197 FERC ¶ 61,063
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Laura V. Swett, Chairman;
David Rosner, Lindsay S. See,
Judy W. Chang, and David LaCerte.

Algonquin Gas Transmission, LLC Docket No. CP25-552-000

ORDER ISSUING CERTIFICATE AND APPROVING ABANDONMENT

(Issued October 29, 2026)

1. On September 29, 2025, Algonquin Gas Transmission, LLC (Algonquin) filed an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA)[1] and Part 157 of the Commission's regulations[2] requesting authorization for its Cape Cod Canal Pipeline Relocation Project (Cape Cod Canal Project) in Barnstable County, Massachusetts. Algonquin proposes to abandon existing pipeline facilities and construct new replacement pipeline facilities to accommodate the planned replacement of the Bourne and Sagamore Bridges crossing the Cape Cod Canal. The project will enable Algonquin to continue providing uninterrupted transportation service to National Grid's[3] distribution system on both sides of the Cape Cod Canal. No party opposes the application. For the reasons discussed below, we will grant the requested authorizations, subject to certain conditions.

I. Background and Proposal

2. Algonquin, a Delaware limited liability company, is a natural gas company as defined by section 2(6) of the NGA,[4] engaged in the transportation of natural gas in interstate commerce subject to the Commission's jurisdiction. Algonquin's transmission system extends from points near Lambertville and Hanover, New Jersey, through the

[1] 15 U.S.C. §§ 717f(b), (c).

[2] 18 C.F.R. pt. 157 (2025).

[3] National Grid is a local distribution company operating in Massachusetts and New York.

[4] 15 U.S.C. § 717a(6).

States of New Jersey, New York, Connecticut, Rhode Island, and Massachusetts, to points near the Boston area.

3. Algonquin currently delivers gas to National Grid at two points on mainland Massachusetts, both north of the Cape Cod Canal in the Town of Bourne, Barnstable County. One delivery point is the Bourne Meter and Regulation (M&R) Station located at the Bourne Bridge, which supplies National Grid's Bourne Take Station.[5] The second delivery point is the Sagamore M&R Station located at the Sagamore Bridge, which supplies National Grid's Sagamore Take Station. National Grid transports gas from the Take Stations across the Cape Cod Canal to its customers via two high-pressure, 10-inch-diameter pipelines, one attached to each bridge.

4. The Massachusetts Department of Transportation (MassDOT) and the U.S. Army Corps of Engineers (USACE) are jointly implementing the Cape Cod Bridge Program, which involves the replacement of the Bourne and Sagamore Bridges and surrounding roadway networks. The USACE determined that pipeline utilities will not be allowed to attach to the replacement bridges. Thus, Algonquin's Bourne and Sagamore M&R Stations, as well as segments of its connecting pipe, and National Grid's Take Stations and bridge-attached pipelines must be relocated.

5. MassDOT and Algonquin have entered into an agreement (Agreement) whereby Algonquin will construct new replacement pipelines and associated facilities to transport gas under the Cape Cod Canal to replace National Grid's pipeline segments on the bridges, providing the same amount of natural gas capacity as Algonquin is currently certificated to deliver to National Grid. To effectuate this, Algonquin proposes to:

- construct an approximately 2.17-mile-long, 18-inch-diameter pipeline (G-31 pipeline) to replace National Grid's pipeline attached to the Sagamore Bridge, transporting gas from an existing valve site[6] at the junction of Algonquin's multiple G-System pipelines southeast across the Cape Cod Canal to its terminus at the new Pave Paws Road M&R Station;

- construct an approximately 3.03-mile-long, 16-inch-diameter pipeline (G-32 pipeline) to replace National Grid's pipeline attached to the Bourne Bridge,

[5] A take station is the junction where natural gas from an interstate pipeline is transferred to a local distribution company.

[6] Algonquin also proposes to expand this valve site.

transporting gas from the proposed Pave Paws Road M&R Station to the new Bourne Rotary M&R Station;[7]

- abandon by removal approximately 0.49 miles of the 18-inch-diameter G-24 pipeline and install 0.66 miles of 18-inch-diameter pipeline to connect to the relocated Sagamore M&R Station;

- abandon by removal approximately 0.31 miles of the 8-inch-diameter G-11 pipeline and install 0.43 miles of 8-inch-diameter pipeline to connect to the relocated Sagamore M&R Station;

- abandon by removal approximately 0.61 miles and abandon in-place approximately 0.72 miles of the 8-inch-diameter G-8L pipeline;

- abandon by removal approximately 0.61 miles and abandon in-place approximately 0.72 miles of the 8-inch-diameter G-8C pipeline;

- install approximately 60 feet of 8-inch-diameter G-8L pipeline and approximately 20 feet of 6-inch-diameter G-8C pipeline to tie in to the relocated Bourne M&R Station;

- relocate the existing Sagamore M&R Station to the terminus of the relocated segment of the G-11 pipeline;[8]

- relocate the existing Bourne M&R Station to the new termini of the G-8L and G-8C pipelines;

- construct the new Pave Paws Road M&R Station west of Pave Paws Road at the eastern terminus of the proposed G-31 pipeline;

- construct the new Bourne Rotary M&R Station southeast of the Bourne Rotary on the proposed G-32 pipeline; and

- install new pig launcher and receiver facilities and other related appurtenances.

[7] The G-32 pipeline would not cross the Cape Cod Canal.

[8] Algonquin states that all aboveground and belowground facilities at the existing Bourne and Sagamore M&R Stations will be decommissioned and removed. The relocated stations will be constructed at new locations on the mainline side of the Cape Cod Canal and may reuse facilities from the existing stations.

6. Algonquin estimates the total cost of the project to be approximately $300 million. As part of the Agreement, MassDOT will reimburse Algonquin for the entire cost of the project. As such, Algonquin does not propose to adjust its rates or tariff. Algonquin asserts that it will maintain separate books and accounting of costs attributable to the proposed facilities.

II. Notice, Interventions, and Comments

7. Notice of Algonquin's application was issued on October 8, 2025, with protests, interventions, and comments due October 29, 2025. New York State Electric & Gas Corporation and Maine Natural Gas Company jointly, NSTAR Electric Company, NSTAR Gas Company and Eversource Gas Company of Massachusetts jointly, and National Grid Delivery Companies filed timely, unopposed motions to intervene.[9] A number of comments in support were filed, emphasizing that the project is important in ensuring the success of the Cape Cod Bridge Program, will maintain flow of gas to the homes and businesses of Cape Cod, and will support tourism and commerce on Cape Cod.

III. Discussion

8. Because Algonquin's proposed facilities will be used to transport natural gas in interstate commerce subject to the Commission's jurisdiction, the proposal is subject to the requirements of subsections (c) and (e) of section 7 of the NGA.[10] In addition, Algonquin's proposed abandonment of facilities is subject to the requirements of section 7(b) of the NGA.[11]

A. Certificate Policy Statement

9. The Certificate Policy Statement provides guidance for evaluating proposals to certificate new construction.[12] The Certificate Policy Statement establishes criteria for determining whether there is a need for a proposed project and whether the proposed project will serve the public interest. It explains that, in deciding whether and under what terms to authorize the construction of new facilities, the Commission balances the public

[9] Timely, unopposed motions to intervene are granted by operation of Rule 214 of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.214(c) (2025).

[10] 15 U.S.C. §§ 717f(c), (e).

[11] *Id.* § 717f(b).

[12] *Certification of New Interstate Nat. Gas Pipeline Facilities*, 88 FERC ¶ 61,227, *corrected*, 89 FERC ¶ 61,040 (1999), *clarified*, 90 FERC ¶ 61,128, *further clarified*, 92 FERC ¶ 61,094 (2000) (Certificate Policy Statement).

benefits against the potential adverse consequences. The Commission's goal is to appropriately consider the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant's responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain in evaluating new construction.

10. Under this policy, the threshold requirement for applicants proposing new projects is that the applicant must be prepared to financially support the project without relying on subsidization from its existing customers. The next step is to determine whether the applicant has made efforts to eliminate or minimize any adverse effects the project might have on the applicant's existing customers, existing pipelines in the market and their captive customers, and landowners and communities affected by the new facilities. If residual adverse effects on these interest groups are identified after efforts have been made to minimize them, the Commission will evaluate the project by balancing the evidence of public benefits to be achieved against the residual adverse effects. This is essentially an economic test. Only when the benefits outweigh the adverse effects on economic interests will the Commission proceed to complete the environmental analysis, where other interests are considered.

1. No Subsidy Requirement and Project Need

11. As discussed above, the threshold requirement for applicants proposing new projects is that the applicant must be prepared to financially support the project without relying on subsidization from its existing customers. Algonquin's proposal satisfies the threshold requirement because MassDOT will fully reimburse Algonquin for the cost of the project. Accordingly, we find that there will be no subsidization of the project by Algonquin's existing customers.

12. Also as discussed above, the Bourne and Sagamore Bridges will be removed as part of the Cape Cod Bridge Program, which will also require the removal of National Grid's bridge-attached pipelines. Algonquin's proposed relocation and installation of pipeline facilities is necessary to maintain service to National Grid's distribution system. We therefore find that Algonquin has demonstrated a need for the project.

2. Impacts on Existing Customers, Existing Pipelines and Their Customers, and Landowners and Surrounding Communities

13. We find that the project will not adversely affect Algonquin's existing customers or other existing pipelines and their captive customers. The proposed project is a replacement project designed to maintain existing service to National Grid and will not create any additional capacity. Therefore, the project will not replace or otherwise displace service on other pipelines or their captive customers. No pipelines or their captive customers have protested Algonquin's proposal.

14. We are further satisfied that Algonquin has taken appropriate steps to minimize adverse economic impacts on landowners and surrounding communities. To the extent practicable, Algonquin will construct the facilities utilizing existing right-of-way, collocating with other utilities and previously disturbed property. Algonquin participated in the Commission's pre-filing process in Docket No. PF25-4-000 and worked with landowners, relevant resource agencies, and other interested stakeholders to develop the proposed project. Algonquin has also secured all landowner easements needed to abandon in-place part of the G-8L and G-8C pipelines.[13]

3. Certificate Policy Statement Conclusion

15. We find that Algonquin has demonstrated a need for the project, and, further, that the project will not have adverse impacts on existing shippers or other pipelines and their existing customers, and that the project will have minimal economic impacts on landowners and surrounding communities. Therefore, we conclude that the project, as conditioned, is consistent with the criteria set forth in the Certificate Policy Statement and analyze the environmental impacts of the project below.[14]

B. Abandonment

16. Section 7(b) of the NGA provides that an interstate pipeline company may abandon jurisdictional facilities or services only if the Commission finds the abandonment is permitted by the present or future public convenience or necessity.[15] In deciding whether a proposed abandonment is warranted, the Commission considers all relevant factors, but the criteria vary with the circumstances of the particular proposal.[16] Continuity and stability of existing services are the primary considerations in assessing whether the public convenience or necessity allow the abandonment.[17] If the Commission finds that an applicant's proposed abandonment will not jeopardize continuity of existing gas

[13] Algonquin February 3, 2026 Supplement to January 26, 2026 Data Response at 1.

[14] *See* Certificate Policy Statement, 88 FERC at 61,745-46 (explaining that only when the project benefits outweigh the adverse effects on the economic interests will the Commission then complete the environmental analysis).

[15] 15 U.S.C. § 717f(b).

[16] *El Paso Nat. Gas Co., L.L.C.*, 148 FERC ¶ 61,226, at P 11 (2014) (*El Paso*).

[17] *See, e.g.*, *Tex. E. Transmission, LP*, 176 FERC ¶ 61,206, at P 11 (2021) (citing *El Paso*, 148 FERC ¶ 61,226 at P 12).

transportation services, the Commission generally will find that the public convenience or necessity permits the abandonment.[18]

17. Here, Algonquin proposes to abandon certain pipeline facilities and construct replacement facilities in new locations to maintain the current level of service to National Grid during and after the Cape Cod Bridge Program. Thus, the proposed abandonment will not jeopardize continuity of existing service. Accordingly, we find that the public convenience or necessity permits the abandonment.

C. Environmental Analysis

18. On January 6, 2025, Commission staff began its environmental review of the Cape Cod Canal Project by granting Algonquin's request to use the pre-filing process and assigning Docket No. PF25-4-000.[19] As part of the pre-filing review, staff participated in an open house sponsored by Algonquin in Bourne, Massachusetts, on March 4, 2025, to explain our environmental review process to interested stakeholders.

19. As part of the pre-filing process, on April 3, 2025, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Planned Cape Cod Canal Bridge Relocation Project and Notice of Public Scoping Session* (Notice of Scoping). The Notice of Scoping was published in the *Federal Register*[20] and mailed to interested parties including federal, state, and local officials; agency representatives; environmental and public interest groups; Native American Tribes; local libraries and newspapers; and affected property owners. Commissions staff held a public scoping session in the project vicinity on April 23, 2025. The pre-filing process ended on September 29, 2025, when Algonquin filed its application for the Cape Cod Canal Project.[21]

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[18] *See, e.g.*, *id.* (citing *Trunkline Gas Co.*, 145 FERC ¶ 61,108, at P 65 (2013)).

[19] *Algonquin Gas Transmission, LLC*, Docket No. PF25-4-000 (Jan. 6, 2025) (delegated order); *see also* 18 C.F.R. § 157.21(b) (2025) (allowing prospective applicants seeking NGA section 7 authorization to request to use the pre-filing procedures). During the pre-filing review the project was called the Cape Cod Canal Bridge Relocation Project, but the name was changed to avoid confusion with MassDOT and the USACE's Cape Cod Bridge Program.

[20] 90 Fed. Reg. 15234 (Apr. 9, 2025).

[21] We consolidate the complete record of the pre-filing proceeding in Docket No. PF25-4-000 with the record of this docket.

20. During the scoping period, we received comments from the Cape Cod Chamber of Commerce, the Berkshire Environmental Action Team (BEAT), an adjacent landowner, and other individuals. The primary issues raised during the scoping process included the purpose and need of the project; construction procedures, including the use of the horizontal directional drill (HDD) crossing method; and potential effects of the project on wetland and water resources, wildlife, traffic, visual resources, air quality, noise levels, and climate change.

21. Pursuant to the National Environmental Policy Act of 1969 (NEPA),[22] Commission staff prepared an Environmental Assessment (EA) for Algonquin's proposal, which was issued on May 29, 2026.[23] The Notice of Availability of the EA was published in the *Federal Register*[24] and established a 30-day comment period. The notice was mailed to interested parties including federal, state, and local officials; agency representatives; environmental and public interest groups; Native American Tribes; local libraries and newspapers; and affected property owners. The EA was prepared with the cooperation of the USACE, the U.S Environmental Protection Agency (EPA), and the Massachusetts Army National Guard. The analysis in the EA addresses geology; soils; water resources and wetlands; fisheries, vegetation, and wildlife; special status species; cultural resources; land use and visual resources; air quality and noise; reliability and safety; polychlorinated biphenyls; cumulative effects,[25] including effects of greenhouse gas (GHG) emissions; and alternatives. The EA addressed all environmental comments received during scoping and

[22] 42 U.S.C. §§ 4321 *et seq.*, *see also* 18 C.F.R. pt. 380 (2025) (Commission's regulations implementing NEPA).

[23] For tracking purposes under NEPA, the unique identification number for documents relating to this environmental review is EAXX-019-20-000-1763050824.

[24] 91 Fed. Reg. 33166 (June 3, 2026).

[25] We note that NEPA does not require agencies "to delineate or analyze a conceptually separate category of 'cumulative' effects," *E. Gas Transmission & Storage, Inc.*, 195 FERC ¶ 61,218, at P 26 (2026) (*Eastern Gas*), and therefore staff's analysis in the EA exceeded NEPA's requirements. *Cf. Seven Cnty. Infrastructure Coal. v. Eagle Cnty., Colo.*, 605 U.S. 168, 186, n.5 (2025) (*Seven Cnty.*) (explaining that agencies have discretion to include additional analysis "not mandated by NEPA" in an EA or environmental impact statement). Nevertheless, we find no fault with the substance of staff's analysis in this case, regardless of whether it may have gone beyond NEPA's requirements. *Eastern Gas*, 195 FERC ¶ 61,218 at P 26, n.57 (citing *Seven Cnty.*, 605 U.S. at 186, n.5).

concluded that approval of the project would not constitute a major federal action significantly affecting the quality of the human environment.[26]

22. The Commission received comments on the EA from Algonquin, the Cape Cod Commission, BEAT, No Pipeline Expansion Northeast (NOPE), Denis Mahoney, and Jennifer Tabaczynski. In its comments, Algonquin clarifies that there are additional state-owned lands within 0.25 mile of the project that were not identified in the EA.[27] Algonquin states that these additional state lands are designated as Article 97 protected property under the Massachusetts Constitution, and that it is currently pursuing the applicable Article 97 review and approval process. Commission staff reviewed this clarification and determined that it does not alter the EA's conclusions. We agree. We respond to the other comments on the EA below.

1. Summary of Environmental Effects on Affected Local Communities

23. Under NEPA, the Commission considers impacts to all potentially affected communities. The project would affect a total of 209 acres of land during construction, of which about 56 acres would be permanently effected during operation.[28] Project activities that would affect local communities include the construction and operation of the various new or relocated pipeline segments, the new and relocated M&R stations, new appurtenant facilities such as valves and pig launchers/receivers, and the removal and/or decommissioning of abandoned or relocated pipeline and M&R facilities.

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[26] EA at 66. Commission staff could not determine whether the effects from GHG emissions attributable to the project would be significant or insignificant. *Id.* at 62; *see* 42 U.S.C. § 4336(b)(2) ("An agency shall prepare an environmental assessment with respect to a proposed agency action that does not have a reasonably foreseeable significant effect on the quality of the human environment, or if the significance of such effect is unknown . . . ."). We note that NEPA does not require that the Commission formally label project-related GHG emissions as significant or insignificant. *See Citizens Action Coal. of Ind., Inc. v. FERC*, 125 F.4th 229, 241-242 (D.C. Cir. 2025) (holding that "the absence of a 'significance' label does not violate NEPA, CEQ guidance, or FERC regulations") (citing *Food & Water Watch v. FERC*, 104 F.4th 336, 346 (D.C. Cir. 2024) (*East 300*)); *see also Transcon. Gas Pipe Line Co.*, 187 FERC ¶ 61,200, at P 33 (2024) (applying *East 300* in the context of an EA).

[27] Algonquin June 9, 2026 Comments.

[28] EA at 37.

24. As described in the EA, the project's potential effects on local communities during construction include short-term residential area effects,[29] traffic effects,[30] recreational area effects,[31] visual effects,[32] air effects,[33] and noise effects,[34] all of which would be temporary and less than significant. The EA finds that operation of the project would result in visual effects,[35] air effects,[36] and noise effects[37], all of which would be less than significant. The EA recommended implementation of Algonquin's proposed construction procedures and mitigation measures and Commission staff recommendations,[38] which we have adopted (as modified herein) as mandatory conditions in the appendix to this order.

a. Residences and Traffic

25. With respect to effects on residential areas and traffic, Algonquin would notify affected landowners at least 3 to 5 days before construction commences, coordinate with them based on landowners' work schedules prior to starting construction and ensure that residents have ingress and egress to their homes. Additionally, Algonquin would work closely with surrounding businesses to mitigate temporary effects.[39] Algonquin prepared site-specific residential construction plans for two residences within 25 feet of the construction work areas, which the EA reviewed and found acceptable.[40] We agree with the conclusions of the EA.

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[29] *Id.* at 37-38.

[30] *Id.* at 41.

[31] *Id.* at 38-39.

[32] *Id.* at 40.

[33] *Id.* at 44-46.

[34] *Id.* at 48-51.

[35] *Id.* at 40.

[36] *Id.* at 46-47.

[37] *Id.* at 51-52.

[38] *Id.* at 66-71.

[39] *Id.* at 38.

[40] *Id.* at app. C.

26. Algonquin has committed to coordinating its construction schedule so that oversize/overweight equipment and materials deliveries would not coincide with peak travel times, to the extent practicable, and encouraging construction workers to carpool to limit some of the effects on local commuters.[41] In addition, prior to construction, Algonquin would prepare a traffic management plan, for review and approval by MassDOT, the Joint Base Cape Cod, the USACE, and the Town of Bourne.[42] With these measures, the EA concludes traffic effects would be short-term and minor.[43] We agree.

27. NOPE comments that homeowners on Canal Street may be blocked from their driveways for 10 months and that no plan is in place yet to ensure their access.[44] Algonquin intends to keep one lane of traffic open on Canal Street during pipeline installation to provide ingress/egress and through traffic; however, Canal Street is the only access route to these residences and businesses, and some driveways could be blocked and parking areas unavailable during construction.[45] To ensure that effects from construction on residences and businesses on Canal Street are minimized, the EA recommends, and we require in Environmental Condition 15, that Algonquin prepare a Canal Street Construction Plan that includes coordination and notification to affected residences and businesses; measures to minimize effects, including limiting the time in which the trench is open; use of specialized construction methods (i.e., stovepipe); and provision of alternative parking areas.[46]

28. With implementation of the proposed minimization measures, including use of existing corridors, site-specific residential construction plans, the Canal Street Construction Plan, and revegetation plans, the EA concludes that the project would not result in significant long-term effects on residential areas.[47] We agree.

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[41] *Id.* at 41.

[42] *Id.*

[43] *Id.*

[44] NOPE June 29, 2026 Comment at 2.

[45] EA at 38.

[46] *Id.*

[47] *Id.* at 37-38.

b. Recreation

29. With respect to effects on recreational areas, Algonquin intends to keep one lane of traffic open on Canal Street, but construction activities would generate noise and disrupt traffic flow (i.e., the driveway to the Sagamore Recreation area may be blocked and/or the parking lot may be occupied or closed).[48] As the USACE operates the Sagamore Recreation Area, Algonquin would need to obtain all necessary approvals from and commit to any additional measures required by the USACE.[49] The EA concludes that project construction would result in a temporary disruption to recreation facilities, and the project may result in long-term effects to the recreation area during maintenance activities. We agree.

c. Visual

30. In its comments on the EA, the Cape Cod Commission notes that the visual impacts from the project would be limited because most tree clearing would occur in existing utility corridors, but recommends the use of vegetative screening and revegetation of disturbed areas with native plants to the greatest extent possible.[50] The Cape Cod Commission also recommends that the Commission require Algonquin to develop detailed landscape plans for the M&R stations.[51]

31. Short-term effects on visual resources would primarily occur from vegetation clearing, the presence of construction equipment, and construction of the M&R stations.[52] Tree clearing and trimming during construction could also result in long-term visual effects because the regrowth of trees is relatively slow.[53] Permanent visual effects would occur in areas of converted forest lands to accommodate the new pipeline facilities.[54] The EA concluded that pipeline rights-of-way would represent a minimal modification of the landscape, as about 90-percent of the G-31 and G-32 pipelines would be within or

[48] *Id.* at 39.

[49] *Id.*

[50] Cape Cod Commission June 29, 2026 Comment at 4.

[51] *Id.*

[52] *Id.* at 40.

[53] *Id.*

[54] *Id.*

immediately adjacent to existing utility easements, and the pipelines would be buried.[55] The EA also concluded that construction and operation of the new M&R stations would have minimal visual effects due to the existing vegetation and topographic buffers that would remain intact adjacent to the Bourne, Bourne Rotary, and Pave Paws Road M&R stations,[56] and due to Algonquin's proposal to provide additional screening and/or native plants at the Sagamore M&R station.[57] Therefore, staff did not identify any specialized landscaping plan needed at the new M&R locations. We agree and find that no specialized landscaping plans or further visual mitigation are needed.

d. Air Quality

32. To minimize air quality effects, Algonquin would use construction equipment and vehicle engines that meet federal design standards and comply with emission regulations, limit vehicle speed and engine idling, and implement a fugitive dust control plan.[58] Based on the temporary nature of construction activities and the measures proposed by Algonquin, the EA concludes that construction of the project would not result in significant effects on air quality for the surrounding communities.[59] We agree.

33. For operational effects, the EA determined that an increase in emissions would primarily be from the use of natural gas-fired water bath heaters, emergency engines, pipeline condensate handling, potential fugitive emissions from valves and piping components, and release of fugitive gas at the new M&R stations and valve expansion.[60] Algonquin would comply with federal and state air quality requirements during construction and operations. Given the air quality permitting requirements, as well as Algonquin's operational and maintenance controls, the EA concludes that operational emissions would not result in significant effects on air quality.[61] We agree.

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[55] *Id.*

[56] *Id.*

[57] *Id.* at 59.

[58] *Id.* at 44.

[59] *Id.* at 46.

[60] *Id.*

[61] *Id.*

e. Noise and Lighting

34. NOPE expresses concern regarding the impacts of "non-stop" construction noise and lights on nearby residents and wildlife.[62] With respect to construction noise, in general, Algonquin would conduct construction activities between 7:00 a.m. and 7:00 p.m., Monday through Saturday; however, some nighttime construction may be required.[63] Algonquin has committed to implementing noise reduction measures as outlined in its Nighttime Construction Management Plan to minimize potential effects to nearby noise sensitive areas (NSA).[64] The existing ambient sound levels in the project area are at or above a day-night sound level of 55 A-weighted decibels (55 dBA L_{dn}), and predicted construction noise increases during nighttime are primarily estimated at 3 dB or below, which would likely not be a perceptible change.[65] Algonquin also proposes to use temporary noise barriers along the north side of the Canal HDD exit site during nighttime HDD activities.[66] Noise impacts from construction would be temporary, and when construction activities are completed, those impacts would cease. The EA concludes that nighttime construction would not result in any adverse effects on local residents.[67] We agree.

35. Long-term effects on the existing noise environment would result from the operation of the four M&R stations, including noise generated by other equipment.[68] Acoustic analysis demonstrates that the modeled noise levels of the M&R stations at the nearest NSAs would be consistent with the FERC sound level requirement and would not result in any perceptible change.[69] To ensure sound levels are in compliance with applicable noise requirements, the EA recommends, and we require in Environmental Condition 17, that Algonquin provide the Commission with operational noise surveys after the M&R stations are in-service to ensure that noise levels are within the required

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[62] NOPE June 29, 2026 Comment at 1.

[63] EA at 48-49.

[64] *Id.* at 49.

[65] *Id.*

[66] *Id.* at 50.

[67] *Id.* at 49.

[68] *Id.* at 51.

[69] *Id.*

thresholds. Therefore, the EA concludes that noise effects from the project would not be significant.[70] We agree.

36. The EA acknowledges that nighttime lighting would contribute to light pollution that could alter the migratory behavior of birds by drawing them towards developed landscapes and away from high-quality stopover habitat, which could lead to limited food resources, expenditure of extra energy, and an increased risk of anthropogenic-related mortality.[71] To minimize noise and lighting effects to migratory birds during construction, Algonquin would reduce artificial nighttime lighting by minimizing construction activities between dusk and dawn to the extent practicable.

2. Additional Comments on the EA

a. General Comments

37. NOPE comments that the EA does not define the meaning of "significant."[72] NOPE further comments that the definition of "minor" or "major" is not given, and that Commission staff's determinations that "effects will not be significant" is not quantified or described.[73] The Commission's NEPA documents typically disclose that an effect would be considered significant if it would result in a substantial adverse change in the physical environment. NOPE does not identify or recommend any specific threshold(s) that it believes Commission staff should have used for any particular resource. The EA concludes that if Algonquin constructs, operates, and abandons the facilities in accordance with its application and supplements and staff's recommended mitigation measures, approval of the project would not constitute a major federal action significantly affecting the quality of the human environment.[74] We agree.

38. NOPE also asserts generally that numerous harmful changes could be assumed to result from this project, including alterations, harm, or both to wetlands and certified vernal pools, soils and farmland (including prime farmland and farmland of statewide importance), fish and other aquatic resources (including essential fish habitat), and

[70] *Id.* at 50.

[71] EA at 30.

[72] NOPE June 29, 2026 Comment at 3.

[73] *Id.*

[74] EA at 66.

wildlife and wildlife habitat, including state-listed species.[75] All these resources are evaluated in the EA.[76] The EA concludes that effects on most resources would be temporary, with certain resources experiencing long-term effects, such as forested habitat and soils in some areas, but that these impacts would not be significant.[77] We agree with these conclusions.

b. Capacity Increase

39. Several commenters question whether the project is an expansion of Algonquin's system with an associated increase in capacity. Mr. Denis Mahoney asserts that the larger diameter pipelines and increase in meter stations must mean there is "a lot more gas capacity."[78] NOPE claims that the project is an overt expansion of capacity due the "miles of enlarged pipeline which can store methane."[79] BEAT asserts that the project substantially increases both pipeline diameter and operating pressure,[80] which raises questions of whether the project would deliver more gas to National Grid's Cape Cod distribution system.

40. On July 9, 2026, Algonquin responded to these comments emphasizing that, as stated in its application and its March 16, 2026 Data Response, the project does not create additional capacity.[81] Algonquin asserts that the project is merely a relocation of facilities to maintain existing service for National Grid, necessary due to the Cape Cod

[75] NOPE June 29, 2026 Comment at 1-2.

[76] EA at 19-21, 23-26, & 27-34.

[77] EA at 19-21, 23-26, 27-34, & 66.

[78] Denis Mahoney June 24, 2026 Comment at 1.

[79] NOPE June 29, 2026 Comment at 1. NOPE refers to the project as consisting of two pipelines that would go under the Cape Cod Canal, but we clarify that only one of the pipeline segments would go under the canal.

[80] BEAT cites the MEPA final EIS stating that National Grid's existing pipelines operate at 270 pounds per square inch gauge (psig) and the proposed pipelines will operate at 750 psig. However, it is noted later in that document, as well as stated by Algonquin, that 750 psig is the maximum allowable operating pressure. Maximum allowable operating pressure is defined by the U.S. Department of Transportation as the maximum pressure at which a pipeline or segment of a pipeline may be operated. *See* 49 C.F.R. § 192.3 (2025). BEAT June 29, 2026 Comment at 2.

[81] Algonquin July 9, 2026 Comment at 1.

Bridge Program. Algonquin avers that, while certain pipeline segments would be larger in diameter, the design reflects engineering, safety, and reliability considerations, not an intent to expand capacity. Algonquin notes that pipeline diameter alone does not determine system capacity, which is governed by system pressures, upstream and downstream constraints, and contractual limits. Algonquin contends that the project maintains the same level of contracted transportation service and does not provide a basis for increasing throughput beyond currently authorized and subscribed volumes.

41. We find that the Cape Cod Canal Project would not result in a capacity increase. Neither pipeline diameter nor operating pressure alone determines how much gas can flow through a pipeline. Algonquin's proposed pipelines are longer than National Grid's existing pipelines, which by itself would cause more pressure drop. To compensate for that additional pressure loss, Algonquin chose a larger pipe diameter. The larger diameter reduces friction and allows the required volume of gas to reach the delivery point while still meeting the minimum pressure requirements. Further, Algonquin explained in its March 16, 2026 response to staff's March 9, 2026 data request that there are upstream capacity constraints on its system and that it physically cannot flow additional capacity to National Grid. Additionally, Algonquin's electronic bulletin board shows no unsubscribed capacity on its G System.[82] Based on Algonquin's supplemental information and staff's review of Algonquin's hydraulic models filed in support of the project, we find that the project is properly sized to deliver to National Grid the same level of service as currently contracted.

c. Other Federal and State Permits

42. BEAT states that the EA was released before several important environmental reviews and consultations were completed.[83] Consultations with the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) under section 7 of the Endangered Species Act (ESA) were not complete at the time the EA was issued; therefore, the EA recommended that the Commission include an environmental condition prohibiting Algonquin from beginning project construction until ESA section 7 consultation is complete.[84] However, following issuance of the EA, in letters dated June 25, 2026 and July 9, 2026, the FWS and NMFS, respectively, concurred that the project is not likely to adversely affect listed species under their jurisdictions.[85] Because

[82] Algonquin Pipeline Dynamic Map, https://infopost.enbridge.com/infopost/AGHome.asp?Pipe=AG (accessed Sep. 2, 2026).

[83] BEAT June 29, 2026 Comment at 3.

[84] EA at 33.

[85] Algonquin July 21, 2026 Supplemental Information at 20-28. Consultation for the federally endangered sandplain gerardia was completed though the use of the

ESA section 7 consultation is complete, we are not including the EA's recommended environmental condition.

43. BEAT states that review by the Massachusetts Natural Heritage and Endangered Species Program (NHESP) regarding state-listed species has not been completed.[86] The Massachusetts NHESP was invited to review the EA and submit comments regarding effects of the project on state-listed species,[87] but did not file a comment with the Commission. In its comments on the EA, the Cape Cod Commission notes that Algonquin continues to coordinate with the Massachusetts NHESP on a Conservation Management Permit for impacts on rare species.[88]

44. BEAT further states that a federal consistency determination from the Massachusetts Coastal Zone Management Office has not yet been issued.[89] The EA states that the project would be reviewed under a General Coastal Zone Management Federal Consistency Concurrence as part of the Section 404 Clean Water Act General Permits for the Commonwealth of Massachusetts.[90] However, the USACE 2026 Nationwide Permits (NWP) went into effect on March 15, 2026, replacing most Massachusetts General Permits. Table A.10-1 of the EA lists the major federal, state, and local permits, approvals, and consultations applicable for the project and indicated that the project would use a section 404 CWA NWP 12 (Oil or Natural Gas Pipeline Activities), with pre-construction notification.[91] In its comments on the EA, Algonquin provided a copy of the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs Office of Coastal Zone Management December 18, 2025 conditional concurrence for federal consistency, which ensures that projects authorized by the USACE under NWPs are consistent with the Massachusetts Coastal Program Enforceable Policies.[92] The conditional concurrence states that projects using NWPs that

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Northeast Endangered Species Determination Key within FWS's Information Planning and Consultation system.

[86] BEAT June 29, 2026 Comment at 3.

[87] EA at 34.

[88] Cape Cod Commission June 29, 2026 Comment at 4.

[89] BEAT June 29, 2026 Comment at 3.

[90] EA at 40.

[91] *Id.* at 15.

[92] Algonquin July 21, 2026 Supplemental Filing.

require the submission of a pre-construction notification must submit information to the Massachusetts Coastal Zone Management Office to determine if the project warrants federal consistency review.

45. Regardless of whether the project is permitted under a Massachusetts General Permit or a 2026 USACE NWP, to ensure that the Commission's responsibilities under the Coastal Zone Management Act are met, the EA recommends, and we require in Environmental Condition 16, that Algonquin not begin project construction until a determination of consistency is issued or it is confirmed that a prior determination by the Massachusetts Office of Coastal Zone Management remains valid.

46. Additionally, BEAT states that Section 106 consultation under the National Historic Preservation Act regarding potential impacts to historic and cultural resources is still underway.[93] Algonquin has conducted cultural resource surveys and provided the results of these surveys to both the Commission and the Massachusetts State Historic Preservation Office (MA SHPO).[94] Algonquin has also continued to coordinate with identified federally recognized Tribes.[95] That the MA SHPO has not provided concurrence prior to issuance of either the EA or a Commission order is not outside the norms of the section 106 consultation. Algonquin filed with the Commission supplemental documentation regarding a letter sent to the MA SHPO on July 5, 2026, requesting comments on Algonquin's cultural resource reporting and post-review discoveries plan.[96] In order to fully satisfy consultation and compliance under section 106 of the NHPA, the EA recommends, and we require as Environmental Condition 14, that Algonquin not construct or abandon project facilities until all outstanding cultural resource survey reports, site evaluation reports, and avoidance and/or treatment plans developed in collaboration and with and approved by the MA SHPO, as well as final MA SHPO concurrence, are filed with the Commission.

d. Alternatives

47. NOPE requests that the Commission explore alternatives to natural gas pipelines, which NOPE claims pose a threat to health and safety.[97] NOPE asserts that more power is coming to Massachusetts from offshore wind turbines recently and that more can be

[93] BEAT June 29, 2026 Comment at 3.

[94] EA at 35-36.

[95] *Id.* at 36.

[96] Algonquin July 21, 2026 Supplemental Filing.

[97] NOPE June 29, 2026 Comment at 1.

procured. The EA considered alternatives to the project to determine whether they would be reasonable and environmentally preferable to the proposed action.[98] The project involves the relocation of existing pipeline facilities to accommodate the Cape Cod Bridge Program and to continue to provide uninterrupted natural gas service to National Grid's distribution system by replacing National Grid's two existing pipelines with new natural gas infrastructure designed to meet the same natural gas capacity requirements.[99] Offshore wind projects or other sources of energy are outside the scope of the Commission's NEPA review, as they do not address or meet the stated need of the proposed action. Further, such alternate energy discussions are hypothetical, as no alternate energy company has proposed a project that would supply National Grid's distribution system during or after the bridge replacements. Accordingly, the EA correctly did not evaluate energy alternatives and concluded that the project as proposed is the preferred alternative to meet the project objectives. We agree.

e. HDD

48. The Cape Cod Commission expresses concerns about the amount of water needed for the HDD crossing, and states that water should be tested for contaminates prior to discharge.[100] Algonquin states it would coordinate directly with the Buzzards Bay Water District, North Sagamore Water District, and Bourne Water District to review the anticipated construction water needs and obtain any necessary permits before withdrawing water.[101] If one or more districts cannot approve or supply the requested water, Algonquin states it would evaluate alternative sources, including transporting water via trucks from an approved mainland source to the project site.[102] Additionally, Algonquin states the total estimated water volumes would not be withdrawn at once or from the same source.[103] As the EA notes, Algonquin is required to follow the Commission's *Wetland and Waterbody Construction and Mitigation Procedures*, which directs Algonquin to apply for state-issued water withdrawal permits, as

[98] EA at 64.

[99] *Id.* at 1.

[100] Cape Cod Commission June 29, 2026 Comment at 2-3.

[101] Algonquin Gas Transmission, LLC July 9, 2026 Comment at 9.

[102] *Id.* at 9.

[103] *Id.* at 9-10.

required.[104] The EA also states that test water would be drawn from municipal sources and that no additives or chemical agents would be used during or after hydrostatic testing.[105] Therefore, we find that contaminant testing would not be necessary. The EA also states that test water would be discharged in vegetated upland areas in accordance with Algonquin's Erosion and Sediment Control Plan and the FERC Procedures, which include requirements and procedures regarding energy dissipation and erosion controls during discharge activities.[106]

49. NOPE expresses concerns about potential harms from HDD construction including hole collapse, broken tool retrieval, and inadvertent return cleanup. NOPE indicates that the potential for harm from HDD construction "appears a near certainty;"[107] however, we find that this assertion is not supported. The EA analyzed the potential effects from HDD construction and potential inadvertent returns on groundwater and surface water.[108] Commission staff also reviewed Algonquin's Horizontal Directional Drill Monitoring, Inadvertent Return, Response, and Contingency Plan, which includes procedures for drill monitoring, mitigation, and response to inadvertent returns, and found it acceptable. The EA concluded that potential effects from HDD construction and potential inadvertent returns would not be significant.[109] We agree.

f. Climate Change

50. BEAT, NOPE, and Mr. Mahoney express concerns regarding climate change and the use of fossil fuels.[110] Commenters also allege that the EA understates the impacts of GHG emissions and note that the Commission did not make a significance determination

[104] EA at 10; section VII.A.1 of the FERC *Wetland and Waterbody Construction and Mitigation Procedures.*

[105] EA at 12.

[106] *Id.* at 12; section II.B.7 of the FERC *Wetland and Waterbody Construction and Mitigation Procedures.*

[107] NOPE June 29, 2026 Comment at 1.

[108] EA at 18.

[109] *Id.* at 18-19.

[110] BEAT June 29, 2026 Comment at 2; NOPE June 29, 2026 Comment at 1-2; Denis Mahoney June 29, 2026 Comment at 1.

regarding GHG emissions.[111] Denis Mahoney and BEAT also note Massachusetts' fossil fuel reduction goals and GHG reduction requirements.

51. As we have previously explained, natural gas transportation projects, such as this one, are not inherently incompatible with a state statute requiring a reduction in the average annual use of natural gas or in GHG emissions.[112] Moreover, we note that a state's emission reductions goals or laws relate to the end-use of gas over which the Commission does not exercise regulatory authority. The EA acknowledges that project construction and operation would increase the atmospheric concentration of GHGs in combination with past, current, and future emissions from all other sources globally, and would contribute incrementally to future climate change impacts.[113] However, to date, the Commission has not identified a way to estimate discrete, quantifiable, physical impacts on the environment resulting from a project's incremental contribution to GHGs.[114] Without the ability to determine discrete resource impacts, the Commission is unable to assess the project's contribution to climate change through any objective analysis of physical impact attributable to the project.[115] Also, upstream and downstream GHG emissions are outside the scope of the environmental review for this project.[116] Accordingly, we have fulfilled our obligation under NEPA to consider and disclose the environmental impacts of the project.

[111] Denis Mahoney June 29, 2026 Comment at 1; BEAT June 29, 2026 Comment at 2; and NOPE June 29, 2026 Comment at 2.

[112] *See Transcon. Gas Pipe Line Co.*, 190 FERC ¶ 61,048, at P 72 (2025).

[113] EA at 62.

[114] *Id.*

[115] *Id.*; *see also Seven Cnty.*, 605 U.S. at 188-90; *Commonwealth LNG, LLC*, 183 FERC ¶ 61,173, at P 93 (2023), *remanded on other grounds*, *Healthy Gulf v. FERC*, 107 F.4th1033, 1040 (2024) (concluding the Commission adequately explained why it could not determine whether a project's GHG emissions were significant); *Tres Palacios Gas Storage, LLC*, 185 FERC ¶ 61,094, at P 58 (2023).

[116] *Seven Cnty.*, 605 U.S. at 186-90.

g. Cumulative Effects

52. Jennifer Tabaczynski requests that the Commission prepare a comprehensive regional environmental impact statement that considers cumulative climate and public safety impacts of upgrading Algonquin's pipeline network.[117] BEAT also asserts that the project should be analyzed in the context of recent and proposed modifications to the broader Algonquin pipeline system.[118] We disagree. Such an analysis is not required by NEPA.[119] In any event, the EA provided an assessment of the cumulative effects of the project when combined with other projects or actions in the same general area as the project on a number of resources, including an assessment on the project's potential to contribute incrementally to future climate change impacts.[120] To the extent that Ms. Tabaczynski asserts that we should do anything further regarding cumulative effects, we disagree. The Commission's duty under NEPA in this proceeding is to consider the effects of the "project[s] at hand," not any additional category of cumulative effects.[121] The EA also assessed the pipeline safety aspects of the proposed action;[122] however, the public safety impacts of other potential upgrades to Algonquin's pipeline network are outside the scope of this proceeding.

3. Environmental Analysis Conclusion

53. We have reviewed the information and analysis contained in the EA, as well as the other information in the record, regarding potential environmental effects of the project. We accept the environmental recommendations in the EA, as modified in this order, and include them as conditions in an appendix to this order. Based on the analysis in the EA, as supplemented or clarified herein, we conclude that if constructed and operated or abandoned in accordance with Algonquin's application and supplements, and in compliance with the environmental conditions in the appendix to this order, our approval

[117] Jennifer Tabaczynski June 11, 2026 Comment at 1.

[118] BEAT June 29, 2026 Comment at 2.

[119] *Supra* note 25.

[120] EA at 54-63.

[121] *Eastern Gas*, 195 FERC ¶ 61,218 at P 26 (quoting *Seven Cnty.*, 605 U.S. at 182, 187).

[122] EA at 52-53.

of this proposal would not constitute a major federal action significantly affecting the quality of the human environment.[123]

54. Compliance with the environmental conditions appended to our orders is integral to ensuring that the environmental effects of approved projects are consistent with those anticipated by our environmental analyses. Thus, Commission staff carefully reviews all information submitted. Only when satisfied that the applicant has complied with all applicable conditions will a notice to proceed with the activity to which the conditions are relevant be issued. We also note that the Commission has the authority to take whatever steps are necessary to ensure the protection of environmental resources during construction and operation of the project, including authority to impose any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the order, as well as the avoidance or mitigation of unforeseen adverse environmental effects resulting from project construction and operation.

IV. Conclusion

55. We find that Algonquin has demonstrated a need for its Cape Cod Canal Project, which will enable Algonquin to continue providing uninterrupted transportation service to National Grid's distribution system. Further, the project will not have adverse impacts on Algonquin's existing shippers or other pipelines and their existing customers, and the project's benefits will outweigh any adverse effects on landowners and surrounding communities. The Commission recognizes that the proposed project would impact the environment and individuals living in the vicinity of the project facilities, but the project impacts, as mitigated, would not be significant. Based on the discussion above, we conclude that, under section 7 of the NGA, the public convenience and necessity requires approval of the Cape Cod Canal Project, subject to the conditions in this order. Further, as discussed above, we find that the public convenience or necessity permits the proposed abandonment.

56. Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this certificate. The Commission encourages cooperation between interstate pipelines and local authorities. However, this does not mean that state and local agencies, through application of state or local laws, may prohibit or unreasonably delay the construction or operation of facilities approved by this Commission.[124]

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[123] We are not making a significance determination regarding GHG effects for the reasons discussed in *supra* note 26.

[124] *See* 15 U.S.C. § 717r(d) (state or federal agency's failure to act on a permit considered to be inconsistent with Federal law); *see also Schneidewind v. ANR Pipeline Co*., 485 U.S. 293, 310 (1988) (state regulation that interferes with FERC's regulatory

57. The Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application, as supplemented, and exhibits thereto, and all comments, and upon consideration of the record,

The Commission orders:

(A) A certificate of public convenience and necessity is issued to Algonquin authorizing it to construct its Cape Cod Canal Project, as described and conditioned herein, and as more fully described in the application and subsequent filings by the applicant, including any commitments made therein.

(B) The certificate authority issued in Ordering Paragraph (A) is conditioned on Algonquin's:

(1) completion of construction of the proposed facilities and making them available for service within three years of the date of this order pursuant to section 157.20(b) of the Commission's regulations;

(2) compliance with all applicable Commission regulations under the NGA including, but not limited to, Parts 154, 157, and 284, and paragraphs (a), (c), (e), and (f) of section 157.20 of the Commission's regulations; and

(3) compliance with the environmental conditions listed in the appendix of this order.

(C) Algonquin is granted permission and approval to abandon the facilities as described in this order, and more fully described in the application and subsequent filings by the applicant.

(D) Algonquin shall complete all abandonment activities within three years of the date of this order.

(E) Algonquin shall notify the Commission within 10 days of the abandonment of facilities.

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authority over the transportation of natural gas is preempted) and *Dominion Transmission, Inc. v. Summers,* 723 F.3d 238, 245 (D.C. Cir. 2013) (noting that state and local regulation is preempted by the NGA to the extent it conflicts with federal regulation, or would delay the construction and operation of facilities approved by the Commission).

(F) Algonquin shall notify the Commission's environmental staff by telephone or e-mail of any environmental noncompliance identified by other federal, state, or local agencies on the same day that such agency notifies Algonquin. Algonquin shall file written confirmation of such notification with the Secretary of the Commission within 24 hours.

By the Commission.

(S E A L)

Debbie-Anne A. Reese,
Secretary.

Appendix
Environmental Conditions

As recommended in the Environmental Assessment (EA), this authorization includes the following conditions:

1. Algonquin shall follow the construction and abandonment procedures and mitigation measures described in its application and supplements (including responses to staff data requests) and as identified in the Environmental Assessment (EA), unless modified by the Order. Algonquin must:

    a. request any modification to these procedures, measures, or conditions in a filing with the Secretary of the Commission (Secretary);
    b. justify each modification relative to site-specific conditions;
    c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
    d. receive approval in writing from the Director of the Office of Energy Projects (OEP), or the Director's designee, **before using that modification**.

2. The Director of OEP, or the Director's designee, has delegated authority to address any requests for approvals or authorizations necessary to carry out the conditions of the Order, and take whatever steps are necessary to ensure the protection of environmental resources during construction, abandonment, and operation of the Project. This authority shall allow:

    a. the modification of conditions of the Order;
    b. stop-work authority; and
    c. the imposition of any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the Order as well as the avoidance or mitigation of unforeseen adverse environmental impact resulting from Project construction and operation.

3. **Prior to any construction or abandonment activities**, Algonquin shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors (EIs), and contractor personnel will be informed of the EI's authority and have been or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs **before** becoming involved with construction, abandonment, and restoration activities.

4. The authorized facility locations shall be as shown in the EA, as supplemented by filed alignment sheets. **As soon as they are available, and before the start of construction**, Algonquin shall file with the Secretary any revised detailed survey alignment maps/sheets at a scale not smaller than 1:6,000 with station positions for all facilities approved by the Order. All requests for modifications of environmental conditions of the Order or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets.

   Algonquin's exercise of eminent domain authority granted under NGA section 7(h) in any condemnation proceedings related to the Order must be consistent with these authorized facilities and locations. Algonquin's right of eminent domain granted under NGA section 7(h) does not authorize it to increase the size of its natural gas pipeline facilities to accommodate future needs or to acquire a right-of-way for a pipeline to transport a commodity other than natural gas.

5. Algonquin shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and staging areas, pipe storage yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, documentation of landowner approval, whether any cultural resources or federally listed threatened or endangered species would be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director of OEP, or the Director's designee, **before construction in or near that area**.

   This requirement does not apply to extra workspace allowed by the Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan* and/or minor field realignments per landowner needs and requirements which do not affect other landowners or sensitive environmental areas such as wetlands.

   Examples of alterations requiring approval include all route realignments and facility location changes resulting from:

a. implementation of cultural resources mitigation measures;
b. implementation of endangered, threatened, or special concern species mitigation measures;
c. recommendations by state regulatory authorities; and
d. agreements with individual landowners that affect other landowners or could affect sensitive environmental areas.

6. **Within 60 days of the acceptance of the authorization and before construction/abandonment begins**, Algonquin shall file an Implementation Plan with the Secretary for review and written approval by the Director of OEP, or the Director's designee. Algonquin must file revisions to the plan as schedules change. The plan shall identify:

a. how Algonquin will implement the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests), identified in the EA, and required by the Order;
b. how Algonquin will incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and specifications), and construction drawings so that the mitigation required at each site is clear to onsite construction and inspection personnel;
c. the number of EIs assigned per spread, and how the company will ensure that sufficient personnel are available to implement the environmental mitigation;
d. company personnel, including EIs and contractors, who will receive copies of the appropriate material;
e. the location and dates of the environmental compliance training and instructions Algonquin will give to all personnel involved with construction and restoration (initial and refresher training as the Project progresses and personnel change);
f. the company personnel (if known) and specific portion of Algonquin's organization having responsibility for compliance;
g. the procedures (including use of contract penalties) Algonquin will follow if noncompliance occurs; and
h. for each discrete facility, a Gantt or PERT chart (or similar project scheduling diagram), and dates for:
    (1) the completion of all required surveys and reports;
    (2) the environmental compliance training of onsite personnel;
    (3) the start of construction; and

(4) the start and completion of restoration.

7. Algonquin shall employ at least one EI per construction spread. The EIs shall be:

   a. responsible for monitoring and ensuring compliance with all mitigation measures required by the Order and other grants, permits, certificates, or other authorizing documents;
   b. responsible for evaluating the construction contractor's implementation of the environmental mitigation measures required in the contract (see condition 6 above) and any other authorizing document;
   c. empowered to order correction of acts that violate the environmental conditions of the Order, and any other authorizing document;
   d. a full-time position, separate from all other activity inspectors;
   e. responsible for documenting compliance with the environmental conditions of the Order, as well as any environmental conditions/permit requirements imposed by other federal, state, or local agencies; and
   f. responsible for maintaining status reports.

8. Beginning with the filing of its Implementation Plan, Algonquin shall file updated status reports with the Secretary on a **bi-weekly** basis until all construction, abandonment, and restoration activities are complete. On request, these status reports will also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:

   a. an update on Algonquin's efforts to obtain the necessary federal authorizations;
   b. the construction status of each spread, work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally sensitive areas;
   c. a listing of all problems encountered, and each instance of noncompliance observed by the EI(s) during the reporting period (both for the conditions imposed by the Commission and any environmental conditions/permit requirements imposed by other federal, state, or local agencies);
   d. a description of the corrective actions implemented in response to all instances of noncompliance;
   e. the effectiveness of all corrective actions implemented;

f. a description of any landowner/resident complaints which may relate to compliance with the requirements of the Order, and the measures taken to satisfy their concerns; and
g. copies of any correspondence received by Algonquin from other federal, state, or local permitting agencies concerning instances of noncompliance, and Algonquin's response.

9. Algonquin must receive written authorization from the Director of OEP, or the Director's designee, **before commencing construction/abandonment by removal of any Project facilities.** To obtain such authorization, Algonquin must file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).

10. Algonquin must receive written authorization from the Director of OEP, or the Director's designee, **before placing the Project into service**. Such authorization will only be granted following a determination that rehabilitation and restoration of the right-of-way and other areas affected by the Project are proceeding satisfactorily.

11. **Within 30 days of placing the authorized facilities in service**, Algonquin shall file an affirmative statement with the Secretary, certified by a senior company official:

a. that the facilities have been constructed/abandoned in compliance with all applicable conditions, and that continuing activities will be consistent with all applicable conditions; or
b. identifying which of the conditions in the Order Algonquin has complied with or will comply with. This statement shall also identify any areas affected by the Project where compliance measures were not properly implemented, if not previously identified in filed status reports, and the reason for noncompliance.

12. Algonquin shall reduce its permanent easement to 60 feet wide in all locations on non-U.S. Army Corps of Engineers lands where the G-24 and G-11 pipelines parallel and are offset by 10 feet.

13. All conditions attached to the water quality certification issued by the Massachusetts Department of Environmental Protection constitute mandatory conditions of the Certificate Order. **Prior to construction**, Algonquin shall file for review and written approval of the Director of OEP, or the Director's

designee, and revisions to its project design necessary to comply with the water quality certification conditions.

14. Algonquin shall **not begin** construction or abandonment of facilities and/or use of staging, storage, or temporary work areas and new or to-be-improved access roads **until**:

    a. Algonquin files with the Secretary:
        (1) the Massachusetts State Historic Preservation Office (SHPO) comments on the archaeological and historic architectural properties survey reports; and
        (2) any further required cultural resources survey report(s) or plan(s), and the SHPO's comments on the report(s) and plan(s).
    b. the Advisory Council on Historic Preservation is afforded an opportunity to comment if historic properties would be adversely affected; and
    c. FERC staff reviews and the Director of the OEP, or the Director's designee, approves the cultural resources reports and plans and notifies Algonquin in writing that avoidance and/or treatment plans/measures (including archaeological data recovery) may be implemented and/or construction may proceed.

    All materials filed with the Commission containing **location, character, and information** about cultural resources must have the cover and any relevant pages therein clearly labeled in bold lettering: "**CUI/PRIV –DO NOT RELEASE**."

15. Prior to construction **or abandonment of the G-24 pipeline within Canal Street**, Algonquin shall file a Canal Street Construction Plan with the Secretary, for review and written approval by the Director of OEP, or the Director's designee, to address all residences and businesses along Canal Street with driveways and/or parking areas located within construction work areas, to include:

    a. duration and hours of construction along Canal Street;
    b. coordination and notification to affected residences and businesses;
    c. measures to minimize effects, including limiting the time in which the trench is open, use of specialized construction methods (i.e., stovepipe), alternative parking areas, etc.;
    d. construction safety features;

e. measures to control dust and mud; and
f. restoration of Canal Street and affected driveways and parking areas.

16. 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 or confirmed by the Massachusetts Office of Coastal Zone Management.

17. Algonquin shall file a noise survey with the Secretary **no later than 60 days** after placing the relocated Sagamore and Bourne metering and regulating (M&R) stations, and the new Pave Paws Road M&R Station and Bourne Rotary M&R stations in service. If a full flow rate noise survey at the station's maximum design capacity is not possible, Algonquin shall provide an interim survey at the maximum possible flow rate and provide the full flow rate survey **within 6 months**. If the noise attributable to the operation of any of the M&Rs exceeds a day-night sound level of 55 A-weighted decibels at any nearby noise-sensitive area, Algonquin shall file a report on what changes are needed and shall install additional noise controls to meet the level **within 1 year** of the in-service date. Algonquin shall confirm compliance with this requirement by filing a second noise survey with the Secretary **no later than 60 days** after it installs the additional noise controls.