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

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

CAPE COD COMMISSION

CAPE COD COMMISSION STAFF REPORT
DEVELOPMENT OF REGIONAL IMPACT REVIEW

Date:	November 9, 2026
Project:	Algonquin Pipeline Relocation
Project Applicant:	Algonquin Gas Transmission, LLC
Project Location:	Town of Bourne
Subcommittee:	Robert Frangieh (Chair), Catherine Ledec, David Mead-Fox, Dennis Prebensen, Thomas Wilson, and Anne McManus (Alternate)

Project Description and Context

The Applicant proposes to modify existing interstate natural gas transmission facilities to accommodate the planned replacement of the Bourne and Sagamore Bridges by the Cape Cod Bridges Program ("CCBP") by removing, abandoning, and relocating portions of existing natural gas pipelines and associated metering and regulating facilities that interact with bridge-supported and bridge-adjacent infrastructure ("Project"). The Applicant has legal standing to pursue the Project through easements documented with their DRI Application. As proposed, the development and construction of the Project consists of:

- Relocation and replacement of existing natural gas pipeline and metering and regulating (M&R) infrastructure that conflicts with the CCBP
    - Construction of a new Pave Paws Road M&R Station.
    - Construction of a new Bourne Rotary M&R Station.
    - Relocation of the existing Sagamore M&R Station to the terminus of the relocated G-11 pipeline.
    - Relocation of the existing Bourne M&R Station to the new termini of the G-8L and G-8C pipelines.
- Approximately 5.86 miles of new 16-inch- and 18-inch-diameter pipeline.

- Approximately 0.45 miles of 8-inch and 6-inch-diameter pipelines
- Removal of approximately 2.02 miles of existing pipeline.
- Abandonment in place of approximately 1.44 miles of existing pipeline.
- Approximately 209 acres affected during construction, of which about 56 acres would be permanently affected during operation
- Approximately 43.6 acres of clearing, of which approximately 18.3 acres would remain within the operational footprint
- Horizontal Directional Drilling (HDD) for the Cape Cod Canal crossing of the G-31 pipeline
- Mitigation including:
    - Wetland restoration;
    - Workspace restoration and revegetation;
    - Traffic management;
    - Construction noise controls;
    - Stormwater management at aboveground facilities;
    - Species-specific Natural Heritage and Endangered Species Program (NHESP) protection plans;
    - Continued NHESP coordination and preparation of a Conservation Management Plan (CMP), including species-specific avoidance, protection, restoration, and net benefit mitigation measures;
    - Invasive plant management;
    - Coordination with affected landowners and state agencies regarding Article 97 approvals, combined with use of existing corridors, temporary restoration commitments, and proposed off-site habitat preservation; and
    - Acquisition and permanent protection of approximately 60 acres of undeveloped forestland adjacent to Joint Base Cape Cod (JBCC) and Camp Edwards WMA.

Staff suggests the Project is located within both Suburban Development Area and Natural Area Placetypes.

Suburban Development Areas are characterized by moderately dense residential neighborhoods as well as automobile-oriented commercial development. Natural Areas are generally the region's least developed and most sensitive areas.

DRI Jurisdiction

The Project requires mandatory DRI review pursuant to Section 2(d)(i) of the Commission's Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact ("Enabling Regulations"), revised November 2021, because the Project required the preparation of an Environmental Impact Report ("EIR") pursuant to the Massachusetts Environmental Policy Act, M.G.L. c. 30, §§ 61-62I ("MEPA").

Procedural History

- The Project required a mandatory EIR under MEPA because it would result in the direct alteration of 50 or more acres of land. The Project also meets multiple Environmental Notification Form thresholds and is located within an Environmental Justice community. On June 29, 2026, the Secretary of the Executive Office of Energy and Environmental Affairs issued a Certificate on the Final EIR stating that the Project adequately and properly complies with MEPA and its implementing regulations.
- The Applicant submitted a DRI application for the Project to the Commission on July 24, 2026. A staff hearing officer opened the DRI hearing period procedurally on August 13, 2026. The Applicant submitted additional materials on August 31, 2026. The date of the first substantive public hearing on the Project was October 28, 2026.

Natural Gas Act and Federal Energy Regulatory Commission

The Project consists of interstate natural gas transmission facilities subject to the jurisdiction of the Federal Energy Regulatory Commission (FERC) under the Natural Gas Act (NGA), 15 U.S.C. §§ 717 et seq. Pursuant to Section 7(c) of the NGA, FERC has authority to determine whether the construction and operation of interstate natural gas transportation facilities are required by the present or future public convenience and necessity and, if so, to authorize such facilities through a Certificate of Public Convenience and Necessity. Section 7(b) of the NGA similarly requires FERC authorization before an interstate natural gas company may abandon jurisdictional facilities.

In evaluating an application for authorization of a pipeline project, FERC conducts a review under the National Environmental Policy Act (NEPA), which requires federal agencies to consider the potential environmental effects of proposed federal actions before making a decision. As part of its NEPA review, FERC evaluates the proposed project and its potential environmental impacts, including impacts to natural resources, cultural resources, and other environmental considerations.

On October 29, 2026, FERC issued an Order Issuing Certificate and Approving Abandonment in Docket No. CP25-552-000[1], authorizing Algonquin to construct the proposed replacement facilities and abandon the existing facilities, subject to the conditions contained in the order. Accordingly, FERC has exercised its federal jurisdiction over the need for, location, configuration, and construction of the jurisdictional pipeline facilities, as well as the proposed abandonment.

The NGA establishes a comprehensive federal regulatory framework governing the transportation of natural gas in interstate commerce. FERC addressed the limitations on state and local regulatory authority directly in its Certificate Order for this Project, stating: "Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this certificate."[2] Accordingly, the Commission may not use its

[1] 197 FERC ¶ 61,063 (2026) ("FERC Certificate Order"), Attachment A
[2] FERC Certificate Order, page 24

regulatory authority to reconsider or override FERC's determinations; nor may the Commission impose DRI conditions that conflict with the certificate or otherwise prohibit or unreasonably delay construction or operation of the authorized facilities.

During the federal review, questions were raised regarding whether the Project's proposed increase in pipeline diameter and maximum allowable operating pressure would result in an increase in natural gas transportation capacity. In its October 29, 2026 Certificate Order, FERC specifically considered these concerns and determined that the Project "would not result in a capacity increase."

The FERC Certificate includes the explanation that, although certain replacement pipeline segments would have larger diameters, the proposed pipelines are also longer than the existing bridge-mounted pipelines, resulting in additional pressure loss. The larger diameter was selected to compensate for this pressure loss and maintain the pressure necessary to deliver the currently contracted volume of natural gas. FERC further considered upstream capacity constraints on the Applicant's system, which physically prevent additional gas from being delivered to National Grid, and hydraulic modeling submitted by the Applicant. Based on this information, FERC concluded that the Project was appropriately sized to provide National Grid "the same level of service as currently contracted."

The determination of the need for, design of, and transportation capacity of interstate natural gas pipeline facilities falls within FERC's jurisdiction under the Natural Gas Act. Accordingly, the Commission's DRI review does not independently evaluate or determine the transportation capacity of the proposed facilities, nor may the Commission impose conditions intended to regulate pipeline throughput, operating pressure, or other engineering specifications within FERC's jurisdiction. Staff therefore recommend that the Commission adopt FERC's finding that the authorized Project will not increase pipeline capacity. For purposes of evaluating the Project under the RPP, Staff's review is based on the replacement and relocation of existing infrastructure to maintain the existing level of natural gas service and does not reconsider FERC's determination regarding capacity.

DRI Review Standards

Section 7(c)(viii) of the Commission’s Enabling Regulations contains the standards to be met for DRI approval, which include, as applicable, consistency with the Cape Cod Regional Policy Plan (RPP), the Cape Cod Commission Act, municipal development bylaws, District of Critical Planning Concern (DCPC) implementing regulations and Commission-certified Local Comprehensive Plans. The Commission must also find that the probable benefit from the Project is greater than its probable detriment.

Generally, the Commission evaluates a DRI’s consistency with the Act by determining whether the project is consistent with the Goals and Objectives in Section 6 of the applicable RPP, as particular goals and objectives are deemed applicable and material to the project. DRI review of the Project is subject to the 2025 RPP, which is the version of the RPP in effect at the time of the Commission’s first substantive public hearing on the Project.

In light the FERC Certificate for the Project, this Staff Report evaluates the Project's consistency with the standards for DRI approval, including the 2025 RPP, only to the extent those standards are not preempted by federal law or committed to FERC's exclusive jurisdiction. Accordingly, this Staff Report addresses the Project's potential regional impacts without reconsidering determinations made by FERC or recommending requirements that conflict with, interfere with, or unreasonably delay construction or operation of the facilities authorized by the Certificate.

Cape Cod Regional Policy Plan

Applicable and Material RPP Goals and Objectives

Commission staff reviewed the DRI Application Materials and suggest that the following RPP Goals are applicable, material, and regionally significant and are thus subject to RPP consistency review: Ocean Resources, Wetlands Resources, Wildlife and Plant Habitat, Open Space, Coastal Resiliency, Water Resources, Community Design, Cultural Heritage, Climate Change, Energy, Capital Facilities and Infrastructure, and Transportation. Commission staff make the following recommendations relative to the Project's consistency with these RPP Goals and relevant Objectives and Technical Bulletin guidance:

Ocean Resources

The Ocean Resources Goal is to protect, preserve, or restore the quality and natural values and functions of ocean resources. The following objectives are applicable, material, and regionally significant:

- Objective OR1 – Locate development away from sensitive resource areas and habitats
- Objective OR2 – Preserve and protect ocean habitat and the species it supports
- Objective OR3 – Protect significant human use areas and vistas

A section of the proposed G-31 pipeline will cross beneath the Cape Cod Canal ("Canal"). The pipeline will be installed using Horizontal Directional Drilling (HDD). As described in the Project application, the HDD method involves boring a hole beneath the Canal from land-based workspaces on opposite sides of the Canal and pulling the pipe through the bored hole. The entry and exit sites are more than 1,000 feet inland of the Canal, within an abandoned sand and gravel pit and within Eversource's existing utility ROW, respectively. The HDD will install the pipe approximately 87 feet below the bed of the Canal. This method avoids dredging, in-water trenching, fill placement, and direct disturbance to Canal sediments. Further, noise associated with HDD would be at the land-based workspaces and is not anticipated in the Canal. No pipeline infrastructure will be located within the Canal, thereby avoiding direct impacts to ocean resources.

FERC reviewed the Project's environmental impacts under the National Environmental Policy Act (NEPA), including potential effects associated with HDD construction and inadvertent returns of

drilling fluid. FERC reviewed Algonquin's Horizontal Directional Drill Monitoring, Inadvertent Return, Response, and Contingency Plan and found it acceptable. A copy of this plan was included with the DRI Application (Attachment 4, dated June 2025). FERC concluded that the potential effects of HDD construction and inadvertent returns on groundwater and surface water would not be significant. The Project will be constructed in accordance with the environmental procedures and mitigation measures incorporated into FERC's Certificate, including the HDD monitoring and inadvertent return response procedures.

Additional proposed minimization measures are outlined in the Spill Prevention, Control, and Countermeasure Plan and the Waste Management Plan included with the DRI application (Attachment 3 and Attachment 8, respectively). These include implementation of spill prevention and response procedures, proper handling and storage of fuels and hazardous materials, environmental inspection and monitoring during construction, and adherence to all applicable federal, state, and local permit requirements.

Objective OR1 is to locate development away from sensitive resource areas and habitats. Projects must locate development away from rare species habitat and designated prohibited areas and exclusionary areas identified in the Cape Cod Ocean Management Plan (CCOMP). The proposed G-31 pipeline will cross beneath the Cape Cod Canal between the Bourne and Sagamore Bridges. The section of the Canal where the pipeline will cross is not in mapped Natural Heritage and Endangered Species Program (NHESP) rare species habitat or CCOMP prohibited or exclusionary areas, thus Staff suggests the Project is consistent with Objective OR1.

Objective OR2 is to preserve and protect ocean habitat and the species it supports. Applicants for ocean-based projects must design projects such that their construction and operation protects identified ocean habitat and species, including, but not limited to, whales, fish resources, coastal waterbirds, marine mammals, and eelgrass. Projects must also evaluate cumulative impacts and demonstrate that the development furthers a substantial public purpose.

The section of the G-31 pipeline crossing the Canal is not in mapped habitat for whales, NHESP rare species, or eelgrass. Through the MEPA and federal review processes, the National Marine Fisheries Service determined the Project did not require Essential Fish Habitat (EFH) consultation and the Massachusetts Division of Marine Fisheries determined that no time-of-year restrictions or additional seasonal construction measures were necessary to protect marine resources, as no in-water work will occur. FERC confirmed that consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service and National Marine Fisheries Service was

complete, with both agencies concurring that the Project was not likely to adversely affect listed species under their respective jurisdictions.[3]

FERC evaluated potential impacts of HDD noise and vibration on ocean resources and determined that the approximately 87-foot depth of the HDD beneath the Canal bed would likely reduce noise and vibration effects to negligible levels, ultimately concluding that significant effects to ocean resources are not anticipated. FERC also acknowledges that nighttime lighting could alter migratory behavior of birds.[4] To minimize and mitigate this potential impact, the Applicant will limit construction between dawn and dusk to minimize noise and lighting impacts.

The Project furthers a substantial public purpose by relocating existing natural gas infrastructure to accommodate the Cape Cod Bridges Program while maintaining uninterrupted natural gas service to National Grid's distribution system on both sides of the Canal.

The use of HDD avoids direct in-water construction activities and is designed to minimize potential effects to marine resources. Based on the mapped resource information, agency consultations, and environmental review conducted by FERC, Staff suggests the Project is consistent with Objective OR2.

Objective OR3 is to protect significant human use areas and vistas. To demonstrate consistency with this Objective, projects may minimize impacts to ocean-based recreational activities, provide buffers to navigation, and design projects to avoid adverse visual impacts to the Cape's cultural, historic, and scenic resources. The use of HDD will avoid in-water work, and the crossing will have no visible infrastructure located within the Canal. The Project will not have permanent impacts on navigation, public access, or commercial or recreational activities. The Canal service road near the Sagamore Bridge and a portion of Bourne Scenic Park may be temporarily affected, with restoration proposed after construction. As the Project poses no permanent impacts to human use area and vistas, Staff suggest it is consistent with Objective OR3.

Wetlands Resources

The Wetlands Resources Goal is to protect, preserve, or restore the quality and natural values and functions of inland and coastal wetlands and their buffers. The following objectives are applicable, material, and regionally significant:

- Objective WET1 – Protect Wetlands and their buffers from vegetation and grade changes.
- Objective WET2 – Protect Wetlands from changes in hydrology, including those associated with stormwater discharges.

[3] FERC Certificate Order, page 17
[4] FERC Certificate Order, page 14

- Objective WET3 – Promote the restoration of degraded Wetland resource areas.

Wetlands are scattered throughout the Project area and include coastal and inland wetlands associated with the Cape Cod Canal, Nightingale Pond, and freshwater depressions within existing utility ROWs. In the DRI Application (Attachment 1), Figure 5.3-4 shows the locations of the wetlands that would be impacted by the Project. The Project will not result in permanent surface alterations to wetlands and will result in approximately 7,712 square feet (0.18 acres) of permanent easements or maintenance areas within wetland buffers. Most wetland impacts will be temporary, associated with construction activities within existing utility corridors and previously disturbed areas, and restored following construction.

The Project was reviewed by the Bourne Conservation Commission for review under the Massachusetts Wetlands Protection Act. An Order of Conditions (OOC) approving the Project with conditions was issued by the Bourne Conservation Commission on August 7, 2026. A copy of the OOC was submitted with the Applicant's supplemental filing (8/31/2026 Supplemental Filing, Attachment 4). The Project was also reviewed by the Massachusetts Department of Environmental Protection (MassDEP) for a Section 401 Water Quality Certification. MassDEP issued a Section 401 Water Quality Certification on July 10, 2026, with conditions.

FERC considered potential effects on wetlands and other natural resources, including certified vernal pools, and concluded that the Project's environmental impacts, as mitigated, would not be significant. FERC incorporated the Applicant's construction and environmental mitigation commitments into the Certificate, with ongoing oversight by FERC's environmental staff and designated environmental inspectors. FERC's Certificate also expressly incorporates all conditions of MassDEP's Water Quality Certification.[5]

Objective WET1 is to protect wetlands and their buffers from vegetation and grade changes. Under Objective WET1, wetlands and their buffers must not be altered except in limited circumstances, including where development currently exists and for the installation of new utility services, and where the applicant can show that there is a public benefit, there is no feasible alternative to alteration, and that the impacts from the alteration are minimized and mitigated.

The Project proposes alteration of wetlands associated with relocation and replacement of existing utility service, providing a public benefit to the region. Staff suggests that the Applicant has demonstrated there is no feasible alternative to the proposed route for such utilities. The Applicant considered alternative routes and refined the proposed alignment through the MEPA

[5] FERC Certificate Order, page 31

review process to minimize impacts to wetland resources. FERC subsequently reviewed and authorized the proposed facility locations and construction methods.[6] Approximately 90 percent of the G-31 and G-32 pipeline ROWs will be located within or immediately adjacent to existing utility easements, minimizing additional disturbance to previously undisturbed areas.

The Project proposes to avoid, minimize, and mitigate impacts from alterations to wetlands resources through multiple methods including collocation within existing infrastructure corridors, reduced construction workspace widths, temporary construction matting where necessary, erosion and sedimentation controls, dewatering management procedures, soil segregation and replacement where appropriate, minimization of construction duration within wetlands, removal of temporary construction materials, environmental monitoring, and restoration of temporarily disturbed areas. These construction procedures and mitigation measures are incorporated into conditions to FERC's Certificate, which requires Algonquin to follow the procedures and mitigation measures described in its application.[7]

Staff suggests the Project is consistent with Objective WET1 because the Applicant has demonstrated that there is a public benefit, there is no feasible alternative to alteration, and that the impacts from the alteration are minimized and mitigated.

Objective WET2 is to protect Wetlands from changes in hydrology, including those associated with stormwater discharges. To demonstrate consistency with this Objective, projects should direct stormwater discharges away from wetlands and their buffers and that any withdrawals or discharges will not adversely affect wetlands.

As noted in the discussion of Objective WET1, the Project proposes a comprehensive list of measures to protect wetland hydrology and recharge areas during construction and operation including erosion and sedimentation controls, dewatering management procedures, spill prevention measures, HDD monitoring protocols, stormwater management systems, and restoration commitments.

FERC found that hydrostatic test water would be discharged in vegetated upland areas in accordance with the Applicant's Erosion and Sediment Control Plan and FERC's Wetland and Waterbody Construction and Mitigation Procedures, which include requirements for energy dissipation and erosion controls during discharge activities. FERC considered the Applicant's anticipated water requirements for HDD construction and potential contaminants in discharge and noted that its Wetland and Waterbody Construction and Mitigation Procedures require the Applicant to obtain state-issued water withdrawal permits and that no additives or chemical

[6] FERC Certificate Order
[7] FERC Certificate Order, Environmental Condition 1, page 27

agents would be used in the hydrostatic test water. Based on this information, FERC determined that additional contaminant testing is not necessary.[8]

Based on the proposed stormwater and erosion control measures, the water management and discharge procedures reviewed by FERC, and the environmental protection measures incorporated into the FERC Certificate,[9] the Project has been designed to maintain existing wetland hydrology and avoid long-term changes to drainage patterns, groundwater recharge, flood storage capacity, and surface water flow within wetland resource areas. Thus, Staff suggests the Project is consistent with Objective WET2.

Objective WET3 is to promote the restoration of degraded wetland resource areas. The Project is not a wetland restoration project; however, the Applicant proposes to restore temporarily disturbed wetland resource areas following construction to minimize long-term effects on wetland functions and values.

The Applicant's Erosion and Sedimentation Control Plan and Spill Prevention, Control, and Countermeasure Plan (ESCP and SPCC; Attachment 3 in the application materials) include procedures for revegetation and restoration of disturbed areas. The Applicant also proposes specialized seed mixes for areas within rare species habitat and other sensitive areas, developed in coordination with NHESP. These restoration and revegetation measures are incorporated into the construction and environmental mitigation commitments subject to FERC oversight under the Certificate.[10]

The FERC Certificate requires the Applicant to submit an Implementation Plan identifying how the required construction, mitigation, and restoration measures will be implemented, including schedules for the commencement and completion of restoration activities.[11] The Applicant must also employ environmental inspectors responsible for monitoring compliance with the Certificate's environmental conditions and applicable environmental permit requirements. Based on the Applicant's restoration commitments and the restoration requirements and oversight established by FERC's Certificate, Staff suggests the Project is consistent with Objective WET3.

[8] FERC Certificate Order, page 21
[9] FERC Certificate Order, page 21; FERC Environmental Assessment for the Cape Cod Canal Pipeline Relocation Project, Docket No. CP25-552-000 (May 29, 2026)("Environmental Assessment"), page 12; FERC *Wetland and Waterbody Construction and Mitigation Procedures*, section II.B.7
[10] FERC Certificate Order, Environmental Conditions 1, 2, 6–8, 10, and 13.
[11] FERC Certificate Order, Environmental Condition 6, page 29

Wildlife and Plant Habitat

The Wildlife and Plant Habitat Goal is to protect, preserve, or restore wildlife and plant habitat to maintain the region's natural biodiversity. The following objectives are applicable, material, and regionally significant:

- Objective WPH1 – Maintain existing plant and wildlife populations and biodiversity
- Objective WPH 2 – Restore degraded habitats through use of native plant communities
- Objective WPH 3 – Protect and preserve Rare Species habitat, Vernal Pools, 350-foot buffers to Vernal Pools
- Objective WPH 4 – Manage Invasive Species
- Objective WPH5 – Promote best management practices to protect wildlife and plant habitat from the adverse impacts of development

Consistent with the requirements of the Cape Cod Commission's Wildlife and Plant Habitat Technical Bulletin, a Natural Resources Inventory (NRI) was provided with the DRI application. The Project area includes existing utility corridors, transportation corridors, forested areas, and portions of mapped NHESP rare species habitat. Two vernal pools are located in proximity to proposed construction activities. The Project will result in both temporary and permanent impacts to vegetation and wildlife habitat, including approximately 44.8 acres of tree clearing.

FERC considered the Project's potential effects on vegetation, wildlife, and protected species. FERC concluded that effects on most resources would be temporary, with certain resources experiencing long-term effects, including forested habitat and soils in some areas, but that these impacts would not be significant.[12] The Certificate incorporates the Applicant's construction and environmental mitigation commitments and establishes requirements for environmental inspection, monitoring, and restoration.[13]

Objective WPH1 is to maintain existing plant and wildlife populations and biodiversity. To demonstrate consistency with this Objective, DRIs are required to minimize vegetation clearing and alteration of natural topography, minimize habitat fragmentation, maximize protection of large, contiguous unfragmented areas, and protect standing specimen trees.

The Project has been designed to minimize new habitat disturbance through collocation within existing utility corridors, transportation corridors, access roads, and other previously disturbed areas, and away from sensitive resources. Approximately 90 percent of the G-31 and G-32 pipeline ROWs are collocated with existing utility corridors that are already subject to routine

[12] FERC Certificate Order, page 16
[13] FERC Certificate Order, Environmental Condition 6, page 29

management and maintenance activities, thereby minimizing additional habitat fragmentation and concentrating disturbance within previously altered areas.

Temporary disturbance areas will be restored following construction, and long-term mitigation measures will be implemented through permit-required restoration plans and the Project's forthcoming NHESP Conservation Management Permit (CMP).

Based on the use of existing utility corridors, minimization of proposed tree clearing, and measures to minimize habitat fragmentation, Staff suggests the Project is consistent with Objective WPH1.

Objective WPH2 is to restore degraded habitats through use of native plant communities. Consistent with WPH2, the Project incorporates restoration measures designed to return temporarily disturbed areas to stable, functioning plant and wildlife habitat conditions following construction. Temporary construction workspaces will be regraded, stabilized, and revegetated using native seed mixes appropriate to Barnstable County to promote successful re-establishment of native plant communities.

Within NHESP rare species habitat and other environmentally sensitive areas, restoration will utilize specialized seed mixes approved by NHESP staff and JBCC natural resource managers. Restoration work within JBCC will be coordinated with JBCC environmental staff to ensure compatibility with ongoing habitat management and ecological restoration objectives. Restoration activities will also include long-term monitoring of revegetation success and adaptive management practices to promote native species establishment. According to the supplemental information submitted, restoration plans being finalized with NHESP will focus on re-establishing the pre-construction habitats that support state-listed butterflies and moths and will include salvage and replanting of small oak and blueberry shrubs.

Based on the proposed restoration of temporarily disturbed areas, use of native and specialized seed mixes, and coordination with NHESP and JBCC natural resource managers, Staff suggests the Project is consistent with Objective WPH2.

Objective WPH3 is to protect and preserve Rare Species habitat, Vernal Pools, and 350-foot buffers to Vernal Pools.

Portions of the Project occur within mapped NHESP rare species habitat. To demonstrate consistency with WPH3, projects located within mapped state or federal rare species habitat must be submitted to NHESP for review and comment, and impacts to rare species and their habitats be avoided or mitigated. Development within mapped Priority Habitat for Rare Species

may be permitted where NHESP provides written comment that the work will not adversely affect rare species, including through an approved Conservation Management Permit (CMP).

FERC's Certificate confirms that consultation under Section 7 of the federal Endangered Species Act with the U.S. Fish and Wildlife Service and National Marine Fisheries Service is complete. Both agencies concurred that the Project was not likely to adversely affect federally listed species under their respective jurisdictions.[14] FERC separately acknowledged that the Applicant continues to coordinate with NHESP regarding a CMP for impacts to state-listed species.[15] Through the ongoing CMP process, the Applicant is developing species-specific protection, monitoring, restoration, and compensatory mitigation measures in coordination with NHESP.

Proposed measures include seasonal clearing restrictions, reduced workspaces in environmentally sensitive areas, biological monitoring, species-specific protection plans, and restoration using specialized native plant mixes. The Applicant is also proposing permanent protection of approximately 60 acres of rare species habitat adjacent to Joint Base Cape Cod and Camp Edwards Wildlife Management Area, as well as approximately 2.8 acres of wooded land in Bournedale. The locations of these parcels are shown in figures included in Attachment 2 of the supplemental materials. The 60-acre parcel is wooded, mapped for NHESP rare species habitats and BioMap Core Habitat, Critical Natural Landscape, and Regional Rare Species, overlaps portions of Potential Public Water Supply Area (PPWSA) and Prime Farmland Soils, and abuts permanently protected open space. The 2.8-acre parcel is wooded, mapped for Prime Farmland Soils, and adjacent to other wooded lands that are being permanently protected. Staff suggest these are parcels of high wildlife and plant habitat quality and their permanent protection is appropriate to help offset project impacts.

In addition, the Applicant proposes a financial contribution to The Nature Conservancy's Eastern Box Turtle Mitigation Fund to help offset impacts to eastern box turtle habitat. These measures are Applicant-proposed mitigation commitments being developed through the NHESP process and should not be characterized as independently approved by FERC or NHESP until the applicable determinations and permits are finalized.

Two vernal pools are located within 350 feet of the project area. One is located north of the proposed G-31 pipeline construction within the existing Eversource transmission line corridor south of Bournedale Road. The second is located south of the proposed G-32 pipeline construction workspace on JBCC, also within an existing utility corridor. Temporary work within the 350-foot buffers to these vernal pools is limited to small sections of the outer edge of the

[14] FERC Certificate Order, page 17
[15] FERC Certificate Order, page 18

buffers within existing maintained utility corridors, and temporary construction-related disturbances within these buffers will be restored following construction.

The Wildlife and Plant Habitat Technical Bulletin requires projects located adjacent to or containing a certified or certifiable vernal pool to maintain a 350-foot undisturbed buffer. Per the WPH Technical Bulletin, alterations may be permitted within vernal pool buffers where development currently exists, there is no feasible alternative, the project will provide a public benefit, and the impacts are minimized and mitigated.

The proposed work within the vernal pool buffers is limited to existing maintained utility corridors, and the Applicant has considered alternative routes and workspace configurations. The Project serves a public purpose by relocating existing utility facilities to accommodate the Cape Cod Bridges Program and maintaining existing natural gas service. Temporary disturbances are proposed to be minimized and restored following construction. The use of existing utility corridors and limited workspaces is also intended to reduce additional habitat fragmentation and disturbance to surrounding upland habitat.

Based on the Applicant's ongoing coordination with NHESP, proposed species-specific protection and mitigation measures, and the limited nature of temporary work within existing maintained utility corridors, Staff suggests the Project is consistent with Objective WPH3.

Objective WPH4 is to manage Invasive Species. According to the application, the Applicant is preparing an Invasive Plant Management Plan (IPMP) as part of the NHESP CMP process to provide a framework for invasive species prevention, monitoring, treatment, and long-term management. During construction, the Applicant proposes implementing a variety of invasive species prevention measures, including:

- minimizing the duration and extent of exposed soils;
- stabilizing disturbed areas as quickly as practicable following construction;
- retaining and replacing existing topsoil where feasible to preserve native seed banks and reduce opportunities for invasive species establishment;
- cleaning construction equipment when moving between infested and non-infested areas to reduce the transport of invasive plant material and seeds;
- implementing erosion and sediment controls that prevent the movement of invasive species propagules with sediment;
- using clean, weed-free mulch and other revegetation materials; and
- restoring disturbed areas with NHESP-approved native seed mixes and vegetation appropriate to Barnstable County and JBCC habitat management objectives.

Following construction, the Applicant proposes to monitor disturbed areas and maintained utility corridors to assess revegetation success and identify invasive species populations. Where invasive species are identified, potential proposed management actions include mechanical removal, targeted herbicide treatment, or other control measures consistent with the approved IPMP and other applicable permit requirements, and implemented with particular attention to rare species habitat, wetlands, and conservation lands.

Based on proposed measures and with the implementation of the NHESP-approved IPMP to prevent the introduction and spread of invasive species during construction and operation, Staff suggests the Project is consistent with WPH4.

Objective WPH5 is to promote best management practices to protect wildlife and plant habitat from the adverse impacts of development. The Technical Bulletin recommends, to the maximum extent feasible, respecting seasonal restrictions to minimize impacts to wildlife, avoiding unnecessary pesticide use, and minimizing nighttime lighting impacts to nocturnal and migratory species. The Applicant proposes to comply with seasonal vegetation clearing restrictions to avoid impacts to migratory birds and protected bat species. FERC also considered potential effects of nighttime construction lighting on migratory birds and noted that Algonquin would reduce artificial nighttime lighting by minimizing construction activities between dusk and dawn to the extent practicable.[16]

Where impacts cannot be fully avoided, the Applicant is proposing several measures to minimize direct and indirect effects on wildlife and plant habitat during construction and operation. General habitat protection measures proposed include:

- reduced construction workspaces in environmentally sensitive areas;
- compliance with seasonal vegetation clearing restrictions to avoid impacts to migratory birds and protected bat species;
- implementation of erosion, sedimentation, and water-quality controls to protect terrestrial and aquatic habitats;
- environmental inspection and compliance monitoring throughout construction;
- clearly identified no-disturbance areas around sensitive resources;
- temporary exclusion fencing and protective barriers; and
- environmental awareness training for contractors and construction personnel.

The Applicant is also finalizing species-specific protection measures in consultation with NHESP that will be incorporated into their CMP and are anticipated to include:

[16] FERC Certificate Order, page 15

- Turtle Protection Plan;
- Rare Plant Protection and Avoidance Plan;
- Clam Shrimp Protection and Avoidance Plan;
- Species-specific construction monitoring and environmental inspection; and
- Adaptive management measures developed in consultation with NHESP.

Provided the proposed measures are implemented and the final CMP and species-specific protection plans are implemented, Staff suggest the Project is consistent with WPH5.

Open Space

The Open Space Goal is to conserve, preserve, or enhance a network of open space that contributes to the region's natural and community resources and systems. The following objectives are applicable, material, and regionally significant:

- Objective OS1 – Protect and preserve natural, cultural, agricultural, and recreational resources
- Objective OS2 – Maintain or increase the connectivity of Open Space
- Objective OS3 – Provide protected Open Space appropriate to context

Most impacts from the Project occur within existing utility and transportation corridors, access roads, and previously disturbed areas, some of which traverse Article 97-protected open space lands and overlap with other mapped resources including rare species habitats, wetland resource areas, Wellhead Protection Areas, floodplain areas, and portions of the Herring River Watershed Area of Critical Environmental Concern.

FERC considered the Project's effects on land use, open space, and recreational resources. The FERC Certificate identified approximately 209 acres of land that would be affected during construction, of which approximately 56 acres would be permanently affected during operation.[17] FERC also acknowledged that certain impacts to forested habitat would be long-term, although it concluded that these impacts would not be significant under its NEPA analysis.[18] The Certificate incorporates construction mitigation and restoration commitments and establishes requirements for environmental monitoring and compliance.

Objective OS1 is to protect and preserve natural, cultural, agricultural, and recreational resources. Through route refinement to reduce the amount of anticipated tree clearing, temporary workspace requirements, and overall land disturbance, collocation within existing infrastructure corridors, and implementation of project-specific avoidance and mitigation

[17] FERC Certificate Order, page 9
[18] FERC Certificate Order, page 16

measures, the Project has been designed to avoid and minimize impacts to protected open spaces and other high value resources. Most impacts will be temporary and within existing disturbed and maintained infrastructure corridors, minimizing the development footprint and impacts and avoiding permanent impacts to high value resources. Approximately 7.16 acres of land are anticipated to be permanently converted to M&R stations, pavement, gravel, or permanent access roads, primarily within the Natural Areas Placetype.

Where impacts cannot be avoided, the Applicant proposes measures to minimize effects on open space resources, recreational facilities, and conservation lands, including:

- reduction and consolidation of temporary construction workspaces, contractor yards, and access requirements;
- reduction of temporary tree clearing through route refinements and workspace modifications;
- limitation of permanent ROW widths in sensitive locations to the minimum width necessary for safe operation;
- reduction of permanent corridor widths to approximately 50 feet in portions of certain Article 97 properties; and
- use of temporary easements and revocable permits where feasible to reduce long-term land-use impacts.

Following construction, all temporary work areas located within open space, conservation, and recreational lands will be restored to preconstruction conditions. Proposed restoration activities include:

- removal of temporary construction materials and facilities;
- regrading and stabilization of disturbed areas;
- revegetation with appropriate vegetation communities;
- restoration of temporarily disturbed recreational areas; and
- monitoring and follow-up restoration measures.

The FERC Certificate incorporates the Applicant's construction and restoration commitments and requires compliance with the environmental mitigation measures identified in the Application.[19] Additionally, the Certificate requires the Applicant to reduce permanent easement widths to 60 feet in locations on non-USACE lands where the G-24 and G-11 pipelines parallel one another

[19] FERC Certificate Order, Environmental Condition 6, page 29

and are offset by 10 feet, thereby reducing the permanent land area affected in those locations.[20]

Construction activities may result in temporary restrictions on public access within localized portions of the Cape Cod Canal recreation corridor and other recreational resources located adjacent to the Project. In addition to avoidance of the Canal through the use of HDD, temporary impacts to recreational resources, including the Canal service road near the Sagamore Bridge and a portion of Bourne Scenic Park, will be restored following construction and returned to their previous recreational use.

Based on the use of existing infrastructure corridors, reduction of temporary and permanent disturbance, proposed restoration measures, and the mitigation requirements incorporated into FERC's Certificate, Staff suggests the Project is consistent with Objective OS1.

Objective OS2 is to maintain or increase the connectivity of Open Space. By collocating proposed pipelines and facilities within existing infrastructure corridors, the Project avoids creating substantial new clearings through contiguous protected open space and minimizes fragmentation of forested landscapes. The Project does not introduce new barriers that would interrupt regional open space connections, wildlife movement patterns, or ecological linkages between protected lands. Large blocks of contiguous forest and upland habitat will remain connected following construction. The Project will not impact recreational connectivity within the Cape Cod Canal corridor.

Staff suggest the Project is consistent with Objective OS2 as it maintains regional open space connectivity, minimizes fragmentation through collocation within existing infrastructure corridors, preserves recreational and transportation connections along the Cape Cod Canal corridor, and will restore temporary disturbances following construction.

Objective OS3 is to provide protected Open Space appropriate to context. The Project is proposed within both Natural Area and Suburban Development Area Placetypes. Tree clearing primarily occurs adjacent to existing utility corridors, access roads, and previously disturbed areas, which frequently overlap with Natural Areas due to the presence of high value resources including protected open space, wetlands and their buffers, wildlife and plant habitats, and drinking water protection areas. Impacts will be both permanent and temporary.

Temporary impacts are areas disturbed during construction that will be restored following construction and allowed to revegetate or otherwise resume their prior use. Once restored, work within temporarily disturbed areas will not substantially alter the overall open space character,

[20] FERC Certificate Order, Environmental Condition 12, page 31

ecological value, or conservation function of the surrounding landscape. Permanent impacts are areas that will remain in long-term project use or will be maintained in a different cover condition after construction.

RPP Technical Bulletin Open Space requirements specify that the ratio of Open Space to be provided for DRIs is 3:1 for clearing within Natural Areas. Post construction, the Project will permanently impact 7.16 acres of land, primarily within the Natural Areas Placetype. These areas will be permanently converted to M & R stations, pavement, gravel, or permanent access roads. Thus, Staff suggests the required Open Space requirement is approximately 21.48 acres.

The Applicant is pursuing permanent protection of approximately 60 acres of undeveloped forest land adjacent to JBCC and the Camp Edwards Wildlife Management Area. Protection of this property will expand the region's protected open space network, strengthen habitat connectivity, preserve groundwater recharge areas, and support long-term conservation objectives associated with Camp Edwards and surrounding conservation lands. The 60-acre parcel is wooded, mapped for NHESP rare species habitats and BioMap Core Habitat, Critical Natural Landscape, and Regional Rare Species, overlaps portions of Potential Public Water Supply Area and Prime Farmland Soils, and abuts permanently protected open space.

The Applicant also proposes to transfer approximately 2.8 acres of replacement conservation land to the Town of Bourne, under the care, custody and control of the Town's Conservation Commission for conservation purposes. The parcel consists of wooded, undeveloped land mapped for Prime Farmland Soils adjacent to other wooded lands that are permanently protected.

Together, the Project would provide approximately 62.8 acres of permanently protected open space consisting of parcels of high wildlife and plant habitat quality this exceeds the Technical Bulletin's Open Space requirement of 21.48 acres. Thus, Staff suggest the Project is consistent with Objective OS3.

Coastal Resiliency

The Coastal Resiliency Goal is to prevent or minimize human suffering and loss of life and property or environmental damage resulting from storms, flooding, erosion, and relative sea level rise, including but not limited to that associated with climate change. The following objectives are applicable, material, and regionally significant:

- Objective CR1 – Minimize development and risk within areas vulnerable to flooding
- Objective CR2 – Plan for erosion

- Objective CR3 – Restore coastal resource areas to promote their natural beneficial functions

Several proposed project activities occur within or close to the floodplain including the section of the G-31 pipeline under the Cape Cod Canal, removal of existing pipelines proximate to Nightingale Pond, and temporary workspace near the Sagamore Bridge.

Objective CR1 is to minimize development and risk within areas vulnerable to flooding. The Project has been designed to minimize development within areas vulnerable to flooding and avoid increases in flood risk through project siting, engineering design, and construction methods. All DRIs within present and future floodplains must avoid exacerbating flood conditions, accommodate the predicted path of wetland migration, use appropriate vertical datums, employ construction best management practices to prevent materials from being dislodged into floodwaters, and store hazardous materials outside the present floodplain. DRIs must avoid development or redevelopment in FEMA A Zones (Minimal Wave Action areas) and the Future Floodplain, subject to specified exceptions.

The Project has been designed to minimize development within areas vulnerable to flooding and avoid increases in flood risk through project siting, engineering design, and construction methods. Although limited portions of the Project are located within FEMA A Zones, none of the Project is within a FEMA V Zone, and activities in the A Zones will not result in permanent impacts to the floodplain. The G-31 pipeline will be installed beneath the Cape Cod Canal using HDD, avoiding direct impacts to the floodplain and coastal wetland resource areas associated with the Canal. Disturbance associated with the removal of existing pipelines within the floodplain of Nightingale Pond will be temporary, restored after removal, and not alter floodplain function.

All new and relocated M&R stations are located outside mapped present and future floodplains and are designed to withstand extreme weather conditions, including flooding events.

FERC's Certificate authorizes the proposed pipeline alignments and construction methods and incorporates the Applicant's environmental mitigation commitments, including restoration of disturbed areas.[21]

Based on the proposed avoidance of permanent development within flood-prone areas, use of HDD beneath the Cape Cod Canal, and restoration of temporarily disturbed areas, Staff suggests the Project is consistent with Objective CR1.

Objective CR2 is to plan for erosion. New development is not permitted on or within the 150-foot buffer to a coastal bank, subject to specified exceptions, and to provide adequate setbacks

[21] FERC Certificate Order, Environmental Condition 6, page 29

reflecting long-term erosion rates. Underground utility crossings that do not disturb protected coastal resources are an allowable exception to the general restriction on development within the 150-foot coastal bank buffer.

The Project intersects coastal bank in two locations along the Cape Cod Canal, where the G-31 pipeline will be installed beneath the Canal via HDD and near the Sagamore Bridge where temporary access is required to remove an existing cathodic protection anode bed. Staff suggest the Project is consistent with Objective CR2 as the Project proposes no new permanent aboveground development on the coastal bank or within its 150-foot buffer.

Objective CR3 is to restore coastal resource areas to promote their natural beneficial functions. To demonstrate consistency with this Objective, projects are encouraged to remove existing development from coastal resource areas and to restore or rehabilitate salt marshes, beaches, dunes, and floodplains, including restoration of the ability of coastal resources to migrate naturally.

The Applicant proposes to restore all temporarily disturbed areas within coastal resource areas following construction. FERC's Certificate incorporates the Applicant's environmental mitigation and restoration commitments and requires implementation of the approved construction and environmental mitigation procedures.[22] FERC also requires satisfactory rehabilitation and restoration of the right-of-way and other affected areas before the facilities may be placed into service[23] and requires the Applicant to file a determination of consistency with the Massachusetts Office of Coastal Zone Management[24].

Based on the proposed restoration of temporarily disturbed coastal resource areas and the restoration requirements incorporated into FERC's Certificate, Staff suggests the Project is consistent with Objective CR3.

Water Resources

The Water Resources Goal of the RPP is to maintain a sustainable supply of high-quality drinking water and protect, preserve or restore the ecological integrity of Cape Cod's fresh and marine surface water resources. The following objectives are applicable, material, and regionally significant:

- Objective WR1 – Protect and preserve groundwater quality
- Objective WR2 – Protect, preserve and restore fresh water resources

[22] FERC Certificate Order, Environmental Condition 6, page 29
[23] FERC Certificate Order, Environmental Condition 10, page 31
[24] FERC Certificate Order, Environmental Condition 16, page 33

- Objective WR3 – Protect, preserve and restore marine water resources
- Objective WR4 – Manage and treat stormwater to protect and preserve water quality
- Objective WR5 – Manage groundwater withdrawals and discharges to maintain hydrologic balance and protect surface and groundwater resources

Objective WR1 is to protect and preserve groundwater quality. To demonstrate consistency with this Objective, projects must limit site-wide nitrogen loading to a maximum concentration of 5ppm-N, except for projects located in Commission-mapped Potential Public Water Supply Areas (PPWSA), which must limit site-wide nitrogen loading to less than 1ppm-N. Where applicable, development, construction, clearing, and staging must occur at least 400 feet from identified future public well sites. Within WHPAs and PPWSAs, projects must provide secondary containment for potentially hazardous fluids.

The primary nitrogen loading from the Project will be from stormwater and there is no wastewater treatment or fertilizer use proposed aside from the establishment period. Nitrogen loading calculations worksheets were provided for each M&R station.

The Pave Paws Road M&R station is located in PPWSA, requiring the station meet the 1ppm-N standard. The Project meets this requirement with a site-wide nitrogen load of 0.969 ppm.

A portion of the Bourne (Cape side) M&R station is located in PPWSA, requiring the station meet the 1ppm-N standard. After being redesigned to reduce impervious cover, the station meets the 1ppm-N requirement with a site-wide nitrogen load of 0.988 ppm-N.

Neither the Bourne (land side) M&R station nor the Sagamore M&R station are located in PPWSA, requiring the stations meet the 5ppm-N requirement. Both meet this standard with site-wide nitrogen loads of 0.838ppm-N and 0.78ppm-N, respectively.

Each M&R station has 500 gallons of natural-gas odorant. As odorants may be classified as hazardous and a risk to groundwater, secondary containment for 100% of fluid volume is proposed as part of the Project.

Objective WR2 is to protect, preserve and restore freshwater resources. To demonstrate consistency with this Objective, projects within Contributing Areas to Ponds (CAPs) must prevent loading of nutrients and other contaminants to freshwater resources from new development and to maintain or reduce existing loading from redevelopment.

A limited amount of disturbance is proposed within a Contributing Area to Nightingale Pond. The impact will be temporary disturbance to remove a segment of pipeline. The Applicant has proposed adequate BMPs and erosion control measures to mitigate potential impacts to the pond, thus Staff suggest the Project is consistent with Objective WR2.

Objective WR3 is to protect, preserve and restore marine water resources. To demonstrate consistency with this Objective, projects within an MWRA where a critical nitrogen load has been established through a MassDEP-accepted scientific evaluation must not add nitrogen mass to the affected watershed, except under specified circumstances. Where water quality problems have been documented through a MassDEP-accepted scientific study but a critical load has not been established, projects must maintain or reduce nitrogen mass loading relative to existing conditions using the best available nitrogen-reducing technology.

A small portion of the Project near Route 25 and Nightingale Pond is located within Buttermilk Bay Marine Water Recharge Area. The Town of Bourne recognizes this embayment as a nitrogen impaired water body, however the Commission's 208 Plan watershed report classifies the water quality threat as low and an MEP report for the embayment is not being developed. The primary impact at this location will be removal of sections of existing pipeline, which will not result in permanent impacts. Disturbed areas will be revegetated and will not generate nitrogen. Thus, Staff suggests the Project is consistent with Objective WR3.

Objective WR4 is to manage and treat stormwater to protect and preserve water quality. To demonstrate consistency with this objective, all DRIs must provide stormwater management systems that prevent adverse impacts to water and natural resources, prevent untreated stormwater discharges to marine and freshwater resources and wetlands, and maintain at least two feet of separation between new infiltration systems and the maximum high groundwater table.

Stormwater management at the M&R stations will rely on a combination of vegetated swales, pretreatment forebays, and infiltration basins to provide stormwater management, groundwater recharge onsite, and water quality treatment. The Applicant has provided site-specific Stormwater Management Reports and erosion and sedimentation control plans for the M&R stations. The Project also includes erosion and sedimentation controls during construction and restoration activities.

FERC incorporated the Applicant's Erosion and Sedimentation Control Plan and environmental mitigation measures into the Certificate.[25] FERC also determined that hydrostatic test water would be obtained from municipal sources, would not contain additives or chemical agents, and would be discharged in vegetated upland areas in accordance with the Applicant's Erosion and Sediment Control Plan and FERC's Wetland and Waterbody Construction and Mitigation Procedures.[26] FERC determined that additional contaminant testing of this water was

[25] FERC Certificate Order, pages 23-34
[26] FERC Certificate Order, page 21

unnecessary because of its municipal source and the absence of chemical additives. FERC also reviewed the Applicant's HDD monitoring and inadvertent return response plan and concluded that potential effects on groundwater and surface water would not be significant.[27] These findings and the associated construction procedures are incorporated into the Certificate.

Erosion control will be important during the construction phase and after the M&R stations are constructed and pipelines removed, abandoned or relocated. The exposed soil will be prone to erosion by wind and water during construction. The Applicant has provided an Erosion and Sedimentation Control (ESC) plan that will be critical during construction and after construction until seed mixes are established. Commission Staff recommend conducting weekly monitoring of the erosion and sediment controls plus additional checks within 12 hours of rain events. The Erosion Control and Spill Prevention Control and Countermeasure and Preparedness, Prevention, and Contingency (PPC) plan provides general guidelines. Commission staff appreciate the site-specific ESC plans included in the Stormwater Management Reports for each M&R station.

Staff suggest that the Project is consistent with Objective WR4.

Objective WR5 requires water withdrawals be planned in a manner that protects surface water and wetland habitat from groundwater pumping. To demonstrate consistency with this Objective, projects discharging more than 10,000 gallons per day (gpd) or withdrawing greater than 20,000 gpd of water from the site must provide a groundwater study that demonstrates the Project will not have adverse impacts on groundwater levels or adjacent surface waters and wetlands.

The Project will require a total of 423,550 gallons of water; however, this volume will be used over the course of the entire project. The Applicant states that water will be used in a phased approach over the construction period to limit stress on local water sources. Water use will be coordinated directly with the Buzzard Bay, North Sagamore, and Bourne Water Districts.

Water for pipeline hydrostatic testing and HDD will come from local public water suppliers, and no water supply wells or long-term groundwater withdrawals are proposed. Discharges will be limited to trench dewatering and hydrostatic test water, released to vegetated upland areas so the water can infiltrate and recharge local groundwater. The controls below apply in all work areas, including where work overlaps Cape Cod Commission Potential Public Water Supply Areas (PPWSAs) or MassDEP-approved Wellhead Protection Areas (WHPAs).

[27] FERC Certificate Order, pages 21-22

Dewatering activities will require groundwater removal only where it is encountered during trenching. Dewatering will be localized, temporary, and limited to active work areas, and will not be a long-term groundwater withdrawal. Water will be discharged through filter bags, filter socks, or a dewatering structure with energy dissipation under the Erosion and Sedimentation Control Plan (E&SCP) and the FERC Wetland and Waterbody Construction and Mitigation Procedures (FERC Procedures).

Test water for hydrostatic testing will come from municipal supplies and will contact only new pipe. No additives are anticipated, and no desiccants or chemical drying agents will be used. Water will be discharged through energy-dissipation devices to approved upland locations in accordance with Section VII of the FERC Procedures, the E&SCP, and applicable permit approvals, including the EPA General Permit for Dewatering and Remediation Discharges. Final discharge locations will be set with the construction contractor and consistent with those approvals. The Applicant states that within a PPWSA, only clean municipal test water would be released, if necessary.

HDD drilling fluid will consist of municipal water, bentonite, and non-toxic additives. It will not be intentionally discharged to the ground, wetlands, or surface waters. It will be recycled during drilling where practicable, and residual fluid will be hauled off site to an approved disposal facility. HDD will follow the Best Drilling Practices, Monitoring, and Clean-up of Horizontal Directional Drilling Inadvertent Returns Plan, which includes inadvertent return monitoring and response procedures.

Significant water use is proposed in three areas that are within or adjacent to areas mapped for Water Resources:

- G-24/G-11 Pipeline is mapped for PPWSA, WHPA, and wetlands;
    - Work within PPWSA BS-150 includes removing the existing G-24 and G-11 pipelines by excavating to approximately 7-10 feet and installing the relocated pipelines by conventional trenching, with an HDD beneath Route 6 approaching the Sagamore Bridge. Work near the Canal consists of removing the pipelines beneath the bridge. With the controls above, no impacts to PPWSA BS-150 or direct impacts to wetlands are anticipated, and there will be no in-water work in the Canal. Temporary work in the 100-foot wetland buffer and in the Coastal Bank and its buffer near the Sagamore Bridge will be protected with erosion and sediment controls and restored after construction. The work areas are not within a WHPA.
- G-31 Pipeline is mapped for PPWSA, WHPA, and wetlands
    - The G-31 pipeline crosses a WHPA north and south of Bournedale Road by conventional trenching and a bore crossing. The Canal will be crossed by HDD. The

pipeline will temporarily disturb two isolated vegetated wetlands (W2 and W5, the latter also isolated land subject to flooding), and any trench dewatering in those wetlands will be conducted to prevent silt-laden water from entering a wetland or waterbody. The G-31 pipeline does not cross a PPWSA. With the controls above, no impacts to the WHPA, PPWSAs, or the Canal are anticipated.

- G-32 Pipeline may have impacts to PPWSA
    - The G-32 pipeline intersects a PPWSA at the Pave Paws M&R Station and at its connection with the Bourne Rotary M&R Station. Work includes conventional trenching and M&R station construction. With the controls above, no impacts to the PPWSA are anticipated.

The FERC Certificate notes that the Applicant would coordinate with the three local water districts and obtain any necessary permits before withdrawing water.[28] The Certificate incorporates the Applicant's environmental procedures and mitigation measures and requires compliance with applicable water withdrawal and discharge requirements.[29] FERC's findings regarding municipal water sources and hydrostatic test water discharge address the Commission's prior concerns regarding HDD construction and are incorporated into the federal environmental review.

Based on the Applicant's phased water use, coordination with local water districts, and FERC's findings regarding the source and discharge of hydrostatic test water, Staff suggests the Project is consistent with Objective WR5.

Community Design

The Community Design goal of the RPP aims to protect and enhance the unique character of the region's built and natural environment based on the local context. The following objectives are applicable, material, and regionally significant:

- Objective CD1 – Promote context-sensitive building and site design
- Objective CD2 – Minimize the amount of newly disturbed land and impervious surfaces
- Objective CD3 – Avoid adverse visual impacts from infrastructure to scenic resources

Objective CD1 is to promote context-sensitive building and site design. To demonstrate consistency with this Objective, development should relate to existing site and building patterns, follow the scale and character of the surrounding area, use regionally appropriate forms and materials, and provide appropriate landscaping and screening.

[28] FERC Certificate Order, pages 21, 27
[29] FERC Certificate Order, Environmental Condition 1

The Project limits new buildings to four M&R Stations. Three of the stations are located in areas that are fully screened from adjacent properties and public ways by existing vegetation. The proposed Sagamore M&R Station may be visible from adjacent properties and public ways, therefore the Applicant has provided a detailed landscape plan to show how the station will be screened from view. Due to the limited visibility of new buildings and the introduction of vegetative buffers, Staff suggest the Project is consistent with Objectives CD1 and CD3.

Objective CD2 is to minimize the amount of newly disturbed land and impervious surfaces. To demonstrate consistency with this Objective, projects are encouraged to reuse existing structures and sites, cluster development, use pervious materials, preserve of existing native vegetation, and revegetate disturbed sites.

Permanent components of the Project, including pipelines and access roads, have been sited primarily within existing utility corridors, roadways, or previously disturbed areas to avoid expanding the development footprint. Temporary construction workspaces will be fully restored following construction with appropriate native species and should not result in permanent land conversion. Where permanent access is required, the Applicant will use existing roads where practicable or design access roads with gravel or other pervious surfaces to maintain infiltration and minimize stormwater runoff. Staff suggest the Project is consistent with Objective CD2.

Cultural Heritage

The Cultural Heritage goal is to protect and preserve the significant cultural, historic, and archaeological values and resources of Cape Cod. The following objectives are applicable, material, and regionally significant:

- Objective CH1 – Protect and preserve forms, layouts, scale, massing, and key character defining features of historic resources, including traditional development patterns of villages and neighborhoods
- Objective CH2 – Protect and preserve archaeological resources and assets from alteration or relocation

Objective CH1 is to protect and preserve forms, layouts, scale, massing, and key character-defining features of historic resources, including traditional development patterns of villages and neighborhoods.

The Applicant conducted a survey of historic architectural properties that identified a total of 27 such properties within the Project study area. Of the 27 properties, five historic architectural properties were evaluated as being eligible for the NRHP. It was determined that no historic properties will be affected by the Project. A copy of the Project's Massachusetts Historic

Commission (MHC) Project Notification Form was included in the Applicant's supplemental filing. The Applicant has provided procedures for the discovery of unanticipated historic properties and human remains.

FERC's environmental review included consultation under Section 106 of the National Historic Preservation Act (NHPA). At the time of the Certificate Order, consultation with the Massachusetts State Historic Preservation Office (MA SHPO) and federally recognized Tribes was ongoing. FERC acknowledged that the Applicant had submitted cultural resource survey results to the MA SHPO and continued coordination with identified Tribes. FERC required completion of outstanding consultation and cultural resource review before construction or abandonment may proceed.[30]

Based on the Applicant's historic resource surveys and the outstanding consultation and approval requirements incorporated into FERC's Certificate, Staff suggests the Project is consistent with Objective CH1.

Objective CH2 is to protect and preserve archaeological resources and assets from alteration or relocation. To demonstrate consistency with this Objective, development should be located away from significant archaeological sites to avoid disturbance.

A cultural resources investigation was conducted by the Applicant, and the results were documented in a report authored by Public Archeology Laboratory (PAL), which was then submitted to MHC. None of the identified archaeological sites were recommended as eligible for listing on the National Register of Historic Places (NRHP). The FERC Certificate incorporates the outstanding cultural resource survey, consultation, avoidance, and treatment requirements.[31] The Applicant must complete the required consultation and obtain FERC approval of any necessary avoidance or treatment measures before construction or abandonment activities may proceed.

Based on the Applicant's archaeological investigation and the cultural resource consultation and protection requirements incorporated into FERC's Certificate, Staff suggests the Project is consistent with Objective CH2.

Climate Change

The Climate Change Goal is to increase the region's resiliency to climate change impacts and mitigate climate change by supporting and contributing as a region to the Commonwealth's

[30] FERC Certificate Order, Environmental Condition 14, page 32
[31] FERC Certificate Order, Environmental Condition 14, page 32

greenhouse gas reduction goals and initiatives, including a statewide net-zero carbon target by 2050.

The Project involves the replacement and relocation of existing natural gas transmission infrastructure to accommodate the CCBP. FERC determined that the proposed facilities are properly sized to deliver National Grid the same level of service as currently contracted.[32]

The Project will result in greenhouse gas emissions associated with the operation of the proposed facilities. The FERC EA estimates that operation of the proposed Project facilities would result in approximately 37,244 metric tons of CO_2e annually, primarily from natural-gas-fired water bath heaters at the four M&R stations, as well as emergency generators, piping components, and fugitive gas releases;[33] however, this represents the estimated emissions of the proposed facilities and does not, by itself, quantify the net change from the replacement of the existing M&R stations.

The following objective is applicable, material, and regionally significant:

- Objective CC3 – Promote carbon sequestration and other emissions removal practices as appropriate to context

Objective CC3 is to promote carbon sequestration and other emissions removal practices as appropriate to context. To promote carbon sequestration consistent with Objective CC3, projects may propose restoration with native vegetation and permanent protection of forest or other naturally vegetated areas. The FERC EA identifies approximately 43.6 acres of forestland affected during construction, of which approximately 18.3 acres would remain within the operational footprint.[34] Forested areas within permanent pipeline rights-of-way and M&R station footprints would be cleared and maintained as herbaceous or shrub habitat or mowed lawn for the life of the Project.[35] The Applicant proposes to restore temporarily disturbed areas following construction using native seed mixes and invasive species control measures. The Applicant is also pursuing permanent protection of approximately 60 acres of undeveloped forestland adjacent to Joint Base Cape Cod and the Camp Edwards Wildlife Management Area, and proposes to transfer approximately 2.8 acres of replacement conservation land to the Town of Bourne. These measures would contribute to carbon sequestration through restoration of native

[32] FERC Certificate Order, pages 16-17
[33] FERC Environmental Assessment, Table B.8-2
[34] FERC Environmental Assessment, Table B.4-1
[35] FERC Environmental Assessment, page 28

vegetation and permanent protection of naturally vegetated areas, consistent with Objective CC3.[36]

Energy

The Energy goal is to provide an adequate, reliable, and diverse supply of energy to serve the communities and economies of Cape Cod. The following objective is applicable, material, and regionally significant:

- Objective EN2 – Increase resiliency of energy generation and delivery

The relocation of the existing facilities underground will reduce reliance on bridge-mounted pipeline infrastructure and support the continued reliability of natural gas delivery to the region. Thus, Staff suggests the Project is consistent with Objective EN2.

Capital Facilities and Infrastructure

The Capital Facilities and Infrastructure goal is to guide the development of capital facilities and infrastructure necessary to meet the region's current and demonstrated future needs. The following objectives are applicable, material, and regionally significant:

- Objective CAP1 – Ensure capital facilities and infrastructure promote efficiency, sustainability, and resiliency
- Objective CAP2 – Enhance the coordinated provision of services and facilities that respond to the needs of the region

Objective CAP1 is to ensure capital facilities and infrastructure promote efficiency, sustainability, and resiliency. The Project locates capital facilities and infrastructure outside of areas vulnerable to flooding, uses existing utility easements and rights-of-way, and locates infrastructure underground. Thus, Staff suggest the Project is consistent with Objective CAP1.

Objective CAP2 is to enhance the coordinated provision of services and facilities that respond to the needs of the region. To demonstrate consistency with this Objective, projects should improve the quality or availability of services, provide site sharing or space for other infrastructure providers, and coordinate construction with other planned or needed infrastructure projects.

[36] The Final Environmental Impact Report (FEIR) prepared under the Massachusetts Environmental Policy Act evaluated the carbon impacts associated with vegetation clearing and soil disturbance over a 50-year period. The FEIR estimated a net impact of approximately 7,755 metric tons of CO_2e after accounting for anticipated revegetation and reforestation. The Applicant proposes to permanently protect approximately 60 acres of forestland adjacent to Joint Base Cape Cod, which the FEIR estimates would retain approximately 11,678 metric tons of CO_2e over the same period.

The Project is being coordinated with the Cape Cod Bridges Replacement Program, which requires relocation of existing pipeline infrastructure from the Bourne and Sagamore Bridges. FERC's Certificate recognizes the need to relocate the facilities to accommodate the bridge replacement program and authorizes the replacement infrastructure to maintain uninterrupted transportation service to National Grid's distribution system. Thus, Staff suggest the Project is consistent with Objective CAP2.

Transportation

The Transportation goal is to provide and promote a safe, reliable, and multi-modal transportation system. The following objective is applicable, material, and regionally significant:

- Objective TR1 – Improve safety and eliminate hazards for all users of Cape Cod's transportation system

Objective TR1 is to improve safety and eliminate hazards for all users of Cape Cod's transportation system. The Project, once constructed, will have no permanent effect on traffic. FERC's certificate states that the Applicant will prepare a construction period traffic management plan for review and approval by MassDOT, Joint Base Cape Cod, the US Army Corps of Engineers, and the Town of Bourne. FERC's EA concludes that traffic effects would be short-term and minor, which is affirmed in FERC's Certificate.[37] Based on these requirements, Staff suggest the Project is consistent with Objective TR1.

Other DRI Standards of Review

Consistency with applicable Municipal Development Ordinances/Bylaws (including DCPC implementing regulations)

The Applicant has obtained an Order of Conditions from the Town of Bourne Conservation Commission. The Project will also require Building Permits for structures associated with the Project. No other local permits are required.

No DCPC implementing regulations apply to the Project.

The Commission received a letter from Jennifer Copeland, Bourne Town Planner, which states in part:

> "The proposed development appears consistent with the Town of Bourne Local Comprehensive Plan (LCP) energy goal to assure an uninterrupted supply of electricity, natural gas, and communications services to all Bourne residents and businesses, despite changes in climate and weather patterns. The LCP states that Bourne's planning should

[37] FERC Certificate Order, page 11

remain flexible enough to enable use of new energy sources while continuing to encourage conservation and more efficient use of all types of energy."

Attachment A

Federal Energy Regulatory Commission, Order Issuing Certificate and Approving Abandonment, Docket No. CP25-552-000, October 29, 2026 (197 FERC ¶ 61,063 [2026])

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.