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CAPE COD
COMMISSION

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DECISION OF THE CAPE COD COMMISSION

Date: September 14, 2017

Applicant: Colonial Gas Company dba National Grid (“National Grid”)
c/o Jeremy Fennell
Epsilon Associates, Inc.
3 Clock Tower Place, Suite 250
Maynard, MA 01754

Re: Development of Regional Impact (DRI) Exemption
Cape Cod Commission Act, Section 12(k)/
DRI Enabling Regulations, Section 8

Project: Sagamore Line Reinforcement Project, Western Segment, Phase 3
(Commission File No. 17018)

Project Location: Service Road, East Sandwich and West Barnstable

SUMMARY

The Cape Cod Commission approves the Development of Regional Impact (DRI) Exemption application from National Grid for its proposed installation of ~2.2 miles of 20-inch diameter gas distribution pipeline along, in and under Service Road beginning at Chase Road in East Sandwich and extending easterly to West Barnstable.

FINDINGS

The Cape Cod Commission (Commission) hereby finds and determines as follows:

F1. Colonial Gas Company d/b/a National Grid (referred to alternatively herein as the “Applicant,” “the Company,” or “National Grid”) proposes construction of Phase 3 of the Western Segment of its Sagamore Line Reinforcement Project (“SLRP”). Phase 3 (the “Project”) consists of an approximately 2.2-mile, 20-inch-diameter underground coated steel natural gas

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main that will be installed in, under and along Service Road in the Towns of Sandwich and Barnstable, beginning east of Chase Road in East Sandwich and extending easterly into West Barnstable. The Project will operate, at least for the near term, with a maximum allowable operating pressure ("MAOP") of 270 pounds per square inch gauge ("psig").

F2. The Sagamore Line Reinforcement Project involves the construction of a total ~13.1 miles of new, redundant, high-pressure natural gas distribution pipeline on Cape Cod in three segments; the western, middle and eastern segments. The SLRP is intended to maintain and augment gas supply and pressures along and in National Grid's existing gas main distribution network, the "Sagamore Line," on Cape Cod. The Project is the last segment, or sub-segment, of the SLRP that requires review and permitting by the Commission, and its construction will complete the SLRP. The Commission has reviewed all other segments of the SLRP, and the requisite approvals have been granted for construction of all other segments. Construction on all other segments has now been completed or is underway. (See Commission File No. 12045 [Western Segment Phases 1 and 2]; No. 06007 [Middle Segment Phases 1 and 2]; and No. 16010 [Eastern Segment]).

F3. The Project qualifies as a mandatory DRI pursuant to Section 2 of the Commission's *Enabling Regulations Governing Review of Developments of Regional Impact* (Revised, Effective November 2014) as the Project was required to prepare an Environmental Impact Report (EIR) under the Massachusetts Environmental Policy Act (MEPA).

F4. The Commission received a DRI Exemption application for the Project from the Applicant at the end of July 2017. The Applicant proposes to construct, maintain and operate the Project as described in the application. The application document is titled "Development of Regional Impact Exemption Application, Sagamore Line Reinforcement Project, Western Segment, Phase 3," prepared by Epsilon Associates, Inc., dated July 28, 2017, including Attachments A through J.

F5. Section 12(k) of the Cape Cod Commission Act and Section 8 of the Commission's *Enabling Regulations Governing Review of Developments of Regional Impact* allow "Any applicant to apply to the Commission for an exemption from Commission review because the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by the Act outside of the municipality in which the development is to be located..."

F6. A substantive public hearing on the application was duly noticed, published and held on September 14, 2017 before the full Cape Cod Commission, at which the Commission reviewed the application, heard presentations and testimony, and voted to grant the requested DRI Exemption.

F7. The SLRP was reviewed under the Massachusetts Environmental Policy Act ("MEPA") in 2005 and 2006. The Secretary of the Executive Office of Energy and Environmental Affairs issued a Certificate in 2006 determining that the Final Environmental Impact Report ("FEIR") for the SLRP, of which the Project is part, adequately and properly complies with MEPA. National Grid filed and had approved Notices of Project Change (NPC's) on the SLRP under MEPA in 2008 and 2012, though these NPC's do not relate specifically to the Project, but to

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other SLRP segments that have previously been permitted and constructed. National Grid will file an NPC for the Project under MEPA regarding hydrostatic testing. The MEPA office reviewed an NPC for hydrostatic testing on the Western Segment, Phases I and II, and found that no further MEPA review was required.

F8. As a public utility, National Grid is subject to the jurisdiction of the Massachusetts Department of Public Utilities (DPU). The SLRP and the Project are subject to the jurisdiction of the Massachusetts Energy Facilities Siting Board (“EFSB”) within DPU. The SLRP and the Project have received EFSB approval, though National Grid intends to return to the EFSB to update the EFSB about the SLRP as relates to permitting and development of the Project.

F9. National Grid states in its application that as a local natural gas distribution company, its core obligation is to provide safe and reliable gas service to its customers. The Project proposes an upgrade to a critical piece of regional energy infrastructure, intended to ensure the continued reliability of the Cape’s natural gas distribution system.

F9A. National Grid has stated that the primary driver of the Project is to address low-pressure issues on the existing gas distribution system during high natural gas demand periods in winter conditions. The Project will also increase overall natural gas supply to the lower and mid Cape, allowing for future growth in service and maintenance of existing service.

F9B. The Project will augment the Company’s existing 42-mile, high pressure distribution line, referred to as the Sagamore Line, by adding capacity to accept increased volumes of 270-psig MAOP gas from the Algonquin Gas Transmission Line at the Company’s take station located just to the west of the intersection of Route 130 and Service Road in Sandwich.

F9C. Completion of the SLRP, as proposed with the Project, will reduce dependence on Liquefied Natural Gas (“LNG”) from the Company’s South Yarmouth Facility, which under existing conditions is used to maintain adequate natural gas supply in the main distribution line during winter conditions. This reduced dependence on LNG will in turn reduce the number of LNG truck deliveries made to the South Yarmouth facility.

F10. For the majority of the Project route, the Project will be installed in the north side of the road (i.e., the westbound lane). The Project will be installed via open cut trench; no special crossing techniques (e.g., horizontal directional drilling or jack-and-bore) will be required. The Project pipe is designed for in-line inspections during operations. Construction is expected to proceed at a rate of approximately 120 feet per day, with not more than 200 feet of trench open at any particular location. The trench will be closed at the end of each work day.

F11. Following installation of the Project, the existing Sagamore Line, located within and along Service Road, will remain in service. The Project will not impact any other utilities because the majority of the Project route is free of existing underground infrastructure (except for the existing natural gas main). The Company’s design engineers have been working with municipal Department of Public Works (“DPW”) Directors, Town Engineers, and other officials throughout

the design process to ensure that the proposed main alignment does not adversely affect any potential future municipal projects.

F12. The Company will repair all pavement excavations with same-day permanent patches. In consultations with Town officials from Sandwich and Barnstable, the Company has agreed to pay each Town a lump sum to be used for future full-width repaving of Service Road. The Towns will hold these sums in escrow until such work is performed, providing important flexibility to the Towns regarding the design, timing, and cost of the repaving work.

F13. As discussed herein, the location, character and environmental effects of the Project will prevent its having any significant regional impacts on the values and purposes protected by the Act outside of the municipalities in which the Project is to be located.

F14. The Project is reviewed in light of the 2009 Barnstable County Regional Policy Plan (RPP), as amended in August 2012, which is the RPP currently in effect. As discussed herein, the Project is consistent with the goals and Minimum Performance Standards ("MPS") in the RPP that are applicable and material to the Project, further demonstrating the lack of significant and permanent environmental or human/community-related impacts.

F15. The Project will not create substantial and permanent detrimental impacts to regional resources protected under the Cape Cod Commission Act and RPP.

F15A. The Project will be installed within the existing roadway layout along Service Road, either beneath pavement or within 10 feet of pavement, entirely within existing previously disturbed areas.

F15B. There is no disturbance proposed of currently undisturbed areas, including habitat areas. No tree clearing or significant grading is proposed. Minor vegetation trimming of overhanging trees will be necessary to accommodate construction in certain locations along the Project Route, or to ensure safe sightlines in the roadway. This trimming work is similar to typical maintenance that is performed where overhead lines, for example, are located along a roadway. If minor ground-level vegetation trimming is needed to accommodate construction, and is not otherwise performed to accommodate safe sightlines in the roadway, those areas will be returned to their preexisting condition upon completion of construction.

F15C. The Project does not propose expansion of or new paved or impervious surface.

F15D. The Project will have no permanent impacts to land uses, and will not change existing land uses or land use patterns (the Project follows the existing alignment of the adjacent 200-psig main). The Project will help maintain adequate pressures in and the reliability of the existing gas distribution infrastructure, supporting existing patterns of development.

F15E. The Project does pass through the outer edge of two inventory areas listed in the Inventory of Historic and Archeological Assets of the Commonwealth, the West

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Barnstable – West Area (MHC #BRN.AP) and the West Barnstable – Central Area (MHC #BRN.AO), but no resources have been identified close to the Project route. There are no local historic districts, or National Register properties or districts, located along or abutting the Project route. The Massachusetts Historical Commission (MHC) did not raise concerns, about archaeological resources or otherwise, in the area of the Project route during the MEPA review process on the SLRP. As part of the MEPA review process, National Grid had an archaeological resource report conducted; the report did not reveal the likely existence of any archaeological resources in the Project route. National Grid recently corresponded with MHC pertaining to the Project (a copy of the correspondence is contained in the application materials); MHC did not respond with any comments to that correspondence. As the Project is below grade, with some minor exceptions (few small control boxes and vent pipes along the Project route), and along previously-disturbed roadways, it is not expected to create adverse visual or other community character impacts, including impacts to archaeological or historic resources.

F15F. The Project route passes through areas mapped as Priority Habitat of Rare Species and/or Estimated Habitat of Rare Wildlife by the Massachusetts Natural Heritage and Endangered Species Program (NHESP) under the Massachusetts Endangered Species Act (MESA). The implementing regulations of MESA (321 CMR 10.00) contain an exemption from review for projects in Priority Habitat for “installation, repair, replacement, and maintenance of utility lines (gas, water, sewer, phone, electrical) for which all associated work is within ten feet from the edge of existing paved roads” (321 CMR 10.14(b)). The NHESP has concurred that the Project is exempt from MESA review as it will be constructed underneath or within 10 feet of the Service Road existing pavement, which correspondence is contained in the application materials.

The NHESP has also identified Cape Cod as having maternity roost trees for Northern Long Eared Bats (“NLEB”), a federally listed species under the Federal Endangered Species Act (“ESA”) and MESA. The ESA imposes restrictions on tree trimming within 150 feet of maternity roost trees. However, the known roost trees in Sandwich are approximately 4 miles away from the nearest known maternity roost tree. The Project is also designed to avoid impacting previously undisturbed areas, and involves only minor tree trimming.

F15G. At the request of NHESP, the Company conducted botanical surveys at the eastern terminus of the Project route to determine whether any state-listed plant species were present. By correspondence dated August 15, 2017, NHESP confirmed receipt of the results from the botanical survey, and that no state-listed plant species were discovered in the area. Additionally, the Company has agreed, at the request of NHESP, to conduct pre-construction turtle training with the Project contractor/s to avoid impacts to state-listed turtle species. Contractor turtle training shall be incorporated into the Project’s final Environmental Construction Plan.

F16. The Project has been designed to avoid, minimize, and mitigate limited and temporary construction-related impacts through route selection, and construction and installation methods and practices.

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F16A. The Project, once constructed, will have no permanent effect on traffic. Temporary construction impacts will be mitigated through the use of a Traffic Management Plan (“TMP”) developed by and between state and local officials and the Company. A Draft TMP is included in the application. The TMP will be finalized through coordination with each municipality to avoid and minimize temporary traffic-related impacts, and to avoid any regional transportation impacts during construction. National Grid should continue to focus on safety and minimizing impacts to the traveling public as it develops a final TMP and the Project implementation schedule. Continued coordination with the municipalities on the development and implementation of location-specific Traffic Management Plans is critical. National Grid should publicize updates on planned construction activities and any detours or road closures that are anticipated. Temporary, construction related traffic management will be coordinated with the affected towns to ensure that any temporary traffic impacts from construction are minimized to the extent possible and that safe and efficient travel is maintained.

F16B. The Applicant also has a robust and comprehensive Environmental Construction Plan for the Project, a draft of which has been included in the application. The purpose of the Environmental Construction Plan (“ECP”) is to avoid, minimize or mitigate the potential impacts to the surrounding environment before, during, and after construction of the Project by outlining mitigation, monitoring and maintenance procedures. The ECP outlines general Best Management Practices (“BMPs”) that the Applicant and its construction contractors will implement before, during, and after construction within or adjacent to environmentally sensitive areas. The BMPs are designed to provide minimum standards for the protection of environmentally sensitive areas that will be encountered during construction of the Project. The final ECP will be included as part of the construction contract and will provide contractors and environmental inspectors a reference to specific environmental conditions and associated BMPs, plans and procedures.

F16C. There are certain areas within the Project route that are environmentally sensitive and will require special treatment to avoid impacting natural resources. The Project is not located in any floodplains or special flood hazard areas mapped by FEMA or under local zoning regulations. While no direct and permanent impacts to wetlands are anticipated, construction will require temporary activity within the buffer zone of a wetland resource area in Barnstable. The Project does not pass through and is not adjacent to any Zone Is, Zone IIs, or Wellhead Protection Areas, but it does pass adjacent to a Potential Public Water Supply Area. The application identifies approximately 35 locations for potential private wells within 400 feet of the Project Area, all of which are located in Sandwich.

F16D. The Draft Environmental Construction Plan details the Project’s Spill Response Procedure and Spill Prevention, Control and Countermeasures Plan (SPCC), which includes equipment re-fueling procedures. According to the SPCC, nearly all vehicle fueling and all major equipment maintenance will be performed off-site at commercial service stations or a contractor’s yard. Large, less mobile equipment will be refueled

along the Project route, if necessary, subject to the mitigation measures in the SPCC. Construction equipment refueling will not be performed within 100 feet of wetlands or within 100 feet of known private potable wells. Additionally, no refueling will occur within potential public water supply areas. If it is necessary to refuel along the Project route, the fuel transfer operation will be conducted by an operator knowledgeable about the equipment, the location, and with the use of a work zone spill kit. Spill response and containment will be available on-site for immediate use in the event of any inadvertent spills or leaks. During construction, equipment will be inspected for incidental leaks (e.g. hydraulic fluid, diesel fuel, gasoline, anti-freeze) prior to site access and on a daily basis at the commencement of each work shift. These measures will protect the water and wetlands resources along the Project route while also allowing efficient construction procedures.

F16E. The Project is designed to avoid impact to existing drainage systems, does not change existing drainage patterns, and does not require new, permanent drainage facilities. There will be no new direct discharges of untreated stormwater as a result of the Project. The Project's Stormwater Pollution Prevention Plan (SWPPP), generally described in the Project's Draft ECP to address construction erosion control and stormwater management, has not yet been developed, but will be included in the Final ECP. The Project will require a National Pollutant Discharge Elimination System (NPDES) General Permit from the EPA, which requires development of a SWPPP. The SWPPP will specify implementation of erosion control measures, including: environmental monitoring of the Project to ensure compliance with Project permits; placement of erosion and sedimentation controls at appropriate locations along road shoulders whenever the Project work zone is located within 100 feet of a wetland or within 200 feet of a perennial waterbody; in roads where stormwater is directed to a local storm drain, installation and maintenance of filter fabric bags within each catch basin to prevent sedimentation to the storm drain system; and stockpiling of trench spoils in a manner that will prevent them from being washed with stormwater into nearby storm drains. As the SWPPP is finalized, it should identify staging locations.

F16F. The Project will not directly impact adjacent wetlands, and construction in close proximity to wetlands will be managed to avoid indirect impacts related to erosion and sedimentation. Where Project construction work is within 100 feet of wetland resource areas, appropriate controls consistent with BMPs in the ECP and SWPPP will be installed at the edge of pavement to confine construction and construction impacts to the paved roadway. Project open construction trenching will not be any more than 200 feet at any particular location, and will be closed and secured at the end of each work day, which will reduce the potential for adverse impacts to adjacent wetland resource areas from stormwater runoff and sedimentation.

CONCLUSION

Based on the above Findings, the Commission hereby further finds and determines that, though the Project literally qualifies as a Development of Regional Impact, it may nonetheless be exempted from Commission Development of Regional Impact Review because the location,

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character, and environmental effects of the Project will not create any significant regional impacts on the resources, values and purposes protected by the Cape Cod Commission Act. As such, the Commission hereby approves the DRI Exemption application by National Grid for the Sagamore Line Reinforcement, Western Segment, Phase 3 Project described herein, subject to the Conditions, below.

CONDITIONS

C1. This Decision shall be valid and effective when recorded with the Barnstable County Registry of Deeds and pursuant to Section 12(k) of the Cape Cod Commission Act, the development rights granted hereunder may be exercised by Project commencement within three (3) years from the date of this Decision.

C2. The Applicant shall obtain all necessary federal, state and local permits, licenses, authorizations and approvals for the Project.

C3. The Project shall be undertaken consistent with Findings above, and, except as provided in Condition C4 below, with the plans and other information contained in the DRI Exemption application for the Project titled "Development of Regional Impact Exemption Application, Sagamore Line Reinforcement Project, Western Segment, Phase 3," prepared by Epsilon Associates, Inc., dated July 28, 2017, including Attachments A through J.

C4. Prior to commencement of the Project, the Applicant shall provide the Commission copies of the final Environmental Construction Plan (ECP), including a final Stormwater Pollution Prevention Plan (SWPPP), and the final Traffic Management Plan (TMP) for review by Commission Staff. The final ECP shall also include provisions requiring and related to pre-construction turtle training with Project contractor/s, and any other mitigation actions required by the Massachusetts Natural Heritage and Endangered Species Program, to avoid impacts to state-listed turtle species. The Project shall be undertaken consistent with the Final ECP and TMP.

(Signature page follows)

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SIGNATURE(S)

Executed this 14th day of Sept. 2017.

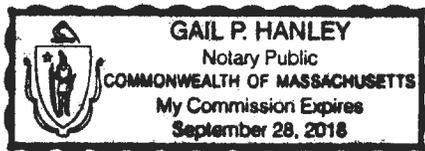
Harold W. Mitchell
Signature

Harold W Mitchell
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss September 14, 2017

Before me, the undersigned notary public, personally appeared Harold W. Mitchell, in his/her capacity as Chairman of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was [] photographic identification with signature issued by a federal or state governmental agency, [] oath or affirmation of a credible witness, or [] personal knowledge of the undersigned.



SEAL

Gail P. Hanley
Notary Public
My Commission Expires: 9-28-18