

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



CAPE COD
COMMISSION

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

Via Email

August 8, 2016

Matthew A. Beaton, Secretary
Secretary of Energy and Environmental Affairs
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office, Holly Johnson, Project Analyst
100 Cambridge Street, Suite 900
Boston MA 02114

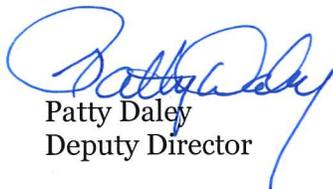
**Re: Final Environmental Impact Report (FEIR) - EEA No. 15407
Canal Unit 3
NRG Canal 3 Development LLC
9 Freezer Road, Sandwich, MA
(Commission Project No. 15016)**

Dear Secretary Beaton:

Thank you for the opportunity to provide comments on the above-referenced matter, which follow and are arranged by the applicable issue areas from Barnstable County's Regional Policy Plan (RPP). These comments update those previously provided by the Commission on the DEIR, which are also attached for reference.

Cape Cod Commission staff is available to answer any questions about the comments.

Sincerely,


Patty Daley
Deputy Director

Cc: Project File
NRG c/o Michael D. Ford, Esq. via email
Sandwich Cape Cod Commission Representative via email
Blair Haney, Sandwich Town Planner via email

The Commission expressly notes that it may amend, or provide additional, comments pertaining to the following and other RPP issue areas in future regulatory review proceedings before the Commission.

Heritage Preservation

Massachusetts Historical Commission (MHC) did not issue a comment letter on this project following the applicant's PNF submittal in July 2015. The DEIR noted that MHC reviewed an earlier project proposed in 1998 on the site in which an archaeological survey was conducted. The applicant has provided the 1998 correspondence from MHC which determined that impacts to significant historic and archaeological resources were unlikely.

Natural Resources

According to the FEIR, some topping of trees within one of the wetlands on the site will be needed to connect transmission lines. Utility connections within wetland resource areas are permitted under the RPP where there is no other alternative. The applicant proposes to mitigate the wetland alteration impacts with shrub plantings that will enhance habitat. The Commission will look for details on the type and quantity of plantings proposed during Commission Development of Regional Impact review.

Coastal Resources

The applicant provided a detailed grading plan in the FEIR that confirms that the introduction of fill to elevate proposed structures above base flood elevation will not result in a redirection of storm-related floodwaters onto adjacent properties. Additionally, the FEIR states the applicant will coordinate any required FEMA submittals with the Town of Sandwich.

The FEIR addresses MPS CR1.4, which deals with protection of maritime aesthetics and related resources, by stating the new generating facility will be visually subordinate to the existing structures. This is consistent with prior Commission staff comments that the proposed changes will increase the plant's silhouette at the lower level but will not affect the plant's overall impression which is defined by the existing buildings and stack.

The FEIR indicates that some stormwater from the property flows directly into the Canal. MPS CR3.3 requires no untreated stormwater discharges from the project site into any coastal waters or wetlands. For redevelopment, treated stormwater discharges must be located a minimum of 100 feet, or the farthest distance practicable, from wetlands or water bodies.

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Via Email

April 19, 2016

Matthew A. Beaton, Secretary
Secretary of Energy and Environmental Affairs
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office, Holly Johnson, Project Analyst
100 Cambridge Street, Suite 900
Boston MA 02114

Re: *Draft Environmental Impact Report (DEIR) - EEA No. 15407*
Canal Unit 3
NRG Canal 3 Development LLC
9 Freezer Road, Sandwich, MA
(Commission Project No. 15016)

Dear Secretary Beaton:

Thank you for the opportunity to provide comments on the above-referenced matter, which follow and are arranged by the applicable issue areas from Barnstable County's Regional Policy Plan (RPP).

Cape Cod Commission staff is available to answer any questions about the comments.

Sincerely,

Patty Daley
Deputy Director

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Heritage Preservation

Massachusetts Historical Commission (MHC) did not issue a comment letter on this project following the applicant's PNF submittal in July 2015. The DEIR notes that MHC reviewed an earlier project proposed in 1998 on the site in which an archaeological survey was conducted. The DEIR states this prior survey work determined that intact below-ground archaeological resources were unlikely due to prior site disturbance and that MHC concurred in this finding. The 1998 MHC comment letter is not included in the appendix but should be attached to support the conclusion that the proposed project area has already been reviewed for archaeological sensitivity.

Community Character

There are no historic structures in the proposed project area. The project site is within the boundaries of the Old Kings Highway Historic District and will require review and approval from the Sandwich Old King's Highway Historic District Committee. The project appears to comply with RPP Minimum Performance Standards (MPS) HPCC1.1 through HPCC1.3 related to historic and archaeological resources.

MPS HPCC2.3 requires that new development be sited to avoid adverse visual impacts to scenic resources. The proposed new structures and new 220-foot tall exhaust stack will change the visual impact of the power plant due to the increase in structural footprint and the additional stack. The proposed new structures, however, are much shorter than the existing main power plant buildings, and the proposed new stack is significantly shorter than the existing stack. The power plant is currently visible from numerous public spaces and areas within the Old King's Highway Historic District. The proposed changes will not make the plant visible in new areas. From most distant locations, including Sandy Neck and the Sagamore Bridge, the silhouette and view of the power plant will change very little. From locations closer to the plant with open views to the new structures, such as the Scusset Beach parking lot and the Canal Visitor Center area, the proposed changes will increase the plant's silhouette at the lower level but will not affect the plant's overall impression which is defined by the existing buildings and stack.

Natural Resources

The site is heavily disturbed including cleared vegetation and compacted earth from parking and vehicle travel. The site is not mapped for rare species habitat, and will not impact wetlands. Work to install a utility pole will require disturbance of wetland buffers. Utility installation within wetland buffers is allowed under the RPP when there is no feasible alternative. The RPP further requires that any disturbance of wetland and buffer areas be minimized and surface vegetation, topography, and water flow be restored substantially to the original condition.

Coastal Resources

The entire site is located within the FEMA A-zone, and as such is required to accommodate sea level rise under MPS CR2.2, and to minimize damage from floods under MPS CR2.4. As relates

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April 19, 2016

to these standards, the applicant proposes to elevate the grade of the site and thus of the proposed structures associated with Unit 3. The grade change will locate the base of the proposed structures 2 feet above BFE, which meets and exceeds the RPP standard for flood resistant construction in A-zones. The applicant should provide a detailed grading plan and confirm that the introduction of fill to elevate the structures above base flood elevation will not result in a redirection of storm-related floodwaters onto adjacent properties. Additionally, if fill is going to be added to the site to elevate these structures, the applicant may be required to submit a Conditional Letter of Map Revision based on Fill (CLOMR-F) and a Letter of Map Revision based on Fill (LOMR-F) to FEMA, which submittals to and responses from FEMA should be provided by the applicant to the Commission.

The applicant should address MPS CR1.4, which deals with protection of maritime aesthetics and related resources.

Water Resources

The only Water Resources MPSs applicable to the Canal Unit 3 project are those under Water Resource Goals WR1 (General Aquifer Protection) and WR7 (Stormwater Quality). With regard to aquifer protection measures, the applicant has provided nitrogen loading calculations that show that the project meets the 5-ppm site wide nitrogen loading standard of the RPP. Groundwater withdrawals associated with the project will come from two existing, active groundwater wells on site previously permitted by DEP. Anticipated withdrawals are well under maximum allowable withdrawal volumes under the wells' Massachusetts Water Management Act Registration. Additionally, because all properties within 0.5 mile of the project site are served by town water, there are no anticipated impacts to private wells within 400 feet of the project site.

Since filing the ENF, the applicant has improved stormwater management design on site, according to details outlined in the DEIR. Existing impervious coverage on-site will be reduced through the project and stormwater BMPs will be incorporated to treat and infiltrate stormwater, which is also consistent with RPP Coastal Resources MPSs CR3.3 and CR3.4. The applicant has represented that additional stormwater design requirements of the RPP will be met and detailed in the final stormwater design plans.

Land Use, Economic Development, and Affordable Housing

The project is located within an Economic Center as designated on the Commission's Land Use Vision Map. Additionally, as outlined in the DEIR, the new generating unit will increase the availability and reliability of energy for the region.

The Applicant should provide information on any additional long-term staffing at the plant required for operation of the new generating unit.

Transportation

There are no significant transportation impacts anticipated from the Canal Unit 3 project.