Rebecca Tepper
c/o Nicholas Moreno, MEPA Analyst
Massachusetts Executive Office of Energy and Environmental Affairs
Saltonstall Building, 100 Cambridge St #900, Boston, MA 02114

Regarding: EEA No. 16947

My name is Denis Mahoney. I live at 56 Fox Hill Drive Holden, MA. I write to provide my comments on EEA No. 16947.

As a member of 350 Central Mass, an environmental group focused on addressing climate change:

- My first issue with this project is that fact that 2 low pressure 10 inch pipelines are being replaced by a high pressure 18 inch pipeline. Algonquin says this is not an expansion of its ability to increase gas distribution. Not true! The area of the replaced pipelines is 157 square inches. The area of the new pipeline is 254 square inches. That is a significant increase. The new pipeline also works at a much higher psi. **Added together that is a lot more gas capacity.** The metering stations that control gas flow can be increased independently by Algonquin in the future. Massachusetts can't reach it's GHG emissions targets if it allows projects like this that increase gas distribution capacity.

  Algonquin must state how much gas it delivered over the last ten years and at what psi through the existing pipelines, and also state what would be the maximum capacity of the new pipeline. It will show a significant increase in capacity, not the "unchanged" capacity Algonquin claims.

- My second issue with this project is its' creation of a "stranded asset". Massachusetts GHG emissions targets will require the transition to non fossil fuel sources to provide for our energy requirements over the next 25 years. The replacement pipeline, if installed, remains in place for 50 years. Rate payers will be paying for this pipeline well beyond the end of its' useful life. Gas rates in Massachusetts are rising at an alarming rate. Ratepayers can't be burdened further by the stranded casts of this project.

Thank you for your attention to this very important matter.

Sincerely,

Denis Mahoney

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

CAPE COD COMMISSION

Via Email

June 22, 2026

Rebecca Tepper, Secretary of Energy and Environmental Affairs
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office, Nicholas Moreno, MEPA Analyst
100 Cambridge Street, Suite 900, Boston, MA 02114

Re: Final Environmental Impact Report
EEA No. 16947 – Cape Cod Canal Pipeline Relocation Project (CCC File No. 25012)

Dear Secretary Tepper:

Thank you for the opportunity to comment on the above-referenced FEIR. The Project requires preparation of an EIR and is therefore deemed a Development of Regional Impact ("DRI") under § 12(i) of the Cape Cod Commission Act, c. 716 of the Acts of 1989.

The Cape Cod Commission's Regional Policy Plan ("RPP") sets forth a regional land use vision as well as specific goals and objectives that guide the Commission's review of DRIs. The Project, as described in the FEIR, appears to impact RPP goals related to wildlife and plant habitat, wetlands resources, water resources, transportation, capital facilities and infrastructure, community design, and cultural heritage. Commission staff offer the following comments related to consistency with the RPP for the Applicant to consider.

Wildlife and Plant Habitat

The Project avoids and minimizes impacts to natural resources by routing most of the pipeline within or adjacent to existing utility corridors and reducing tree clearing and temporary workspaces where feasible. Changes since the DEIR include alterations to workspaces and access roads resulting in a reduction to the amount of proposed tree clearing from 66.0 acres to 43.6 acres.

Additional measures proposed to minimize impacts to natural resources include seasonal restrictions to vegetation clearing, erosion and sediment controls and spill prevention measures, segregation of topsoil to preserve native seedbanks, use of HDD to install the pipeline crossing the Cape Cod Canal, use of construction matting or air bridging, and minimization of construction noise and lighting near sensitive habitats, environmental monitoring during construction, and development and implementation of species-specific protection and avoidance plans such as a turtle protection plan, clam shrimp protection and avoidance plan, and rare plant protection and avoidance plan. In addition, temporary workspaces will be restored to preconstruction conditions using a seed mix of species native to Barnstable County. Within areas overlapping JBCC and NHESP rare species habitat, restoration will include implementation of a site-specific native seed mix approved by those agencies consisting of grasses, forbs, and wildflowers designed to enhance habitat for wildlife, including state-listed species.

The Applicant proposes mitigation measures including habitat restoration, long-term monitoring and vegetation management, including invasive species management, and off-site conservation measures such as potential contributions to the Eastern Box Turtle Mitigation Fund and the permanent protection of habitat near Joint Base Cape Cod. They are also working to purchase and preserve approximately 60 acres of forest land adjacent to the Project area to mitigate the impacts of temporary and permanent tree removal by the Project.

The Applicant continues to coordinate with NHESP on a Conservation Management Permit for impacts to rare species, and with EEA and Article 97 landowners regarding the proposed use of these parcels, replacement land, or monetary compensation in lieu of replacement land. The Commission would appreciate the opportunity to provide input on any draft or final permits or agreements.

Wetlands

All aboveground facilities, contractor laydown yards, and access roads have been located outside of jurisdictional wetland resource areas. Proposed work in these areas is limited primarily to temporary construction activities associated with pipeline installation or removal.

Water Resources

Total new impervious surface for the proposed project is 7.16 acres, of which 5.34 acres are associated with the four M&R stations. The proposed surfaces include gravel access roads, equipment pads, and operational areas. The remaining 1.82 acres of impervious cover are proposed permanent access roads (PARs).

Proposed stormwater control measures for impervious surfaces will use a treatment approach that incorporates sediment forebays, vegetated swales, and infiltration basins

designed to fully drain within 72 hours. Additional components include riprap aprons and stabilized slopes, overflow and emergency conveyances, rock check dams, and riprap level spreaders.

The Applicant has proposed designs that will filter and infiltrate stormwater runoff and provide water quality treatment and groundwater recharge with conservative design assumptions and overflow protections to enhance resilience to future storm intensities. Site-specific erosion and sedimentation plans have been developed for each station to minimize sediment transport during construction. During construction, erosion and sedimentation temporary controls include silt fence, fiber rolls, stabilized entrances, inlet protection where applicable, and designated concrete washout areas.

The proposed stormwater management systems at the Sagamore M&R station redevelopment site will improve site drainage. As the other three M&R stations are proposed for wooded, undeveloped areas, appropriate stormwater management measures should be implemented to mitigate impacts to these natural forested areas. The proposed stormwater management approach emphasizes infiltration-based stormwater control measures and preservation of existing drainage patterns and will provide low impact designs that provide water quality treatment and groundwater recharge.

Staff notes two minor corrections should be made to information provided in the FEIR. The NOAA Atlas 14 point precipitation frequency estimates used were for Gilbertville, MA. This should be corrected to Bourne, MA. Additionally, the Storage Area Volume Curve plots in Stormwater Management Report Volume II do not match their legends. The plots have blue and dark blue lines, whereas the legends have blue and red lines.

Community Design

The Community Design goal of the RPP aims to protect and enhance the unique character of the region's built and natural environment based on the local context. For a project like this, minimizing visual impacts by screening development is key, as well as minimizing disturbed land and impervious surfaces. Most proposed tree clearing for the project will be within existing utility corridors, limiting visual changes and impacts from public ways or views. Disturbed areas should be revegetated with native plantings to the greatest extent practicable.

A detailed landscape plan for the Proposed Relocated Sagamore M&R Station site shows that the facility will be adequately screened from the road, minimizing any potential visual impact. Similar plans should be provided for the Bourne M&R Station site, particularly for the areas near the intersection of Route 6 and Andy Olivia Drive. The other two proposed M&R stations will likely be screened from public roadways due to existing vegetation.

Cultural Heritage

The RPP Cultural Heritage goal and objectives look to protect and preserve the significant cultural, historic, and archaeological resources of the region. The Applicant conducted an archeological survey of the Project APE that identified several archaeological resources in the various pipeline study areas. None of the identified archaeological sites were recommended as eligible for listing on the National Register of Historic Places (NRHP). One previously identified NRHP-eligible site was avoided as the proposed workspace was removed from Project plans.

The Applicant conducted a survey of historic architectural properties that identified a total of 27 historic architectural properties within the Project study area. Of the 27 properties, five historic architectural properties were evaluated as being eligible for the NRHP. The FEIR states the Project would have no adverse effect on these properties.

The Applicant should continue to work with the Massachusetts Historical Commission to minimize impacts to archaeological and historic resources. The Commission would appreciate information confirming the Project will not impact archaeological or historic resources and is compliant with the National Historic Preservation Act.

Transportation

RPP Transportation Goals include prioritizing safety, multimodal connectivity and reducing congestion on the regional transportation network. The traffic impacts associated with the pipeline construction will be temporary in nature due to the construction activity. The Project will result in no permanent new vehicle trips to the regional network.

Please do not hesitate to contact Commission staff with any questions about these comments.

Sincerely,

Kristy Senatori

Kristy Senatori, Executive Director

CC: Project File, via email
Richard Paquette, SWCA
Jennifer Copeland, Bourne Town Planner
Bourne Cape Cod Commission Representative
Cape Cod Commission Chair
Cape Cod Commission Committee on Planning and Regulation Chair

Commonwealth of Massachusetts | Executive Office of Energy and Environmental Affairs

Department of Environmental Protection

Southeast Regional Office

Address: 20 Riverside Drive, Lakeville, MA 02347 | **Phone**: 508-946-2700

Maura T. Healey	**Kim Driscoll**	**Rebecca Tepper**	**Bonnie Heiple**
Governor	Lieutenant Governor	Secretary	Commissioner

June 22, 2026

Rebecca L. Tepper,
Secretary of Energy and Environment
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
ATTN: MEPA Office
Boston, MA 02114

RE: FEIR Review EOEEA 16947
BOURNE. Algonquin Gas Transmission, LLC Cape Cod Canal Pipeline Relocation Project at linear right-of-way

Dear Secretary Tepper,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Final Environmental Impact Report (FEIR) for the Algonquin Gas Transmission LLC, Cape Cod Canal Pipeline Relocation Project at linear right of way, Bourne, Massachusetts, #16947, "Project"). The Project Proponent provides the following information for the Project:

"Since the submittal of the DEIR for the Project on January 15, 2026, the Project has undergone select refinements informed by continued environmental review and agency coordination. These refinements reflect Algonquin's commitment to a responsive and iterative planning process intended to minimize environmental impacts, allow for proper stormwater infrastructure, address constructability and safety considerations, and avoid conflicts with existing infrastructure and planned development. The resultant modifications, specifically the reduction of ware yard workspace and alteration of associated access roads to reduce impacts to sensitive resources and slight adjustments at M&R stations increasing the permanent footprint to allow space for appropriate stormwater controls were implemented, see Sections 1.2.1 and 1.2.2, respectively. Additional clarifications, limited to the evaluation of removed versus abandoned pipeline facilities and calculations of resource impacts under jurisdiction of the Massachusetts Wetland Protection Act ("WPA"), are provided in Sections 1.2.3 and 1.2.4, respectively."

Comments/Guidance:

MassDEP has reviewed the Final EIR and has no additional comments beyond those issued in SERO's ENF June 12, 2025, and SERO's March 6, 2026, DEIR comments, and the outstanding issues detailed below.

Bureau of Water Resources (BWR) Comments:

Wetlands and Waterways: The MassDEP SERO Wetlands Program has reviewed the Final Environmental Impact Report (FEIR) and recommends that no additional MEPA review be required for the Project to proceed through the normal permitting process.

Bureau of Waste Site Cleanup (BWSC) Comment:

Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

BWSC finds the Project Proponent's responses to BWSC's comments accurate and acceptable. No additional releases have been reported in the vicinity of the project area since the submittal of the DEIR. BWSC has no further comments or questions.

Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer at MassMapper. Under the Available Data Layers listed on the right sidebar, select "Regulated Areas", and then "DEP Tier Classified 21E Sites". MCP reports and the compliance status of specific disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: Search for Waste Site & Reportable Releases

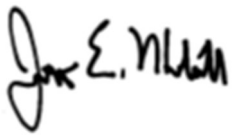
The Proponent is advised that if oil and/or hazardous materials are encountered during pipeline relocation addressing contamination might be accomplished using the Utility Related Abatement Measures provisions at 310 CMR 40.0461 through 40.0469.

The Project Proponent is advised that if potentially impacted soil and/or sediment are encountered, dredged, excavated, removed, relocated and/or disposed of during the proposed project it must be conducted under the provisions of Chapter 21E (and, potentially, M.G.L. c. 21C) and all other applicable federal (including the Environmental Protection Agencies Toxic Substance Control Act - TSCA), state, and local laws, regulations, and bylaws. Contaminated media cannot be managed without prior submittal of appropriate plans to MassDEP (such as a Release Abatement Measure (RAM) Plan), which describes the proposed handling and disposal of any contaminated media encountered, and health and safety precautions for those conducting the work. If contamination at the site is known or suspected, the appropriate tests should be conducted in advance of the start of construction, and professional environmental consulting services should be readily available to provide technical guidance to facilitate any necessary permits. If contaminated media is encountered a Licensed Site Professional (LSP) must be employed or engaged to manage, supervise, or perform the necessary response actions at the Site.

Other Comments/Guidance:

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this FEIR. If you have any questions regarding these comments, please contact George Zoto at George.Zoto@mass.gov or Jonathan Hobill at Jonathan.Hobill@mass.gov.

Very truly yours,



Jonathan E. Hobill,
Regional Engineer,
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Gerard Martin, Regional Director
John Handrahan, Deputy Regional Director, BWSC
Mark Dakers, Acting Deputy Regional Director, BAW
Brian Harrington, Deputy Regional Director, BWR
Jennifer Viveiros, Deputy Regional Director, ADMIN
Maissoun Reda, Chief, Wetlands, BWR
Mark Bartow, Wetlands, BWR
Brendan Mullaney, Chief, Waterways, BWR
Vincent Manfredi, Waterways, BWR
Jennifer Wharff, Acting Chief, Solid Waste Management, BAW
Matthew Ferris, Solid Waste Management, BAW
Michelle McCloud, Solid Waste Management, BAW
Christopher Redus, Air/New Source Review, BAW
Angela Gallagher, Chief, Site Management, BWSC
Amanda Boustany, Site Management, BWSC

BERKSHIRE ENVIRONMENTAL ACTION TEAM
20 Chapel St. Pittsfield, MA 01201 • thebeatnews.org
(413) 464-9402 • team@thebeatnews.org

Protecting the environment for wildlife in support of the natural world that sustains us all.

June 22, 2025

Secretary Rebecca Tepper
c/o Nicholas Moreno, MEPA Analyst
Massachusetts Executive Office of Energy and Environmental Affairs
Saltonstall Building, 100 Cambridge St #900
Boston, MA 02114

Comments of Berkshire Environmental Action Team on the Final Environmental Impact Report for Algonquin Gas Transmission's Cape Cod Canal Pipeline Relocation Project EEA No./Project ID 16947

Dear Secretary Tepper,

Berkshire Environmental Action Team (BEAT) is a 501(c)3 organization with a mission to protect the environment for wildlife in support of the natural world that sustains us all. BEAT's No Fracked Gas in Mass program advocates for safe, clean, accessible energy for all and opposes toxic, dangerous fossil fuel infrastructure, including fracked gas pipelines, compressor stations, meter stations, LNG facilities, and expansions of local gas systems.

Thank you for the opportunity to comment on the Final Environmental Impact Report for the Cape Cod Canal Pipeline Relocation Project, EEA No. 16947.[1] Please accept these comments in opposition to the proposed pipeline relocation project.

INCREASE IN CAPACITY

The Cape Cod Canal Pipeline Relocation Project proposes to replace two bridge-mounted National Grid 10" 270 psi mains with one 2.2-mile 18-inch 750 MAOP pipeline installed via HDD (Horizontal Directional Drilling) under the canal and 3.5 miles of 16-inch pipeline connecting the two new meter stations.[2] As stated on this docket filed in March, a wider configuration running at nearly triple its original pressure at 750 psi and at larger diameter is a clear increase in gas transmission capacity to National Grid's Cape Cod branch of its local gas distribution network. Thus, the claim that gas flow will remain unchanged is unsupported unless Algonquin commits to preserving metering stations at their original capacity despite upgrades for such stations being available and relatively easy to implement regulatorily.

The project enables a notable increase in gas capacity at a time when Massachusetts law

[1] FEIR for Algonquin Gas Transmission Cape Cod Canal Pipeline Relocation Project, EEA No. 16947
[2] FEIR for Algonquin Gas Transmission Cape Cod Canal Pipeline Relocation Project, EEA No. 16497

mandates a drawdown and eventual decarbonization of the heating sector. Given the state's mandated goals to reach net zero emissions by 2050, any redesign of the system should maintain no more than the existing capacity. Building a larger infrastructure during a mandated reduction in fossil fuel use is inconsistent with the Commonwealth's statutory climate obligations. Furthermore, the Clean Energy and Climate Plan expects a substantial decline in natural gas demand in the building sector, raising questions about the necessity and long-term viability of new gas infrastructure.

REQUEST FOR ALTERNATIVES

BEAT respectfully requests that MEPA recommends no approval of state permits for the construction of this project in its current form and instead assert that a replacement pipeline built to match rather than expand current gas transmission capacity.

Projects that expand gas capacity should not be approved. In spite of this matter, the Final Environmental Impact Report has not assessed alternative courses of action to decrease gas deliverance to Cape Code and does not question but rather assumes the necessity of the current volume of gas delivery for the future. We request that MEPA not allow increased fossil fuel infrastructure in light of the mandated 2050 phase out and examine pathways consistent with the Commonwealth's climate laws and decarbonization planning. This analysis should include a moratorium on any increase in gas service, as well as a system "sunset" plan from National Grid with a defined timeline for decarbonization of this branch of their service territory. Alternatives should also evaluate electrification of heating systems, targeted electrification strategies, and networked geothermal systems.

As stated earlier in this same docket, increased pipeline capacity risks locking in fossil fuel infrastructure with a typical lifespan of 40 to 80 years, enabling additional gas distribution expansion and creating risk of stranded assets for ratepayers as demand for gas declines under state climate policy. MEPA should therefore evaluate the full lifecycle climate and economic impacts of the proposed project, not solely the construction impacts described in the FEIR.

Under Department of Public Utilities Order DPU 20-80, gas utilities are required to develop plans for transitioning away from fossil gas infrastructure, including electrification and networked geothermal systems.

Massachusetts policymakers are also developing a Clean Heat Standard intended to accelerate electrification and reduce fossil fuel heating emissions across the building sector. While this policy is under development, it further signals a statewide transition away from fossil gas heating and reinforces the need to evaluate the long-term necessity of expanding gas transmission capacity.

MEPA needs to invest in gas system retirement planning. Transitioning consumers off of natural

gas for heat is mentioned in the FEIR, but dismissed as infeasible. Similar transitions have been successfully implemented elsewhere when policy leadership prioritizes them.[3] [4]

WETLAND AND PROTECTED LAND IMPACTS

Algonquin's Final Environmental Impact Report states that since all wetland impacts are "temporary and fully restorable," no compensatory mitigation is necessary to fulfill the requirement for its 401 Water Quality Certification.[5] However, Algonquin defines itself what "temporary" means outside of independent scientific determinations. We request the MEPA office to scrutinize this claim, avoiding the issuance of a 401 Water Quality Certification unless and until MassDEP has determined on its own and independent authority that any impacts on wetlands and rare species habitat areas are truly temporary and restorable.

UNDERGROUND DRILLING

The proposed method of installation for the 18 inch G-31 pipeline is horizontal directional drilling 87 feet beneath the Cape Cod Canal bed. One of the hazards associated with HDD is frac-out, or leakage of drilling mud containing water and minerals into the surrounding area. In Algonquin's recent HDD crossing at the Sakonnet River Crossing in Rhode Island, the company spilled drilling fluid into a wetland in Portsmouth.[6] At Cape Code, spills into the active waterway are possible and should be a cause for concern unless Algonquin directly addresses the hydrology and geomorphy of the Canal during their planning.

M&R EMISSIONS

Four proposed Metering and Regulating stations are projected in Algonquin's Final Environmental Impact Report to increase yearly volatile organic compound emissions by four tons and hazardous air pollutants by 360 kilograms. Three of these stations are within 1 mile of an Environmental Justice community. We request that the MEPA office recommend an Environmental Justice Analysis be done before station permitting.

Climate legislation passed during the last few legislative sessions has set the policy direction for Massachusetts' energy transition, aiming for broad, multi-sector decarbonization by 2050.[7]

---

[3] Maine not only reached its 100,000 home transition plan two years early, but is setting a new goal for an additional 175,000. "Expanding Use of Heat Pumps Across Maine", press release from Office of Governor Janet T. Mills, August 23, 2004.

[4] California's "Heat Pump Partnership shows adoption of 300,000 heat pumps in a year and a half, 2024 to July 2025.

[5] FEIR for Algonquin Gas Transmission Cape Cod Canal Pipeline Relocation Project, EEA No. 16947

[6] During work on the Sakonnet River pipeline replacement, drilling fluid leaked out. It is unclear whether the contents were toxic given the varying accounts of the situation by environmental groups and Algonquin and the possible existence of proprietary chemicals not required to be disclosed.

[7] *"As mandated in the 2021 Climate Law and the state's Clean Energy Climate Plan, the Massachusetts residential sector must achieve a 95% reduction in greenhouse gas (GHG) emissions below 1990 levels by the year 2050 and a 50% reduction in GHG emissions by 2030."* Energy Efficiency and Decarbonization, Mass.gov.

The Global Warming Solutions Act requires substantial greenhouse gas reductions, including a 50 percent reduction by 2030 and a net-zero emissions by 2050. Under the 2021 Climate Roadmap Act, agencies are required to align decisions with the Commonwealth's mandated decarbonization pathway.

Although the Department of Transportation's (DOT) need to replace the Sagamore and Bourne bridges over the Cape Cod Canal obviates the need to remove and replace the existing gas pipelines, this proposal by Algonquin is more than just a mere "Pipeline Relocation." It opens the door to not just future expansion of National Grid's LDC footprint, but any other future takers who may want to purchase from AGT in the future life-span of this project. It is up to MEPA to point out the incoherency of this proposal with Massachusetts state environmental policies.

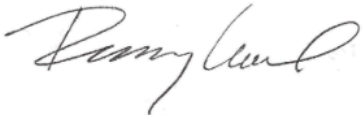
Sincerely,



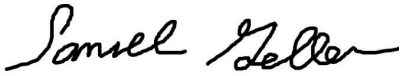
Brittany Ebeling
Executive Director, Berkshire Environmental Action Team



Melanie McCarthy
Deputy Director, Berkshire Environmental Action Team



Rosemary Wessel
Program Director, No Fracked Gas in Mass
A program of Berkshire Environmental Action Team



Samuel Geller, Intern
Berkshire Environmental Action Team

P·L·A·N
PIPE LINE AWARENESS NETWORK
FOR THE NORTH EAST, INC.
www.plan-ne.org

June 22, 2026

VIA MEPA PUBLIC COMMENTS PORTAL

Secretary Rebecca Tepper
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Attn: MEPA Office, Nicholas Moreno
Boston, MA 02110
https://eeaonline.eea.state.ma.us/EEA/PublicComment/Landing

Subject: EEA #16947 Algonquin Cape Cod Canal Pipeline Relocation Project FEIR

Dear Secretary Tepper,

The Pipe Line Awareness Network for the Northeast, Inc. ("PLAN") offers the following comments on the Final Environmental Impact Report (the "FEIR") submitted by Algonquin Gas Transmission, LLC (the "Company") in connection with its proposed Cape Cod Canal Pipeline Relocation Project docketed as EEA Project #16947 (the "Project"). PLAN is a Massachusetts non-profit with a mission to prevent the overbuild of fossil fuel infrastructure in the Northeastern United States and to champion clean, sustainable energy solutions. A primary purpose of PLAN is to engage in legal and regulatory advocacy on behalf of its members in connection with fossil fuel infrastructure proposals.

Gas transmission system expansion

The Company's Project represents an overbuild of fossil fuel infrastructure as outlined in their filings showing an ability to store and transmit more gas on the G System Lateral, not to just relocate infrastructure that MassDOT requires be moved for their Canal bridges replacement project. National Grid's existing 1 ½ miles of 10" distribution mains operating at 270 pounds per square inch ("psi") are currently installed on the Bourne and Sagamore Bridges. The Company's "relocation" Project is an opportunistic expansion of their G-System's capacity because they are adding nearly 6 miles of 16" and 18" high pressure 750 psig MAOP pipe to their gas transmission system as their solution to getting gas to the other side of the Canal.

Re PLAN 12 and PLAN 13[1]:

[1] FEIR at 10-27

PLAN thinks we can all agree that adding roughly 6 new miles of high pressure pipelines to a gas transmission system is an expansion for whatever the purpose. In this case, the expansion is 6 new miles of high pressure transmission pipeline that is replacing 1 ½ miles of smaller lower pressure mains in another company's distribution system. Historically, the Company's expansion projects are all just that - adding loops of new larger pipes alongside existing pipeline(s) and/or taking up smaller & relaying larger pipes to gain increased "gas transmission capacity[2]". In most of those cases, the expansion projects are justified to FERC with new shippers buying increased capacity. In this case, no justification is required.

We understand "Algonquin's design capacity to transport natural gas to National Grid delivery points will remain unchanged.[3]" It's the 6 miles of new storage and additional transmission capacity that can be used to transport gas not just to National Grid's local distribution system but to whoever else may take gas off the Company's G-System lateral before them. If you build it, the shippers will come.

Mitigation measures or lack thereof

Regarding PLAN 17[4]:

Suggesting measures such as installing erosion controls and adhering to the FERC recommendation of 25' setbacks from residences are somehow extra mitigation measures the Company is now willing to take to help offset expected negative impacts is disingenuous. In response to the Secretary in MEPA 57 and PLAN in PLAN 17 the Company says look in Table 9-7 as if requested mitigation for project specific impacts, such as ours of additional blown off raw methane, will have mitigation measures shown in the table. But they are not. Most of Table 9-2 items are just everyday preventative measures. The Company should be made to do better. Hopefully the permitting issuing agencies can make that happen.

Thank you for this opportunity to submit comments.

Respectfully submitted,



Cathy Kristofferson
Pipe Line Awareness Network for the Northeast, Inc.
244 Allen Road
Ashby, MA 01431
kristofferson@plan-ne.org

[2] FEIR at 8
[3] FEIR at 10-27
[4] FEIR at 10-28

MASSWILDLIFE

DIVISION OF
FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
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MASS.GOV/MASSWILDLIFE

Jack Buckley, *Director*

June 24, 2026

Secretary Rebecca Tepper
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office
Nicholas Moreno, EEA No. 16947
100 Cambridge Street
Boston, Massachusetts 02114

Project Name:	*Cape Cod Canal Pipeline Relocation Project*
Proponent:	*Algonquin Gas Transmission, LLC ("Algonquin")*
Location:	*Linear Right-of-Way (ROW) Project (-70.589214, 41.779494 to -70.573692, 41.734727)*
Document Reviewed:	*Final Environmental Impact Report (FEIR)*
Project Description:	*Relocate existing pipeline and infrastructure*
EEA No.:	*16947*
NHESP Tracking No.	*24-18675*

Dear Secretary Tepper:

The Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife (Division) has reviewed the *Final Environmental Impact Report* for the C*ape Cod Pipeline Relocation Project* (the "Project") and would like to offer the following comments regarding state-listed species and their habitats.

Project Updates since the DEIR

Algonquin is required to remove and relocate existing natural gas infrastructure, including pipelines and associated metering and regulating stations ("M&R"), to avoid conflicts with the Cape Cod Bridges Program ("CCBP") development area. Consultations with the Division began in February 2025 and have continued as the project has developed. As described in the FEIR, reductions in impacts to state-listed rare species habitat include (a) reduction of the G32-1 Ware Yard to avoid impacts to state-listed plant species, (b) elimination of the G32-2 Ware yard, and (c) modified Temporary Access Roadway (TAR13 and TAR-24). Collectively, these changes result in an overall reduction from 66.0-acres to 43.6-acres of clearing.

State-Listed Species

Portions of the proposed Project are mapped as *Priority Habitat* and *Estimated Habitat of Rare Species* pursuant to the Massachusetts Endangered Species Act (MESA, MGL c.131A) and its implementing regulations (321 CMR 10.00). The proposed Project will occur within the mapped habitat of several state-listed species, including but not limited to the species listed in Table 1. State-listed species and their habitats are protected pursuant MESA. State-listed rare wetland wildlife habitat is also protected in

accordance with the rare species provisions of the Massachusetts Wetlands Protection Act (WPA, 310 CMR 10.00). State-listed species and their habitats are protected pursuant to the MESA and rare wetland wildlife habitat provisions of the MA Wetlands Protection Act (WPA; (WPA; 310 CMR 10.00). Fact Sheets for most state listed species can be found on our website, www.mass.gov/nhesp.

Table 1. State- Listed Species

Taxonomic Group	Scientific Name	Common Name	Conservation Status	Anticipated MESA Outcome
Bird	*Antrostomus vociferus*	Eastern Whip-poor-will	Special Concern	No MESA concerns
Butterfly/Moth	*Acronicta albarufa*	Barrens Dagger Moth	Threatened	CMP likely
	Callophryus irus	Frosted Elfin	Special Concern	CMP likely
	Catocala herodias	Herodias Underwing Moth	Special Concern	CMP likely
	Cicinnus melsheimeri	Melsheimer's Sack Bearer	Threatened	CMP likely
	Euchlaena madusaria	Scrub Euchlaena	Special Concern	CMP likely
	Hemaris gracilis	Slender Clearwing Sphinx Moth	Special Concern	CMP likely
	Hemileuca maia	Buck Moth	Special Concern	CMP likely
	Macaria exonerata	Pine Barrens Macaria	Special Concern	CMP likely
	Metarranthis pilosaria	Heath Metarranthis	Special Concern	CMP likely
	Psectraglaea carnosa	Pink Sallow Moth	Special Concern	CMP likely
	Zale lunifera	Pine Barrens Zale	Special Concern	CMP likely
Invertebrate	*Cicindela purpurea*	Purple Tiger Beetle	Special Concern	CMP likely
	Eulimnadia agassizii	Agassiz's Clam Shrimp	Endangered	CMP likely
Vascular Plant	*Ophioglossum pusillum*	Adder's Tongue Fern	Threatened	No MESA concerns
	Scleria pauciflora	Papillose Nut Sedge	Threatened	Avoid with conditions
	Triosteum perfoliatum	Broad Tinker's-weed	Endangered	No MESA concerns
Reptile	*Heterodon platirhinos*	Eastern Hog-nosed Snake	Special Concern	CMP likely
	Terrapene carolina	Eastern Box Turtle	Special Concern	CMP likely

MA Endangered Species Act (MESA) (321 CMR 10.00)

The Proponent has continued to engage the Division in pre-filing consultations in advance of a formal MESA filing, in order to: (a) refine avoidance , minimization, and impact calculations to the habitat of the state-listed species associated with the Project limits, (b) discuss the requirements of a complete MESA Project Review Checklist and c) develop a mitigation plan and long-term net benefit to be included in a draft Conservation & Management Permit Application.

As discussed with the Proponent, and in advance of the formal filing pursuant to the MESA, the Division anticipates that the Project will likely result in a Take (321 CMR 10.18 (2)(b)) of state-listed species including but not necessarily limited to Eastern Box Turtle, Agassiz Clam Shrimp, Purple Tiger Beetle, state-listed lepidoptera, and Eastern Hog-nosed snake. We anticipate that the project will likely avoid a Take of Papillose Nut Sedge due to the reduction of the G32-1 Ware yard.

Projects resulting in a Take of state-listed species may only be permitted if they meet the performance standards for a Conservation and Management Permit (CMP; 321 CMR 10.23). In order for a project to qualify for a CMP, the applicant must demonstrate that the project has avoided, minimized and mitigated impacts to state-listed species consistent with the following performance standards: (a) adequately assess alternatives to both temporary and permanent impacts to the state-listed species, (b) demonstrate that an insignificant portion of the local population will be impacted, and (c) develop and agree to carry out a conservation and management plan that provides a long-term net benefit to the conservation of the state-listed species.

The Division is currently working with the Proponent to refine the Project impact calculations for state-listed species and explore opportunities for further minimization of impacts.

- The Division has requested the Proponent continue to evaluate minimization of grading within the Additional Temporary Workspace (ATWS) electrical right-of-way, in order to reduce long-term impacts to early successional habitat.

- Conceptual approval of impact calculations to Eastern Box Turtle habitat have been reached along with avoidance and minimization measures that include a robust Turtle Protection Plan involving ongoing survey effort and radio telemetry occurring onsite in advance of the project start. Draft mitigation plans are being finalized that incorporate a) permanent protection of land adjacent to the Project site and Joint Base Cape Cod; b) contribution to the Eastern Box Turtle Mitigation Fund.

- The Division is currently engaged in discussions regarding appropriate restoration measures for state-listed species following installation of the pipeline. As described in the FEIR, the Proponent has conducted extensive field surveys for invasive vegetation associated with the project site. A robust invasive plant management plan in addition to restoration efforts will be a critical element of impact minimization to state-listed species habitat following extensive grading and grubbing. Additional documents that are in development with the Proponent include avoidance plants for Eastern Hognose Snake, Agassiz' Clam Shrimp, and lepidopteran host plant protection and relocation plans.

Further, based on information in the DEIR and FEIR, the Proponent has continued to engage the various Article 97 property landowners to reach potential agreements for compensation and/or replacement lands. Any Article 97 issues must be finalized in advance of submitting the MESA Project Review Checklist to the Division, including final disposition decisions from the legislature.

The Proponent should continue to work collaboratively with the Division on a pre-filing basis to proactively address development of avoidance and minimization measures, species- and habitat-protection plans, rare species mitigation and restoration, and address the MESA CMP permitting standards. Assuming resolution of the outstanding Article 97 matters, the Division anticipates that the

project could qualify for a CMP with the proposed long-term Net Benefit pursuant to 321 CMR 10.23 largely result in funding for off-site land protection and management.

The Division will not render a final decision on the CMP until the MEPA review process, and its associated public and agency comment period is complete, and until all required materials have been submitted to the Division and the Division completes our review. If you have any questions about this letter, please contact Lauren Glorioso, Environmental Review Biologist at (508) 389-6361 or lauren.glorioso@mass.gov. We appreciate the opportunity to comment on the Project.

Sincerely,



Jesse Leddick
Assistant Director

cc: Christin McDonough, SWCA
Brian Colabella, Algonquin Gas Transmission
Bourne Board of Selectmen
Bourne Conservation Commission
Bourne Planning Department
Jason Zimmer, MA DFW Southeast District Manager
DEP Southeast Regional Office, MEPA Coordinator