1. ***The stormwater report for the Pave Paws M&R station still has the NOAA Atlas 14 precipitation frequency estimates for Gilbertville, MA instead of Bourne. The other three are sited correctly.***

   Response: The NOAA Atlas 14 precipitation frequency estimates for Bourne, Massachusetts, have been provided for the Pave Paws M&R Station in Attachment 1. The stormwater report will be updated to replace the Gilbertville data with the Bourne data.

2. ***Provide more details on RPP Consistency with Objective WR1 (page 59). Specifically:***

   - ***Address the 1 ppm nitrogen loading criterion for portions of the Project that are within Wellhead Protection Areas (WHPA) or Potential Public Water Supply Areas (PPWSA).***

   Response:

   Objective WR1 seeks to protect groundwater quality and existing or potential future public water supply resources. Two proposed aboveground facilities are located within mapped Potential Public Water Supply Areas and associated 400-foot protective buffers: the Pave Paws M&R Station and the Bourne Rotary M&R Station. Site-wide nitrogen loading analyses were completed for both facilities using the Cape Cod Commission nitrogen loading methodology. Because the proposed facilities are unmanned natural gas infrastructure sites and do not include septic systems, sanitary wastewater discharges, fertilizer use, or other operational nitrogen-generating uses, potential nitrogen loading is limited.

   Pave Paws M&R Station

   The Pave Paws M&R Station overlaps PPWSA BR-156 and the associated 400-foot future well protection area. The site-wide nitrogen loading analysis documented in the Stormwater Management Plan calculated a nitrogen loading concentration of 0.969 ppm NO_3-N, which is below the 1.0 ppm PPWSA criterion. The proposed stormwater system will formalize existing diffuse drainage patterns and incorporate water quality treatment and infiltration practices to maintain groundwater recharge and minimize potential stormwater-related impacts to groundwater quality. Accordingly, the Pave Paws M&R Station complies with the 1.0 ppm PPWSA nitrogen loading criterion and is consistent with Objective WR1.

   Bourne Rotary M&R Station

   The Bourne Rotary M&R Station overlaps PPWSAs BE-169 and BF-170 and the associated 400-foot protective buffer. The initial site-wide nitrogen loading analysis calculated a nitrogen loading concentration of 1.107 ppm NO_3-N. In response to the Commission's comment, Algonquin modified the proposed layout to reduce the area of impervious surface. The revised nitrogen loading calculation demonstrates that the facility complies with the 1.0 ppm PPWSA criterion. As with the Pave Paws M&R Station, the facility will not include sanitary wastewater discharges, septic systems, fertilizer use, or other operational nitrogen-generating uses. The facility will also

incorporate infiltration-based stormwater management practices, vegetated swales, sediment forebays, and construction-phase erosion and sedimentation controls. Accordingly, the Bourne Rotary M&R Station complies with the 1.0 ppm PPWSA nitrogen loading criterion and is consistent with Objective WR1. Algonquin will submit the revised calculation and report to the Commission when complete under separate cover.

- ***Address the presence of hazardous liquids associated with the M&R stations (i.e. hydraulic or lubricating fluids), or lack of, within WHPAs or PPWSAs. Identify any associated liquids with estimated quantities and detail any secondary containment plans***

Response:

Regarding the hazardous liquids associated with the M&R stations, the current information is summarized below in Table 2-1 below.

Table 2-1 – Potential Liquids at Proposed M&R Stations

Equipment/source	Liquid	Tank Volume	Typical Volume Held	Secondary containment
Odorant tank (all stations)	Odorant	500 gallons	500 gallons	500-gallon enclosure
16" Diameter. Filter separator sump, Sagamore M&R Relocation	Potential liquids/condensate	Approximately 120-gallon sump capacity	typical volume less than 30 gallons	None
24" Diameter. Filter separator sump, Bourne Rotary	Potential liquids/condensate	Approximately 270-gallon sump capacity	typical volume less than 30 gallons	None
24" Diameter. Filter separator sump, Pave Paws Road	Potential liquids/condensate	Approximately 270-gallon sump capacity	typical volume less than 30 gallons	None
Auxiliary sump (all stations)	Potential liquids/condensate	500-gallon sump capacity	typical volume less than 30 gallons	None
Natural gas generator (all stations)	Lubricating oil	Approximately 2 quarts	Approximately 2 quarts	None
Shafer G/H actuators, Bourne Rotary	Hydraulic oil	Approximately 10 gallons total, or 5 gallons per actuator	Approximately 10 gallons total, or 5 gallons per actuator	None
Shafer G/H actuators, Pave Paws Road	Hydraulic oil	Approximately 10 gallons total, or 5 gallons per actuator	Approximately 10 gallons total, or 5 gallons per actuator	None

Notes: The filter separator sump and actuator quantities are estimated based on the equipment dimensions and available information. The generators are natural gas powered, so no liquid fuel storage is included.

3. ***Provide more detail about the pipe abandonment method and what form of nitrogen will be used to purge the pipe. The Application only indicates that the abandoned pipe will be "blown down and purged with nitrogen to clear the line" (page 36)***

   Response:

   Approximately 1.443 miles of the existing G8-C/G8L pipeline segment will be abandoned in place. The abandonment segment will be isolated from active facilities and depressurized through a controlled blowdown. Following blowdown, the pipeline will be purged using gaseous nitrogen (N_2) to displace residual natural gas and clear the line. Nitrogen is an inert, nonflammable gas commonly used for pipeline purging because it minimizes the potential for formation of combustible gas-air mixtures.

   Once the pipeline has been purged, the pipe will be cut and capped at each end. Each cap will initially include a three-quarter-inch valve to facilitate completion of the grouting process. The abandoned pipeline segment will then be filled with grout. Following grout filling, the valves will be removed and replaced with permanent plugs. The trench will be backfilled and the construction right-of-way will be restored to preconstruction conditions.

   Pipeline abandonment activities will be conducted in accordance with applicable federal pipeline safety requirements, the FERC Upland Erosion Control, Revegetation, and Maintenance Plan (FERC Plan), and Algonquin's Erosion and Sediment Control Plan (E&SCP).

4. ***Provide clear definitions of what are being considered temporary and permanent impacts. It appears some of the impacts called permanent may be transitions from one habitat type to another (e.g., forest to maintained scrub-shrub). Other permanent impacts appear to be related to new paved and gravel areas. For purposes of determining what any RPP Open Space requirement would be, we are most interested in those permanent impacts where existing vegetated areas are being, or may be in the future, converted to M&R stations, pavement, or gravel.***

   Response:

   Algonquin classifies Project impacts as temporary or permanent for purposes of environmental review and FERC reporting. Temporary impacts are areas disturbed during construction that will be restored following construction, including areas returned to preconstruction contours and allowed to revegetate or otherwise resume their prior use. Permanent impacts are areas that will remain in long-term Project use or will be maintained in a different cover condition after construction.

   For RPP Open Space review, Algonquin has separated permanent impacts into: (1) conversion of existing vegetated land to M&R station footprints, pavement, gravel, or permanent access roads; and (2) conversion of forested areas to maintained right-of-way or other maintained vegetative cover. The first category is the relevant permanent conversion for the Commission's review; the second is a vegetation management change, not conversion to station, paved, or gravel use.

   For purposes of the Commission's RPP Open Space review, Algonquin has identified approximately 7.16 acres of permanent conversion to facility, pavement, gravel, or permanent

access road use. Of this total, approximately 5.34 acres are associated with the four new M&R stations and include gravel access roads, equipment pads, and operational areas. To manage stormwater generated from these surfaces, Algonquin will incorporate engineered stormwater control measures designed to replicate predevelopment hydrology at each location to the maximum extent practicable. The following describes Algonquin's proposed stormwater management approach.

The other 1.82 acres of impervious surface were calculated using Algonquin's proposed PARs. However, the majority of the proposed PARs are existing access roads that need only minor improvements, such as gravel to fill potholes or road leveling to prepare for larger construction equipment. In most cases, Algonquin is not creating new impervious surfaces on these existing roads.

Table 4-1 below provides the acreage by impact category.

Table 4-1 – Permanent Conversion of Existing Vegetated Land to Facility, Pavement, Gravel, or Access Road Uses

Project Component	Permanent Impacts (acres)
Aboveground Facilities (M&R Stations, graveled access roads, equipment pads, operational areas)	5.34
Permanent Access Roads	1.82
Total	**7.16**

5. ***Please provide the locations of the proposed 60-acre conservation parcel adjacent to JBCC and 2.8-acre Article 97 replacement parcel so they can reviewed for their ecological and conservation value. If this is an issue please reach out and we can discuss.***

   Response:

   The proposed 60-acre conservation parcel and the 2.8-acre Article 97 replacement land parcel are depicted in Figure 5.3-7, Town of Bourne Article 97 parcels, Sheet 1 and Department of Fish and Game Article 97 Parcels, Sheet 2. The full Article 97 Parcels figure set is provided as Attachment 2.

6. ***Only one landscape/screening plan is included in the Application for one of the M&R stations.***

   Response:

   A landscape/screening plan was included in the DRI Application for the proposed Sagamore M&R Station because it is the only proposed M&R station expected to have meaningful visibility from nearby public viewpoints, including Canal Street and adjacent commercial properties. The purpose of the Sagamore screening plan is to reduce views of the chain-link fence and aboveground equipment through targeted vegetative screening along the visible portions of the facility.

The other three proposed M&R stations are located in remote, wooded settings with limited to no visibility from public roadways, residences, commercial properties, or other sensitive visual receptors. Because these locations are already screened by surrounding vegetation and are not expected to result in notable visual impacts, additional landscape or screening plans were not prepared for those facilities.

Accordingly, only one landscape/screening plan was included in the Application because Sagamore is the only M&R station where supplemental visual screening is warranted.

7. ***Provide detail on how the seed mix recommendations in Attachment 3 (ESCP and SPCC, Appendix C) are to be used.***

   Response:

   The seed mix recommendations in Attachment 3, ESCP and SPCC Plan, Appendix C, are intended to guide revegetation and stabilization of disturbed areas following construction. Algonquin has also been consulting with NHESP on two Project-specific native seed mixes: one for use within mapped Priority Habitat areas and one for general use in non-Priority Habitat restoration areas. These Project-specific mixes are based on MassDOT Seed Mix 765.412, Short Grassland Mix – Sandy Soil, with substitutions made to include species native to Barnstable County.

   Within Priority Habitat areas, the applicable NHESP-coordinated native seed mix will be used for restoration, subject to any final requirements of the NHESP Conservation and Management Permit. In non-Priority Habitat areas, the general native seed mix will be used where native revegetation is appropriate and consistent with landowner, stabilization, and operational requirements.

   The supplemental seed mix recommendations included in the ESCP will remain available for specific site conditions where a different stabilization approach is needed. These may include residential landowner-requested restoration areas, steep slopes or other erosion-prone locations requiring rapid vegetative stabilization, temporary stabilization areas, or locations where use of the native restoration mix is not required or would not be appropriate based on site-specific construction or restoration conditions.

   This approach allows the Project to prioritize native revegetation while retaining flexibility to achieve timely soil stabilization, erosion control, and site restoration in areas with specialized restoration needs.

8. ***Provide greater detail on proposed landscape and restoration plantings. We recognize this may still be being worked out through the CMP process with NHESP, but it would be helpful to have an idea of what is being proposed and where. A draft CMP may address this issue, when available.***

   Response:

   Algonquin is finalizing a habitat restoration plan in consultation with NHESP. The restoration approach is tied to the Project's Conservation Management Permit and focuses on re-

establishing the pre-construction habitat mosaic that supports state-listed butterflies and moths.

Components of the draft plans include proposed salvage of small oak and blueberry shrubs in high-quality habitat areas within the proposed 100-foot construction ROW within Priority Habitat. This proposed salvage operation would be done prior to clearing, grading, and pipeline installation. Salvaged plants will be temporarily stored and protected during construction and replanted during final restoration.

Disturbed areas will be reseeded using the appropriate specialty seed mix, including the NHESP-reviewed Priority Habitat seed mix where required and lower application rates in sandy nesting habitat. Additional detail regarding species composition, salvage locations, and planting areas will be provided through the final CMP when available.

9. ***Documentation papering your correspondence with MHC, such as a copy of your original PNF. This does not need to include detailed findings or conditions.***

Response: The PAL Project Notification Form, Public Archaeology Laboratory letter to MHC, and additional correspondence are provided in Attachment 3.

10. ***Permits/Applications: Additionally, please forward any copies of issued permits as soon as available. These are not necessary for completeness.***

Response: The following permits have been received (see Attachments 4 – 7).

- Bourne Conservation Commission Order of Conditions, received August 13, 2026
- MassDEP 401 Water Quality Certificate, received July 10, 2026
- Article 97 legislative approval, received July 31, 2026
- MassCZM Federal Consistency Decision, June 11, 2026

ATTACHMENT 1

NOAA Atlas 14 Precipitation

Frequency Estimates

NOAA Atlas 14, Volume 10, Version 3
Location name: Buzzards Bay, Massachusetts, USA*
Latitude: 41.77°, Longitude: -70.55°
Elevation: 134 ft**
* source: ESRI Maps
** source: USGS

POINT PRECIPITATION FREQUENCY ESTIMATES

Sanja Perica, Sandra Pavlovic, Michael St. Laurent, Carl Trypaluk, Dale Unruh, Orlan Wilhite

NOAA, National Weather Service, Silver Spring, Maryland

PF_tabular | PF_graphical | Maps_&_aerials

PF tabular

PDS-based point precipitation frequency estimates with 90% confidence intervals (in inches)[1]

Duration	Average recurrence interval (years)									
	1	2	5	10	25	50	100	200	500	1000
5-min	**0.289** (0.236-0.353)	**0.361** (0.294-0.440)	**0.478** (0.388-0.585)	**0.574** (0.463-0.705)	**0.707** (0.552-0.904)	**0.806** (0.617-1.05)	**0.913** (0.678-1.23)	**1.04** (0.723-1.41)	**1.23** (0.820-1.71)	**1.39** (0.904-1.96)
10-min	**0.410** (0.334-0.500)	**0.511** (0.416-0.623)	**0.676** (0.549-0.827)	**0.813** (0.656-0.999)	**1.00** (0.782-1.28)	**1.14** (0.873-1.49)	**1.29** (0.961-1.74)	**1.47** (1.02-1.99)	**1.74** (1.16-2.42)	**1.96** (1.28-2.77)
15-min	**0.482** (0.393-0.588)	**0.601** (0.490-0.733)	**0.796** (0.646-0.974)	**0.957** (0.772-1.18)	**1.18** (0.920-1.51)	**1.34** (1.03-1.75)	**1.52** (1.13-2.05)	**1.73** (1.20-2.34)	**2.04** (1.37-2.84)	**2.31** (1.51-3.26)
30-min	**0.695** (0.566-0.847)	**0.864** (0.704-1.06)	**1.14** (0.927-1.40)	**1.37** (1.11-1.69)	**1.69** (1.32-2.16)	**1.93** (1.47-2.51)	**2.18** (1.62-2.93)	**2.48** (1.73-3.36)	**2.93** (1.96-4.07)	**3.32** (2.16-4.68)
60-min	**0.907** (0.740-1.11)	**1.13** (0.919-1.38)	**1.49** (1.21-1.82)	**1.79** (1.44-2.20)	**2.20** (1.72-2.81)	**2.51** (1.92-3.26)	**2.84** (2.11-3.82)	**3.23** (2.25-4.37)	**3.82** (2.55-5.31)	**4.32** (2.81-6.09)
2-hr	**1.23** (1.01-1.49)	**1.53** (1.25-1.85)	**2.02** (1.65-2.45)	**2.42** (1.97-2.95)	**2.98** (2.35-3.78)	**3.39** (2.62-4.39)	**3.84** (2.89-5.14)	**4.38** (3.08-5.88)	**5.21** (3.51-7.17)	**5.92** (3.90-8.26)
3-hr	**1.45** (1.20-1.75)	**1.80** (1.48-2.17)	**2.36** (1.94-2.86)	**2.83** (2.31-3.44)	**3.47** (2.75-4.39)	**3.95** (3.06-5.08)	**4.46** (3.38-5.94)	**5.09** (3.60-6.79)	**6.04** (4.10-8.27)	**6.86** (4.55-9.53)
6-hr	**1.89** (1.57-2.27)	**2.31** (1.91-2.76)	**2.98** (2.46-3.58)	**3.54** (2.91-4.28)	**4.32** (3.44-5.40)	**4.89** (3.82-6.23)	**5.51** (4.19-7.24)	**6.24** (4.46-8.25)	**7.34** (5.04-9.95)	**8.28** (5.55-11.4)
12-hr	**2.40** (2.01-2.86)	**2.87** (2.39-3.41)	**3.63** (3.02-4.33)	**4.26** (3.52-5.10)	**5.13** (4.11-6.35)	**5.78** (4.54-7.27)	**6.47** (4.94-8.37)	**7.25** (5.23-9.48)	**8.39** (5.82-11.2)	**9.33** (6.32-12.7)
24-hr	**2.89** (2.44-3.42)	**3.42** (2.87-4.04)	**4.28** (3.58-5.07)	**4.99** (4.16-5.93)	**5.97** (4.82-7.31)	**6.71** (5.30-8.34)	**7.48** (5.74-9.54)	**8.33** (6.07-10.8)	**9.52** (6.68-12.6)	**10.5** (7.19-14.1)
2-day	**3.34** (2.83-3.92)	**3.94** (3.34-4.62)	**4.93** (4.16-5.79)	**5.74** (4.82-6.78)	**6.87** (5.59-8.35)	**7.72** (6.15-9.51)	**8.60** (6.66-10.9)	**9.57** (7.05-12.3)	**10.9** (7.75-14.3)	**12.0** (8.32-16.0)
3-day	**3.66** (3.12-4.28)	**4.29** (3.65-5.02)	**5.32** (4.51-6.23)	**6.18** (5.21-7.26)	**7.36** (6.01-8.89)	**8.25** (6.60-10.1)	**9.17** (7.13-11.5)	**10.2** (7.54-13.0)	**11.6** (8.26-15.1)	**12.7** (8.84-16.8)
4-day	**3.95** (3.37-4.59)	**4.59** (3.91-5.35)	**5.64** (4.79-6.58)	**6.51** (5.50-7.63)	**7.71** (6.32-9.28)	**8.62** (6.92-10.5)	**9.56** (7.45-11.9)	**10.6** (7.87-13.4)	**11.9** (8.58-15.5)	**13.0** (9.15-17.2)
7-day	**4.68** (4.02-5.42)	**5.35** (4.59-6.19)	**6.44** (5.50-7.47)	**7.34** (6.24-8.55)	**8.58** (7.08-10.2)	**9.54** (7.70-11.5)	**10.5** (8.22-13.0)	**11.5** (8.64-14.5)	**12.8** (9.31-16.6)	**13.9** (9.83-18.1)
10-day	**5.36** (4.62-6.18)	**6.05** (5.21-6.99)	**7.18** (6.17-8.31)	**8.12** (6.94-9.43)	**9.42** (7.79-11.2)	**10.4** (8.44-12.5)	**11.4** (8.96-14.0)	**12.4** (9.38-15.5)	**13.7** (10.0-17.6)	**14.7** (10.5-19.1)
20-day	**7.38** (6.41-8.45)	**8.17** (7.09-9.36)	**9.46** (8.18-10.9)	**10.5** (9.05-12.1)	**12.0** (10.0-14.1)	**13.1** (10.7-15.6)	**14.3** (11.3-17.2)	**15.3** (11.7-19.0)	**16.6** (12.3-21.1)	**17.6** (12.7-22.6)
30-day	**9.09** (7.93-10.4)	**9.96** (8.68-11.4)	**11.4** (9.88-13.0)	**12.6** (10.9-14.4)	**14.2** (11.9-16.6)	**15.5** (12.7-18.2)	**16.7** (13.2-20.0)	**17.8** (13.7-21.9)	**19.2** (14.3-24.2)	**20.1** (14.6-25.7)
45-day	**11.3** (9.85-12.8)	**12.2** (10.7-13.9)	**13.8** (12.0-15.7)	**15.1** (13.1-17.3)	**16.9** (14.3-19.7)	**18.4** (15.1-21.6)	**19.7** (15.7-23.5)	**20.9** (16.2-25.6)	**22.4** (16.7-28.0)	**23.3** (17.0-29.5)
60-day	**13.1** (11.5-14.8)	**14.1** (12.4-16.0)	**15.9** (13.9-18.0)	**17.3** (15.1-19.7)	**19.3** (16.3-22.3)	**20.9** (17.2-24.3)	**22.3** (17.8-26.4)	**23.6** (18.4-28.7)	**25.0** (18.8-31.2)	**25.9** (19.1-32.7)

[1] Precipitation frequency (PF) estimates in this table are based on frequency analysis of partial duration series (PDS).

Numbers in parenthesis are PF estimates at lower and upper bounds of the 90% confidence interval. The probability that precipitation frequency estimates (for a given duration and average recurrence interval) will be greater than the upper bound (or less than the lower bound) is 5%. Estimates at upper bounds are not checked against probable maximum precipitation (PMP) estimates and may be higher than currently valid PMP values.

Please refer to NOAA Atlas 14 document for more information.

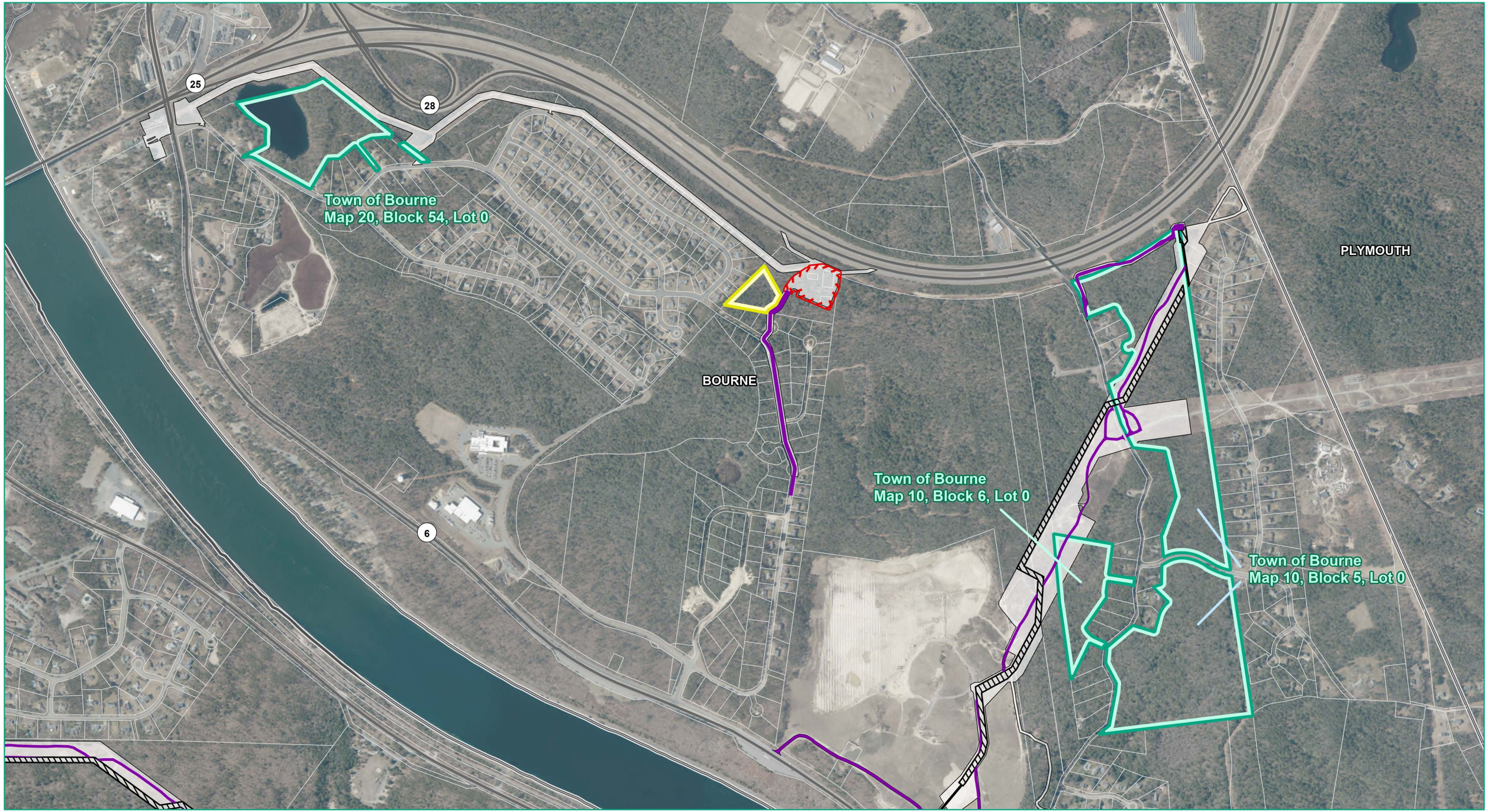
Back to Top

PF graphical

ATTACHMENT 2

Article 97 Parcels and

Replacement Land



ALGONQUIN GAS TRANSMISSION LLC
CAPE COD CANAL PIPELINE
RELOCATION PROJECT

Figure 5.3-7
Town of Bourne Article 97 Parcels

- Municipal Boundary
- Limits of Disturbance
- Parcel Boundary
- Permanent Access Road
- Permanent Easement
- Proposed M&R Station
- Replacement Land
- Town of Bourne Article 97 Parcel

Bourne, MA
USGS 7.5' Quadrangles:
Sagamore and Pocasset
NAD 1983 2011 StatePlane
Massachusetts Mnld FIPS 2001
FtUS
41.7665°N 70.5816°W

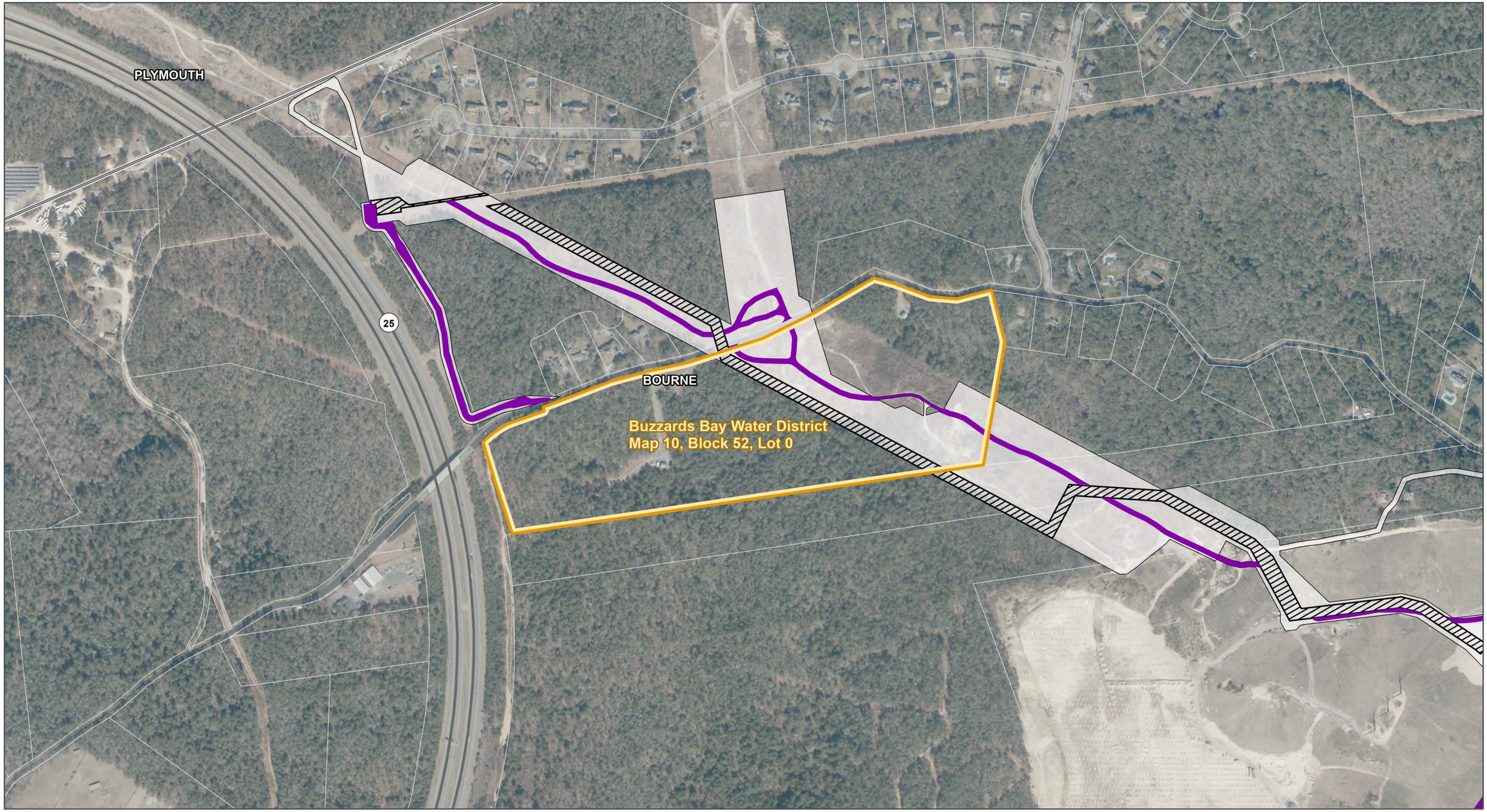
0 500 1,000 Feet
0 100 200 Meters

N

1:10,000

Base Map: Esri ArcGIS Online, accessed May 2026
Updated: 65956
Layout: TOBourne 97 Parcels

SWCA
ENVIRONMENTAL CONSULTANTS



ALGONQUIN GAS TRANSMISSION LLC
CAPE COD CANAL PIPELINE
RELOCATION PROJECT

Buzzards Bay Water District Article 97 Parcel

- Municipal Boundary
- Limits of Disturbance
- Parcel Boundary
- Permanent Access Road
- Permanent Easement
- Buzzards Bay Water District Article 97 Parcel

Bourne, MA
USGS 7.5' Quadrangles:
Sagamore and Pocasset
NAD 1983 2011 StatePlane
Massachusetts Mnld FIPS 2001
FtUS
41.7751°N 70.5812°W

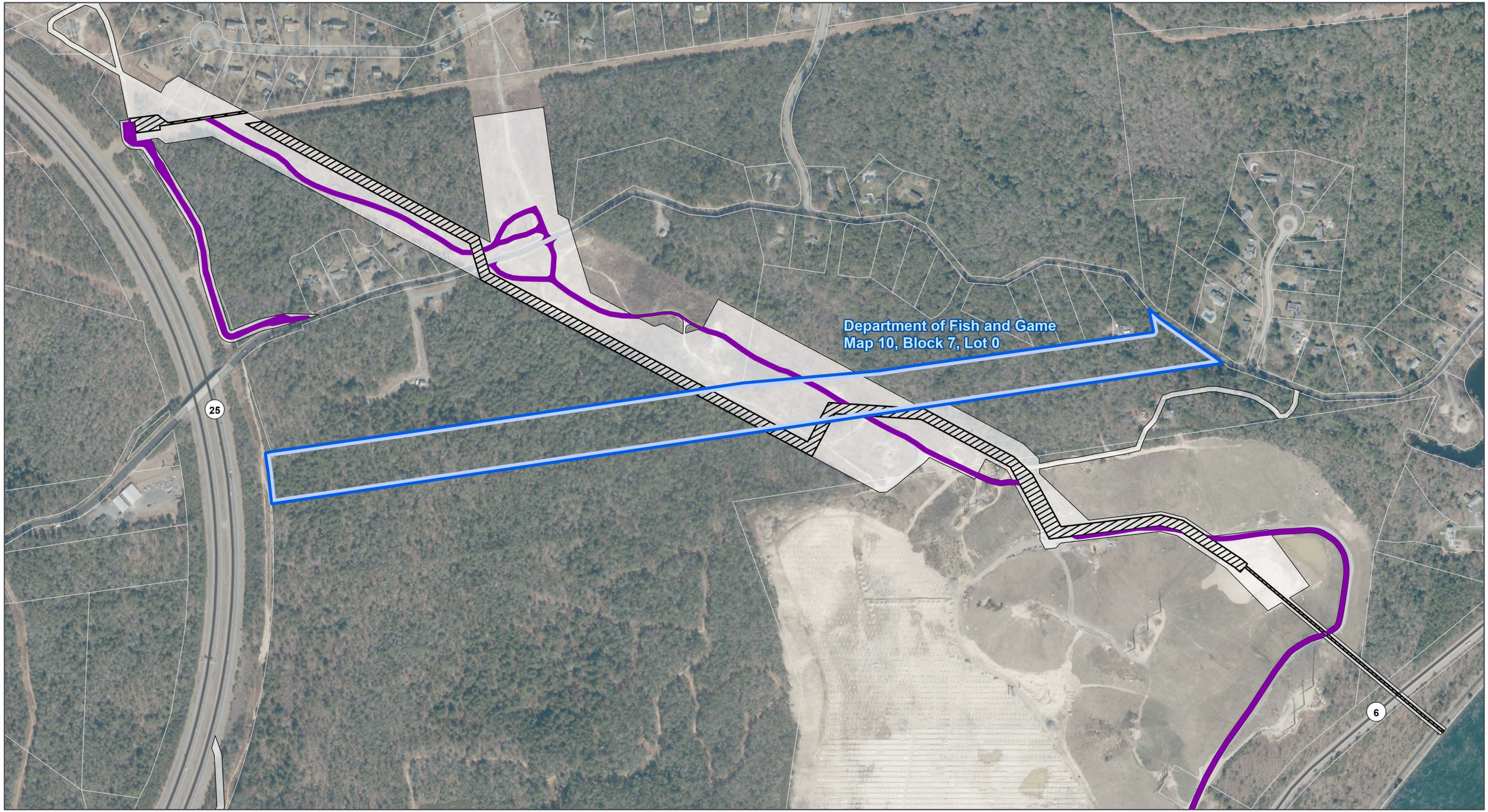
0 200 400 Feet
0 50 100 Meters

N

1:5,000

Base Map: Esri ArcGIS Online, accessed April 2026
Updated: 65956
Layout: BB 97 Parcels

SWCA ENVIRONMENTAL CONSULTANTS



ALGONQUIN GAS TRANSMISSION LLC
CAPE COD CANAL PIPELINE
RELOCATION PROJECT

Department of Fish and Game Article 97 Parcels

SHEET 1 OF 2

- Limits of Disturbance
- Parcel Boundary
- Permanent Access Road
- Permanent Easement
- Department of Fish and Game Article 97 Parcel

Bourne, MA
USGS 7.5' Quadrangles:
Sagamore and Pocasset
NAD 1983 2011 StatePlane
Massachusetts Mnld FIPS 2001
FtUS
41.7741°N 70.5771°W

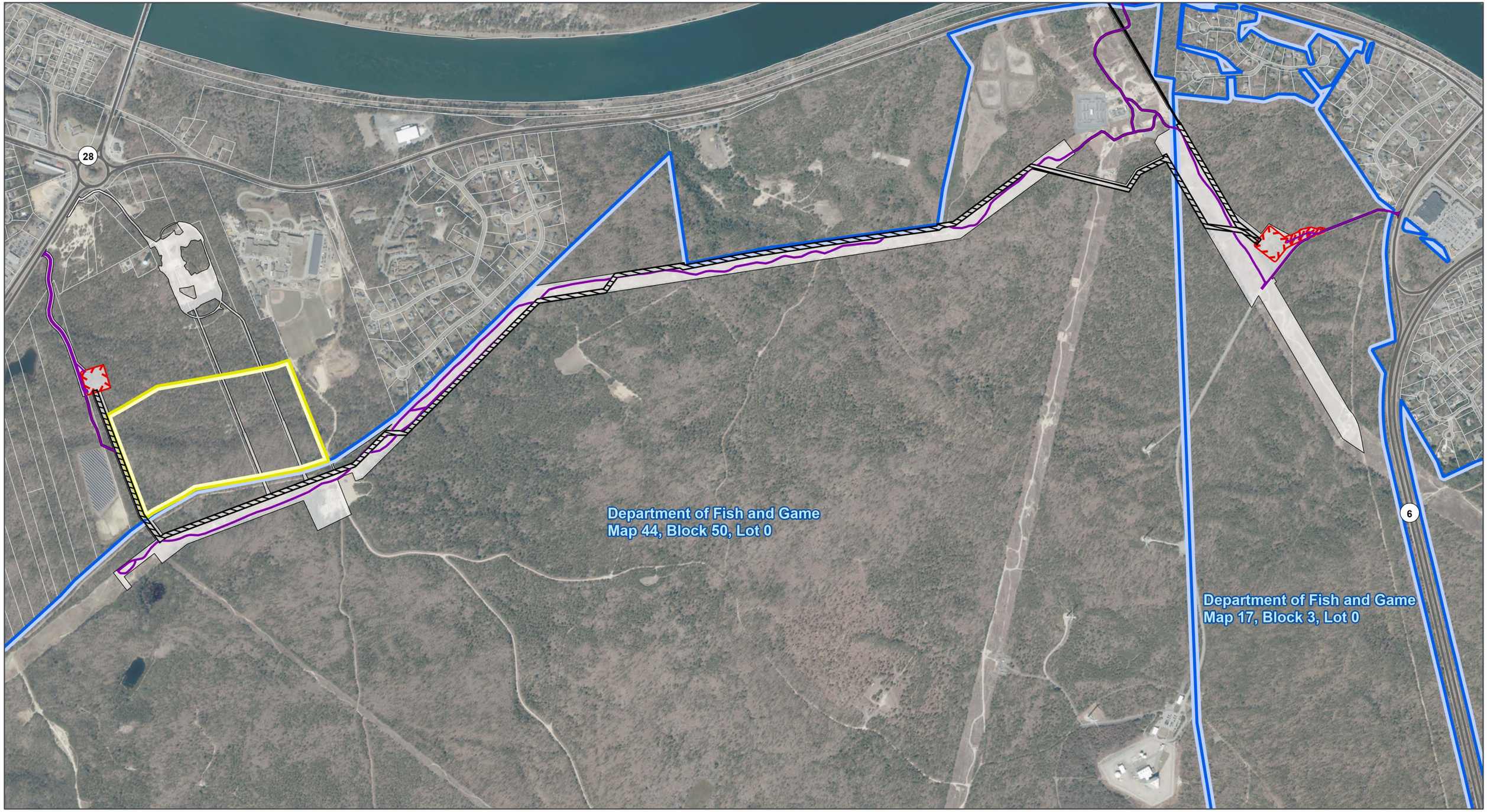
0 200 400 Feet
0 50 100 Meters

N

1:5,000

Base Map: Esri ArcGIS Online, accessed April 2026
Updated: 65956
Layout: DFG 97 Parcels 1

SWCA ENVIRONMENTAL CONSULTANTS



ALGONQUIN GAS TRANSMISSION LLC
CAPE COD CANAL PIPELINE
RELOCATION PROJECT

Department of Fish and Game Article 97 Parcels

SHEET 2 OF 2

- Limits of Disturbance
- Parcel Boundary
- Permanent Access Road
- Permanent Easement
- Proposed M&R Station
- Department of Fish and Game Article 97 Parcel
- Replacement Land

Bourne, MA
USGS 7.5' Quadrangles:
Sagamore and Pocasset
NAD 1983 2011 StatePlane
Massachusetts Mnld FIPS 2001
FtUS
41.7519°N 70.5608°W

0 500 1,000 Feet
0 100 200 Meters

1:12,000

Base Map: Esri ArcGIS Online, accessed May 2026
Updated: 65956
Layout: DFG 97 Parcels 2

SWCA ENVIRONMENTAL CONSULTANTS

ATTACHMENT 3

Project Notification Form (PNF)

MHC Correspondence

Public Archaeology Laboratory

August 29, 2023

Brona Simon
State Archaeologist, Executive Director
State Historic Preservation Officer
Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, Massachusetts 02125

Re: Algonquin Gas Transmission, LLC
Proposed Cape Cod Canal Crossing Project – Bourne, Massachusetts
PAL #4594

Dear Ms. Simon:

Algonquin Gas Transmission, LLC (Algonquin), an Enbridge Energy, Inc. (Enbridge) company, is an interstate natural gas transmission company that maintains and operates interstate pipelines throughout the Northeast. Algonquin is planning to modify its existing pipeline system in the Town of Bourne to accommodate future planned road and bridge construction activities. As part of this effort, Algonquin will remove and re-install portions of its existing pipelines as well as certain aboveground facilities along the pipeline routes. The Project referred to herein as the Cape Cod Canal Crossing Project.

The proposed Project involves the following facilities:

- remove the existing Bourne Mainland Meter Station and approximately 0.5 miles of existing pipeline along the G-8L and G-8C System right-of-way (ROW) leading to the meter station;
- install a new Bourne Mainland Meter Station;
- remove the existing Sagamore Mainland Meter Station and relocate approximately 0.17 miles of existing G-24 System pipeline adjacent to the Sagamore Bridge;
- install a new valve site and the new Sagamore Mainland Meter Station to the west and east of the Sagamore Bridge, respectively;
- install approximately 2.1 miles of new 16-inch pipeline from an existing valve site near the Bourne/Plymouth town line to a new Sagamore Cape Meter Station within the Massachusetts National Guard Joint Base Cape Cod (JBCC), including a horizontal directional drill (HDD) segment under the Cape Cod Canal; and
- install approximately 3.1 miles of new 16-inch pipeline through JBCC to a new Bourne Cape Meter Station off Route 28, to the south of the Bourne Rotary.

PAL recognizes that the proposed Algonquin Project area overlaps with portions of the Massachusetts Department of Transportation (MassDOT) Cape Cod Canal Bridges Project that is also currently under review by the MHC (Review #RC.66038; PAL #4567). The assigned PAL Principal Investigators for each respective project are coordinating review of data to ensure that assessments and recommendations for each project are consistent with one another.

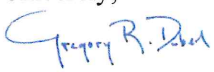
In the second half of 2024, Algonquin intends to file an application for review and approval from the Federal Energy Regulatory Commission (FERC), and numerous other agencies as referenced in the enclosed Project Notification Form (PNF). The permit proceedings, which will be conducted by these agencies, will provide an opportunity for public input and involvement. All other federal program applications are planned to be filed prior

to or in a similar timeframe. The Public Archaeology Laboratory, Inc. (PAL) has been contracted by Algonquin to assist the FERC meet their obligations in complying with Section 106 of the National Historic Preservation Act of 1966, as amended, as well as coordinate with Massachusetts Historical Commission, office of the State Historic Preservation Officer (SHPO), American Indian tribes (Tribes), and other interested stakeholders. On behalf of Algonquin, and pursuant to the Section 106 process, PAL is presenting the information herein as a means to formally notify your office and solicit comments on the proposed Project.

On behalf of Algonquin, please find enclosed a PNF and an application for a permit to conduct an intensive (locational) archaeological survey for the Project. The Project right-of-way referenced in the permit application is on the Sagamore, Massachusetts USGS quadrangle.

If you have any questions or require additional information, please do not hesitate to contact John Kelly, Principal Investigator, or me, at your convenience. We would like to begin the field investigations as soon as possible. We appreciate your time and attention to this matter.

Sincerely,



Gregory R. Dubell, RPA
Energy Projects Manager

Enclosures

cc: George A. McLachlan, Algonquin (w/encl. – via email)
Michael Lychwala, SWCA (w/encl. – via email)
Kathy Murphy, SWCA (w/encl. – via email)
David Robinson, MBUAR (w/encl. – via email)
John A. Peters, Jr., Massachusetts Commission on Indian Affairs (w/encl. – via email)
David Weeden, Mashpee Wampanoag Tribe (w/encl – via email)
Bettina Washington, Wampanoag Tribe of Gay Head (Aquinnah) (w/encl. – via email)
Mark Andrews, Wampanoag Tribe of Gay Head (Aquinnah) (w/encl. – via email)
John Brown, III, Narragansett Indian Tribe (w/encl. – via email)
Cora Peirce, Narragansett Indian Tribe (w/encl. – via email)
Melissa Ferretti, Herring Pond Wampanoag Tribe (w/encl. – via email)
Carl Georgeson, Chair, Bourne Historical Commission (w/encl. – via email)

950 CMR: DEPARTMENT OF THE STATE SECRETARY

APPENDIX B
COMMONWEALTH OF MASSACHUSETTS

SECRETARY OF STATE: MASSACHUSETTS HISTORICAL COMMISSION

PERMIT APPLICATION: ARCHAEOLOGICAL FIELD INVESTIGATION

A. General Information

Pursuant to Section 27(c) of Chapter 9 of the General Laws and according to the regulations outlined in 950 CMR 70.00, a permit to conduct a field investigation is hereby requested.

1. Name(s): John M. Kelly

2. Institution: The Public Archaeology Laboratory, Inc.

   Address: 26 Main Street
   Pawtucket, Rhode Island 02860

3. Project Location: Cape Cod Canal Crossing Project
   see attached proposal

4. Town(s): Bourne

5. Attach a copy of a USGS quadrangle with the project area clearly marked.

   see attached

6. Property Owner(s): Algonquin Gas Transmission, LLC

7. The applicant affirms that the owner has been notified and has agreed that the applicant may perform the proposed field investigation.

8. The proposed field investigation is for a(n):

   a. Reconnaissance Survey
   b. Intensive Survey
   c. Site Examination
   d. Data Recovery

B. Professional Qualifications

1. Attach a personnel chart and project schedule as described in 950 CMR 70.11 (b).

a. Personnel

Principal Investigator(s): John M. Kelly

Project Archaeologist(s): Andrew Polta

Field Crew: TBD

b. Schedule

Fieldwork: October 2023 – May 2024

Laboratory: June 2024

Report: July 2024

2. Include copies of curriculum vitae of key personnel (unless already on file with the State Archaeologist).

C. Research Design

1. Attach a narrative description of the proposed Research Design according to the requirements of 950 CMR 70.11.

2. The Applicant agrees to perform the field investigations according to the standards outlined in 950 CMR 70.13.

3. The Applicant agrees to submit a Summary Report, prepared according to the standards outlined in 950 CMR 70.14 by: October 2024

4. The specimens recovered during performance of the proposed field investigation will be curated at:

The Public Archaeology Laboratory, Inc.
26 Main Street
Pawtucket, Rhode Island 02860

SIGNATURE John Kelly
APPLICANT(S)

8/29/23
DATE

APPENDIX A
MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD
BOSTON, MASS 02125
617-727-8470, FAX: 617-727-5128

PROJECT NOTIFICATION FORM

Project Name: Algonquin Gas Transmission, LLC
Cape Cod Canal Crossing Project

Location / Address: Various

City / Town: Bourne, MA

Project Proponent

Name: Algonquin Gas Transmission, LLC

Address: 890 Winter Street, Suite 330

City/Town/Zip/Telephone: Waltham, Massachusetts 02451

Agency license or funding for the project (list all licenses, permits, approvals, grants or other entitlements being sought from state and federal agencies).

Agency Name:	Type of License or funding (specify)
Federal Energy Regulatory Commission	Section 7c Certificate of Public Convenience and Necessity
U.S. Army Corps of Engineers	Section 10 Rivers and Harbors Act
	Section 404 Clean Water Act
	Real Estate Outgrant Permit
	Section 408 Permit
U.S. Environmental Protection Agency	NPDES Construction General Permit and SWPPP
Massachusetts Energy Facilities Siting Board	Consultation
MA Executive Office of Energy and Environmental Affairs	MEPA Certificate
	Article 97 Process
MA Office of Coastal Zone Management	CZM Consistency
MassDEP	Individual 401 Water Quality Certification
	Chapter 91 License (Exemption, TBD)
Cape Cod Commission	Review and Decision
Town of Bourne	Order of Conditions
Other	TBD – see FERC Application in 2024

Project Description (narrative):

Algonquin is planning to modify its existing pipeline system in the Town of Bourne to accommodate future planned road and bridge construction activities. As part of this effort, Algonquin will remove and re-install portions of its existing pipelines as well as certain aboveground facilities along the pipeline routes. The Project herein is referred to as the Cape Cod Canal Crossing Project.

Does the project include demolition? If so, specify nature of demolition and describe the building(s) which are proposed for demolition.

Algonquin plans to demolish and remove portions of its existing natural gas pipeline system including existing pipeline and aboveground metering and regulating stations that conflict with proposed road and bridge improvements.

Does the project include rehabilitation of any existing building? If so, specify nature of rehabilitation and describe the building(s) which are proposed for rehabilitation.

No rehabilitation of existing buildings is proposed.

Does the project include new construction? If so, describe (attach plans and elevations if necessary).

See enclosed overview map. Detailed project maps are in development and will be submitted to the MHC when they are available in 2024.

To the best of your knowledge, are any historic or archaeological properties known to exist within the project's area of potential impact? If so, specify.

Algonquin's cultural resource consultant, The Public Archaeology Laboratory, Inc. (PAL) has performed a cultural resource due diligence and has prepared a State Archaeologist's permit application to perform intensive (locational) archaeological surveys for proposed Project. PAL will also perform historic architectural property reconnaissance survey and effects assessment to evaluate the potential for the proposed Project to have any effects on aboveground historic properties.

PAL is currently working with Algonquin to identify specific landowners and will prepare an Archaeological Resource Protection Act (ARPA) permit, to be submitted the USACE, if necessary.

What is the total acreage of the project area? TBD

Woodland	acres	Productive Resources:	
Wetland	acres	Agriculture	acres
Floodplain	acres	Forestry	acres
Open Space	acres	Mining	acres
Developed	acres	Total Project Acreage	acres

What is the acreage of the proposed new construction? TBD

What is the present land use of the project area?

Areas within and immediately adjacent to existing natural gas pipeline and/or electrical transmission ROWs and underneath the existing Cape Cod Canal.

Please attach a copy of the section of the USGS quadrangle map which clearly marks the project location.

See attached.

This Project Notification Form has been submitted to the MHC in compliance with 950 CMR 71.00.

Signature of Person submitting this form Gregory R. Dubel Date: 8/29/2023

Name: The Public Archaeology Laboratory, Inc.

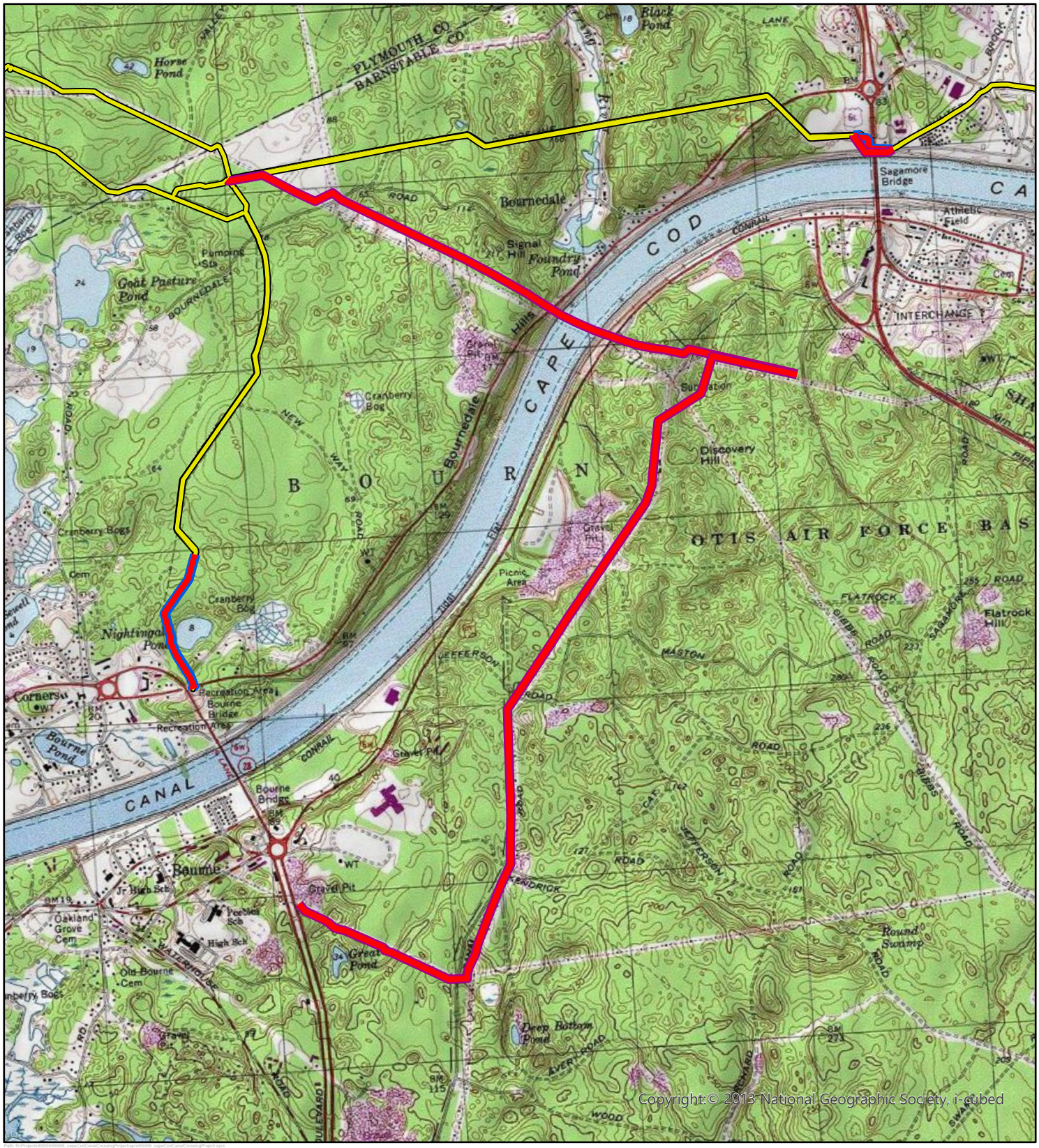
Address: 26 Main Street

City / Town: Pawtucket, Rhode Island 02860

Telephone: 401-728-8780

REGULATORY AUTHORITY

930CMR 71.00: M.G.L. c. 9, §§ 26-27C as amended by St.1988, c.254.



ENBRIDGE

CAPE COD CANAL CROSSING PROJECT

FIGURE 1. USGS TOPOGRAPHIC MAP

BOURNE, MA

Existing Pipeline

Project Location



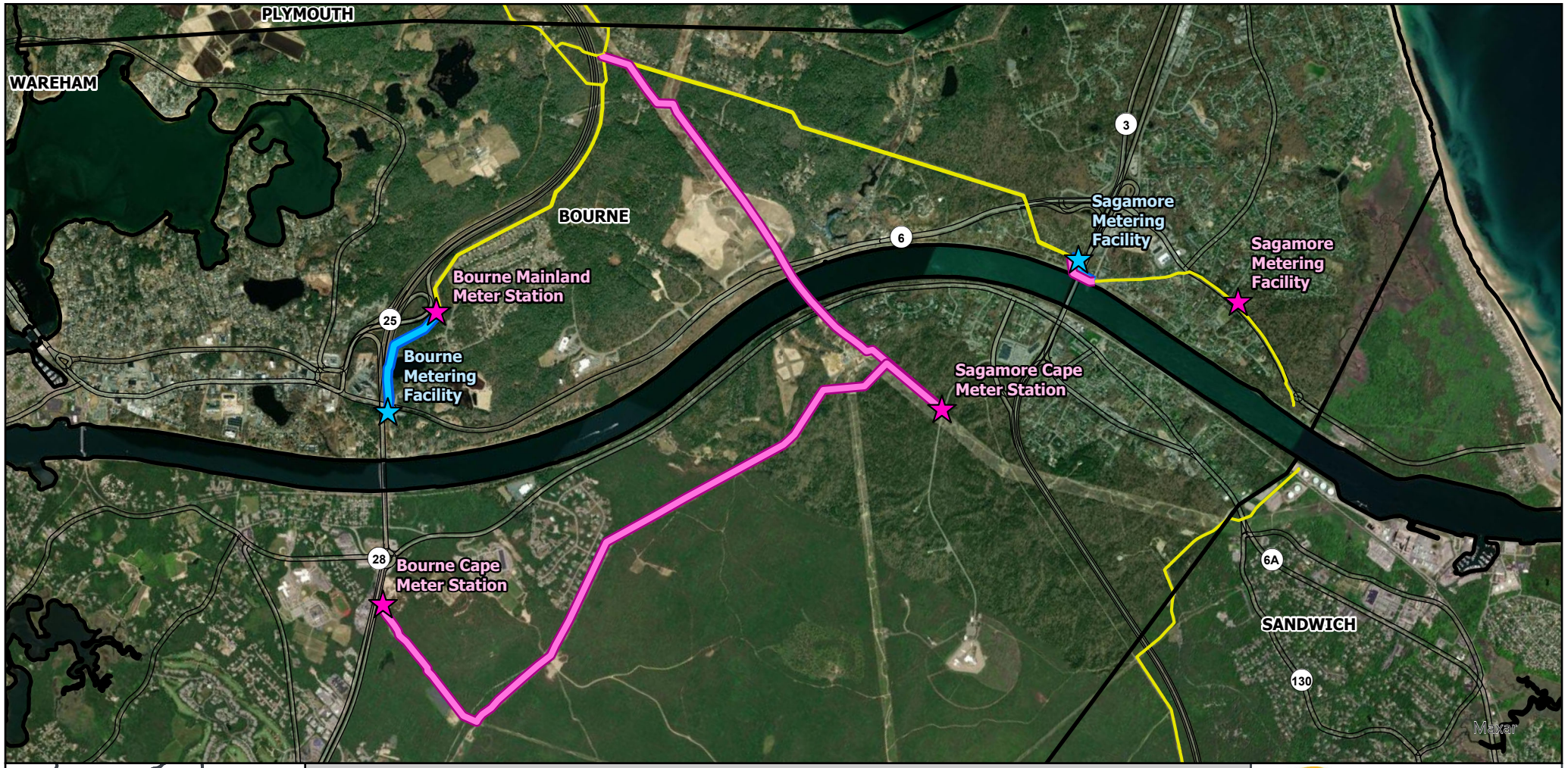
SWCA ENVIRONMENTAL CONSULTANTS

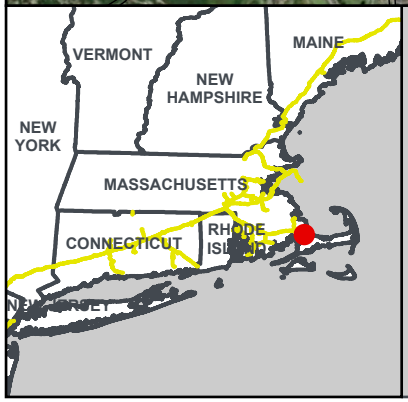
1:30,000

Created By: L. Johnson
Project Number: 65956
Date: 8/3/2023
NAD 1983 UTM Zone 18N

0 0.25 0.5 Mi

0 0.25 0.5 Km





- Facility to be Removed
- Proposed Facility
- Existing Pipeline
- Pipeline to be Removed
- Proposed Pipeline
- Major Road
- Municipal Boundary

N

0 0.25 0.5 Mile

ENBRIDGE

SWCA ENVIRONMENTAL CONSULTANTS

Cape Cod Canal Crossing Project

FIGURE 2: AERIAL MAP

Prepared on 8/4/2023

PHONE REPORT

Public Archaeology Laboratory

DATE: December 5, 2025

TIME: 1:10 PM

PARTICIPANTS:

John M. Kelly, PAL Principal Investigator

Edward L. Bell, MHC Senior Archaeologist and Deputy SHPO

SUBJECT: Algonquin Gas Transmission, LLC Cape Cod Canal Bridge Relocation Project

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On 12/5/25 at 1:10 PM, PAL Principal Investigator John M. Kelly had a phone call with Massachusetts Historical Commission (MHC) Senior Archaeologist and Deputy State Historic Preservation Officer (SHPO), Edward L. Bell, regarding several projects in Massachusetts. During the call, Mr. Kelly inquired about the MHC's review of the updated intensive (locational) archaeological survey report and overall package that PAL submitted to the MHC On September 19, 2025, for the Algonquin Gas Transmission, LLC Cape Cod Canal Bridge Relocation Project. Mr. Bell informed Mr. Kelly that the MHC had received the report following its September 2025 submittal, but he was unaware of the status of MHC's review of report since it was being personally reviewed by State Archaeologist and SHPO Brona Simon.

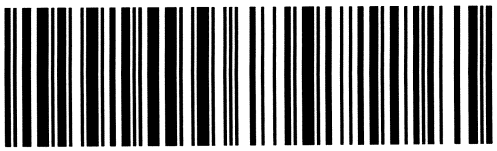
ATTACHMENT 4

NOI Order of Conditions

Town of Bourne Conservation Commission

STEPHANIE FITCH
TOWN OF BOURNE
24 PERRY AVE, STE 1
BUZZARDS BAY MA 02532-3496

USPS CERTIFIED MAIL



9414 8098 9864 3584 1122 26

PITNEY BOWES
$10.15 0
US POSTAGE IMI
FIRST-CLASS
028W0002311081
2000451733
ZIP 02532
AUG 07 2026



BRIAN COLABELLA
ALGONQUIN GAS TRANSMISSION, LLC
890 WINTER ST, # 320
WALTHAM MA 02451-1470

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE7-2406
MassDEP File #

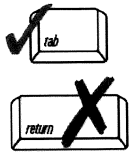
eDEP Transaction #

Bourne
City/Town

A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. From: Bourne
Conservation Commission

2. This issuance is for (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Brian
a. First Name

Colabella
b. Last Name

Algonquin Gas Transmission, LLC (Algonquin)
c. Organization

890 Winter Street, Suite 320
d. Mailing Address

Waltham
e. City/Town

MA
f. State

02451
g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

N/A - Linear Pipeline ROW Project
a. Street Address

Bourne
b. City/Town

c. Assessors Map/Plat Number

d. Parcel/Lot Number

Latitude and Longitude, if known: d m s
d. Latitude

d m s
e. Longitude

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE7-2406
MassDEP File #

eDEP Transaction #

Bourne
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

N/A
a. County

b. Certificate Number (if registered land)

c. Book

d. Page

7. Dates: 07/30/2026 a. Date Notice of Intent Filed; 08/06/2026 b. Date Public Hearing Closed; 08/07/2026 c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Enbridge Cape Cod Canal Pipeline Relocation Project proposed 8" G-11, 18" G-24, 18" G-31, 16" G-32 Pipelines, and removaal of 8" G-8C & 8" G-8L Pipelines

Wood Group USA, INC.
b. Prepared By

Clay H. Willis
c. Signed and Stamped by

03/25/2026
d. Final Revision Date

N/A
e. Scale

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

a. ☒ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution

d. ☒ Private Water Supply e. ☐ Fisheries f. ☒ Protection of Wildlife Habitat

g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE7-2406
MassDEP File #

eDEP Transaction #

Bourne
City/Town

B. Findings (cont.)

Denied because:

b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. ☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. ☐ Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. ☐ Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. ☒ Bordering Land Subject to Flooding	52 temp a. square feet	52 temp b. square feet	0 c. square feet	0 d. square feet
Cubic Feet Flood Storage	0 e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. ☒ Isolated Land Subject to Flooding	42,709 temp a. square feet	42,709 temp b. square feet		
Cubic Feet Flood Storage	0 c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. ☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP: SE7-2406 (MassDEP File #)
eDEP Transaction #
Bourne (City/Town)

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☐ Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	a. square feet	b. square feet	c. nourishment (cu yd)	d. nourishment (cu yd)
14. ☐ Coastal Dunes	a. square feet	b. square feet	c. nourishment (cu yd)	d. nourishment (cu yd)
15. ☒ Coastal Banks	55,232 a. linear feet	55,232 b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☐ Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. ☐ Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. ☒ Land Subject to Coastal Storm Flowage	21,119 a. square feet	21,119 b. square feet		
22. ☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE7-2406
MassDEP File #

eDEP Transaction #

Bourne
City/Town

B. Findings (cont.)

* **#23.** If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *:

a. square feet of BVW _____ b. square feet of salt marsh _____

24. ☐ Stream Crossing(s):

a. number of new stream crossings _____ b. number of replacement stream crossings _____

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
   a. The work is a maintenance dredging project as provided for in the Act; or
   b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
   c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE7-2406
MassDEP File #

eDEP Transaction #

Bourne
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.

10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

    "Massachusetts Department of Environmental Protection" [or, "MassDEP"]

    "File Number SE7-2406 "

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.

12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.

13. The work shall conform to the plans and special conditions referenced in this order.

14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.

15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE7-2406
MassDEP File #

eDEP Transaction #

Bourne
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

19. The work associated with this Order (the "Project")
    (1) ☒ is subject to the Massachusetts Stormwater Standards
    (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

    If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

    a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

    b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:

    i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;

    ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;

    iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement) for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE7-2406
MassDEP File #

eDEP Transaction #

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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.

i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.

j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See attached text.

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☐ Yes ☒ No

2. The Bourne Conservation Commission hereby finds (check one that applies):

   a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

   _____ (1. Municipal Ordinance or Bylaw) _____ (2. Citation)

   Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

   b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

   Bourne Wetland Protection Bylaw (1. Municipal Ordinance or Bylaw) Article 3.7 (2. Citation)

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

   The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

   see attached text

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE7 2406
MassDEP File #

eDEP Transaction #

Bourne
City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

08/07/2026
1. Date of Issuance

Please indicate the number of members who will sign this form.
This Order must be signed by a majority of the Conservation Commission.

5
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signature	Printed Name
Robert M. Gray	ROBERT M. GRAY
	Susan J. Weston
	P.S. SEWED
	Joseph M. Soares Jr
	Jake Gadhos

☐ by hand delivery on

Date

☒ by certified mail, return receipt requested, on

9414809898643584112226

Date

08/07/2026

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
SE7-2406
MassDEP File #

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Bourne
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F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
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Bourne
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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location | MassDEP File Number

Has been recorded at the Registry of Deeds of:

County | Book | Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book | Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

Applicant's Name: Brian Colabella, Algonquin Gas Transmission, LLC DEP # SE7-2406

Address: N/A Linear Pipeline ROW Project

This Order of Conditions is being issued based upon strict accordance with the information submitted in the Notice of Intent filed on 7/1/2026 and the Plan of Record stamped by Clay H. Willis on 6/23/2026.

Additional materials reviewed include:
- Division of Marine Fisheries email correspondence with Amanda Davis dated 7/15/2026
- Notice of Intent Wetland Application presentation dated 7/16/2026
- Natural Heritage and Endangered Species Program email correspondence with Lauren Glorioso dated 7/17/2026

In addition to the GENERAL CONDITIONS referenced in the Order of Conditions, the Commission has found it necessary to impose the following Special Conditions pursuant to M.G.L. Ch. 131, s.40 and the Town of Bourne Natural Resources Protection Bylaw Article 3.7.

THE SPECIAL CONDITIONS AND BYLAW CONDITIONS CHECKED BELOW APPLY TO YOUR PROPOSAL. NOTE THAT THE ABOVE LISTED GENERAL CONDITIONS ARE AUTOMATICALLY PART OF THIS ORDER OF CONDITIONS.

SPECIAL CONDITIONS Pursuant to M.G.L. C. 131, s. 40.

Pre-Construction

☒ 1. This Order of Conditions shall apply to any successor in interest or successor in control of the property.

☒ 2. NO WORK SHALL BEGIN until General Condition #9 has been complied with. The Commission must be in receipt of the Registry information certificate BEFORE work begins. An Enforcement Order will be issued if work is prematurely begun without compliance with this condition.

☒ 3. ALL CONSTRUCTION MUST COMPLY WITH THE ABOVE-REFERENCED PLANS AND THE CONDITIONS OF THIS ORDER. ANY CHANGES INTENDED TO BE MADE IN THE PLANS OR IN THE WORK, SHALL REQUIRE THE APPLICANT TO FILE A NEW NOTICE OF INTENT, OR TO INQUIRE OF THE COMMISSION IN WRITING WHETHER THE CHANGE IS SUBSTANTIAL ENOUGH TO REQUIRE A NEW FILING. NO CHANGE IN PLAN OR WORK, UNDER THIS FILING IS PERMISSIBLE WITHOUT A NEW NOTICE OF INTENT, OR PERMISSION FROM THE COMMISSION. FAILURE TO COMPLY WITH THIS CONDITION WILL RESULT IN THE ORDER OF CONDITIONS (PERMIT) BEING REVOKED.

☐ 4. The Plan of Record shall be in full compliance with 780 CMR Massachusetts State Building Code and the requirements the Federal Emergency Management Agency (FEMA). Specific design requirements for construction in flood zones shall be determined by the Town of Bourne Building Inspector. The final foundation design APPROVED by the Building Inspector shall automatically become a part of the Plan of Record. Noncompliance with any of the requirements of 780 CMR or those of the Building Inspector shall constitute a violation of the Order of Conditions and will be grounds for Enforcement Action and/or the non-issuance of the Certificate of Compliance. Upon requesting a Certificate of Compliance the applicant must present PROOF that his/her project has

been designed according to the Plan of Record and to the satisfaction of the Building Inspector.

☐ 5. Prior to the installation of the subsurface sewage disposal system, you are advised of the necessity to comply with, or receive a variance from, the local Board of Health Regulations & Bylaws and obtain a valid health permit. The Order of Conditions re-emphasizes this requirement and prohibits any construction prior to obtaining a Board of Health permit.

☐ 6. Since the building was or is to be constructed after August 10, 1978, and is or will be within 100' of the top of an eroding coastal bank, (310 CMR, 10.30), this Order and the Certificate of Compliance incorporate 310 CMR 10.30(5) which states: "no coastal engineering structure, such as a bulkhead, revetment, or seawall shall be permitted on an eroding bank at any time in the future to protect the project allowed by this Order of Conditions."

☐ 7. The applicant as a condition of this Order, grants to the Commission members, and agents of the Commission the right to enter, inspect, and sample the premises to evaluate compliance with the conditions and performance standards stated in this Order, the Act, and 310 CMR 10.00 and the Town of Bourne Wetlands Protection Bylaw Article 3.7, and may require the submittal of any data deemed necessary by the Commission for that evaluation.

☐ 8. An on-site pre-construction inspection meeting must be held between the Bourne Conservation Commission and/or agent, the contractor responsible for implementing the project, and if applicable, the outside consultant/representative responsible for permitting. The Bourne Conservation Commission must be contacted in writing at least two weeks prior to the scheduled meeting. All sediment controls must be installed at the location of the project prior to the pre-construction meeting, unless otherwise agreed upon by the applicant and the Bourne Conservation Commission.

☐ 9. The landowner and/or his contractor will notify the Commission in writing 5 days prior to the start of work. The letter shall state the name, address, telephone number (business & home phone) of the project supervisor who will be responsible for insuring on-site compliance with this Order. All sediment control devices shall be installed BEFORE the start of work.

☒ 10. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.

☐ 11. No underground petroleum product storage tanks are allowed within 100' of any wetland or within any velocity (V) floodzone as indicated on the most recent FEMA floodzone maps.

Construction

☒ 12. The project engineer and contractors (and all subcontractors) must be informed of the conditions of this Order. A copy of this Order of Conditions must be available at all times at the construction site for reference. The Applicant is held responsible for compliance with this Order of Conditions.

☒ 13. Best available measures shall be used to minimize adverse effects during construction.

☒ 14. The Applicant must employ and maintain suitable erosion prevention and sediment control measures such as staked straw bales, compost filter tubes and/or straw wattles, sediment fence , siltation curtains, bark mulch, jute netting, etc. as shown on the Plan of Record and/or addressed in the Notice of Intent. This erosion prevention and sediment controls shall be maintained until all disturbed areas achieve final stabilization. Additional erosion prevention and sediment controls shall be kept on-site in order to respond to unforeseen

circumstances.

☐ 15. The applicant, owner, successors or assignees shall be responsible for maintaining any on-site drainage structures and out falls, assuring the lasting integrity of vegetative cover on the site and site activities so as to prevent erosion, siltation, sedimentation, chemical contamination or other detrimental impact to the on-site wetland resource area(s) and/or off-site wetland resource area(s). The maintenance activities specified in this Order shall not expire with the issuance of the Certificate of Compliance and shall continue in perpetuity. It is the responsibility of the property owner of record to see that maintenance conditions are complied with as required by this Order.

☐ 16. Gutters and downspouts must direct flows to drywells or other appropriate controls where runoff is allowed to infiltrate the ground surface.

☐ 17. Pool water must be drained into the approved drywell. No pool water may be discharged into any wetland resource areas.

☐ 18. All drainage must be directed into a leaching type catch basin before being discharged towards or into any wetland or surface water body. All catch basins must incorporate measures to ensure the removal of pollutants such as oil and gas and must provide for adequate sediment retention. The basins and oil absorbent material shall be regularly cleaned and maintained.

☒ 19. Any refuse material generated through the project construction will be removed to an approved landfill, and in no case will these materials be allowed to be buried or disposed of on site or on abutting property. REMOVAL MUST BE DONE WEEKLY DURING THE CONSTRUCTION PHASE OF THE PROJECT. REFUSE MUST NOT BE ALLOWED TO ENTER ANY WETLAND AREAS.

☐ 20. Used petroleum products from the operation or maintenance of construction equipment and construction debris shall be collected weekly and disposed of off-site at an approved landfill. No on-site disposal is permitted.

☐ 21. Only rubber tired or tracked vehicles utilizing swamp mats/planks will be permitted to traverse the following resource areas: beaches, dunes, and saltmarshes.

☐ 22. Installation of a walkway within salt marsh must occur during salt marsh dormant season which is typically October through end of March.

☐ 23. Use of heavy equipment shall be confined to inside the limit of work as shown on the Plan of Record. All work shall be accomplished from the UPLAND side of the limit of work line.

☐ 24. The use of heavy equipment upon the saltmarsh, dunes or coastal beach is PROHIBITED. All work within these resource areas must be done by hand or with suitable equipment approved by the Commission

☐ 25. The proposed stairs shall be elevated __ feet above the existing grade. All pilings should be supported by SONO tube footings. Excavated materials shall be removed from the coastal bank.

☐ 26. Driveway must be constructed out of pervious material and maintained as such in perpetuity.

☒ 27. The surface vegetation and contours of the area shall be substantially restored.

☐ 28. All vegetation must be predominantly native and non-invasive. All plants must be allowed to grow to

maturity before pruning. All plantings will be monitored for a minimum of two growing seasons and any plants that do not survive must be replaced.

Post Construction

☒ 29. Upon completion of your project you must apply for a Certificate of Compliance. This Order will not be considered complied with until the Certificate of Compliance has been requested, granted and RECORDED at the Registry of Deeds in Barnstable. To ensure timely issuance of the Certificate of Compliance you must request the Certificate within 30 days of the completion of your project.

☒ 30. Prior to the issuance of a Certificate of Compliance, the project engineer or consultant shall certify that the project has been completed in compliance with this Order and the original Plan of Record. Any variations from the approved plan should be clearly noted and reasons given to justify the noncompliance. (see Bylaw condition/requirement also)

☒ 31. An as-built plan, signed and stamped by a registered professional engineer or land surveyor in the Commonwealth of Massachusetts shall be submitted to the Commission at the same time as a written request for a Certificate of Compliance and shall specify how the completed plan differs from that shown on the plans referred to in the Order of Conditions. The as-built plan shall include, but not be limited to the following:

- All pipe/culvert inverts for inflow and outfalls, pipe slope, size and composition; location of other drainage structures; limits of fill or alteration; location of any structure and pavement within 100' of any wetland resource area (including the top of the coastal bank); the edge of each wetland resource area; the grade contours within 100' of the wetland resource areas

ASC-1) All conditions for work within Estimated Habitat of Rare Wildlife provided by the Natural Heritage and Endangered Species Program as part of the streamlined MESA/Wetlands Protection Act review for this Notice of Intent are incorporated into this Order of Conditions, as stated in the email dated 7/17/2026 from Lauren Glorioso. If NHESP issues a formal letter, it is incorporated into this Order of Conditions.

The Applicant is reminded of his/her right to Appeal this Order or any part herein to DEP within 10 days of the issuance of this Order of Conditions.

ATTACHMENT 5

Section 401 WQC

MassDEP

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

JUL 10 2026

Algonquin Gas Transmission, LLC
ATTN: Brian Colabella
Senior Environmental Manager
890 Winter Street, STE 320
Waltham, MA 02451

RE: **401 WATER QUALITY CERTIFICATION**
Application for: BRP WW 10
MAJOR FILL AND EXCAVATION PROJECTS

AT: Cape Cod Canal Pipeline Relocation Project
0 Bourne
Latitude: 41.76958
Longitude: -71.563756
Bourne

Transmittal No: 25-WW10-0033-APP
401 WQC Application Complete: 10/14/25

Dear Mr. Colabella:

The Department of Environmental Protection ("MassDEP") has reviewed your application for a Water Quality Certification (WQC), as referenced above. In accordance with the provisions of MGL Ch. 21, §§26-53, Section 401 of the Federal Clean Water Act as amended (33 U.S.C. §1251 et seq.), and 314 CMR 9.00, it has been determined there is reasonable assurance the proposed project will be conducted in a manner which will not violate applicable water quality standards at 314 CMR 4.00.

The project is necessary to support the planned replacement of the Bourne and Sagamore bridges proposed by the Cape Cod Bridges Program (CCBP). The Massachusetts

Department of Transportation (MassDOT) and the United States (U.S.) Army Corps of Engineers (USACE) are jointly implementing the CCBP. The existing Bourne and Sagamore bridges each carry one natural gas pipeline which is the only source of natural gas to Cape Cod. The USACE has determined that the new bridge designs cannot include gas pipeline utilities. As a result, the proposed work is necessary to maintain uninterrupted gas distribution to Cape Cod, and to avoid conflicts with the bridge replacement work.

Work includes the removal, abandonment, relocation, and installation of new pipeline with supporting structures. All work associated with the project will occur in the Town of Bourne. A significant component of the proposed work includes the installation of a new pipeline beneath the Cape Cod Canal using horizontal directional drilling (HDD) methods.

The work will impact a total of 16,602 square feet of Isolated Vegetated Wetland (IVW) in three (3) separate locations identified as Wetland W2, Wetland W5, and Wetland W12. All wetland impacts are temporary in nature.

Work in Wetland W2, which will impact approximately 4,464 square feet of IVW, is within the southwestern edge of an existing maintained overhead transmission line easement located near mile post (MP) 0.48. Wetland W2 impacts are shown on sheet 1 of Figure 4.2-1. Work in Wetland W2 is limited to the installation of a portion of the G-31 pipeline using traditional excavation and backfill methods. Wetland W5 impacts are shown on sheet 2 of Figure 4.2-1 and are located within a former sand and gravel pit. Work within Wetland W5 is necessary to support the HDD operations for the G-31 pipeline realignment beneath the Cape Cod Canal. The work in and adjacent to Wetland W5 represents the entry point for the HDD drilling operations which will extend an 18-inch pipeline beneath the canal. The depth of the HDD is anticipated to range from approximately 85 ft to 147 ft beneath the canal. The HDD exit point will be on property at Joint Base Cape Cod adjacent to Gibbs Road. Wetland W12 is located within a wooded area between Desert Drive and the off-ramp for Route 28 northbound, east of the G-8C/G-8L pipeline Right-Of-Way (ROW) and will impact 2,395 square feet of IVW. Wetland W12 impacts are shown on sheet 3 of Figure 4.2-1. Work in Wetland W12 is limited to the removal and abandonment of pipeline (G-8L/G-8C) using traditional excavation and backfill methods.

Alternatives to the project were developed by defining the least environmentally impactful construction methodology and by avoiding unnecessary pipeline excavation work. Alternatives also considered potential impacts with Eversource's operations and maintenance activities near Wetland W2. MassDEP SERO personnel coordinated with Algonquin and their representatives during the preapplication process to help refine and

focus the alternatives to avoid and minimize wetland impacts. Each of the proposed wetland impact areas were also field verified by MassDEP and the project team.

Two (2) alternatives were considered; a no action scenario and a scenario that considered non-gas alternatives for existing gas users on Cape Cod. Both these alternatives were dismissed. A no-action scenario would not meet the CCBP project goal to safely replace the bridges and to serve gas to users on Cape Cod, and the non-gas alternative would require gas users on Cape Cod to rapidly convert from natural gas to electric energy solutions, including heating of homes and businesses.

All work within the IVWs will be from construction mats as shown on the plans of record and as determined by the Environmental Inspector (EI). Dewatering within wetland areas is not anticipated, however should it become necessary, water will be managed in accordance with Algonquin's Erosion and Sedimentation Control Plan (E&SCP) included as Attachment 4 in WQC application.

Soils excavated to install, remove, or abandon the pipeline will be segregated to the maximum extent practicable separating the surface wetland soil organic horizon from the subsurface mineral horizon, stored in proximity to the excavation area, and separated from the undisturbed portions of the wetland by erosion controls. Following excavation activities, the excavated soils will be used as backfill to restore the area to preconstruction configuration and contours. Following backfill activities, the construction mats will be removed from the wetland area. Areas encompassing the excavation activities will be seeded with a commercially available New England wetland seed mix or equivalent.

Work to extend the G-31 pipeline beneath the Cape Cod Canal is outlined in the HDD Plan included as Attachment 5 of the WQC application. The HDD plan outlines general best available drilling practices, drilling and monitoring procedures, responses to inadvertent returns, notifications, and cleanup activities following installation. As proposed in the WQC application the selected HDD contractor will prepare a site-specific HDD plan for review and approval by Algonquin prior to drilling operations.

Work will not occur within Outstanding Resource Waters (ORWs). Two (2) certified vernal pools (CVPs) are mapped by the Massachusetts Natural Heritage and Endangered Species Program (NHESP) in proximity to the project. Algonquin has specifically designed the project to avoid any workspace within 100 feet of the CVPs. One CVP is mapped within Wetland W3, which is an IVW located approximately 115 feet north of the proposed G-31 construction ROW between MP 0.6 and MP 0.7. The other CVP is mapped within Wetland

W10, which is an IVW located approximately 105 feet southeast of the Project workspace of G-32 pipeline ROW south of MP 2.7. The proposed work is not expected to impact ORWs.

As described in Section 4.3.2 of the WQC application Algonquin is working with the Natural Heritage and Endangered Species Program (NHESP) through the Massachusetts Endangered Species Act Program (MESA) to prepare and finalize a Conservation Management Plan (CMP). Algonquin will implement all proposed mitigation measures recommended by NHESP in the Conservation Management Permit obtained for the Project.

All three (3) temporarily impacted wetland areas will be restored to preconstruction conditions. Within Wetland W2 a 10-foot-wide corridor over the pipeline will be maintained in an herbaceous state in accordance with the Federal Energy Regulatory Commission (FERC) guidelines. Monitoring the success of the restoration will be conducted over a three (3) year period following construction or until at least 75% of the disturbed area is reestablished with the cover of wetland plant species documented prior to construction. Deficiencies identified during the monitoring period will be corrected as necessary, including those outlined in the site post construction monitoring plan.

Public notice was provided in the Enterprise on October 17, 2025. The Department did not receive any public comments during the 21-day public comment period which ended on November 7, 2025.

The project was also reviewed pursuant to M.G.L. Chapter 30, Sections 61 to 62H inclusive (M.E.P.A.) as EOEA #16947. An Environmental Notification Form (ENF) was published in the Environmental Monitor on May 7, 2025. The Secretary of Environmental Affairs determined that the project required an Environmental Impact Report (EIR) in a certificate issued on June 23, 2025. On June 29, 2026, the Secretary of Environmental Affairs issued a certificate on the Final Environmental Impact Report (FEIR). The MassDEP SERO Wetlands Program comments have been adequately addressed.

Based on a review of information provided by the applicant, MassDEP finds that this project complies with the standards described under 314 CMR 9.06.

MassDEP certifies in accordance with 314 CMR 9.00 that there is reasonable assurance that the project or activity will be conducted in a manner which will not violate applicable water quality standards (314 CMR 4.00) and other applicable requirements of state law.

Therefore, based on information currently in the record, the Department grants a 401 Water Quality Certification for this project subject to the following conditions to maintain water quality, to minimize impact on waters and wetlands, and to ensure compliance with appropriate state law.

1. All work shall conform to the plans entitled:

    - Application for Section 401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands, Cape Cod Canal Pipeline Relocation Project, Bourne Massachusetts dated October 14, 2025.

    - Attachment 1, Project Narrative, Cape Cod Canal Pipeline Relocation Project, Application for Major Project Certification Under Section 401 of the Clean Water Act, Bourne, Massachusetts, dated October 2025.

    - Attachment 2, Figure 3.2-1 Project Location Map dated September 2025; Figure 3.2-2 Aerial Overview Map dated September 2025; Figure 4.2-1 Project Wetland Impacts dated September 2025, sheets 1 through 7; Figure 6.4-1 Alternative Study Area dated September 2025; Figure 6.5-1 Constraints Map dated September 2025; Figure 6.5-2 Pipeline Alternative Evaluation Areas dated September 2025; Figure 6.7-1 Bourne M&R Station Site Comparison dated September 2025; Figure 6.7-2 Sagamore M&R Station Site Comparison dated September 2025; Figure 6.7-3 Alternative Pave Paws M&R Station Site Comparison dated September 2025; Figure 6.7-4 Bourne Rotary M&R Station Comparison dated September 2025.

    - Attachment 3, Project Plan Set, Drawings GSYS-P.500 0001 through GSYS-P.500-0029 (29 sheets); Drawings GSYS-P.500-R0001 through R0006 (6 sheets); Drawings GSYS-M.223-0001 through GSYS-M.223-0009 (9 sheets).

    - Attachment 4, Erosion and Sedimentation Control Plan and Spill Prevention, Control and Countermeasure Plan, effective June 6, 2014, revised December 2024.

    - Attachment 5, Best Drilling Practices, Monitoring and Clean-up of Horizontal Directional Drilling Inadvertent Returns Plan, dated June 2025.

2. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals referenced in Condition 1, the conditions of this Certification shall control.

3. A copy of this Certification and referenced plans and other documents shall be provided to the contractor prior to the start of construction.

4. Algonquin Gas Transmission, LLC (AGT) will be responsible for notifying MassDEP in the event of any observed violation/failure to comply with this Certification.

5. Prior to the start of work the applicant shall notify MassDEP and the Bourne Conservation Commission, in writing, of the name, address and telephone number(s) of the project supervisor or contractor who is responsible to ensure compliance with this Certification.

6. A minimum of twenty-one (21) days prior to the commencement of construction activities the applicant shall contact MassDEP and the Bourne Conservation Commission to schedule a pre-construction meeting with the selected construction contractor(s) to review the plans, specifications, work schedule and the conditions of this Certification.

7. Prior to the start of horizontal directional drilling (HDD) operations Algonquin Gas Transmission, LLC shall prepare a project-specific HDD plan for review and approval by MassDEP. The project-specific HDD plan will include site specific construction diagrams, a contingency plan (i.e., a "frac-out" contingency plan) with site specific monitoring procedures and steps to contain any inadvertent release of drilling fluids.

8. As proposed, Algonquin Gas Transmission, LLC shall use a construction travel lane from the HDD entry point to the northern bank of the Cape Cod Canal and from the HDD exit point to the southern bank of the Cape Cod Canal for monitoring during HDD activities. The travel lane on each side of the Cape Cod Canal will allow for monitoring the HDD and allow Algonquin Gas Transmission, LLC, the space to respond to an inadvertent return should one occur during the HDD activities.

9. A minimum of five days prior to commencement of construction activities, the AGT Environmental Inspector (EI) shall conduct a pre-construction meeting with the selected construction contractor to review the plans, specifications, work schedule and conditions of this Certificate. Within three days following the meeting, MassDEP will be notified that this condition has been met.

10. Prior to the start of construction, the limits of work will be established in the field with flagging or other visual means, and temporary sedimentation barriers will be installed as proposed.

11. A stockpile of erosion control materials shall be kept on-site in an upland location for emergency and routine replacement. The materials may include but are not limited to silt fence, hay bales, stone riprap, filter dikes, compost filter tubes or any other devices

planned for use during construction. MassDEP reserves the right to require additional erosion and sedimentation controls as necessary.

12. Work within the isolated vegetated wetland resource areas shall be conducted from construction mats as shown on the plans of record and detailed in Figure WC-1 of the Erosion and Sedimentation Control Plan. The construction mats and equipment shall be cleaned before and after each use to remove any invasive plant species seed stock. Cleaning methods may include, but are not limited to, shaking or dropping mats in a controlled manner with a piece of machinery to remove attached soil and debris, spraying with water or air, sweeping, or exposing the mats to high temperatures. Cleaning shall be conducted in an upland location and any debris generated from cleaning activities shall be contained, collected, and properly disposed of.

13. The proposed construction mats shall be placed from an upland area or from the previously placed mat and shall be removed in a similar manner. Construction mats shall not be dragged through the wetland when being put in place or when being removed.

14. Dewatering will be conducted (on or off the ROW) in such a manner that does not cause erosion and does not result in silt-laden water flowing into a wetland or waterbody. Dewatering will be accomplished through a dissipation device within a containment area lined with silt fence or a geotextile filter fabric surrounded by straw bales as described and shown in Section 3.5.6 of the Erosion and Sedimentation Control Plan and as shown on Figures WD1-WD3.

15. Erosion controls shall be inspected daily, and any accumulated sediments shall be removed as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify MassDEP, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.

16. The applicant is responsible for maintaining erosion and sedimentation controls prior to forecasted significant storm events to ensure that the controls will adequately protect resource areas.

17. Any excavated wetland soil organic horizon, including at least the top twelve (12) inches, will be separated from the subsurface soils during excavation activities as detailed in Figure WC-1 of the Erosion and Sedimentation Control Plan and temporarily stored within an erosion control containment area.

18. Any wetland excavation shall be backfilled to restore the wetland soil organic horizon to preconstruction wetland contours.

19. Within 21 days following completion of work, the construction mats shall be removed from the wetland resource areas.

20. Wetland areas directly impacted by excavation activities shall be reseeded with a New England Wetmix or equivalent at a rate of 18 lbs per acre.

21. Wetland areas directly impacted by construction mats will be allowed to revegetate naturally.

22. A wetland scientist or an environmental inspector selected by the applicant, or his/her designee will review each area impacted from work to ensure there is no impact beyond pre-construction conditions. Additional efforts will be implemented, if necessary, at the discretion of a wetland scientist or the environmental inspector and staff of MassDEP and may include smoothing or raking of any ruts, stabilization with straw mulch, or seeding with a New England Wetmix or equivalent.

23. The surface area of wetland areas impacted from work activities shall be restored to preconstruction conditions. This determination shall be made by a wetland scientist or environmental inspector selected by the applicant or his/her designee. Should the areas fail to meet this standard, MassDEP may require additional measures necessary to achieve compliance.

24. At the end of each growing season, for a period of two (2) growing seasons, a progress report of the relative success or failure of the restoration effort shall be submitted to MassDEP. The report shall include percent of vegetation cover, a list of the type of plants growing in the restoration areas, and coverage of wetland plants as a percentage of all plants and relative vigor of the plants. The report shall also include recommendations for improvement of poorly established wetland areas.

25. It shall be the responsibility of the applicant, and/or any successor(s) in title to ensure that within the wetland restoration areas non-native invasive plant species such as Phragmites australis do not significantly increase in abundance compared to pre-construction conditions within and immediately adjacent to the project.

26. Staff of MassDEP shall have the right to enter and inspect the area subject to this Certification at reasonable hours to evaluate compliance with the conditions stated in this Certification and may require the submittal of any data deemed necessary by the MassDEP for that evaluation.

27. No Special Condition set forth herein shall be construed or operate to prohibit MassDEP from taking enforcement against the applicant or its contractors for any failure to comply with the terms and requirements of this 401 Water Quality Certification.

28. No activity authorized by this Water Quality Certification may begin prior to expiration of the 21-day appeal period or until a final decision is issued by MassDEP if an appeal is filed.

Failure to comply with this Certification is grounds for enforcement, including civil and criminal penalties, under MGL Ch. 21 §42, MGL Ch. 21A §16, or other possible actions/penalties as authorized by the General Laws of the Commonwealth.

This Certification is based upon an evaluation of the information contained in the application which is relevant to water quality considerations and does not relieve the applicant of the obligation to comply with other appropriate state or federal statutes or regulations.

NOTICE OF APPEAL RIGHTS

A) Appeal Rights and Time Limits

Certain persons shall have a right to request an adjudicatory hearing concerning certifications by MassDEP when an application is required: (a) the applicant or property owner; (b) any person aggrieved by the decision who has submitted written comments during the public comment period; any ten (10) persons of the Commonwealth pursuant to M.G.L. c.30A where a group member has submitted written comments during the public comment period; or (d) any governmental body or private organization with a mandate to protect the environment which has submitted written comments during the public comment period. Any person aggrieved, any ten (10) persons of the Commonwealth, or a governmental body or private organization with a mandate to protect the environment may appeal without having submitted written comments during the public comment period only when the claim is based on new substantive issues arising from material changes to the scope or impact of the activity and not apparent at the time of public notice. To request an adjudicatory hearing pursuant to M.G.L. c.30A, § 10, a Notice of Claim must be made in writing, provided that the request is made by certified mail or hand delivery to MassDEP, with the appropriate filing fee specified within 310 CMR 4.10 along with a DEP Fee Transmittal Form within twenty-one (21) days from the date of issuance of this Certificate, and addressed to:

Docket Clerk
Office of Appeals and Dispute Resolution
Department of Environmental Protection
100 Cambridge Street, 9th Floor
Boston, MA 02114

A copy of the request shall at the same time be sent by certified mail or hand delivery to the issuing office of the Wetlands and Waterways Program at:

Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, Massachusetts 02347

B) Contents of Hearing Request

A Notice of Claim for Adjudicatory Hearing shall comply with MassDEP's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6), and shall contain the following information pursuant to 314 CMR 9.10(3):

(a) the 401 Certification Transmittal Number;
(b) the complete name of the applicant and address of the project;
(c) the complete name, address, and fax and telephone numbers of the party filing the request, and, if represented by counsel or other representative, the name, fax and telephone numbers, and address of the attorney;
(d) if claiming to be a party aggrieved, the specific facts that demonstrate that the party satisfies the definition of "aggrieved person" found at 314 CMR 9.02;
(e) a clear and concise statement that an adjudicatory hearing is being requested;
(f) a clear and concise statement of (1) the facts which are grounds for the proceedings, (2) the objections to this Certificate, including specifically the manner in which it is alleged to be inconsistent with the MassDEP's Water Quality Regulations, 314 CMR 9.00, and (3) the relief sought through the adjudicatory hearing, including specifically the changes desired in the final written Certification; and

(g) a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant, the owner (if different from the applicant), the conservation commission of the city or town where the activity will occur, the Department of Environmental Management (when the certificate concerns projects in Areas of Critical Environmental Concern), the public or private water supplier where the project is located (when the certificate concerns projects in Outstanding Resource Waters), and any other entity with responsibility for the resource where the project is located.

C) Filing Fee and Address

The hearing request along with a DEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars ($100) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
PO Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority. MassDEP may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

Should you have any questions relative to this permit, please contact Mark Bartow at mark.bartow@mass.gov or (857) 207-0621.

Sincerely,

Maissoun Reda

Maissoun E. Reda, Chief
Wetlands Program
Bureau of Water Resources

MER/MNB

cc: Stephanie (Stevie) Fitch, MPH
Conservation Agent
Bourne Conservation Commission

Richard Paquette
Project Manager
SWCA Environmental Consultants
8 Science Park Road, 2nd Floor
Scarborough, ME 04074

Kevin Newton
Project Manager
U.S. Army Corps of Engineers
New England District, Regulatory Division
696 Virginia Road
Concord, MA 01742

MHC
220 William T. Morrissey Boulevard
Boston, MA 02125

Massachusetts Department of Environmental Protection 51

Adjudicatory Hearing Fee Transmittal Form

IMPORTANT! This form is intended for fee transmittal only. The contents of a request for an adjudicatory appeal (Notice of Claim) are established at 310 CMR 1.01(6) and the substantive statutes and regulations governing the Department's action.

A. Person/Party Making Request

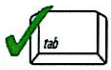
1. Name and address of person or party making request:

Name - If appropriate, name group representative

Street Address

City | State | Zip Code

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.





2. Project Information:

Street Address

City | State | Zip Code

DEP File or ID Number | $ Amount of filing fee attached

Email Address

B. Applicant (if applicable)

1. Name and address of applicant:

Name - If appropriate, name group representative

Street Address

City | State | Zip Code

Email Address

C. Instructions

1. Send this form and check or money order of $100.00 payable to the Commonwealth of Massachusetts to the MassDEP Lockbox at:

   Department of Environmental Protection
   P.O. Box 4062
   Boston, MA 02211

2. Send a **copy** of this form and a **copy** of the check or money order with the Request for Adjudicatory Appeal (Notice of Claim) to:

   MassDEP Office of Appeals and Dispute Resolution
   Case Administrator
   100 Cambridge Street, Suite 900
   Boston, MA 02114



Communication for Non-English-Speaking Parties

This document is important and should be translated immediately.

If you need this document translated, please contact MassDEP's Director of Environmental Justice at the telephone number listed below.

Español Spanish

Este documento es importante y debe ser traducido inmediatamente. Si necesita traducir este documento, póngase en contacto con el Director de Justicia Ambiental de MassDEP (*MassDEP's Director of Environmental Justice*) en el número de teléfono que figura más abajo.

Português Portuguese

Este documento é importante e deve ser traduzido imediatamente. Se você precisar traduzir este documento, entre em contato com o Diretor de Justiça Ambiental do MassDEP no número de telefone listado abaixo.

繁體中文 Chinese Traditional

本文檔很重要，需要即刻進行翻譯。
如需對本文檔進行翻譯，請透過如下列示電話號碼與 MassDEP 的環境司法總監聯絡。

简体中文 Chinese Simplified

这份文件非常重要，需要立即翻译。
如果您需要翻译这份文件，请通过下方电话与 MassDEP 环境司法主任联系。

Ayisyen Kreyòl Haitian Creole

Dokiman sa a enpòtan epi yo ta dwe tradui l imedyatman. Si w bezwen tradui dokiman sa a, tanpri kontakte Direktè. Jistis Anviwònmantal MassDEP a nan nimewo telefòn ki endike anba a.

Việt Vietnamese

Tài liệu này và quan trọng và phải được dịch ngay. Nếu quý vị cần bản dịch của tài liệu này, vui lòng liên hệ với Giám Đốc Phòng Công Lý Môi Trường của MassDEP theo số điện thoại được liệt kê bên dưới.

ប្រទេសកម្ពុជា Khmer/Cambodian

ឯកសារនេះមានសារៈសំខាន់
ហើយគប្បីតួរត្រូវបានបកប្រែភ្លាមៗ។
ប្រសិនបើអ្នកត្រូវការអោយឯកសារនេះបកប្រែ
សូមទាក់ទងនាយកផ្នែកយុត្តិធម៌បរិស្ថានរបស់
MassDEPតាមរយៈលេខទូរស័ព្ទដែលបានរាយដូចខាងក្រោម។

Kriolu Kabuverdianu Cape Verdean

Es dokumentu sta important i tenki ser tradusidu immediatamenti. Se nho ta presisa ke es dokumentu sta tradisidu, por favor kontata O Diretor di Justisia di Environman di DEP ku es numero di telifoni menxionadu di baixo.

Contact Deneen Simpson 857-406-0738
Massachusetts Department of Environmental Protection
100 Cambridge Street 9th Floor Boston, MA 02114
TTY# MassRelay Service 1-800-439-2370 • https://www.mass.gov/environmental-justice
(Version revised 8.2.2023) 310 CMR 1.03(5)(a)

Русский Russian

Это чрезвычайно важный документ, и он должен быть немедленно переведен. Если вам нужен перевод этого документа, обратитесь к директору Департамента экологического правосудия MassDEP (MassDEP's Director of Environmental Justice) по телефону, указанному ниже.

العربية Arabic

هذه الوثيقة مهمة وتجب ترجمتها على الفور.

إذا كنت بحاجة إلى ترجمة هذه الوثيقة، فيرجى الاتصال بمدير العدالة البيئية في MassDEP على رقم الهاتف المذكور أدناه.

한국어 Korean

이 문서는 중대하므로 즉시 번역되어야 합니다.
본 문서 번역이 필요하신 경우, 매사추세츠 환경보호부의 "환경정의" 담당자 분께 문의하십시오. 전화번호는 아래와 같습니다.

հայերեն Armenian

Այս փաստաթուղթը կարևոր է, և պետք է անհապաղ թարգմանել այն:
Եթե Ձեզ անհրաժեշտ է թարգմանել այս փաստաթուղթը, դիմեք Մասաչուսեթսի շրջակա միջավայրի պահպանության նախարարության (MassDEP) Բնապահպանական հարցերով արդարադատության ղեկավարին (Director of Environmental Justice)՝ ստորև նշված հեռախոսահամարով

فارسی Farsi Persian

این نوشتار بسیار مهمی است و باید فوراً ترجمه شود.
اگر نیاز به ترجمه این نوشتار دارید لطفاً با مدیر عدالت محیط زیستی MassDEP در شماره تلفن ذکر شده زیر تماس بگیرید.

Français French

Ce document est important et doit être traduit immédiatement. Si vous avez besoin d'une traduction de ce document, veuillez contacter le directeur de la justice environnementale du MassDEP au numéro de téléphone indiqué ci-dessous.

Deutsch German

Dieses Dokument ist wichtig und muss sofort übersetzt werden. Wenn Sie eine Übersetzung dieses Dokuments benötigen, wenden Sie sich bitte an MassDEP's Director of Environmental Justice *(Direktor für Umweltgerechtigkeit in Massachusetts)* unter der unten angegebenen Telefonnummer.

Ελληνική Greek

Το έγγραφο αυτό είναι πολύ σημαντικό και πρέπει να μεταφραστεί αμέσως. Αν χρειάζεστε μετάφραση του εγγράφου αυτού, παρακαλώ επικοινωνήστε με τον Διευθυντή του Τμήματος Περιβαλλοντικής Δικαιοσύνης της Μασαχουσέτης στον αριθμό τηλεφώνου που αναγράφεται παρακάτω

Italiano Italian

Questo documento è importante e deve essere tradotto immediatamente. Se hai bisogno di tradurre questo documento, contatta il Direttore della Giustizia Ambientale di MassDEP al numero di telefono sotto indicato.

Język Polski Polish

Ten dokument jest ważny i powinien zostać niezwłocznie przetłumaczony. Jeśli potrzebne jest tłumaczenie tego dokumentu, należy skontaktować się z dyrektorem ds. sprawiedliwości środowiskowej MassDEP pod numerem telefonu podanym poniżej.

हिन्दी Hindi

यह दस्तावेज महत्वपूर्ण है और इसका अनुवाद तुरंत किया जाना चाहिए। यदि आपको इस दस्तावेज का अनुवाद कराने की जरूरत है, तो कृपया नीचे दिए गए टेलीफोन नंबर पर MassDEP के पर्यावरणीय न्याय निदेशक से संपर्क करें।

Contact Deneen Simpson 857-406-0738
Massachusetts Department of Environmental Protection
100 Cambridge Street 9th Floor Boston, MA 02114
TTY# MassRelay Service 1-800-439-2370 • https://www.mass.gov/environmental-justice
(Version revised 8.2.2023) 310 CMR 1.03(5)(a)

ATTACHMENT 6

Article 97 Legislation Approvals

Acts (2026)

Chapter 183

AN ACT AUTHORIZING THE BUZZARDS BAY WATER DISTRICT TO CONVEY NON-EXCLUSIVE EASEMENTS OVER A CERTAIN PARCEL OF LAND

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding any general or special law to the contrary, the Buzzards Bay Water District, acting by and through its board of water commissioners, may convey to Algonquin Gas Transmission, LLC, certain non-exclusive permanent and temporary easements for the installation, operation, maintenance, repair and replacement of natural gas pipelines and related appurtenances and an access road under and through portions of property described in subsection (b).

(b) The property on which the easements may be granted was taken by the Buzzards Bay Water District for the purpose of providing additional water supply, is located at Bournedale road in the town of Bourne, shown as assessor’s parcel 10-52-0 on the assessor’s map of the town of Bourne and is described in an order of taking recorded with the Barnstable county registry of deeds in book 2751, page 145. The easements that may be granted on the property are more

particularly shown as “Proposed 50’ Wide Permanent Easement” and “PAR-20” on a plan entitled “Plan of Land Buzzards Bay Water District Bournedale Road Bourne, Massachusetts”, dated April 27, 2026, prepared by VHB, as said plan may be amended, a copy of which plan is on file with the clerk of the Buzzards Bay Water District. The easements shown on the plan shall be for the benefit of Algonquin Gas Transmission, LLC.

SECTION 2. As consideration for the conveyance described in section 1, Algonquin Gas Transmission, LLC shall provide funds equal to the fair market value or value in use, whichever is greater, as determined by an independent appraisal, of the property interests described in subsection (b) of section 1. The Buzzards Bay Water District shall deposit into and hold said funds in a segregated account dedicated solely for the acquisition and maintenance of land for the purposes of Article XCVII of the Amendments to the Constitution of the commonwealth and shall use such monies to acquire or improve land or an interest in land for the purposes of said Article 97 not more than 3 years after the date of such conveyance.

SECTION 3. This act shall take effect upon its passage.

Acts (2026)

Chapter 186

AN ACT AUTHORIZING THE DEPARTMENT OF FISH AND GAME TO CONVEY EASEMENTS OVER CERTAIN PARCELS OF LAND IN THE TOWN OF BOURNE

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of fish and game, may convey, amend, assign or otherwise transfer to Algonquin Gas Transmission, LLC a 50 foot wide permanent right-of-way and easement in the town of Bourne for: (i) the purpose of constructing, maintaining and operating a pipeline, together with any and all necessary or useful appurtenances thereto; (ii) the transmission of natural gas and all by-products thereof; and (iii) permanent access roads necessary to access such facilities. The easements may be granted on the properties described in subsection (b) currently held for fish and wildlife conservation, natural habitat protection and associated public recreation in accordance with Article 97 of the Amendments to the Constitution of the commonwealth. The grant of

the easement shall be on such terms and conditions as the commissioner of capital asset management and maintenance, in consultation with the commissioner of fish and game, may determine.

(b) The easements described in subsection (a) may be granted on parcels more particularly described as the following: located within Joint Base Cape Cod, shown on the town of Bourne's assessor's map as tax parcel number 44.0_50_0 and tax parcel number 17.0_3_0. The easements and permanent access roads are approximately 5.272 acres, as more particularly shown as "Proposed New Perm. Easement" and "Perm. Access Rd" on Sheets 1-5, and 17 of 17 of the plans entitled, "Area of Permanent Easement & Temporary Workspace Commonwealth of Massachusetts," Tracts G-31-MA-BA-023 and G-32-MA-BA-001, prepared by Vanasse Hangen Brustlin, Inc. and dated August 1, 2025; and shown as "Proposed New Perm. Easement" and "Perm. Access Rd" on Sheets 2, 3, 6, and 7 of 7 of the plans entitled, "Area of Permanent Easement & Temporary Workspace Commonwealth of Massachusetts," Tracts G-31-MA-BA-025 and G-32-MA-BA-001.001, prepared by Vanasse Hangen Brustlin, Inc. and dated August 1, 2025.

SECTION 2. In consideration for the conveyance authorized in section 1, and to ensure no net loss of land subject to Article 97 of the Amendments to the Constitution of the commonwealth, Algonquin Gas Transmission, LLC shall convey to the commonwealth an approximately 7.00 acre parcel of land shown as, "Proposed Conveyance to: Department of Fish and Game" on a plan entitled "Plan of Land Stop & Shop Supermarket Company, LLC Bourne, MA" dated May 20, 2026, prepared by Vanasse Hangen Brustlin, Inc.,

for the purposes of fish and wildlife conservation, natural habitat protection and associated public recreation in accordance with said Article 97.

SECTION 3. (a) Notwithstanding sections 32 to 37, inclusive, of chapter 7C of the General Laws or any other general or special law to the contrary, the commissioner of capital asset management and maintenance, in consultation with the commissioner of fish and game, may convey, amend, assign or otherwise transfer to Algonquin Gas Transmission, LLC a 50 foot wide permanent right-of-way and easement in the town of Bourne for: (i) the purpose of constructing, maintaining and operating a pipeline, together with any and all necessary or useful appurtenances thereto; (ii) the transmission of natural gas and all by-products thereof; and (iii) permanent access roads necessary to access such facilities and temporary workspaces necessary for the construction of said facilities. The easements may be granted on the properties described in subsection (b) currently held for fish and wildlife conservation, natural habitat protection and associated public recreation in accordance with Article 97 of the Amendments to the Constitution of the commonwealth. The grant of the easement shall be on such terms and conditions as the commissioner of capital asset management and maintenance, in consultation with the commissioner of fish and game, may determine.

(b) The easements described in subsection (a) may be granted on parcels more particularly described and located within Joint Base Cape Cod: (i) shown on the town of Bourne's assessor's map as tax parcel number 44.0_50_0, and Tax Parcel Number 17.0_3_0. The easements and permanent access roads are particularly shown as, "Proposed New Perm. Easement" and "Perm. Access Rd" on the plans

entitled, “Area of Permanent Easement & Temporary Workspace, Commonwealth of Massachusetts,” Tracts G-31-MA-BA-023 and G-32-MA-BA-001, prepared by Vanasse Hangen Brustlin, Inc. and dated August 1, 2025; and shown as “Proposed New Perm. Easement” and “Perm. Access Rd” on the plans entitled, “Area of Permanent Easement & Temporary Workspace, Commonwealth of Massachusetts,” Tracts G-31-MA-BA-025 and G-32-MA-BA-001.001, prepared by Vanasse Hangen Brustlin, Inc. and dated August 1, 2025; and (ii) shown on the town of Bourne’s assessor’s map as tax parcel number 10.0_7_0, more particularly shown on the plan entitled, “Area of Permanent Easement & Temporary Workspace Commonwealth of Massachusetts,” Tract G-31-MA-BA-007, prepared by Vanasse Hangen Brustlin, Inc. and dated August 1, 2025.

SECTION 4. (a) The value of the easements described in sections 1 and 3 and the value of the property interest to be conveyed to the commonwealth pursuant to section 2 shall be determined by an independent appraisal prepared in accordance with the usual and customary professional appraisal practice by a qualified appraiser commissioned by the commissioner of capital asset management and maintenance. The commissioner of capital asset management and maintenance may, in consultation with the commissioner of fish and game, accept an appraisal of said easements and property interest conducted prior to the effective date of this act. The commissioner of capital asset management and maintenance shall submit the appraisal to the inspector general for review and comment. The inspector general shall review and approve the appraisal, and the review shall include an examination of the methodology used for the appraisal. The inspector general shall prepare a report of his review and file the

report with the commissioner of capital asset management and maintenance for submission by the commissioner to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight. The commissioner of capital asset management and maintenance shall submit copies of the appraisals and the inspector general's report to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight before the execution of the conveyances.

(b) Algonquin Gas Transmission, LLC shall compensate the commonwealth in an amount greater than, or equal to, the full and fair market value, or the value in use of the easements authorized in sections 1 and 3, whichever is greater, as determined by the independent appraisals. The commonwealth shall not be obligated to pay any consideration to Algonquin Gas Transmission, LLC if the appraised value of any parcels or interests conveyed to the commonwealth exceeds the value of the easements authorized in section 1 and 3. Any money paid to the commonwealth by Algonquin Gas Transmission, LLC pursuant to the conveyance of the easements authorized by this act shall be deposited in the Biodiversity Fund established by section 35D½ of chapter 10 of the General Laws, to be used for future land acquisition by the department of fish and game.

(c) If the independent appraisal pursuant to subsection (a) shows that the fair market value or value in use, whichever is greater, of the interests described in section 1 are not equal to or greater than the fair market value or value in use, whichever is greater, of the property interest to be conveyed to the commonwealth pursuant to section 2, then Algonquin Gas Transmission, LLC shall compensate the

commonwealth in an amount equal to or greater than this difference in monetary value. Any money paid to the commonwealth by Algonquin Gas Transmission, LLC pursuant to the conveyance of the easements authorized by this act shall be deposited in the Biodiversity Fund established by section 35D½ of chapter 10 of the General Laws, to be used for future land acquisition by the department of fish and game.

SECTION 5. Algonquin Gas Transmission, LLC shall be responsible for all costs associated with engineering, surveys, appraisals, document preparation and other expenses deemed necessary by the commissioner of capital asset management and maintenance to effect the conveyances authorized by this act.

Approved, August 7, 2026.

Acts (2026)

Chapter 182

AN ACT AUTHORIZING THE TOWN OF BOURNE TO CONVEY A RIGHT-OF-WAY AND EASEMENT

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to authorize forthwith the conveyance of certain easements on Joint Base Cape Cod to Algonquin Gas Transmission, LLC in exchange for a certain parcel of land in Bourne, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding any general or special law to the contrary, the town of Bourne, acting by and through its select board and conservation commission, may convey, amend, assign or otherwise transfer to Algonquin Gas Transmission, LLC a 50- foot wide permanent right-of-way and easement for: (i) the construction, maintenance and operation of pipelines, together with any necessary or useful appurtenances thereto; (ii) the transmission of natural gas and all by-products thereof; and (iii) permanent access roads necessary to access such facilities. The easements may be granted under and

through portions of the properties described in subsection (b) currently held for conservation and recreation purposes pursuant to Article 97 of the Amendments to the Constitution of the Commonwealth.

(b) The properties on which the easements may be granted are located at: 0 Bournedale Road and described in a deed recorded in the Barnstable county registry of deeds in book 14090, page 282. The easement and permanent access roads are: (i) shown as "proposed new perm. easement" and "perm. access rd" on a plan of land entitled "Area of Permanent Easement, Permanent Access Road & Temporary Workspace Town of Bourne Under Care and Custody of the Conservation Commission, G-31-MA-BA-001.DWG, Rev. E", prepared by Vanasse Hangen Brustlin, Inc. and dated July 24, 2025; and (ii) located at 0 Bournedale Road as described in a deed recorded in the Barnstable county registry of deeds in book 20587, page 284, such permanent access road more particularly shown as "perm. access rd" on a plan of land entitled "Area of Permanent Access Road & Temporary Workspace Town of Bourne Conservation Commission, G-31-MA-BA-006.DWG, Rev. B", prepared by Vanasse Hangen Brustlin, Inc. and dated July 24, 2025. The plans, as may be amended from time to time, are on file with the clerk of the town of Bourne.

SECTION 2. In consideration for the conveyance authorized in section 1 and to ensure a no net loss of land subject to Article 97 of the Amendments to the Constitution of the Commonwealth, Algonquin Gas Transmission, LLC shall convey to the town of Bourne, under the care, custody and control of the town's conservation commission for conservation purposes in accordance with said Article 97, a portion of a parcel of land containing approximately 2.76 acres, as described in a deed recorded in the Barnstable county registry of deeds in book

37507, page 89. The portion of the parcel is shown as “proposed conveyance to the town of Bourne Conservation Commission” on a plan entitled, “Algonquin Gas Transmission Proposed Conveyance of Land to the Town of Bourne Scenic Hwy, Bourne, MA, Drawing Number SV-1”, prepared by Vanasse Hangen Brustlin, Inc. and dated May 21, 2026, which plan is on file with the clerk of the town of Bourne.

SECTION 3. This act shall take effect upon its passage.

Approved, August 7, 2026.

ATTACHMENT 7

Coastal Zone Management (CZM)

Federal Consistency and Correspondence

From: Duffey, Sean (EEA) <Sean.Duffey@mass.gov>
Sent: Thursday, June 11, 2026 9:48 AM
To: Newton, Kevin M CIV USARMY CENAE (USA); Richard Paquette Jr.; McKenna, Steve (EEA)
Cc: Brian Colabella; Jacob Hargis
Subject: RE: Algonquin Gas Transmission, LLC Cape Cod Canal Pipeline Relocation Project - Federal Consistency

Hi All,

Thanks so much Kevin. This is correct, CZM has provided a decision on this project that remains valid unless the project is changed in such a way that permit modifications are required and/or it will have new or different effects on coastal uses or resources than originally proposed.

Please don't hesitate to reach out if you have any questions regarding CZM's process.

Sincerely,
Sean

Sean Duffey
Project Review Coordinator/Dredging Coordinator
Massachusetts Office of Coastal Zone Management
Phone: 617-890-9139
Email: Sean.Duffey@mass.gov

From: Newton, Kevin M CIV USARMY CENAE (USA) <Kevin.M.Newton@usace.army.mil>
Sent: Thursday, June 11, 2026 8:45 AM
To: Richard Paquette Jr. <Richard.Paquette@swca.com>; Duffey, Sean (EEA) <Sean.Duffey@mass.gov>; McKenna, Steve (EEA) <stephen.mckenna@mass.gov>
Cc: Brian Colabella <brian.colabella@enbridge.com>; Jacob Hargis <Jacob.Hargis@swca.com>
Subject: RE: Algonquin Gas Transmission, LLC Cape Cod Canal Pipeline Relocation Project - Federal Consistency

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good morning Rick,

USACE coordinated the referenced project (NAE-2024-02916) with MassCZM under the PCN coordination procedures outlined in the 2023 Massachusetts General Permits. At the time, MassCZM determined the project was eligible to be processed under the PCN category and that no further review was required by CZM unless the project is modified/changed in any way.

As of March 2026, Nationwide Permits became effective for use in NAE District. As part of the adoption of use of the Nationwide Permits, USACE coordinated with MassCZM and CZM provided conditional concurrence for NWP covered activities. This conditional concurrence requires the applicant (instead of USACE) to contact CZM if the proposed activities exceed any thresholds of the conditional concurrence.

Since this project was originally being reviewed under the MA GPs, USACE contacted CZM to determine if the consistency determination was still valid for this project previously coordinated under the MA GPs. Mass CZM confirmed that unless the project was modified or changed in any way, the consistency remains valid.

A copy of the conditional CZM determination will be attached to the Corps' decision document for this project when issued. It is also attached here for your reference.

However, if any project details change, you are required to contact CZM to determine if the consistency determination remains valid.

Thanks,

Kevin

Kevin Newton
Project Manager
U.S. Army Corps of Engineers
New England District, Regulatory Division
696 Virginia Road
Concord, MA 01742
(978) 318-8044

From: Richard Paquette Jr. <Richard.Paquette@swca.com>
Sent: Wednesday, June 10, 2026 5:17 PM
To: Newton, Kevin M CIV USARMY CENAE (USA) <Kevin.M.Newton@usace.army.mil>; Duffey, Sean (EEA) <sean.duffey@mass.gov>; stephen.mckenna@mass.gov
Cc: Brian Colabella <brian.colabella@enbridge.com>; Jacob Hargis <Jacob.Hargis@swca.com>
Subject: [Non-DoD Source] Algonquin Gas Transmission, LLC Cape Cod Canal Pipeline Relocation Project - Federal Consistency

Hi all,

I'm checking in regarding the Federal Consistency concurrence for the project. From our previous project meetings with USACE and MassCZM, my understanding is that MassCZM's general consistency concurrence will be provided through the USACE permit that is currently under review.

FERC has now issued its Environmental Assessment, which includes a condition requiring us to file documentation of Coastal Zone Management Act consistency. Specifically, Condition 17 states:

"Algonquin shall not begin construction of the project or abandonment activities until it files with the Secretary a copy of the determination of consistency with the Coastal Zone Management Plan issued by the Massachusetts Office of Coastal Zone Management."

Could you please confirm what documentation will accompany the USACE permit that demonstrates MassCZM's consistency determination? Will a separate letter be issued by MassCZM or is the approval incorporated into the body of the USACE permit. I just want to make sure we have the proper documentation to satisfy FERC's Condition.

Thanks for your help, and please let me know if a quick call would be easier to discuss.

Best regards,

Rick

Richard C. Paquette, Jr.
Planning Technical Director - Northeast

SWCA Environmental Consultants
8 Science Park Road
Scarborough, ME, 04074
P 207.520.4614
Richard.paquette@swca.com



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The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
Office of Coastal Zone Management
100 Cambridge Street, Suite 900, Boston, MA 02114
www.Mass.gov/CZM | (617) 626-1200

Maura T. Healey, *Governor* | Kimberley Driscoll, *Lieutenant Governor* | Rebecca L. Tepper, *Secretary* | Alison Brizius, *Director*

December 18, 2025

Ms. Tammy Turley
U.S. Army Corps of Engineers New England District
Regulatory Division
696 Virginia Road
Concord, MA 01742-2751

RE: Nationwide Permits Reissuance for Proposed Implementation in Massachusetts, Maine, Rhode Island, Connecticut, Vermont, and New Hampshire

Dear Ms. Turley,

The Massachusetts Office of Coastal Zone Management (CZM) has reviewed the proposed adoption of the Nationwide Permits (NWPs) for the U.S. Army Corps of Engineers (USACE) Section 10 and Section 404 authorizations and issues this conditional concurrence.

NWPs are issued by USACE to authorize categories of activities under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 that have no more than minimal individual and cumulative adverse environmental effects. The NWPs are proposed to replace the Massachusetts General Permits (MA GPs) currently used to authorize Section 10 and/or Section 404 activities. Under Section 307 of the Coastal Zone Management Act (CZMA), 15 CFR § 930.31, USACE filed for federal consistency certification with CZM on June 18, 2025, initiating a 60-day federal consistency review. To align with the reasonable period of time allotted for the review and issuance of the Section 401 Water Quality Certificate (401 WQC) by the Massachusetts Department of Environmental Protection (MassDEP), CZM requested, and USACE accepted an extension of the CZM federal consistency review period, resulting in a decision due date of December 18, 2025. Throughout the review process, CZM met regularly with USACE and MassDEP to discuss the NWPs and conformance with state regulation and policy.

In conducting its federal consistency review of the NWPs, CZM considered the text of the NWPs, the nature and extent of differences between the NWPs and the current MA GPs, and CZM's experience with review of projects authorized pursuant to the most recent and prior versions of the MA GPs. The current MA GPs took effect in June 2023 and established review thresholds and conditions that project proponents must abide by to comply with USACE authorization, MassDEP 401 WQC regulations, and the Massachusetts Coastal Program Enforceable Policies.

CZM concurred that projects eligible for Self-Verification under the MA GPs are consistent with the Massachusetts Coastal Program Enforceable Policies, but review of projects requiring PCN under the MA GPs is needed to ensure consistency with the Massachusetts Coastal Program Enforceable Policies. Based on review of the text of the NWPs, a comparison of the NWPs to the MA GPs, and our experience in reviewing applications for projects eligible for PCN under the MA GPs, CZM has determined that the terms of certain NWPs will allow some projects to proceed in Massachusetts with lower levels of review than is currently required under the MA GPs. Further, some projects eligible for authorization under the NWPs may be inconsistent with one or more Massachusetts Coastal Program Enforceable Policies. As a result, CZM has determined that the conditions provided in this conditional concurrence are necessary to ensure that projects authorized by USACE under the NWPs are consistent with the Massachusetts Coastal Program Enforceable Policies.

I. CZM Conditional Concurrence with NWPs

CZM concurs with the NWPs on the following conditions:

- **A.** Any Section 10 and/or Section 404 applicant (including any person eligible for non-reporting status) proposing work subject to any listed NWP that exceeds any review threshold set out in section II shall notify CZM pursuant to section III.
- **B.** CZM will review each notification to determine whether individual review is warranted and reserves the right to take individual review of any project exceeding these thresholds where such project is inconsistent with one or more of the Massachusetts Coastal Program Enforceable Policies, such that individual review is warranted.

These conditions apply to any application for work, regardless of whether that work is eligible for non-reporting status under the relevant NWP(s).

II. Review Thresholds

Proponents applying for authorization under the NWPs for projects in the Massachusetts coastal zone that exceed the following thresholds must submit the information provided in section III to CZM in order for CZM to determine if the project warrants federal consistency review**.**

A. Thresholds Applicable to all NWPs

1. **NWP PCN Requirements:** Any project in the coastal zone that triggers the submission of a PCN under the NWPs.
2. **Salt Marsh or Tidal Vegetated Shallows:** Any project wholly or partially located in saltmarsh or tidal vegetated shallows.
3. **Tide Gates:** Any project proposing a new tide gate.

B. Thresholds Applicable to Specific NWPs

1. **NWP 3 (Maintenance)**
   a. The combined permanent and temporary impacts extending beyond the original footprint are ≥5,000 square feet in tidal waters.

b. The combined permanent and temporary impacts extending beyond the original footprint are ≥1,000 square feet in mudflats and/or natural rocky habitat.
c. The removal of sediment outside the immediate vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.) that is ≥200 linear feet.

2. **NWP 4 (Fish and Wildlife Harvesting, Enhancement, Attraction)**
   a. Any project that includes artificial reefs or new, or expansions of, impoundments and semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster with an impounded area >½ acre.

3. **NWP 5 (Scientific Measurement Devices)**
   a. Any aspect of the project will be located in mudflats.
   b. The combined permanent and temporary impacts are ≥5,000 square feet in tidal waters.
   c. The combined permanent and temporary impacts are ≥1,000 square feet in mudflats and/or natural rocky habitat.

4. **NWP 6 (Survey Activities)**
   a. The combined permanent and temporary impacts are ≥5,000 square feet in tidal waters.
   b. The combined permanent and temporary impacts are ≥1,000 square feet in mudflats and/or natural rocky habitat.
   c. Exploratory trenching in tidal waters. "Exploratory trenching" means mechanical land or underwater clearing of the upper soil profile to expose bedrock or substrate for the purpose of mapping or sampling the exposed material.

5. **NWP 7 (Outfall Structures and Associated Intake Structures)**
   a. Any project applying for authorization under NWP 7.

6. **NWP 8 (Oil and Gas Structures on the Outer Continental Shelf)**
   a. Any project applying for authorization under NWP 8.

7. **NWP 10 (Mooring Buoys)**
   a. Any aspect of the project will be located in mudflats or natural rocky habitat.

8. **NWP 12 (Oil or Natural Gas Pipeline Activities)**
   a. The combined permanent and temporary impacts are ≥5,000 square feet in tidal waters.
   b. The combined permanent and temporary impacts are ≥1,000 square feet in mudflats and/or natural rocky habitat.

c. The project involves unconfined work or silt-producing activities in streams with diadromous fish.

9. **NWP 13 (Bank Stabilization)**
   a. The combined permanent and temporary impacts are ≥5,000 square feet in tidal waters.
   b. The combined permanent and temporary impacts are ≥1,000 square feet in mudflats and/or natural rocky habitat.
   c. Activities in tidal waters that are ≥200 linear feet.
   d. Any project including stream channelization or relocation activities.
   e. Any project including breakwaters, groins, or jetties.

10. **NWP 14 (Linear Transportation Projects)**
    a. Any aspect of the project will be located in tidal waters.
    b. The combined permanent and temporary impacts are ≥1,000 square feet in mudflats and/or natural rocky habitat.

11. **NWP 17 (Hydropower Projects)**
    a. Any project applying for authorization under NWP 17.

12. **NWP 18 (Minor Discharges)**
    a. Any discharge associated with beach nourishment.

13. **NWP 19 (Minor Dredging)**
    a. Any dredging considered to be improvement dredging per the Massachusetts 401 Water Quality Certification Regulations at 310 CMR 9.02.

14. **NWP 20 (Response Operations for Oil or Hazardous Substances)**
    a. Any aspect of the project will be located in mudflats or natural rocky habitat.
    b. Temporary impacts are ≥1,000 square feet in tidal waters for spill response training exercises.

15. **NWP 23 (Categorical Exclusions)**
    a. Any project applying for authorization under NWP 23.

16. **NWP 27 (Aquatic Ecosystem Restoration, Enhancement, and Establishment Activities)**
    a. In tidal waters excluding tidal vegetated shallows, the combined permanent and temporary impacts are ≥5,000 square feet.
    b. Eelgrass (vegetated shallows) planting and transplanting ≥100 square feet in tidal waters.

c. Runneling projects with the purpose of restoring saltmarsh by removing excess water that ponds on the saltmarsh surface.
d. The project proposes permanent water impoundments, dam removal, or fish ladders.
e. The conversion of: (a) a stream or natural wetlands to another aquatic habitat type (e.g., stream to wetland or vice versa, wetland to pond, etc.) or uplands, (b) one wetland type to another.
f. Any project that includes activities associated with stream channelization, relocation, or artificial reefs.

17. NWP 31 (Maintenance of Existing Flood Control Facilities)

a. Any project applying for authorization under NWP 31.

18. NWP 32 (Completed Enforcement Actions)

a. The combined permanent and temporary impacts are ≥5,000 square feet in tidal waters.
b. The combined permanent and temporary impacts are ≥1,000 square feet in mudflats and/or natural rocky habitat.

19. NWP 33 (Temporary Construction, Access, and Dewatering)

a. The combined permanent and temporary impacts are ≥5,000 square feet in tidal waters.
b. The combined permanent and temporary impacts are ≥1,000 square feet in mudflats and/or natural rocky habitat.

20. NWP 34 (Cranberry Production Activities)

a. Any project applying for authorization under NWP 34.

21. NWP 35 Maintenance Dredging of Existing Basins

a. Any project applying for authorization under NWP 35.

22. NWP 36 (Boat Ramps)

a. The combined permanent and temporary impacts are ≥5,000 square feet in tidal waters.
b. The combined permanent and temporary impacts are ≥1,000 square feet in mudflats and/or natural rocky habitat.

23. NWP 37 (Emergency Watershed Protection and Rehabilitation)

a. Any project applying for authorization under NWP 37, except in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur.

24. NWP 45 Repair of Uplands Damaged by Discrete Events

a. Any project applying for authorization under NWP 45.

25. NWP 48 (Commercial Shellfish Mariculture Activities)

a. Discharges of fill material associated with aquaculture ≥5,000 square feet
b. Research, educational, commercial-viability, or experimental aquaculture gear activities ≥1,000 square feet.
c. Activities in water depths ≥10 feet mean low lower water (MLLW).
d. In tidal waters, expansions of existing lease sites that exceed 2 acres for the entire site (e.g., a 1-acre lease site increasing to a 2-acre lease site does not require notification to CZM).
e. The project includes new, or expansions of, impoundments and semi-impoundments of tidal and non-tidal waters for the culture or holding of motile species such as lobster with an impounded area >½ acre.
f. The project includes the cultivation of a nonindigenous species, unless that species has been previously cultivated in the waterbody.
g. The project includes the cultivation of an aquatic nuisance species.
h. The project includes stockpiles, staging areas, or the deposition of shell material back into tidal and non-tidal waters as waste.

26. NWP 54 (Living Shorelines)

a. The combined permanent and temporary impacts extending beyond the original footprint are ≥5,000 square feet in tidal waters.
b. The combined permanent and temporary impacts extending beyond the original footprint ≥1,000 square feet in mudflats and/or natural rocky habitat.
c. The activity is ≥1,000 linear feet along the bank (≥2,000 linear feet along both banks).
d. The activity is ≥30 feet channelward of mean low water in tidal waters
e. The project includes upland reclamation activities.
f. The project includes stream channelization or relocation activities.
g. The project includes breakwaters, groins, jetties, or artificial reefs.

27. NWP 55 (Seaweed Mariculture Activities)

a. Any project applying for authorization under NWP 55.

28. NWP 57 (Electric Utility Line and Telecommunications Activities)

a. The combined permanent and temporary impacts are ≥5,000 square feet in tidal waters.
b. The combined permanent and temporary impacts are ≥1,000 square feet in mudflats and/or natural rocky habitat.

29. NWP 58 (Utility Line Activities for Water and Other Substances)

a. The combined permanent and temporary impacts are ≥5,000 square feet in tidal waters.
b. The combined permanent and temporary impacts are ≥1,000 square feet in mudflats and/or natural rocky habitat.

30. NWP A. Activities to Improve Passage of Fish and Other Aquatic Organisms

a. Any project applying for authorization under NWP A.

III. Notification for Projects Exceeding a Threshold

A Section 10 and/or Section 404 applicant proposing work that exceeds any threshold set out in this conditional concurrence must notify CZM of their proposed project as provided in this section.

Notification shall be provided via email to the CZM Federal Consistency General Inbox (czm.fedcon@mass.gov). Notification to CZM may be made at any time but shall be made no later than the date when the applicant submits to USACE for Section 10/404 approval. CZM will determine whether the notification is complete within 7 days and will provide a response within 14 days after a determination that the notification is complete, or such other time as CZM may agree with the applicant. The response will indicate that: (i) federal consistency review is not required; (ii) federal consistency review is required; or (iii) that additional consultation is required to determine whether federal consistency review will be required. Where additional consultation is required, CZM will work with the applicant to reach a final resolution within a reasonable time. A CZM determination that federal consistency review is not required (or completion of federal consistency review, as applicable) is required prior to the start of work.

Projects that require notification to CZM shall include at least the following information:

1. A description of the proposed project, including resource area delineations, preferably illustrated with map(s) and site plan(s) depicting both existing and proposed conditions, and an analysis and quantification of the temporary and permanent impacts of the project on the resource areas.
2. A copy of the Section 10/404 application.
3. The Massachusetts Environmental Policy Act (MEPA) number, if applicable.
4. A copy of the Section 401 permit or permit application, if applicable.
5. A copy of the Chapter 91 Waterways license or application, if applicable. Additionally, any previous authorizations for the project or structures on the project site should be provided.
6. A description of the proposed activities associated with the project, the coastal effects, and any information relied upon by the applicant to develop project design and permit applications. Maps, diagrams, and technical data may be submitted when a written description alone will not adequately describe the proposed project.
7. A copy of the latest design plans developed for the project.
8. Any other information that CZM may require to determine if federal consistency review is required.

CZM will determine whether the proposed work requires federal consistency review on the basis of the information provided and any other information that CZM determines is relevant. In the event that CZM initiates federal consistency review for a project, it will notify the proponent by email at the address used for the submission.

If USACE does not agree with these conditions, then pursuant to 15 CFR 930.4, the conditional concurrence automatically becomes an objection. In the event of an objection, USACE may consider using the dispute resolution mechanisms described in 15 CFR 930.44.

Thank you for your cooperation with CZM.

Sincerely,



Alison Brizius

Director

cc: Christine Jacek, USACE
Katelyn Rainville, USACE
Roberta Budnick, USACE
Tyler Soleau, CZM
Sean Duffey, CZM
Lisa Rhodes, MassDEP
Mia McDonald, MassDEP
Tim Jones, MassDEP
Rebekah Lacey, MassDEP
Karen Crocker, MassDEP
Read Porter, EEA
Katie ChicojayMoore, EEA