

ALGONQUIN GAS TRANSMISSION, LLC
5400 Westheimer Court
Houston, TX 77056-5310
713.627.5400 main

Mailing Address:
P.O. Box 1642
Houston, TX 77251-1642



June 25, 2015

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Algonquin Gas Transmission, LLC and Maritimes & Northeast Pipeline, L.L.C.
Atlantic Bridge Project
Docket No. PF15-12-000
Response to Scoping Comments

Dear Ms. Bose:

On February 20, 2015, the Director of the Office of Energy Projects issued a letter to Algonquin Gas Transmission, LLC and Maritimes & Northeast Pipeline, L.L.C. (collectively, "Applicants") in the above-captioned docket approving the request of Applicants to commence the Federal Energy Regulatory Commission's ("Commission") Pre-Filing Review Process for the Atlantic Bridge Project ("Project"). On April 27, 2015, the Commission issued a Notice of Intent to Prepare an Environmental Assessment for the Project initiating a scoping period to solicit comments on the scope of the environmental review from interested stakeholders through June 11, 2015.

Pursuant to Section 157.21(f)(9) of the Commission's regulations, 18 C.F.R. § 157.21(f)(9) (2014), Applicants submit, in Appendix A hereto, their response to comments received during the scoping period. Appendix A also includes a brief summary of the procedures used to ensure that all comments received during the scoping period were addressed in this response. Applicants acknowledge that the Commission will likely continue to receive and review comments filed after the close of the comment period. As such, Applicants will address additional concerns raised after the close of the comment period in the certificate application.

Applicants are committed to addressing concerns raised by landowners and other stakeholders in this proceeding and the related certificate proceeding and will continue to work with stakeholders throughout this environmental review of the Project. All stakeholders will have additional opportunities to provide comments on the Project.

Ms. Kimberly D. Bose, Secretary

June 25, 2015

Page 2

Should you have any questions concerning this request, please contact me at (713) 627-5113 or DeAndra Black at (713) 627-5350.

Sincerely,

/s/ Chris Harvey

Chris Harvey

Director, Rates and Certificates

cc: Maggie Suter

APPENDIX A

Algonquin Gas Transmission, LLC
Maritimes & Northeast Pipeline, L.L.C.

Atlantic Bridge Project
Docket No. PF15-12-000

Response to Comments - FERC Scoping Period

June 25, 2015

Prepared for:

Federal Energy Regulatory Commission

Office of Energy Projects

888 First Street NE

Washington, DC 20426

Atlantic Bridge Project

No. PF15-12-000

June 25, 2015

Response to Comments – FERC Scoping Period

Contents

- I. NEPA Comments
- II. Environmental Comments – Compressor Station
- III. Environmental Comments – General

Response to Comments – FERC Scoping Period

Introduction

Algonquin Gas Transmission, LLC (“Algonquin”) and Maritimes & Northeast Pipeline, L.L.C. (“Maritimes”) (collectively, the “Applicants”), indirect, wholly-owned subsidiaries of Spectra Energy Corp. (“Spectra”), are seeking authorization from the Federal Energy Regulatory Commission (“FERC” or “Commission”) pursuant to Sections 7(b) and 7(c) of the Natural Gas Act (“NGA”) to construct, install, own, operate, and maintain the Atlantic Bridge Project (“Atlantic Bridge Project” or “Project”), which will involve expansion of its existing pipeline system located in New York, Connecticut, and Massachusetts.

The Applicants are currently in the Pre-filing Review Process for the Project, which is administered by the FERC Staff. The purpose of the Pre-filing Review Process is to encourage early involvement of interested stakeholders during project development to identify and resolve issues before the certificate application is filed with FERC. As part of the Pre-filing Review Process, FERC Staff formally solicits comments from stakeholders to determine what issues will be evaluated in its environmental report. The Applicants are required to respond to the comments submitted during the FERC scoping period in Docket No. PF15-12-000 and provided by stakeholders at the FERC scoping meetings. Many of the commenters and questions referenced Spectra. Accordingly, for the purposes of continuity, the Applicants have responded to a number of the comments in the name of Spectra, to reflect the entities identified above, unless the question is exclusive to Algonquin’s system or Maritimes’ system.

To ensure that the Applicants reviewed and addressed all comments, the Applicants created tracking spreadsheets, which include every commenter’s name, date provided, and a summary of each stakeholder’s comment(s). The tracking spreadsheet was populated with the written comments submitted during the scoping period through the close of business on June 11, 2015. Additionally, the Applicants used the FERC transcripts as well as internal notes from the FERC Scoping meetings to populate a similar spreadsheet to ensure all public comments were identified and concerns were tracked and addressed.

Each comment was reviewed to determine which subject matter category(ies) it pertained to:

NEPA Comments

Environmental Comments – Compressor Station

Environmental Comments – General

Each comment summary was then organized in separate files by Resource Report, as applicable, to be compared and grouped with other similar comments. These groupings were further classified into subcategories within each of the subject matter categories. The comment summaries in each category and subcategory were consolidated into summary questions that were designed to address each stakeholder comment. Cross references to the draft Resource Reports that the Applicants intend to file on June 29, 2015, are also included in this document. After the responses were completed, a final cross-check was done to ensure all concerns were addressed.

Atlantic Bridge Project

No. PF15-12-000

June 25, 2015

Response to Comments – FERC Scoping Period

Questions and responses will also be posted to the Project website at:
<http://www.spectraenergy.com/Operations/New-Projects-and-Our-Process/New-Projects-in-US/Atlantic-Bridge/>

Response to Comments – FERC Scoping Period

1. NEPA COMMENTS

A. *Improper Segmentation*

Several commenters argue that the environmental analysis for the Atlantic Bridge Project should include discussion of the AIM and Access Northeast projects.¹ Taken together, they assert that the three projects would be considered connected, cumulative, and/or similar actions and should be evaluated by the Commission in the same environmental document.²

Contrary to these assertions, and as explained below, the Commission appropriately determined that the AIM and Access Northeast projects are not connected, cumulative, or similar actions that must be considered in the same National Environmental Policy Act (“NEPA”) document as the Atlantic Bridge Project.

1. *Does the Access Northeast project qualify as a proposal subject to NEPA review?*³

Section 102(2)(C) of NEPA applies to “proposals” for major Federal actions significantly affecting the quality of the human environment.⁴ Further, Council on Environmental Quality (“CEQ”) regulations on proposals that must be considered together state that “[p]roposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement.”⁵ As these regulations make clear, the Commission is only required to consider the impacts of “proposals” for major Federal actions.

Contemplating a course of action or conducting studies to gain background information to use in a subsequent formal decision-making process does not trigger NEPA. Here, the Access Northeast project is still in the development phases and details regarding the project have not been finalized. The Commission has consistently found that a “proposal” exists for NEPA purposes when an application for a certificate is filed with the Commission.⁶ As such, Access Northeast is not a proposal currently before the Commission and arguments that the Commission’s environmental review of the Atlantic Bridge Project must incorporate the Access Northeast project are inaccurate.

¹ See, e.g., Comment of Food & Water Watch at 2-3, Docket No. PF15-12-000 (June 11, 2015) (“FWW Comments”); Comment of Riverkeeper, Inc. at 5, Docket No. PF15-12-000 (“Riverkeeper Comments”); Comment of Sierra Club Lower Hudson Group at 2, Docket No. PF15-12-000 (June 10, 2015) (“Sierra Club Comments”).

² *Id.*

³ FWW Comments at 2; Riverkeeper Comments at 6-7.

⁴ 42 U.S.C. § 4332(2)(c); 40 C.F.R. § 1502.3.

⁵ 40 C.F.R. § 1502.5(a).

⁶ See Br. of Respondent FERC at 26-27, *Delaware Riverkeeper Network v. FERC* (D.C. Cir. No. 13-1015, Aug. 13, 2013) (citing, inter alia, *Theodore Roosevelt Conservation P’ship v. Salazar*, 616 F.3d 497, 513 (D.C. Cir. 2010) for the proposition that an “agency’s issuance of a notice of intent to prepare an EIS merely reflects the ‘incipient notion’ of a project”).

Response to Comments – FERC Scoping Period

Moreover, because the details of any future Access Northeast project are not yet known, the potential environmental impacts of Access Northeast are not yet reasonably foreseeable and cannot be meaningfully analyzed in a NEPA document. To the extent more information becomes known about the environmental impacts of a future Access Northeast project, the Commission can determine at that point whether they require consideration in the context of the NEPA review of the Atlantic Bridge Project.

2. *Are the Atlantic Bridge, AIM, and Access Northeast projects “connected actions” requiring review in the same NEPA document?*⁷

Riverkeeper and Food & Water Watch assert that the Atlantic Bridge Project and the AIM and Access Northeast projects are interdependent parts of a single upgrade and expansion of the Algonquin pipeline system, and as such, constitute connected actions without independent utility that must be considered in the same NEPA document.⁸ This is not correct.

“Connected actions” are defined as those that (i) automatically trigger other actions, (ii) cannot proceed unless other actions are undertaken previously or simultaneously, or (iii) are interdependent parts of a larger action and depend on the larger action for their justification.⁹ Neither Atlantic Bridge, AIM, nor Access Northeast meets any of the criteria of being connected actions.

The test that most courts have applied to determine whether separate actions subject to federal permitting are “connected” or not for purposes of NEPA is whether the project has independent utility – that is, whether each project will be undertaken regardless of whether any other subsequent or contemporaneous project is undertaken, or whether one project necessarily causes a separate project to occur.¹⁰

The Atlantic Bridge Project is an unconnected single action that has independent utility. The Atlantic Bridge Project does not depend on any other actions for its justification nor does it automatically cause other actions to occur. As draft Resource Report 1 for the Atlantic Bridge Project explains, the Project will create additional capacity between a receipt point on Algonquin’s system at Mahwah in Bergen County, New Jersey and various delivery points on the Algonquin system, including at Beverly, Massachusetts for

⁷ FWW Comments at 2; Riverkeeper Comments at 6-7.

⁸ Riverkeeper Comments at 6; FWW Comments at 2.

⁹ 40 C.F.R. § 1508.25(a).

¹⁰ *See, e.g. Great Basin Mine Watch v. Hankins*, 456 F.3d 955, 969 (9th Cir. 2006) (“We apply an ‘independent utility’ test to determine whether multiple actions are so connected as to mandate consideration in a single EIS. The crux of the test is whether each of two projects would have taken place with or without the other and thus had ‘independent utility.’ When one of the projects might reasonably have been completed without the existence of the other, the two projects have independent utility and are not ‘connected’ for NEPA’s purposes.”) (internal quotations and citations omitted).

Response to Comments – FERC Scoping Period

further transportation and deliveries on the Maritimes system. The Project is designed and scheduled to satisfy the operational and load demands of eight shippers, including four local distribution companies, three manufacturing companies, and a municipal utility (collectively, “Project Shippers”) for firm transportation service to deliver new natural gas supplies to the Project Shippers’ service areas or, as applicable, to their retail customers, with a projected in-service date of November 1, 2017. Thus, the Project has independent utility and will proceed irrespective of whether the Access Northeast or any other future “proposals” relating to system modifications occur.¹¹ The Project does not depend on any other actions for its justification, nor does it automatically cause other actions to occur. Therefore, the proper scope of the EA for the Project is limited to that action.¹²

In support of its argument that the Commission improperly segmented the environmental review of the Atlantic Bridge and AIM projects, Food & Water Watch cites a study prepared by Richard Kuprewics of Accufacts, Inc. for the Town of Cortlandt in connection with the AIM Project.¹³ The Accufacts study concluded that the AIM project was oversized and only a partial step toward a broader, system-wide upgrade. Food & Water Watch contends that the fact that the AIM project was overbuilt has direct implications on the Atlantic Bridge project because it demonstrates the Atlantic Bridge and AIM projects are functionally interdependent.¹⁴

However, the Commission thoroughly considered and rejected these same arguments in the Accufacts study in the context of the AIM proceeding. In the first instance, the AIM Project has not been overbuilt. The size of the pipeline was determined based on engineering needs, not based on future plans for expansion. Furthermore, the size of the pipe being installed for the AIM Project is not indicative of the AIM Project’s being “connected” for purposes of NEPA with the Atlantic Bridge Project. Courts have held that simply because projects may have mutual benefits does not mean they are connected.¹⁵ Moreover, as a practical matter, anytime a linear expansion project is undertaken (highways, transmission lines, pipelines), it would not be prudent – from a financial or environmental standpoint – to build only to precisely meet the current demand. Courts have recognized that expansion projects can be built to allow for future

¹¹ See RR1 at 1-53.

¹² As discussed further below, to the extent the impacts of either project become reasonably foreseeable during the preparation of the Project EIS, those impacts can be considered to the extent appropriate.

¹³ FWW Comments at 7-8.

¹⁴ FWW Comments at 7.

¹⁵ *Coalition on Sensible Transp., Inc. v. Dole*, 826 F.2d 60, 69 (D.C. Cir. 1987) (“[I]t is inherent in the very concept of a highway network that each segment will facilitate movement in many others; if such mutual benefits compelled aggregation, no project could be said to enjoy independent utility. The proper question is whether one project will serve a significant purpose even if a second related project is not built.”).

Response to Comments – FERC Scoping Period

growth.¹⁶ Finally, in the context of linear projects, courts have also held that a single project is not “connected” to potential future projects simply because future projects may benefit and build upon the infrastructure put in place during prior projects. For example, in *Wilderness Workshop v. U.S. Bureau of Land Management*,¹⁷ the Tenth Circuit held that “the fact that the existence of pipeline may encourage additional gas wells, and probably will serve any additional wells, does not mean necessarily that additional wells are connected actions.”¹⁸

3. *Are the Atlantic Bridge, AIM, and Access Northeast projects “cumulative actions” requiring review in the same NEPA document?*¹⁹

Riverkeeper incorrectly asserts that the Project and the AIM and Access Northeast projects are cumulative actions because they are to be constructed during the same general timeframe, they are likely to affect many of the same resources, and they are being undertaken by the same company.²⁰

“Cumulative actions” are those “which when viewed with other proposed actions have cumulatively significant impacts.”²¹ The CEQ regulations define “cumulative impact” to mean “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions.... Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.”²² As a general matter, the “determination of the extent and effect of [cumulative environmental impacts], and particularly identification of the geographic area within which they may occur, is a task assigned to the special competency of the appropriate agencies.”²³

As explained above, only “proposals” under NEPA possibly require evaluation in a single NEPA document, and the Access Northeast project is still in the development phase and is not yet a “proposal” subject to NEPA review. As a result, the Access Northeast project need not be considered as “cumulative action” in the same NEPA document as the

¹⁶ See, *Sierra Club v. Marsh*, 714 F. Supp. 539, 581-582 (D. Maine 1989) (holding that “it is rational to make provisional allowance for future growth and change through site selection and facility design decisions during the planning stage.”); *Greene County Planning Bd. v. Federal Power Com’n*, 559 F.2d 1227 (2d Cir. 1976), cert. denied, 434 U.S. 1086 (1977).

¹⁷ 531 F.3d 1220 (10th Cir. 2008).

¹⁸ *Id.* at 1230. See also *Village of Los Ranchos de Albuquerque v. Barnhart*, 906 F.2d 1477, 1483-84 (10th Cir. 1990) (“Because all projects must start and end somewhere, under plaintiff’s theory the entire highway network across the country could be considered one project. Such implication is obviously indefensible.”).

¹⁹ Riverkeeper Comments at 7.

²⁰ *Id.*

²¹ 40 C.F.R. § 1508.25(a)(2).

²² 40 C.F.R. § 1508.7.

²³ *Kleppe v. Sierra Club*, 427 U.S. 390, 414 (1976).

Response to Comments – FERC Scoping Period

Atlantic Bridge project. Moreover, details regarding a possible future Access Northeast project are not yet known, and so any resulting environmental impacts are too speculative for the Commission to consider a NEPA analysis. The Commission is not required to hold open its environmental review of one project just to wait for another project to be proposed.²⁴

Finally, the AIM Project was approved by FERC following the completion of a comprehensive environmental impact statement (“EIS”) that considered fully the potential cumulative impacts of the AIM Project and other actions (including Atlantic Bridge), to the extent then known or reasonably foreseeable. The Commission will also evaluate the cumulative impacts of the Atlantic Bridge Project in combination with the reasonably foreseeable impacts of other actions in the same affected environment in the Atlantic Bridge EA, and determine whether those cumulative impacts may be significant. Thus, notwithstanding comments to the contrary, Commission has not avoided analysis of any reasonably foreseeable cumulative impacts relating to any of these projects.

4. *Are the Atlantic Bridge, AIM, and Access Northeast projects “similar actions” such that review in the same NEPA document is justified?*²⁵

Riverkeeper incorrectly argues that the Atlantic Bridge, AIM and Access Northeast Projects are similar actions.²⁶ CEQ regulations define “similar actions” as actions “which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography.”²⁷

As explained above, the Access Northeast Project is still in the development phases and is not yet a “proposal” subject to NEPA review. Thus, the Commission need not consider at this point whether it may be addressed in the same NEPA document as a similar action.

With regard to the AIM Project, there are several relevant differences in timing and geography between the AIM and Atlantic Bridge projects that make their consideration in a single NEPA document unnecessary and impractical. For example, draft Resource Report 1 notes that although the two projects both include upgrades to Algonquin’s mainline pipeline system in New York, Connecticut, and Massachusetts, “the 342,000 Dth/d of gas to be supplied by the AIM Project is outside of the 132,705 Dth/d contracted under the Atlantic Bridge Project. The Atlantic Bridge Project is specifically designed

²⁴ *Theodore Roosevelt Conservation P’ship v. Salazar*, 616 F.3d 497, 513 (D.C. Cir. 2010) (“An agency need not revise an almost complete environmental impact statement to accommodate new proposals submitted to the agency, regardless of the uncertainty of maturation.”).

²⁵ Riverkeeper Comments at 7.

²⁶ *Id.*

²⁷ 40 C.F.R. § 1508.25(a)(3).

Response to Comments – FERC Scoping Period

and scheduled to satisfy the operational and load demands of the Project Shippers and other natural gas users in southern and northern New England and the Maritime provinces of Canada.”²⁸ Additionally, the construction schedule of the AIM Project does not coincide with the schedule anticipated for the Atlantic Bridge Project.²⁹

Finally, even if the Commission were to determine that the Atlantic Bridge and Access Northeast projects are similar actions under NEPA, CEQ regulations make clear that “[a]n agency may wish to analyze [similar] actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.”³⁰ Thus, the regulations provide agencies with discretion whether or not to analyze “similar actions” in the same NEPA document. Given the differences in timing and geography, and the current speculative nature of any future potential impacts from the Access Northeast project, it is reasonable for the Commission to determine that a review of all three actions in a single NEPA document is not the best way to assess impacts of the various projects.

In further support of its argument that the Commission impermissibly segmented environmental review of the Atlantic Bridge and AIM projects, Riverkeeper notes that the Atlantic Bridge Project continues construction in Yorktown, New York at the precise location where the AIM Project ends.³¹ However, the fact that the two projects are located in the same geographic area is not in and of itself enough to require, review in the same NEPA document.

Additionally, although draft Resource Report 1 acknowledges that there is a small area of overlap in construction workspaces for the Atlantic Bridge Project and the AIM Project in Yorktown, it notes that work at this location for the Atlantic Bridge Project will occur at least a year after the AIM Project activities.³² Construction of AIM Project facilities will be completed in this area before any construction work for the Atlantic Bridge Project starts.

²⁸ RR1 at 1-52.

²⁹ RR1 at 1-54.

³⁰ 40 C.F.R. § 1508.25(a)(3) (emphasis added); *Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt.*, 387 F.3d 989, 1000-01 (9th Cir. 2004).

³¹ Riverkeeper Comments at 4.

³² RR1 at 1-53.

Response to Comments – FERC Scoping Period

B. Appropriateness of Environmental Assessment

1. *Is the Commission required to prepare a full environmental impact statement, as opposed to an environmental assessment for the Atlantic Bridge Project?*³³

Several commenters argue that the Commission must prepare a full environmental impact statement (“EIS”), as opposed to an environmental assessment (“EA”), for the Atlantic Bridge Project.³⁴

As a general matter, an agency’s decision not to prepare an EIS, and to rely instead on an EA, is entitled to considerable deference, so long as the decision is “fully informed and well-considered.”³⁵ In any event, the commenters’ arguments on this issue are premature, because the Commission has not yet determined whether an EIS is required or not. Instead, the Commission will decide, based on the findings of the EA, whether or not an EIS is required.

Pursuant to CEQ’s regulations, if a proposed action is not one that normally requires the preparation of an EIS, the Commission can first prepare an EA. Depending on the outcome of the EA, the Commission can then determine whether to prepare an EIS.³⁶ The Commission’s regulations implementing NEPA list a limited number of projects, including “major pipeline construction project ... using rights-of-way in which there is not existing natural gas pipeline,” for which an EIS will normally be prepared first.³⁷ For other projects, the Commission can begin with an EA, and determine, based on the findings of the EA, whether to prepare an EIS. “Only if the environmental assessment leads FERC to conclude that the applicant’s proposed major federal action may have a significant environmental impact must it require the preparation of a formal Environmental Impact Statement.”³⁸ If, after preparing an EA, the Commission decides not to prepare an EIS, it must issue a finding of no significant impact.³⁹

Given the relatively limited scope of the Atlantic Bridge Project – most of the proposed 6.3 miles of pipeline lift and replacement occurs in areas within Algonquin’s existing ROW and most of the aboveground facilities work involves modification of existing facilities, with only one new compressor station and one new M&R station planned – FERC may well determine that an EIS is not required. But until that time, the Commission’s decision to begin with an EA cannot be challenged.

³³ Riverkeeper Comments at 8-9; FWW Comments at 1; Sierra Club Comments at 1; Comments of the Town of Yorktown Comments at 1, Docket No. PF15-12-000 (June 10, 2015) (“Yorktown Comments”).

³⁴ See e.g., Riverkeeper Comments at 8-9; FWW Comments at 1; Sierra Club Comments at 1; Yorktown Comments at 1.

³⁵ See e.g., *LaFlamme v. F.E.R.C.*, 945 F.2d 1124, 1128-29 (9th Cir. 1991); *Mt. Lookout-Mt. Nebo Prop. Prot. Ass’n v. F.E.R.C.*, 143 F.3d 165, 172 (4th Cir. 1998).

³⁶ 40 C.F.R. § 1501.4.

³⁷ 18 C.F.R. § 380.6(a).

³⁸ *Mt. Lookout-Mt. Nebo Prop. Prot. Ass’n v. F.E.R.C.*, 143 F.3d 165, 172 (4th Cir. 1998).

³⁹ 40 C.F.R. § 1501.4.

Response to Comments – FERC Scoping Period

C. *Cumulative Impacts and Indirect Impacts*

A number of stakeholders submitted comments regarding the cumulative impacts of the Project and other generally or specifically identified, current and future development near the proposed route. Draft Resource Report 1 identifies potential cumulative effects by resource that may result from existing or reasonably foreseeable projects. In addition, responses to these comments on cumulative impacts are set forth below.

1. *What are the cumulative impacts of the Atlantic Bridge Project on Marcellus shale gas development?*⁴⁰

Notwithstanding claims advanced in certain scoping comments, the cumulative impacts analysis for the Atlantic Bridge Project should not include impacts specifically relating to Marcellus shale development, because those impacts are not caused by the Project, are geographically and temporally remote and do not occur in the same affected environments, and are not reasonably foreseeable.

A cumulative impact is “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.”⁴¹ The Commission has addressed similar comments in multiple prior proceedings and has determined that the development of Marcellus shale does not need to be included in the cumulative impacts analysis for those projects because it is neither causally-related nor reasonably foreseeable.⁴²

The Commission may exclude activities that are “speculative, no more than tangentially related to the proposed project, or not subject to meaningful review.”⁴³ In considering whether the development of Marcellus shale should be included in the cumulative impacts section of the NJ-NY Expansion Project (“NJ-NY Project”), the Commission concluded that there was “no more than an attenuated relationship between the NJ-NY Project and activities in the geographically removed Marcellus Shale region.”⁴⁴ In addition, the Commission determined that the scope and timing of future development of Marcellus shale was not predictable and, as a result, was not reasonably foreseeable.⁴⁵

⁴⁰ FWW Comments at 2-3, 9.

⁴¹ 40 C.F.R. § 1508.7.

⁴² See, e.g., Central New York Oil and Gas Co., LLC, 138 FERC ¶ 61,104 at PP 33-49 (2012) (“CNYOG”); Sabine Pass Liquefaction Expansion, LLC, 151 FERC ¶ 61,253 at PP 3-14 (2015); see also Texas Eastern at P 37.

⁴³ Texas Eastern at P 37 (citing *Kleppe v. Sierra Club*, 427 U.S. 390, 414 (1976)).

⁴⁴ *Id.* at P 38.

⁴⁵ *Id.*

Response to Comments – FERC Scoping Period

Likewise, the development of Marcellus shale is neither causally-related to the Atlantic Bridge Project nor reasonably foreseeable. Further, the scope and timing of future Marcellus development continues to be unpredictable. Accordingly, the Commission should omit such Marcellus shale development from its cumulative impacts analysis in the Atlantic Bridge Project NEPA document.

Similarly, the cumulative impacts analysis for the Atlantic Bridge Project will not include increased use of hydraulic fracturing, as advanced in the Food & Water Watch comments. In particular, Food & Water Watch suggests that the contribution of fracking to climate change should be analyzed as a cumulative impact of the Project.⁴⁶ For the same reasons discussed above, the Commission is not required to consider the environmental impacts of increased use of hydraulic fracturing to develop natural gas as a cumulative impact of the Project.

2. *Will FERC consider indirect effects of the proposed action and its alternatives?*⁴⁷

EPA argues that the Commission must evaluate indirect effects, including changes in land use patterns, population density or growth rate, and related effects on air and water and other natural resources that could result from the proposed action and its alternatives.⁴⁸ Indirect impacts are those which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.⁴⁹

NEPA requires a reasonably close causal relationship between the alleged cause and environmental effect.⁵⁰ To determine whether an agency must consider a particular effect, courts “look to the underlying policies or legislative intent in order to draw a manageable line between those causal changes that may make an actor responsible for an effect and those that do not.”⁵¹ Indirect effects must also be reasonably foreseeable. An effect is “reasonably foreseeable” if it is “sufficiently likely to occur that a person of ordinary prudence would take it into account in reaching a decision.”⁵²

⁴⁶ FWW Comments at 9.

⁴⁷ Comments of the Environmental Protection Agency at 12, Docket No. PF15-12-000 (June 11, 2015) (“EPA Comments”).

⁴⁸ *Id.*

⁴⁹ 40 C.F.R. § 1508.8(b).

⁵⁰ *Metropolitan Edison Co. v. People Against Nuclear Energy*, 460 U.S. 766, 774 (1983).

⁵¹ *Department of Transportation v. Public Citizen*, 541 U.S. 752 (2004).

⁵² *City of Shoreacres v. Waterworth*, 420 F.3d 440, 453 (5th Cir. 2005).

Response to Comments – FERC Scoping Period

Draft Resource Report 1 addresses the temporary and permanent changes to current land uses associated with the Project.⁵³ The proposed aboveground facilities are located at existing Algonquin facilities with the exception of one new compressor station and the replacement of an existing M&R station at a nearby site. Accordingly, draft Resource Report 1 concludes that only a minimal area within the total aboveground construction workspace will be maintained as new permanently affected land for operation of aboveground facilities. All of the proposed Atlantic Bridge Project pipeline facilities will be located within or adjacent to existing easements and corridors including Algonquin's pipeline right-of-ways ("ROWs"), public roadways, and electric transmission line corridors, thereby minimizing impacts on existing land use within the Project area. Construction of the Atlantic Bridge Project will be short-term, and a minimal amount of land will be converted to another land use type; therefore, the cumulative effect on land use will be temporary and minor. Draft Resource Report 8 discusses land use associated with the Project in greater detail.

Draft Resource Report 1 concludes that the Project will not result in significant changes in local population levels,⁵⁴ and although non-local laborers could increase the total population in the Project area, vacant rental units available in the Project area will provide adequate housing opportunities for non-local workers.

D. Will FERC delay the schedule or extend the scoping comment period to allow the public more time to comment on the Project?

The FERC process and procedures are designed to ensure that the Applicants provide complete and accurate information about the Project. In addition, the schedule will allow sufficient time for interested stakeholders to comment on the Project. The Project is currently in the Pre-filing Review Process, which began on February 20, 2015, pursuant to a letter from the Director of FERC's Office of Energy Projects. The purpose of the Pre-filing Review Process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the certificate application is filed with the FERC. There have been several opportunities for stakeholders to raise their concerns, including at open houses and scoping meetings, as well as through written scoping comments. In fact, the robust number of comments to date is evidence that this early Pre-filing Review Process is effective. The Applicants are able to disseminate the most current information about the Project through public filings and meetings in the Pre-filing Review Process, and gather stakeholder comments to be considered in the further development of this Project.

FERC will begin its formal review of the Project when the Applicants file an application for certificate of public convenience and necessity under Section 7 of the NGA anticipated in November 2015. The certificate application will provide the most accurate and complete information on the Project from which FERC can make a determination regarding the Project need and consider the effect of the Project on the environment. To the extent that there is additional information that FERC believes is relevant to its

⁵³ RR1 at I-56.

⁵⁴ RR1 at 1-57.

Atlantic Bridge Project

No. PF15-12-000

June 25, 2015

Response to Comments – FERC Scoping Period

determination on the need for, or its environmental review of, the Project, FERC will make requests, and the Applicants will provide, such information.

Interested stakeholders will continue to have multiple opportunities in the certificate proceeding to comment on the complete Project details. FERC's certificate proceeding and the NEPA review will consider all stakeholder comments in determining whether to authorize the Project and in establishing any conditions to mitigate potential adverse environmental effects of the Project.

Response to Comments – FERC Scoping Period

II. ENVIRONMENTAL COMMENTS - COMPRESSOR STATION

A number of commenters raised questions concerning the Weymouth Compressor Station. The questions and their responses have been organized by topic.

A. *Location of the Compressor Station*

1. *Explain the alternative siting process associated with the compressor station.*⁵⁵

The alternatives for the Weymouth compressor station site are addressed in Section 10.8.2 of draft Resource Report 10 to be filed with the Commission in Docket No. PF15-12-000.

2. *Comments about the Compressor Station being near homes and businesses. Why was Weymouth chosen as a location for the Compressor Station, given its dense population?*⁵⁶

As reflected in Section 10.8.2 of draft Resource Report 10 to be filed with the Commission in Docket No. PF15-12-000, the site of the proposed Weymouth Compressor Station was dictated by engineering and environmental considerations. The proposed site has sufficient acreage (10.2 acres), is proximate to the existing Algonquin I-10 System pipeline, provides excellent construction and operations access, would largely avoid impacts to natural resources, and is located in an existing industrial area.

3. *Given the current locations of a chemical plant, gasoline and oil depot, two power plants, regional sewage pump station, and hazardous waste transfer and treatment facility, the EPA has described Weymouth as an overburdened community. How will the Compressor Station affect Weymouth's already industrial community?*⁵⁷

The potential environmental impacts associated with the construction, operation and maintenance of the proposed Weymouth Compressor Station are discussed throughout the draft resources reports to be filed with the Commission in Docket No. PF15-12-000. As reflected therein, the proposed Weymouth Compressor Station is not expected to have significant adverse environmental impacts.

4. *What safeguards have been taken to design this particular compressor station that distinguishes it from other compressor stations in more remote and rural areas?*⁵⁸

⁵⁵ EPA Comments at 3.

⁵⁶ Massachusetts House of Representatives Comments at 1; Transcript of Weymouth Town Meeting at 13, 19, 27, Docket No. PF15-12-000 (May 13, 2015) (“Weymouth Meeting”).

⁵⁷ FWW Comments at 12; Weymouth Meeting at 14, 16; Comment of Cathy Bevans, Docket No. PF15-12-000 (June 9, 2015).

⁵⁸ Weymouth Meeting at 47.

Response to Comments – FERC Scoping Period

As addressed in draft Resource Report 11 to be filed with the Commission in Docket No. PF15-12-000, work at the compressor station will be designed, constructed, operated, and maintained to comply with U.S. Department of Transportation (“USDOT”) Minimum Federal Safety Standards in 49 C.F.R. Pt. 192. All compressor stations are designed with identical safety features independent of location. The Weymouth station will be designed with enhanced noise mitigation features in consideration of nearby receptors. The station will also have an exterior façade that blends in with the adjacent area.

Although the station will be located outside of the flood zone, the building floor elevations will be a minimum of one foot above the 100 year flood elevation. Mechanical and electrical equipment will be located above floor level. The station is designed to be self-sufficient with an elevated back-up generator that also is fueled by the pipeline natural gas.

B. *Effects on Surrounding Community*

1. *How will the Compressor Station affect the new Fore River Bridge and the surrounding marine and vehicle traffic?*⁵⁹

Please refer to Section 5.3.8.1 of draft Resource Report 5 to be filed with the Commission in Docket No. PF15-12-000 for a discussion of traffic management as it relates to the compressor station.

2. *How will the possibility of coastal zone inversion be addressed?*⁶⁰

Due to the nature of the Project, the operation of the Weymouth Compressor Station will not impact the creation, duration or frequency of coastal zone inversion events. As part of the final Resource Report 9 to be filed with the Commission in Docket No. PF15-12-000, an air quality dispersion modeling analysis will be included for the site that demonstrates that the proposed emission sources will not cause a violation of the National Ambient Air Quality Standards (“NAAQS”). Coastal zone inversion is a naturally occurring phenomenon that will be considered in this analysis through the use of meteorological data selected with consideration of the location of the project site.

3. *How will the compressor station affect the nearby neighborhoods of Quincy Point and Germantown, which are designated Environmental Justice Neighborhoods?*⁶¹

⁵⁹ Comment of Dorothy Anderson, Docket No. PF15-12-000 (Apr. 13, 2015), Comment of Rosella Cicchese, Docket No. PF15-12-000 (Apr. 27, 2015); Comment of Laura Malagodi, Docket No. PF15-12-000 (June 2, 2015).

⁶⁰ Weymouth Meeting at 41.

⁶¹ *Id.* at 20.

Response to Comments – FERC Scoping Period

Please refer to Sections 5.2.7 and 5.3.10 of draft Resource Report 5 to be filed with the Commission in Docket No. PF15-12-000 for specific information regarding potential Environmental Justice impacts.

4. *What safeguards will be put in place to respond to the floods, hurricanes, or extreme weather that Weymouth experiences? Please include an analysis of the total acres of the property within a flood zone, mitigation to reduce the impact of a flood event, and safety measures and guidelines in place to respond to a flood event.*⁶²

Please refer to Section 11.3.1.3 of draft Resource Report 11 to be filed with the Commission in Docket No. PF15-12-000 for a description of measures to address floods.

The Weymouth Compressor Station facility has been sited to avoid placement of the facility within the mapped 100-year coastal flood zone of the Weymouth Fore River. Additionally, the building floor elevations will be a minimum of one foot above the 100-year flood elevation. Mechanical and electrical equipment will be located above floor-level. The compressor station is designed to be self-sufficient with an elevated back-up generator fueled by the pipeline natural gas.

5. *How will the Compressor Station affect the Thomas Weston Colony of 1622?*⁶³

Potential impacts of the proposed Weymouth Compressor Station on cultural and historic resources are addressed in draft Resource Report 4 to be filed with the Commission in Docket No. PF15-12-000.

6. *Will the Compressor Station affect housing values in the surrounding community of Weymouth? How will the Compressor Station affect the value of the nearby King's Cove parcel and park?*⁶⁴

As reflected in Section 5.3.9 of draft Resource Report 5 to be filed with the Commission in Docket No. PF15-12-000, construction and operation of the proposed compressor station is expected to not have a significant impact on property values.

The Project does not encroach on the King's Cove parcel and park.

7. *Will the Compressor Station create a nuisance to the surrounding community due to noise pollution?*⁶⁵

⁶² *Id.* at 66.

⁶³ FWW Comments at 12.

⁶⁴ Weymouth Meeting at 27; Comment of Weymouth Town Council, Docket No. PF15-12-000 (June 3, 2015) (“Weymouth Town Council Comments”).

Response to Comments – FERC Scoping Period

Please refer to Sections 9.3.1.3 and 9.3.4.1 of draft Resource Report 9 to be filed with the Commission in Docket No. PF15-12-000 for a more detailed analysis regarding the potential noise effects of the Weymouth Compressor Station. A complete acoustical analysis was conducted for each Project compressor station. The results of the acoustical analysis indicate that if the anticipated and/or recommended noise control measures at the Weymouth Compressor Station are successfully implemented, the noise attributable to the station will be lower than 55 dBA (L_{dn}) at the nearby NSAs.

C. *Health and Safety Issues*

1. *Concerns with compressor station air emissions. The EA and Application should include a robust air analysis of the existing air quality and estimated air quality impacts of the proposed compressor station, including emissions of nitrogen oxide, volatile organic compounds, carbon monoxide, particulate matter, sulfur dioxide, identified criteria pollutants, greenhouse gases, and any other significant emissions associated with the compressor.*⁶⁶

Existing air quality and anticipated air quality impacts, including potential air emissions from the proposed Weymouth Compressor Station, are addressed in Section 9.2 of draft Resource Report 9 to be filed with the Commission in Docket No. PF15-12-000.

2. *Will the Compressor Station emit radon and butane?*⁶⁷

The compressor station will not emit butane. A detailed discussion of radon in natural gas, including a summary of studies on the concentration of radon in natural gas and the risk of exposure is described in Section 9.2.5 of draft Resource Report 9 to be filed with the Commission in Docket No. PF15-12-000. That discussion will note that studies by the EPA, Department of Energy and others have concluded that the presence of radon in natural gas does not pose a health risk to the public and in most cases the level of radon exposure is at or below the ambient level of radon in the air around us.

3. *Concerns about the risks that compressor stations pose to worker safety.*

As addressed in Section 11.4.3 of draft Resource Report 11 to be filed with the Commission in Docket No. PF15-12-000, pipeline personnel, including compressor station personnel, will be well-qualified and licensed field personnel whose credentials

⁶⁵ Weymouth Meeting at 14; Comment of the Massachusetts Energy Facilities Siting Board at 8, Docket No. PF15-12-000 (June 22, 2015) (“Massachusetts Siting Board Comments”).

⁶⁶ Comment of Margaret Bellafiore, Docket No. PF15-12-000 (June 4, 2015); Weymouth Meeting at 22, 32, 35; Massachusetts Siting Board Comments at 8-10; Weymouth Meeting at 14.

⁶⁷ Comment of Rachel Brennan, Docket No. PF15-12-000 (Apr. 15, 2015); Comment of Dorothy Anderson, Docket No. PF15-12-000 (Apr. 13, 2015); Comment of Debra Santon, Docket No. PF15-12-000 (June 4, 2015).

Response to Comments – FERC Scoping Period

are in accordance with New York, Connecticut, and Massachusetts safety standards and who can be immediately dispatched to the scene of an emergency if the need should arise.

4. *What safeguards will be put in place to prevent leaks and/or explosions and contain them if they occur? How will first responders in the area be trained to respond to emergencies at the Compressor Station? What types of safety and emergency response procedures are in place for the Weymouth compressor stations? What steps will the Company take to adequately train employees in emergency responses?*⁶⁸

The Project pipelines and associated aboveground facilities will be designed, constructed and operated to meet or exceed the safety requirements exclusively governed by the USDOT. Algonquin maintains operating policies and procedures that are reviewed by the USDOT. All operating personnel are thoroughly trained to perform their activities in accordance with these policies and procedures. These procedures provide specific directions for operations, maintenance, and monitoring of facilities, as well as emergency response. Periodic training sessions and review of operating and emergency procedures are conducted for affected operations employees. This training includes safe operation of pipeline valves and equipment; facilities, including meter stations and compressor stations; hazardous material handling procedures; public liaison programs with local first responders and general operating procedures. All of Algonquin's Area Offices are required to maintain detailed emergency response plans in accordance with USDOT regulations and Spectra Energy Transmission's US Operations Standard Operating Procedures. The proposed Atlantic Bridge Project facilities will be operated and maintained in accordance with these procedures. Please see draft Resource Report 11 to be filed with the Commission in Docket No. PF15-12-000 for more information on safeguards and emergency response.

⁶⁸ FWW Comments at 10-11; Transcript of Town of Franklin Meeting at 26, 55, Docket No. PF15-12-000 (May 14, 2015) ("Franklin Meeting"); Weymouth Meeting at 14, 15.

Response to Comments – FERC Scoping Period

III. ENVIRONMENTAL COMMENTS – GENERAL

Many stakeholders asked questions concerning the environment and the Project description. The questions and answers have been organized by resource report.

A. *General Project Description (Resource Report 1)*

1. Project Overview

- (a) *Will Algonquin provide a more detailed map regarding the size and extent of the proposed gas line? Will Algonquin submit revised maps to reflect the new scope of the Project?*⁶⁹

Please reference the Project Overview section of draft Resource Report 1 to be filed with the Commission in Docket No. PF15-12-000 for a map of the size and extent of the proposed gas line.

- (b) *Where will the upgraded transmission line be installed? How will the transition line be transitioned into the existing gas line?*⁷⁰

A description of the proposed route of the pipeline facilities and the construction procedures are included in draft Resource Report 1 to be filed with the Commission in Docket No. PF15-12-000.

- (c) *What is the current and projected size of the right of way along the pipeline? Does Algonquin have a legal right to replace pipe on or near private property?*⁷¹

Please see Section 1.3.1.3 of draft Resource Report 1, to be filed in Docket No. PF15-12-000 for a description of the construction ROWs related to the Project. Construction of the take-up and relay pipe segments will occur within a portion of the existing Algonquin permanent pipeline ROWs. Algonquin's nominal construction ROW width for the two mainline take-up and relay portions of the Project is 100 feet, which is 25 feet wider than the FERC's standard construction ROW width. Algonquin needs this greater construction workspace width to permit the safe passage of equipment and materials associated with the construction of larger diameter pipeline (i.e., 42-inch diameter).

Algonquin proposes two areas of new permanent ROW along the take-up and relay portions of the Project. One area of new permanent ROW is associated with the proposed

⁶⁹ Comment of New York City Department of Environmental Protection at 1, Docket No. PF15-12-000 (June 9, 2015) (“NYC DEP Comments”); Comment of Carolyn Barthel, Docket No. PF15-12-000 (Apr. 27, 2015).

⁷⁰ NYC DEP Comments at 1.

⁷¹ Sierra Club Comments at 1.

June 25, 2015

Response to Comments – FERC Scoping Period

HDD crossing of the Taconic Parkway from MP 0.4 to MP 0.9 along the Stony Point Discharge Take-up and Relay. The proposed 42-inch diameter pipe will be routed outside of the existing permanent ROW in this area to facilitate the HDD pipeline crossing. Algonquin is seeking a new 10-foot wide permanent easement along the HDD alignment.

The second location of new permanent ROW is located at MP 0.5 on the Southeast Discharge Take-up and Relay. This small area of new permanent easement (approximately 1,400 square feet) is needed for the 42-inch diameter pipeline crossing of Padanaram Road (Route 37) in Danbury.

Upon receipt of a certificate of public convenience and necessity under Section 7(c) of the Natural Gas Act, Algonquin will have the right to construct the Project on public and private lands.

(d) What will be the procedures for removal and cleaning of replaced pipe? Will removed piping and equipment be stockpiled?⁷²

The removed and replaced piping and equipment will be disposed of properly and will not be stockpiled. Please refer to Section 1.5.1.1 of draft Resource Report 1 to be filed with the Commission in Docket No. PF15-12-000. Pipe removed from the Project ROW will be managed in accordance with applicable state and federal regulations. The pipeline will be internally cleaned and inspected prior to removal. Upon completion of the internal cleaning and inspection, the pipe will be cut into manageable lengths and removed from the trench, wrapped and end capped for transportation to temporary storage. Pipe will be internally tested to determine if the pipe is allowed to be released for recycling. Pipe that does not qualify for recycling will be shipped for further cleaning or disposal at an approved landfill in accordance with the appropriate state and federal regulations. Pipe removal will not leave toxic residues.

(e) What will be the status of the pigging station at the eastern edge of the AIM project once the Atlantic Bridge project is complete?⁷³

Please refer to Section 1.3.2.3 of draft Resource Report 1 to be filed with the Commission in Docket No. PF15-12-000. The pigging station will be relocated to the western end of the Atlantic Bridge Stony Point Take-up and Relay in Somers, New York.

⁷² Comments of Connecticut Department of Energy and Environmental Protection at 3, Docket No. PF15-12-000 (June 11, 2015) (“CT DEEP Comments”); Town of Yorktown at 1.

⁷³ Town of Yorktown Comments at 2.

Response to Comments – FERC Scoping Period

(f) *What changes will be made to existing M&R stations?*⁷⁴

Please refer to Section 1.3.2.2 of draft Resource Report 1 to be filed with the Commission in Docket No. PF15-12-000.

(g) *How will the town of Yorktown maintain permitting authority regarding municipal ordinances and highway laws?*⁷⁵

Please refer to Section 1.12 of draft Resource Report 1 to be filed with the Commission in Docket No. PF15-12-000.

Algonquin will apply for road permits to construct on municipal roads. As reflected in Section 1.12, municipal ordinances may not impose any requirement that is inconsistent with federal law, including the Natural Gas Act. Through frequent consultation with the town of Yorktown, Algonquin will continue to address issues and concerns as they arise and, where possible, will satisfy the goals of the local ordinances. Often these ordinances require the use of “best practices,” which Algonquin has already implemented.

(h) *In absolute terms and as a percentage of current capacity, what will be the increase in capacity and pressure of the new pipelines?*⁷⁶

The Project capacity of 132,705 dekatherms per day (“Dth/d”) will be created through pipeline take-up and relay facilities and additional compression on Algonquin’s system. The Atlantic Bridge Project capacity would increase the capacity of Algonquin’s system from 3,077,725 Dth to 3,210,430, or 4.3%. The increase in pressure applies to the two lift and relay segments and not the entire Algonquin system. The segments being replaced are 26-inch diameter pipe with a maximum allowable operating pressure (“MAOP”) of 674 psig. The 42-inch diameter pipe being installed in each segment has a MAOP of 850 psig. The change in pressure in each segment is from 688.73 psia to 864.73 psia, or 25.5%.

(i) *What are the cumulative impacts of future emissions from the proposed Connecticut Power Ventures Towantic Energy Center?*⁷⁷

Please refer to Section 1.15.3.9 of draft Resource Report 1 to be filed with the Commission in Docket No. PF15-12-000 for an analysis of the cumulative impacts to air quality.

⁷⁴ Town of Yorktown Comments at 2.

⁷⁵ *Id.*

⁷⁶ Sierra Club Comments at 1.

⁷⁷ FWW Comments at 5; Weymouth Meeting at 26.

Response to Comments – FERC Scoping Period

2. Purpose and Need

- (a) *Given the lower cost of energy in the winter of 2014, is there a need for the Project?*⁷⁸

As is more fully described in the Purpose and Need section of draft Resource Report 1 to be filed with the Commission in Docket No. PF15-12-000, there is defined need for the Atlantic Bridge Project. Demand is growing in the Northeast for increased utilization of natural gas and is expected to continue to increase as more natural gas is used for industrial purposes. ICF International anticipates that the demand for natural gas in New England will increase by 13.5 percent by 2020. Similarly, a recent report prepared for the Massachusetts Department of Energy Resources found that electric generators will have insufficient supply of natural gas from 2015 through 2019, which will result in spiking natural gas prices. According to the report, the electric sector will respond to these high prices by shifting dispatch from gas to oil generation in the peak hour, reducing reliance on natural gas. In order to alleviate these shortages by 2020, the report determines that an additional 600 to 800 million cubic feet of additional pipeline capacity will be required.

The Atlantic Bridge Project is designed to provide such necessary pipeline capacity to New England. Shippers illustrated the specific need for additional pipeline capacity during the Open Seasons, and the Applicants have executed precedent agreements with local distribution companies, manufacturing companies, and a municipal utility for firm transportation service.

- (b) *Describe the origin and destination of the natural gas in the pipeline. Will the Project provide natural gas for export? Does the Project currently have applications before the Department of Energy to export gas?*⁷⁹

The Applicants are not constructing the Atlantic Bridge Project for the purpose of supporting the export of natural gas from the United States.

The Atlantic Bridge Project is being proposed to transport natural gas to meet the demand for natural gas in the Northeast U.S. markets. Specifically, as reflected in the draft Resource Reports to be submitted with the Commission in Docket No. PF15-12-000, the Applicants are proposing to construct the Atlantic Bridge Project based on commitments from the Project Shippers. The Atlantic Bridge Project Shippers are local distribution companies (“LDCs”) that have statutory, regulatory and/or contractual obligations to serve natural gas customers within their respective service areas in New England or the

⁷⁸ Transcript of Town of Glastonbury Meeting at 13, Docket No. PF15-12-000 (May 12, 2015) (“Glastonbury Meeting”); Franklin Meeting at 52; Weymouth Meeting at 31; Glastonbury Meeting at 38.

⁷⁹ Sierra Club Comments at 1; FWW Comments at 1; Yorktown Meeting at 48; Glastonbury Meeting at 14, 33, 44; Franklin Meeting at 13, 24.

Response to Comments – FERC Scoping Period

Maritime provinces of Canada or are industrial users in New England and Canada. Further, LDCs are regulated by state agencies which may restrict the businesses in which these entities participate. Algonquin and Maritimes do not have any pending applications to export natural gas nor have they entered into an agreement for Project capacity with an entity seeking to export natural gas.

(c) *Will the Project use surcharges on utility rate-payers' bills to cover the cost of the pipeline expansion?*⁸⁰

The Atlantic Bridge Project is supported by shippers who have signed long-term precedent agreements for service on the project. These shippers include four LDCs, three manufacturing companies, and a municipal utility. Charges on utility ratepayers' bills are not proposed by Applicants nor established by FERC.

B. Water Use and Quality (Resource Report 2)

1. *Will the Project affect the New York City watershed? Will increases in stormwater runoff, erosion, and sedimentation from Project construction impair downstream drinking water supply reservoirs?*⁸¹

As is further discussed in draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000, water supply to the New York City metropolitan area is provided from three primary sources: the Croton, the Catskill, and the Delaware Water Supply Systems. While the Catskill and Delaware Water Supply Systems are located approximately 50 miles north and northwest of the Atlantic Bridge Project facilities, portions of the Project facilities are located within the Croton Water Supply System. Algonquin will prepare the required Stormwater Pollution Prevention Plan ("SWPPP") for New York State Department of Environmental Conservation ("NYSDEC") and New York City Department of Environmental Protection ("NYCDEP") review and approval prior to the start of construction in this watershed area.

Potential surface water impacts and mitigation measures are further discussed in Section 2.3.7 of draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000. Additionally, this section discusses measures to minimize potential impacts to surface waters within the NYCDEP Croton Watershed System.

2. Stormwater

(a) *How will erosion and pollutants from stormwater runoff be avoided or adequately mitigated? Specifically, how will the Project prevent herbicide and*

⁸⁰ Glastonbury Meeting at 38.

⁸¹ Yorktown Town Meeting at 23. Riverkeeper Comments at 11; FWW Comments at 17.

Response to Comments – FERC Scoping Period

*phosphorus from ending up in downstream waterbodies and watersheds such as the New Croton, Amawalk, and Muscoot Reservoirs?*⁸²

The Project will be constructed in accordance with the Erosion and Sediment Control Plan (“E&SCP”) provided in Appendix 1B of draft Resource Report 1 to be filed with the Commission in Docket No. PF15-12-000. Adherence to the Erosion and Sediment Control Plan (“E&SCP”) will minimize erosion potential. Additionally, an SWPP is being developed for the Project and will be submitted for review and approval by the New York City Department of Environmental Protection.

*(b) A comprehensive evaluation of potential stormwater impacts, including an evaluation of erosion, runoff, and sedimentation of wetlands and surface waters is necessary. Will a Stormwater Pollution Prevention Plan and Erosion and Sediment Control Plan be completed?*⁸³

An SWPP will be developed with the NYCDEP to address requirements for construction within a New York City watershed. The SWPPP will be detailed and completed in compliance with the NYDEP Watershed Regulations, which are in place to protect the New York City reservoirs and water supply.

Additionally, an Atlantic Bridge Project E&SCP has been developed using the FERC’s Upland Erosion Control, Revegetation, and Maintenance Plan (the “FERC Plan”) and Wetland and Waterbody Construction and Mitigation Procedures (the “FERC Procedures”). Also reflected in the Project E&SCP is the Applicants’ significant experience and practical knowledge of pipeline construction and effective environmental protection measures. For additional discussion regarding the E&SCP, please refer to Section 3.3.1 of draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000.

*(c) Will widening the ROW result in increased herbicide use on federal, state, and county parklands along the ROW, and will such herbicides have a strong potential for ending up downstream in waterbodies and watersheds?*⁸⁴

As more fully described in draft Resource Report 3 to be filed with the Commission in Docket No. PF15-12-000, Algonquin controls vegetation on the ROW. Algonquin will not employ herbicides during ROW maintenance. However, herbicides are incorporated in the plan to treat invasive species, as detailed in Section 4.3.1 of draft Resource Report 3.

⁸² Riverkeeper Comments at 9; Yorktown Town Meeting at 23, 40; Glastonbury Meeting at 18-19; Riverkeeper Comments at 11; NYC DEP Comments at 2.

⁸³ Riverkeeper Comments at 12-13; FWW Comments at 21; Town of Yorktown Comments at 3.

⁸⁴ FWW Comments at 17.

Response to Comments – FERC Scoping Period

3. Wetlands

- (a) *Will construction of the Project degrade wetlands and waterbodies? Please include delineation of all federal, state, and locally regulated wetlands and buffers, a complete analysis of wetland functions, and an evaluation of trenchless crossing methods for each wetland crossing proposed.*⁸⁵

Please refer to Section 2.4 of draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000 for a description of the wetlands affected by the Atlantic Bridge Project, wetland construction procedures, and wetland impacts and mitigation.

Algonquin is currently preparing a detailed analysis of all wetland and stream crossings in Yorktown that demonstrates that it is not feasible to cross these wetlands and streams with trenchless technology.

- (b) *Concern that blasting, trench excavation, and disturbance of 100-foot buffer areas may degrade wetlands and waterbodies. How will this impact be mitigated?*⁸⁶

Please refer to Section 2.4.5 of draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000 for a description of wetland impacts and mitigation and restoration measures that will be employed. Section 2.3.7 of draft Resource Report 2 describes potential surface water impacts and mitigation measures. To minimize impacts at waterbody crossings during construction, the Project will be constructed in accordance with the best management practices (“BMPs”) outlined in the Atlantic Bridge Project E&SCP and with all federal and state regulations and permit requirements.

As is more fully discussed in draft Resource Report 2, Algonquin has conducted a comprehensive wetland and waterbody survey on all accessible properties in Yorktown.

- (c) *What wetlands, water bodies, and vernal pools will be located along the route of the Project? Please include their location and an assessment of their functions and values.*⁸⁷

A description of the waterbodies crossed by the Atlantic Bridge Project can be found in Section 2.3.2 of draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000. A description of wetlands affected by the project is outlined in Section 2.4.2 of draft Resource Report 2. The location of waterbodies and wetlands

⁸⁵ Yorktown Meeting at 23-24; Riverkeeper Comments at 13; EPA Comments at 3.

⁸⁶ Riverkeeper Comments at 10-11; Sierra Club Comments at 1; FWW Comments at 20; Yorktown Meeting Comments at 23-24; Riverkeeper Comments at 13; EPA Comments at 3.

⁸⁷ EPA Comments at 2.

Response to Comments – FERC Scoping Period

along the Project route is provided in Table 2B-1 and Table 2C-1 of draft Resource Report 2.

(d) *Please describe the appropriate buffer zones utilized to avoid or reduce indirect effects of construction to streams and wetlands.*⁸⁸

As described in the Atlantic Bridge E&SCP, Algonquin has located an Additional Temporary Workspace Setback (“ATWS”) a minimum of 50 feet from the edges of each wetland area, where feasible. As described in Section 2.4.5.3 of draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000, Algonquin has also prepared an SPCC Plan to address the handling of construction fuel and other materials to avoid potential impacts to water quality and wetlands.

4. *How was the Project designed and sited to avoid impacts to wetlands? What are the unavoidable impacts to wetlands? What mitigation measures will be taken to compensate for unavoidable wetland losses?*⁸⁹

Please refer to Section 2.4.5.2 of draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000. The Project is a take-up and relay, and as such Algonquin will use the existing ROW for most of the construction of the Project.

(a) *Describe impacts associated with stream crossing methods.*⁹⁰

Impacts associated with stream crossing methods are described in draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000. As is described in draft Resource Report 2, to minimize potential impacts, waterbodies, streams and rivers will be crossed as quickly and safely as possible. Algonquin has committed to use the dry crossing method to install the pipeline at waterbody crossing locations if there is perceptible flowing water at the time of construction. The dry crossing method will involve installation of a flume pipe(s) and/or dam and pump prior to trenching to divert the stream flow over the construction area and allow trenching of the stream crossing in drier conditions isolated from the stream flow.

Algonquin has and will continue to consult with federal and state permitting agencies to ensure that stream impacts are minimized to the extent feasible.

Please refer to Section 2.3.5.3 of draft Resource Report 2, to be filed with the Commission in Docket No. PF15-12-000 for a description of the dry crossing method that

⁸⁸ EPA Comments at 3.

⁸⁹ EPA Comments at 2; Town of Yorktown Comments at 3.

⁹⁰ Riverkeeper Comments at 14.

Response to Comments – FERC Scoping Period

will be used to install Atlantic Bridge Project pipeline facilities across waterbodies if there is flowing water at the time of construction.

5. Surface and Groundwater

(a) *What types of surface and ground water supplies are located along the proposed project area? Where are the surface and ground water supplies?*⁹¹

Groundwater resources located along the proposed project are described in Section 2.2 of draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000. Surface water resources located along the proposed project are described in Section 2.3 of draft Resource Report 2 to be filed in Docket No. PF15-12-000.

(b) *What is the proximity of the project to any existing or potential future groundwater and/or surface water protection areas?*⁹²

Surface water protection areas are described in Section 2.3.1 of draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000.

(c) *What are the impacts of the Project on nearby surface and ground water supplies?*⁹³

Groundwater resources located along the proposed project are described in Section 2.2 of draft Resource Report 2 to be filed in Docket No. PF15-12-000. Surface water impacts and mitigation measures are outlined in Section 2.3.7 of draft Resource Report 2 to be filed in Docket No. PF15-12-000.

(d) *What are the effects of pipeline installation, including drilling and digging into the bedrock, on groundwater?*⁹⁴

Groundwater resources located along the proposed project are described in Section 2.2 of draft Resource Report 2 to be filed in Docket No. PF15-12-000.

(e) *Please provide a map illustrating the ground water and/or surface water protection areas that the Project crosses over. What impacts can be expected on these areas? Please include the location of nearby private wells and the impacts on such wells.*⁹⁵

⁹¹ EPA Comments at 4.

⁹² *Id.*

⁹³ *Id.*

⁹⁴ FWW Comments at 18.

⁹⁵ EPA Comments at 4.

Response to Comments – FERC Scoping Period

Draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000 describes groundwater and surface water protections areas in Sections 2.2 and 2.3. In addition, figures have been provided showing the locations of major groundwater aquifer systems and public surface water supply watersheds crossed by the Project.

(f) *What are the crossing paths for all surface water features?*⁹⁶

Please refer to the SWPP that Algonquin will submit for review and approval with the NYCDEP to address requirements for construction within a New York City watershed.

(g) *Will the beneficial floodplain values identified in the Unified National Program for Floodplain Management be utilized in examining the impacts of the project?*⁹⁷

Algonquin will identify and address construction and operation of the Project facilities in all 100-year flood zone areas that area crossed by the Project in its federal and state permit applications.

(h) *What are the methods for restoration of disturbed areas from the replacement and installation of the gas line?*⁹⁸

Wetland mitigation and restoration measures are outlined in Section 2.4.5.2 of draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000.

6. Water Supply

(a) *Will Spill Prevention, Containment, and Countermeasures Plans include provisions for notification of public water suppliers in the event of a spill?*⁹⁹

Yes. Algonquin has prepared a Spill Prevention, Containment, and Countermeasures Plan (“SPCC Plan”) to address the handling of construction fuel and other materials. The SPCC Plan is included in the Atlantic Bridge Project E&SCP (see Appendix 1B of draft Resource Report 1). For a more detailed discussion of the SPCC Plan, please refer to Section 2.4.5.3 of draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000.

⁹⁶ NYC DEP Comments at 2.

⁹⁷ FWW Comments at 21.

⁹⁸ NYC DEP Comments at 2.

⁹⁹ EPA Comments at 4.

Response to Comments – FERC Scoping Period

- (b) *How will the stratified drift aquifers and the bedrock aquifers be impacted by the Project?*¹⁰⁰

Sections 2.2.1, 2.2.2, and 2.2.3 of draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000 describe the potential impacts to the various aquifers located within the Project area.

- (c) *How will the Project protect the Delaware Aqueduct from potential negative impacts?*¹⁰¹

The Delaware Aqueduct does not occur within the Atlantic Bridge Project area.

- (d) *How will the project meet state regulations for the protection of surface and ground drinking water supplies?*¹⁰²

The Applicants do not anticipate any potential concerns associated with groundwater contamination during construction and operation of the Project facilities. Should any contaminated groundwater be encountered during pipeline construction, measures will be implemented to ensure contaminated groundwater is managed in accordance with applicable regulations. The Project will meet state regulations per the preparation of site-specific information, in accordance with state regulations. The Applicants are currently utilizing existing BMPs already incorporated into the Project through the E&SCP.

- (e) *Where will municipal sewer and water main crossings be located? Provide a cross-section of details where work will be crossing municipal sewers and water main crossings.*¹⁰³

Algonquin is still evaluating whether the proposed route will cross municipal sewer or water mains.

7. Construction Impacts

- (a) *How will streams be impacted by blasting?*¹⁰⁴

Please refer to Section 2.3.5.5 of draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000.

¹⁰⁰ FWW Comments at 18.

¹⁰¹ NYC DEP Comments at 2.

¹⁰² EPA Comments at 4.

¹⁰³ Town of Yorktown Comments at 2.

¹⁰⁴ FWW Comments at 20.

Response to Comments – FERC Scoping Period

- (b) *What effect will removing large swaths of trees and forested areas have on habitat, aquifer, and recreational uses?*¹⁰⁵

Please refer to Section 2.3.5.2 of draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000 for a description of the effects of tree clearing on waterbodies. Please refer to Section 3.2.5 of draft Resource Report 3 for a description of the effects of tree clearing on fisheries. Please refer to Section 3.3.4 of draft Resource Report 3 for a description of the effects of tree clearing on wildlife.

- (c) *What are the locations and alignments of all access roads used during construction of the Project?*¹⁰⁶

To the extent feasible, existing public and private road crossings along the proposed Atlantic Bridge Project routes will be used as the primary means of accessing pipeline ROWs and aboveground facilities. Access roads for the Atlantic Bridge Project are currently under review. Additional information will be provided in the resource reports to be filed with the Commission with the certificate application.

- (d) *What portions of the pipeline construction work will involve discharging dredged or fill material in wetlands or other waters that will be subject to Section 404 of the Clean Water Act?*¹⁰⁷

Wetland and waterbody impacts and avoidance, minimization and mitigation measures are described in draft Resource Reports 2 and 3 to be filed with the Commission in Docket No. PF15-12-000.

- (e) *The CT DEEP will need to be informed of the locations and alignments of all access roads used during construction of the Project before an application is made for the Section 401 Water Quality Certification.*¹⁰⁸

Access roads for the Project are currently under review (*see* Section 1.4.3 of draft Resource Report 1 to be filed with the Commission in Docket No. PF15-12-000). Information regarding access roads will be described in Applicants' certificate application filing with the Commission and in federal and state permit applications.

8. *What amount of water will be used during the Project? What are the methods and rates of withdrawal of water? Are there any planned uses of additives?*¹⁰⁹

¹⁰⁵ Sierra Club Comments at 1.

¹⁰⁶ CT DEEP Comments at 2.

¹⁰⁷ EPA Comments at 2.

¹⁰⁸ CT DEEP Comments at 2.

Response to Comments – FERC Scoping Period

As is further described in draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000, the Project will utilize water supply by major municipal water supply systems. Please refer to Table 2.3-3 of draft Resource Report 2 for a general description of water use for hydrostatic testing for the Project.

The Project will not use additives in the hydrostatic test water.

9. *What will be the impacts to visitor experiences and recreational uses for impacted waterways?*¹¹⁰

The construction, mitigation, and restoration measures to be implemented to avoid or minimize impacts to existing land use are described in the Atlantic Bridge Project E&SCP located in Appendix 1B of Resource Report 1. The E&SCP is consistent with the FERC Plan and FERC Procedures. Mitigation measures generally are described throughout this report by affected land use categories in Section 8.2.3 of draft Resource Report 1 to be filed with the Commission in Docket No. PF15-12-000. The Applicants will strive to minimize or limit the amount, duration, and extent of construction-related impacts.

10. *When the new pipeline segments are installed, will the Project need a General Permit for the Discharge of Hydrostatic Pressure Testing Wastewaters?*¹¹¹

As indicated in Section 2.3.7.2 of draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000, Algonquin will comply with all appropriate permit requirements related to the discharge of hydrostatic test water.

11. *Will the Project have an executed MS4 Stormwater Acceptance Form?*¹¹²

As a part of the NYSDEC State Pollutant Discharge Elimination System (“SPDES”) Permit process, Algonquin will obtain the necessary MS4 Form approvals from Yorktown.

12. *Will the Project include a survey of the established benthic community in potential impacted streams?*¹¹³

No rock piles or windrows will be left after construction.

¹⁰⁹ Riverkeeper Comments at 15; Town of Yorktown Comments at 3.

¹¹⁰ FWW Comments at 20.

¹¹¹ CT DEEP Comments at 3.

¹¹² Town of Yorktown Comments at 2.

¹¹³ FWW Comments at 19.

Response to Comments – FERC Scoping Period

C. *Fish, Wildlife, and Vegetation (Resource Report 3)*

1. *How will the Project affect sensitive habitats and endangered species? How will impacts be mitigated?*¹¹⁴

Section 3.2.5 of draft Resource Report 3 to be filed with the Commission in Docket No. PF15-12-000 contains a discussion of the potential impacts on fisheries. Please refer to Section 3.3.4 of draft Resource Report 3 for a description of measures Applicants will employ to mitigate the effects of the Project on existing wildlife. Please refer to Section 3.5.2 of draft Resource Report 3 to be filed with the Commission in Docket No. PF15-12-000 for a description of the potential impacts to threatened and endangered species and habitats and proposed mitigation plans.

2. *The Project will be located in areas with endangered species in Connecticut. How will the Southeast Discharge Take-up and Relay, Oxford Compressor Station, and Salem Pike metering station affect these endangered species?*¹¹⁵

Please refer to Section 3.5.2.3 of draft Resource Report 3 to be filed with the Commission in Docket No. PF15-12-000 for a discussion of the Connecticut state-listed species identified within the Project area.

3. *How will the Project affect natural habitats and species?*¹¹⁶

The potential effects of the Project on natural habitats and species are described in Sections 3.2.5, 3.3.4, and 3.5.2 of draft Resource Report 3 to be filed with the Commission in Docket No. PF15-12-000.

4. *Have alternative routes for the Project that will impact less environmentally-sensitive land and less critical habitats been considered?*¹¹⁷

The pipelines are take-up and relay, which utilize the existing pipeline ROW to replace the 26-inch mainline within essentially the same ditch. For this reason, only minor route alternatives were considered, including a slight modification of the crossing of the Taconic Parkway to facilitate the HDD operation to avoid impacts to the road and Woodlands Legacy Fields in Yorktown.

¹¹⁴ Sierra Club Comments at 1; FWW Comments at 22-23; Glastonbury Meeting Comments at 45; Franklin Meeting Comments at 38-39; CT DEEP Comments at 2; Yorktown Meeting Comments at 51; EPA Comments at 3.

¹¹⁵ CT DEEP Comments at 2; Yorktown Meeting at 51

¹¹⁶ Franklin Meeting at 12.

¹¹⁷ FWW Comments at 24.

Response to Comments – FERC Scoping Period

5. *Will the Project employ the best available science to ensure the protection of wildlife and habitats while conducting clearance along the rights-of-way? What long-term ROW maintenance techniques be employed?*¹¹⁸

Please refer to Section 3.3.4 of draft Resource Report 3 to be filed with the Commission in Docket No. PF15-12-000 for a description of the mitigation measures and FERC Plan that Applicants will institute while clearing ROWs. The total amount of vegetation and wildlife that may be affected by the Atlantic Bridge Project is relatively minor because a significant portion of the proposed pipeline facilities will be within or adjacent to Algonquin's existing pipeline ROWs, public roadways, and other utility ROWs. This will reduce the amount of workspace needed in adjacent wooded areas.

Algonquin will use mechanical clearing methods for ROW maintenance. Herbicides may be used in a very controlled and focused manner to eradicate invasive species per the Project invasive species plan, as required by the U.S. Army Corps of Engineers ("USACE"), NYSDEC, and Connecticut Department of Energy and Environmental Protection ("CTDEEP"). Algonquin will not employ herbicides during ROW maintenance, however.

6. *Relocation of a receiver for pipeline inspection gadgets is within timber rattlesnake foraging habitat, will this create a hazard for the endangered species?*¹¹⁹

The current scope of the Atlantic Bridge Project no longer occurs within any areas identified as habitat for the timber rattlesnake.

7. *How will the Hunter Brook stream crossing damage trout and trout habitat? How will such damage be prevented?*¹²⁰

Section 2.3.5 of draft Resource Report 2 to be filed with the Commission in Docket No. PF15-12-000 details the waterbody construction techniques that will be used to cross waterbodies along the Atlantic Bridge Project. For a description of potential impacts to fisheries and mitigation measures, please refer to Section 3.2.5 of draft Resource Report 3 to be filed with the Commission in Docket No. PF15-12-000.

8. *Will the Project interfere with wildlife passage due to rock piles left after construction?*¹²¹

No rock piles or windrows will be left after construction.

¹¹⁸ FWW Comments at 22, EPA Comments at 3.

¹¹⁹ FWW Comments at 24-25; Glastonbury Meeting at 23.

¹²⁰ Town of Yorktown Comments at 3.

¹²¹ Comment of Robert Mazzawy, Docket No. PF15-12-000 (May 6, 2015).

Response to Comments – FERC Scoping Period

9. *Will the ROWs not directly over the pipeline be left in or restored to a pre-construction vegetative regime?*¹²²

As described in Section 3.4.5.1 of draft Resource Report 3 to be filed with the Commission in Docket No. PF15-12-000, following construction, the entire ROW will be restored. Please also refer to Algonquin's E&SCP, which Algonquin will follow to minimize erosion of disturbed soils and transportation of sediments off the ROW and into adjacent water bodies.

10. *Please clarify the land uses for the additional amount of temporary and permanent ROWs being requested.*¹²³

Table 8A-1 of draft Resource Report 8 to be filed with the Commission in Docket No. PF15-12-000 identifies the land use types affected by construction and operation of the Project pipeline facilities, including land use for both temporary and permanent ROWs.

11. *How many trees will be removed for the Project?*¹²⁴

Applicants will assess the specific tree removal impacts in accordance with individual landowner easement agreements.

12. *What pipelines are currently installed in relation to the proposed expansion project?*¹²⁵

Please refer to Section 8.1 of draft Resource Report 8 to be filed with the Commission in Docket No. PF15-12-000.

13. *Do any wetlands along the pipeline route support rare and exemplary natural communities? If so, what specific mitigation measures will be employed to ensure that such communities are protected?*¹²⁶

There are no wetlands that support documented rare or exemplary natural communities within the Project area. Please refer to Section 3.3.1 of draft Resource Report 3 to be filed with the Commission in Docket No. PF15-12-000, for a description of the existing wildlife resources in affected wetlands, Section 3.3.4 of draft Resource Report 3 for a description of specific mitigation measures employed to protect affected wildlife, and Section 3.5.2 of draft Resource Report 3 for a description of potential impacts to threatened and endangered species and proposed mitigation measures.

¹²² CT DEEP Comments at 2.

¹²³ FWW Comments at 21

¹²⁴ Town of Yorktown Comments at 3.

¹²⁵ Sierra Club Comments at 1.

¹²⁶ EPA Comments at 3.

Response to Comments – FERC Scoping Period

D. Cultural Resources (Resource Report 4)

1. *Will the Stockbridge-Munsee Tribal Historic Preservation Office be notified of activity related to the Upstream Ramapo Take-Up and Relay in Rockland County, NY and the Stony Point Discharge Take-Up and Relay in Westchester County, NY?*¹²⁷

The Upstream Ramapo Take-Up and Relay in Rockland County, NY is no longer included in the Project scope. Native American Tribal Communications are described in to Section 4.3.3 of draft Resource Report 4 to be filed with the Commission in Docket No. PF15-12-000.

E. Socioeconomics (Resource Report 5)

1. *Will all environmental justice issues be considered, including the fair treatment of people of all races, cultures, and incomes with respect to the development, implementation, and enforcement of environmental laws and policies, and their meaningful involvement in the decision-making process of the government? Will the Council on Environmental Quality's Environmental Justice Guidance be considered?*¹²⁸

Please refer to Sections 5.2.7 and 5.3.10 of draft Resource Report 5 to be filed with the Commission in Docket No. PF15-12-000 for specific information regarding potential Environmental Justice impacts.

2. *Will roadways be degraded by construction vehicles? How will municipal roads be protected, maintained, and restored? If road reconstruction is necessary, what will the effect be on local tax bases?*¹²⁹

Potential impacts to local roadways from construction vehicles are addressed in Section 5.3.8 of draft Resource Report 5 to be filed with the Commission in Docket No. PF15-12-000. As reflected in Section 5.3.8.1, should any damage to roadways be caused by heavy construction equipment used during construction of the Project, Algonquin will assess the situation and will repair the roadways as necessary at its own expense. Accordingly, there should be no impact on tax bases.

3. *How will the Project affect homeowners' property values and insurance costs?*¹³⁰

¹²⁷ Comment of the Stockbridge-Munsee Tribal Historic Preservation Office, Docket No. PF15-12-000 (Apr. 23, 2015).

¹²⁸ EPA Comments at 9.

¹²⁹ FWW Comments at 25; Town of Yorktown Comments at 3.

¹³⁰ Sierra Club Comments at 1.

Response to Comments – FERC Scoping Period

As reflected in Section 5.3.9 of draft Resource Report 5 to be filed with the Commission in Docket No. PF15-12-000, available studies support the conclusion that construction and operation of the Project is not expected to negatively impact on property values.

In addition, the Commission Staff has previously stated that “[r]egarding the potential for insurance premium adjustments associated with pipeline proximity, insurance advisors consulted on other natural gas projects reviewed by the FERC indicated that pipeline infrastructure does not affect homeowner insurance rates (FERC, 2008). See Section 4.9.8 of the FEIS issued in Docket No. CP14-96-000.

F. Geological Resources (Resource Report 6)

1. *How will geological formations and resources be impacted by construction activities and the expansion of the rights-of-way?*¹³¹

The geologic setting of the Project, and the potential impacts to geological resources as a result of construction of the Project and expansion of the rights-of-way are addressed in draft Resource Report 6 to be filed with the Commission in Docket No. PF15-12-000. The proposed Project involves no greenfield pipeline construction and approximately 6.3 miles of take-up and relay of existing pipeline, which will require relatively shallow excavation within or adjacent to existing easements and corridors including Algonquin’s pipeline ROWs and public roadways. Accordingly, with the implementation appropriate mitigation measures, as necessary, the Project is not expected to have significant impact on geologic resources.

2. *What is the blasting plan and location of potential blasting and rock removal? How will blasting impact the existing gas line’s integrity, the Croton Falls Dam, and the Diverting Dam?*¹³²

The potential for the use of blasting for rock removal as part of the Atlantic Bridge Project construction is addressed in Section 1.5.1.4 of draft Resource Report 1, Section 6.3 of draft Resource Report 6 and the Rock Removal Plan in draft Appendix 6B, to be filed with the Commission in Docket No. PF15-12-000. If blasting is required for the Project, it would be conducted in accordance with Algonquin’s Rock Removal Plan and in compliance with all federal, state, and local regulations for blasting, including applicable regulations that apply to blasting and blast vibration limits with regard to structures and underground utilities.

¹³¹ FWW Comments at 12-13.

¹³² NYC DEP Comments at 2; Town of Yorktown Comments at 2.

Response to Comments – FERC Scoping Period

G. *Soils (Resource Report 7)*

1. *Please delineate and map all hydric soils and slopes over 15%.¹³³*

A tabular summary of relevant characteristics of the soils encountered by the Project is provided in Appendix 7B, Table 7B-1 of draft Resource Report 7, to be filed with the Commission in Docket No. PF15-12-000. This includes information on specific soil characteristics on the Project including: map unit name and milepost (“MP”) crossed, and the drainage class; hydric soil classification; compaction potential; Prime Farmland designation; wind erosion group; water erosion factor (K value), slope class; and approximate average depth to bedrock corresponding to that soil map unit.

H. *Land Use, Recreation, and Aesthetics (Resource Report 8)*

1. *What will be the traffic routing plan? What type of construction will be utilized at each road crossing?¹³⁴*

Where open trench techniques are used, appropriate traffic control measures will be implemented to maintain traffic flow, and the roadway will be returned to preconstruction conditions. Algonquin will also adhere to all applicable road opening permit requirements to help ensure maintenance of traffic flow and safe driving conditions. See Section 1.5 of draft Resource Report 1 to be filed with the Commission in Docket No. PF15-12-000 for more detailed information on construction and mitigation techniques associated with road crossings and traffic management. Applicants are preparing and will file a Traffic Management Plan with FERC.

2. *What impact will occur to farmlands and food supplies?¹³⁵*

The proposed Project scope no longer includes facilities in Glastonbury. The Atlantic Bridge Project does not cross any other agricultural lands.

3. *How will viewsheds be impacted? What significant vistas may be impacted? What are the dominant elements of the current viewsheds? How would each alternative impact that viewshed or vista?¹³⁶*

Please refer to Section 8.6 of draft Resource Report 8 to be filed with the Commission in Docket No. PF15-12-000. Except for select aboveground facilities, the proposed pipeline for the Project will be located entirely underground. Therefore, other than the maintained

¹³³ Town of Yorktown Comments at 3.

¹³⁴ Town of Yorktown Comments at 3.

¹³⁵ Glastonbury Meeting Comments at 45.

¹³⁶ FWW Comments at 14-15.

Response to Comments – FERC Scoping Period

ROW, the pipelines will have no visual impact once constructed. The pipeline ROW will be maintained in a cleared condition and is located within or adjacent to Algonquin's existing mainline pipeline ROW. Thus, the proposed pipeline ROW will be consistent with existing conditions and have minimal visual impact for the majority of the route. Any and all other screening issues will be discussed during negotiations with individual property owners.

During construction, viewsheds will be temporarily affected where some additional tree clearing is needed for temporary workspace areas. These areas will be allowed to restore naturally in upland areas. Forested wetland areas in New York that are cleared will be replanted pursuant to mitigation requirements.

4. Recreational Uses

(a) *How will the proposed construction impact Legacy Fields, Solomon Park, and Taconic Parkway? Will there be a contingency plan if horizontal drilling is not feasible at Legacy Fields and Taconic Parkway?*¹³⁷

Please refer to Section 8.4.2 of draft Resource Report 8 to be filed with the Commission in Docket No. PF15-12-000. Impacts to Legacy Fields will be largely avoided because of the Taconic HDD. There will be temporary construction impacts at Willow Park including impacts to the pond; however, this area is largely open lawn which will quickly restore.

(b) *Identify recreational areas and improvements within 200 feet of the proposed limits of disturbance. Provide documentation of the pre-construction conditions of all improvements within 50 feet of the proposed limits of disturbance? What mitigation measures will be put in place for all improvements within 50 feet of the limits of disturbance?*¹³⁸

In accordance with the requirements of 18 C.F.R. § 380.12(j), draft Resource Report 8 to be filed with the Commission in Docket No. PF15-12-000, identifies recreational areas and improvements in the Project area. Specifically, Section 8.4, and Table 8G-1 and Figure 8.4-1 located in Appendix 8G, identify public and private recreational lands and other designated areas within 0.25 mile of the Project. In addition, Section 8.3 of draft Resource Report 8 identifies structures located within 50 feet of the proposed pipeline construction ROWs. Mitigation measures are addressed in Section 8.3.3.

¹³⁷ Town of Yorktown Comments at 1-2.

¹³⁸ *Id.* at 2.

Response to Comments – FERC Scoping Period

- (c) *What is the restoration plan for all impacted recreational lands, special interests lands, and trails?*¹³⁹

Applicants' draft Resource Report 8 to be filed with the Commission in Docket No. PF15-12-000, describes Project land requirements, identifies existing land use conditions in the Project area, addresses potential land use impacts associated with construction and operation of the Project, and discusses ways in which Applicants will help ensure that any such impacts are minimized. Section 8.2.3.7 states that "all impacted areas categorized as special land uses, recreational areas (including private), and other designated areas will be restored to their current conditions to the extent possible in accordance with the Atlantic Bridge Project E&SCP (Resource Report 1, Appendix 1B) and any specific requirements identified by federal or state agencies, counties, and municipalities with regulatory jurisdiction over, or interest in, these lands." In addition, Section 1.5.1.1 of draft Resource Report 1, to be filed with the Commission in Docket No. PF15-12-000, describes the restoration techniques to be used by Applicants.

- (d) *What are the existing drainage issues at Solomon Farm and Curry Street Field properties? What measures will be taken to prevent exacerbation of such conditions?*¹⁴⁰

The area will be evaluated both pre-construction and post-construction of the Project. Any applicable structures, as identified in the Project E&S Plan, will be installed and constrained to the approved construction work space limits.

5. *Concerns with the pipeline being near homes and businesses.*

Please refer to Section 8.3.3 of draft Resource Report 8 to be filed with the Commission in Docket No. PF15-12-000. For the residences within 50 feet of the construction workspace, Algonquin has developed Residential Construction Plans to show each residence in relation to the new pipeline, the edge of the construction work area, the edge of existing or new permanent ROW, and other nearby residences, structures, and roads.

The USDOT mandates the design of any pipeline based on Class Locations (e.g., Class 1, 2, 3, and 4) depending on the types of structures and human occupancy close to the pipeline. As discussed in draft Resource Report 11 – Reliability and Safety, the overall design for the pipeline will meet or, in most areas, exceed USDOT requirements.

6. *What temporary work spaces and permanent takings will be required for the Project? Please identify the location of construction ware yards and above-ground structures.*¹⁴¹

¹³⁹ *Id.* at 2.

¹⁴⁰ Town of Yorktown Comments at 2.

Response to Comments – FERC Scoping Period

Please refer to Section 8.2.1.3 of draft Resource Report 8, to be filed with the Commission in Docket No. PF15-12-000. Additional temporary workspace (“ATWS”) will be required in site-specific locations for the safe construction of the pipeline facilities. Site-specific locations can include areas needed for road crossings, parking areas, wetland and waterbody crossings, and topsoil segregation. ATWS areas required for the Atlantic Bridge Project are listed in Table 8C-1 and are shown on Figure 8.2-3 as well as on the Project Alignment Sheets provided in Appendix 1A of draft Resource Report 1.

Pipe yards and contractor yards for the Atlantic Bridge Project are currently under review. Additional information will be provided in the resource reports to be filed with the FERC with the certificate application.

7. *How will the Project impact natural areas and lands in the public trust?*¹⁴²

Section 8.4 of draft Resource Report 8 to be filed with the Commission in Docket No. PF15-12-000 describes the public land, recreational areas, and other specially-designated areas at the federal, state, and local level in the vicinity of the Project area. This section also discusses Algonquin’s intention to minimize construction and operational impacts on the aforementioned lands.

I. Air and Noise Quality (Resource Report 9)

1. *What are the limits on air emissions?*

Air emissions from operation of the Project will comply with all applicable federal and state air quality regulations. These regulations include comprehensive permitting requirements for the proposed compressor stations and restrictions on the emission of air pollutants. Air emissions are limited in two basic ways: through limits on the amount of air pollutants that can be emitted directly from an emission source, and limits on the effect of those emissions on ambient air quality (the air we breathe). First, the U.S. Environmental Protection Agency (“USEPA”) promulgates New Source Performance Standards (“NSPS”) for the criteria air pollutants emitted directly from combustion sources such as the proposed new compressor turbines and emergency generators, as well as other sources of air pollutants. Similarly, USEPA establishes National Emissions Standards for Hazardous Air Pollutants (“NESHAP”). Both the NSPS and NESHAP are designed to achieve increasingly more stringent limits over time on new emissions sources that go into operation. Lastly, as part of the comprehensive permitting requirements, the compressor stations will be required to meet state Best Available Control Technology (“BACT”).

¹⁴¹ Yorktown Meeting at 1.

¹⁴² FWW Comments at 9.

Response to Comments – FERC Scoping Period

The compressor stations will be designed to meet applicable NSPS, NESHAP, and state BACT programs in order to obtain and comply with the required air emissions permits. Mitigation measures proposed to minimize air quality impacts include the use of clean burning natural gas as the fuel for all combustion devices and use of Solar Manufacturing's patented low-NO_x combustion technology on the turbines. This technology incorporates low nitrogen oxides ("NO_x") combustors to limit emissions of NO_x and also limits emissions of carbon monoxide ("CO") and other pollutants. The new turbines will also be equipped with oxidation catalysts to further reduce CO, volatile organic compound ("VOC"), and hazardous air pollutant ("HAP") emissions.

Air emissions are also limited through the establishment of National Ambient Air Quality Standards ("NAAQS") and State Ambient Air Quality Standards ("SAAQS"). Ambient air quality monitoring to determine compliance with NAAQS and SAAQS is conducted primarily by the states, although USEPA and individual sources of air emissions can also conduct air quality monitoring. An air quality analysis to demonstrate compliance with the NAAQS and SAAQS for certain pollutants will be included in the state air permit applications for each compressor station. In addition, supplemental air quality analyses will be provided to demonstrate compliance with all other ambient air quality standards for criteria pollutants not included in the state air permit applications. The state air permit applications and supplemental air quality analyses will be provided in Appendix 9A and Appendix 9D, respectively, of the final version of Resource Report 9 to be filed with the certificate application for the Project.

The USEPA and states are responsible for enforcing air emissions standards and regulations, and determining the appropriate enforcement action should a violation of a standard occur. A source of air emissions that is found to cause or substantially contribute to a violation of an ambient air quality standard can be subject to enforcement action or required to reduce emissions as a condition of its air emission permit. A complete listing of the NAAQS and SAAQS, a summary of ambient air monitoring data that has been collected in the Project vicinity, the status of compliance with ambient air quality standards, and a summary of relevant air quality and permitting requirements is provided in Sections 9.2.3 through 9.2.4 of draft Resource Report 9.

2. *Concerns with fugitive emissions. How will vented gases impact the environment and public health? List the other caustic chemicals in the gas and include the emissions rates and risks of exposure.*¹⁴³

Venting of natural gas occurs on a planned basis in order to conduct preventive maintenance checks and to complete needed maintenance on the pipeline system. Venting of gas is minimized by a comprehensive preventive maintenance program to

¹⁴³ FWW Comments at 13; Yorktown Meeting at 18; Weymouth Meeting at 26; FWW Comments at 5; Sierra Club Comments at 1; Yorktown Meeting at 37.

Response to Comments – FERC Scoping Period

reduce the number of repairs that require the venting of the gas, to stop leakage before it occurs, and to locate and repair leaks as quickly as possible. These maintenance releases are carefully managed to minimize the amount of each release. Emissions from operation of the Project facilities, including vented gas, are described in Section 9.2.5 of draft Resource Report 9 to be filed with the Commission in Docket No. PF15-12-000.

Pipeline quality natural gas has the same chemical characteristics as the gas used for cooking and heating across the country. The health risk associated with natural gas is that it is an asphyxiant. In other words, if the concentration of natural gas builds up sufficiently in an enclosed space, it will displace oxygen and can cause suffocation. This will not happen in the outdoor (ambient) air during the infrequent occasions when gas must be vented to the atmosphere.

3. *How will the Project contribute to climate change?*¹⁴⁴

The increased use of natural gas over other more polluting fuels is an important component of federal and state strategies to reduce the greenhouse gas (“GHG”) emissions that contribute to climate change. As discussed in response 2 above, Spectra Energy strives to reduce methane emissions and conserve marketable methane through safe, reliable, and efficient operations, and is committed to continuously improving the way it manages emissions from its facilities. The emission of methane and other GHGs will be minimized by implementing at all Algonquin Project facilities the preventive maintenance program that is used throughout Spectra Energy’s existing gas transmission system to identify and prevent leaks, repair quickly any leaks that are found, and reduce the frequency and extent of unscheduled maintenance requiring evacuation of the gas from aboveground facilities and/or portions of the pipeline (“blowdowns”). Designing the pipeline and above ground facilities to minimize the amount and frequency of natural gas venting and leakage will reduce the impact of the Project on climate change to the extent feasible.

(a) *FERC should utilize the draft guidance for GHG emissions from the Council on Environmental Quality in December 2014 to outline the framework to analyze issues of climate change.*¹⁴⁵

With respect to potential GHG emissions and climate change, EPA’s June 11, 2015, scoping comment letter essentially tracks the approach outlined in the recent draft guidance document published by the Council on Environmental Quality (“CEQ”) titled “Revised Draft Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews,” 79 Fed. Reg. 77,802 (December 24, 2014) (the “Revised Draft Guidance”). The Revised

¹⁴⁴ FWW Comments at 4; Sierra Club Comments at 1; Glastonbury Meeting at 16; EPA Comments at 4.

¹⁴⁵ EPA Comments at 4.

Response to Comments – FERC Scoping Period

Draft Guidance, however, has not yet been finalized, and conflicts with current CEQ regulations and longstanding Supreme Court case law requiring proximate causation for environmental impacts under NEPA.

NEPA requires proximate causation between the federal agency action under review and any alleged direct or indirect impacts. Section 102(2)(C) of NEPA requires federal agencies to consider “the environmental *impact* of the proposed action . . . including any adverse environmental *effects* which cannot be avoided should the proposal be implemented.” 42 U.S.C. 4332(2)(C) (emphasis added). *See also* 40 C.F.R. 1502.16 (NEPA requires consideration of “the environmental *impacts* of the alternatives including the proposed action [and] any adverse environmental *effects* which cannot be avoided should the proposal be implemented.”) (emphasis added). CEQ regulations define “direct effects” as those “which are *caused by the action* and occur at the same time and place,” and “indirect effects as those “which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.” 40 C.F.R. 1508.8 (emphasis added).

Thus, only those impacts caused by the federal agency action under review require consideration in a NEPA document as a direct or indirect impact. The Supreme Court has held,

Our understanding of the congressional concerns that led to the enactment of NEPA suggests that the terms “environmental effect” and “environmental impact” in Section 102 be read to include a requirement of a reasonably close causal relationship between a change in the physical environment and the effect at issue. This requirement is like the familiar doctrine of proximate cause from tort law.

Metropolitan Edison Co. v. People Against Nuclear Energy (“PANE”), 460 U.S. 766, 774 (1983). *See also Dep’t of Trans. V. Public Citizen*, 541 U.S. 752 (2004) (citing PANE).

Current science cannot establish a causal link between emissions of GHGs from any particular action and specific impacts to the environment. CEQ conceded in the preamble to the Revised Draft Guidance, as it must, that “climate impacts *are not attributable to any single action*, but are exacerbated by a series of smaller decisions, including decisions made by the government.” 79 Fed. Reg. 77825 (emphasis added). Likewise, EPA acknowledges in its comment letter, at p. 5, “that climate impacts are not attributable to any single action” – that is, they are not caused by any single action. As a result, climate change impacts can never be either direct or indirect impacts of any particular federal action, and NEPA does not require that they be analyzed as such.

Response to Comments – FERC Scoping Period

EPA's suggested "emissions proxy" approach, comment letter at p. 5, which likewise is based on the Revised Draft Guidance, ignores NEPA's requirement of proximate causation. Moreover, EPA's comments conflate GHG *emissions* with environmental effects. NEPA requires consideration of environmental *effects* or *impacts*, not emissions. Emissions of GHGs are not in and of themselves an environmental effect. As a result, information relating to a federal action's emissions of GHGs will never be "essential to a reasoned choice among alternatives" in the context of NEPA, *see* 40 C.F.R. 1502.22, because varying levels of emissions cannot be equated to different environmental impacts.¹⁴⁶ As FERC noted in its February 23, 2015, comments on the Revised Draft Guidance, at p. 2, "any potential climate effects of end use emissions [are] so highly attenuated and speculative as to preclude meaningful analysis that would aid the Commission's decision-making process."

The state of the science is that no individual project proximately causes climate change impacts. As CEQ conceded in the preamble to the Revised Draft Guidance, and EPA alludes to in its comment letter, at p. 5, those impacts are caused by cumulative global emissions of GHGs. Thus, consistent with existing CEQ regulations and longstanding NEPA case law, climate change can only be evaluated meaningfully under NEPA as a cumulative impact. A "cumulative impact" is defined under the CEQ regulations as:

the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

40 C.F.R. 1508.7. Global climate change fits squarely within the CEQ's definition of a cumulative impact. As a result, FERC and virtually all other federal agencies have historically analyzed, and currently are analyzing, climate change as a cumulative impact under NEPA. This is the only rational way to do so.

¹⁴⁶ The concept of mitigating climate change impacts on an individual project-level scale is illogical, and NEPA does not require its consideration. If the largest GHG-emitting project causes climate change impacts that are so insignificant that they cannot be measured on an individual scale, considering alternatives to mitigate those already insignificant impacts is even more meaningless. As a result, choosing among alternatives with insignificant differences in GHG *emissions* on a relative scale is likewise never "essential to a reasoned choice among alternatives," *see* 40 CFR Section 1502.22, because there is no meaningful difference in the climate change *impacts* caused by varying emissions of any particular federal action. As a result, notwithstanding EPA's comments to the contrary, it is not the kind of significant issue affecting an agency's decision that requires consideration under NEPA.

Response to Comments – FERC Scoping Period

Climate change is a global phenomenon. It is not caused by any individual action, but is the result of individually insignificant but cumulatively significant emissions. A ton of GHG emitted anywhere in the world has the same impact. The consequence is that the climate change impact, if any, from an emitting source is no more than its ratio to total global emissions. Federal agencies include this kind of analysis in NEPA documents, and have done so for decades, because it is the *only* way to analyze climate change impacts in a meaningful way under NEPA – as part of the global contribution to GHG emissions. EPA’s suggestions to the contrary in its comment letter conflict with decades of NEPA practice and case law.

(b) *Discuss GHG emissions. Quantify the GHG emissions that are projected to occur from the Project. These should include methane gas leaks and emissions along the pipeline and at aboveground facilities including compressor stations, meter and regulating stations and valves.*¹⁴⁷

As discussed in response 2 above, preliminary calculations of the GHG emissions from operation of the Project facilities, including vented gas, are described and quantified in Section 9.2.5 of draft Resource Report 9 to be filed with the Commission in Docket No. PF15-12-000. The state air permit applications will be appended to the final version of Resource Report 9. Applicants will estimate construction-related emissions of criteria pollutants and GHGs for the Project in the final version of Resource Report 9 that will be included in the certificate application for the Atlantic Bridge Project.

(c) *Will the Commission consider Massachusetts’ Global Warming Solutions Act in its environmental review?*¹⁴⁸

The Project will be designed, constructed and operated in compliance with applicable state laws. Although the Massachusetts Global Warming Solutions Act (“the Act”) is not an applicable state law (it imposes requirements on government officials, not private actors), the Project is nevertheless completely consistent with and will advance the goals of the Act. Specifically, the Act requires the Secretary of Energy and Environmental Affairs (“EEA”) to create a plan for reducing statewide GHGs by between 10 percent and 25 percent below the 1990 emissions level by 2020. On December 29, 2010, EEA released the Massachusetts Clean Energy and Climate Plan for 2020 (“CECP”) which sets forth various goals to reduce GHGs by sector (i.e., advanced building energy codes, tree retention and planting, expanded renewable portfolio standard for the energy sector, clean car consumer incentives, etc.). None of the CECP, the Act, or any action taken thereunder to date sets forth a specific law or regulation with which the Project must comply. However, the CECP expressly acknowledges that increased reliance on natural gas has been and will continue to be a key factor in achieving the CECP goals:

¹⁴⁷ FWW Comments at 16.

¹⁴⁸ FWW Comments at 4.

Response to Comments – FERC Scoping Period

- The CECP points out that USEPA efforts to propose and implement more stringent emissions regulations for power plants will likely lead to the displacement of two older coal-fired power plants by natural gas-fired power plants, a shift that would result in a 1.2 million metric ton reduction in CO₂ emissions in 2020.
- “From 2005 to 2009, the electricity portfolio serving Massachusetts became nearly 20 percent cleaner. The major changes came from substitution of natural gas for coal and oil”
- The CECP notes that “to limit the GHG emissions from vehicle fuel, it is necessary to find alternatives to gasoline and petroleum-based diesel fuel, such as bio-diesel, ethanol, natural gas, and electricity.”

(d) *How will construction vehicle emissions impact climate change?*¹⁴⁹

Applicants will estimate construction-related emissions of criteria pollutants and GHGs for the Project. Section 9.2.5 and Appendix 9E in the final version of Resource Report 9 to be filed with the certificate application for the Project will provide a summary of estimated emissions from construction activities.

4. *Discuss General Conformity.*¹⁵⁰

Section 9.2.4 of draft Resource Report 9 to be filed with the Commission in Docket No. PF15-12-000 includes a comprehensive discussion and analysis of General Conformity requirements, as applicable to the Project. The final analysis will be included as Appendix 9B in the final version of Resource Report 9 included as part of the certificate application for the Atlantic Bridge Project.

5. *The Project should reduce potential emissions from diesel engines. Will the Northeast Diesel Collaborative measures be considered during construction and described in the EA?*¹⁵¹

As reflected in Section 9.2.5.1 of draft Resource Report 9 to be filed with the Commission in Docket No. PF15-12-000, “Algonquin will make best efforts to use ultra-low sulfur diesel in construction equipment and utilize non-road engines either retrofitted with best available technology or certified to meet USEPA’s Tier IV Exhaust Emissions Standards without the need for additional retrofitting.”

¹⁴⁹ Franklin Meeting at 16; FWW Comments at 16.

¹⁵⁰ EPA Comments at 6.

¹⁵¹ EPA Comments at 9.

Response to Comments – FERC Scoping Period

To the extent applicable, Algonquin will consider the Northeast Diesel Collaborative measures in the final Resource Reports to be submitted as part of the certificate application or a supplemental filing with the Commission.

6. *Will Spectra notify the public about routine blowdowns in advance? Will Spectra notify the public as soon as possible after unplanned blowdowns?*¹⁵²

Blowdowns are the venting of natural gas from pipeline and related facilities usually in preparation for pipeline maintenance activities. A planned blowdown is for a scheduled maintenance activity at a compressor station, and is usually scheduled in the morning. Planned maintenance blowdowns pass through an on-site silencer rated at 55 decibels. An unplanned blowdown occurs at a compressor station when an automated station operating system detects an abnormal condition and engages the designed safety features of the facility. Unplanned blowdowns are rare. In either case, the process includes evacuating the pressurized gas within the piping being isolated, normally in less than three minutes, and produces emissions that are comparable to other industrial and commercial uses.

Algonquin provides notifications in advance of planned blowdowns and after unplanned blowdowns as necessary to the applicable local police and emergency responder personnel in proximity to its other compressor stations.

7. *What are the potential environmental impacts of radon in natural gas that may flow through the pipeline? What studies have been done in this regard during the past 10 years? What measures will be implemented to mitigate any radon risks?*¹⁵³

A detailed discussion of radon in natural gas, including a summary of studies on the concentration of radon in natural gas and the risk of exposure is described in Section 9.2.5 of draft Resource Report 9 to be filed with the Commission in Docket No. PF15-12-000.

8. Noise

- (a) *During construction, what kind of noise can the public expect?*¹⁵⁴

A detailed discussion of the effects on noise quality is described in Section 9.3 of draft Resource Report 9 to be filed with the Commission in Docket No. PF15-12-000. The construction and operation of the Project facilities will comply with FERC noise guidelines.

¹⁵² Sierra Club Comments at 1.

¹⁵³ Sierra Club Comments at 1; Glastonbury Meeting at 35; Yorktown Meeting at 13.

¹⁵⁴ FWW Comments at 5; Franklin Meeting Comments at 17.

Response to Comments – FERC Scoping Period

Pipeline construction activity (i.e., construction noise levels during the installation of new and replacement pipeline) will vary depending on the phase of construction in progress at any one time. These construction phases include site grading, clearing/grubbing, building construction, etc. The highest level of construction noise is assumed to occur during earth work along the pipeline construction route, noting that the pipeline construction will be primarily limited to daytime hours.

(b) *What type of noise abating measures will be implemented to reduce noise impacts?*¹⁵⁵

A description of the noise mitigation measures can be found in Section 9.3.5 of draft Resource Report 9, to be filed with the Commission in Docket No. PF15-12-000.

For existing facilities that will receive modifications related to the Project (i.e., compressor stations and meter stations) and any new facilities for the Project (i.e., new meter stations and new mainline regulators), adequate noise mitigation measures will be employed to insure that FERC sound requirement(s) are achieved and state/local noise regulations are addressed. The type of specific noise abating measures depends on the results of the noise analysis study for each Project facility requiring noise mitigation measures to reduce the noise impact of the facility. In general, noise abating measures includes acoustically-designed buildings, adequate muffling and installation of “low-noise” equipment.

J. Alternatives (Resource Report 10)

1. *Assess an alternative location for the pipeline segment near Baldwin Place and Somers, New York as well as Compton, RI.*¹⁵⁶

Route alternatives are addressed in draft Resource Report 10 to be filed with the Commission in Docket No. PF15-12-000.

2. *Conduct a full assessment of route alternatives to address unavoidable impacts to wetlands.*¹⁵⁷

The Atlantic Bridge Project consists of the take-up and relay of existing Algonquin pipeline facilities. Given that all of the take-up and relay pipeline will overlap with these existing Algonquin ROWs, no specific route alternatives are needed or contemplated for

¹⁵⁵ FWW Comments at 15; Franklin Meeting at 17.

¹⁵⁶ Comment of John Sullivan, Docket No. PF15-12-000 (Mar. 12, 2015); Comment of Gomez, Docket No. PF15-12-000 (Mar. 25, 2015).

¹⁵⁷ EPA Comments at 2, Town of Yorktown Comments at 3.

Response to Comments – FERC Scoping Period

the Project to avoid wetlands. Refer to Resource Report 2 for additional information on construction methods in wetlands to minimize impacts.

3. *Consider safer alternatives to the Project, including rail transportation.*¹⁵⁸

Reasonable alternatives to the Project are considered and evaluated in draft Resource Report 10 to be filed with the Commission in Docket No. PF15-12-000. Even assuming rail transportation could be a reasonable alternative to meet the purpose and need of the Project, available data shows that natural gas transmission pipelines continue to be a safe, reliable means of energy transportation. From 1991 to 2010, there were an average of 57 significant incidents and 2 fatalities per year. The number of significant incidents over the more than 300,000 miles of natural gas transmission lines indicates the risk is low for an incident at any given location.

4. *Relocate pipeline on side of existing easement in Little Compton, IR.*¹⁵⁹

The G-2 System Loop proposed in Rhode Island is no longer part of the Atlantic Bridge Project.

5. *What are the energy impacts of the Project? Have energy alternatives been considered?*¹⁶⁰

The Project will utilize energy in the construction, operation and maintenance of the Project. Notwithstanding such energy use, the Project is necessary to meet the needs of the Project shippers. Energy alternatives to the Project have been considered and are evaluated in Section 10.4 of draft Resource Report 10 to be filed with the Commission in Docket No. PF15-12-000.

K. Reliability and Safety (Resource Report 11)

1. *What is Spectra's safety record?*¹⁶¹

Spectra Energy's U.S. pipelines have a very good safety record. For more information on the pipeline industry's and Spectra Energy's incident data, please see Section 4.12.2 of the FEIS issued in Docket No. CP14-96-000. As reflected in that data, Spectra Energy's reportable incident and leak rates are significantly lower than the industry averages.

¹⁵⁸ Comment of Dan Daley, Docket No. PF15-12-000 (May 15, 2015).

¹⁵⁹ Comment of Gomez, Docket No. PF15-12-000 (Mar. 25, 2015).

¹⁶⁰ FWW Comments at 26.

¹⁶¹ Massachusetts Siting Board Comments at 10.

Response to Comments – FERC Scoping Period

2. *What are the consequences of an explosion of the pipeline to the public and infrastructure?*¹⁶²

There is always a certain level of inherent risks associated with our daily activities as a society. Similarly, the transportation of natural gas via the pipeline also involves some degree of risk to the public in the event of an accident and subsequent release of gas.

The greatest hazard is a fire or explosion following a major pipeline rupture. However, it is very important to examine the probabilistic level of risks for pipeline-related events. According to the Pipeline and Hazardous Materials Safety Administration (“PHMSA”), there are 2.6 million miles of pipelines that cross the United States and those pipelines offer the safest and most cost-efficient way to transport hazardous materials. While the traditional measures of risk (population, energy consumption, pipeline ton-miles) have steadily increased over the past two decades, the risk of pipeline incidents with death or major injury have decreased by about 10 percent every 3 years and the risks of hazardous liquid pipeline spills that have environmental consequences have decreased by an average of 5 percent per year. As presented in other sections in this document, with the multiple layers of safeguards built into the design, construction and operation of the Project pipeline, the probability for any failures is de minimis.

3. *Assess the terrorist risk of this Project.*¹⁶³

Section 11.5.2 of draft Resource Report 11 to be filed with the Commission in Docket No. PF15-12-000 describes Applicants’ consultation with the U.S. Department of Homeland Security (“DHS”) and other activities Applicants undertake to ensure pipeline security. Risk of terrorism and cyber security threats with respect to Applicants’ systems are also discussed in Sections 4.12.1 and 4.12.4 of the FEIS issued in Docket No. CP14-96-000.

4. *Describe the age of the current pipeline and the maintenance of current and future pipelines.*¹⁶⁴

As discussed in Section 11.5 of draft Resource Report 11 to be filed with the Commission in Docket No. PF15-12-000, Algonquin operates and maintains its pipeline facilities in accordance with 49 CFR Part 192. Draft Resource Report 11 also discusses Algonquin’s Integrity Management Plan. *See* Section 11.6. The Algonquin pipeline was originally constructed in 1953 and has been modified from time to time, as authorized by the Commission or its predecessor. Exhibit T to the certificate application will identify the

¹⁶² FWW Comments at 10

¹⁶³ Sierra Club Comments at 1.

¹⁶⁴ *Id.*

Response to Comments – FERC Scoping Period

docket numbers of the prior proceedings in which the pipelines to be abandoned were certificated.

5. *What precautions will be put in place to reduce the risk of the Project's location near Indian Point nuclear power facility?*¹⁶⁵

The construction and operation of the Atlantic Bridge Project will not occur in the vicinity of the Indian Point Energy Center. See also Section 4.12.3 of the FEIS issued in Docket No. CP14-96-000 finding that proposed Algonquin facilities to be located closer to the Indian Point Energy Center would not pose increased risks to the facility.

6. *What precautions will be utilized to reduce the risk of the Project's location near two earthquake fault lines?*¹⁶⁶

Please refer to Section 6.6.1 of draft Resource Report 6, to be filed with the Commission in Docket No. PF15-12-000. The seismic hazard in the Atlantic Bridge Project area is relatively low to moderate, and the ground vibration would not pose a problem for a modern welded-steel pipeline. Even under much higher ground vibrations, the main risk to pipelines would be a slip fault (e.g. San Andreas in California) that displaces laterally during the earthquake. The proposed pipeline route does not cross this type of land feature. For additional information on seismicity and faults, including the Ramapo fault, see Section 4.1.5.1 of the FEIS issued in Docket No. CP14-96-000.

7. *Assess the risks and delineate the proximity of the pipeline's location near schools, in particular the Nayaug Elementary School.*¹⁶⁷

The proximity of the proposed Project facilities to schools is identified in Table 8I-1 of draft Resource Report 8 to be filed with the Commission in Docket No. PF15-12-000. As described in Section 11.6 of draft Resource Report 11, to be filed with the Commission in Docket No. PF15-12-000, USDOT's PHMSA has promulgated a rule for Pipeline Integrity Management in High Consequence Areas ("HCAs") for Gas Transmission requiring that a facility-specific Integrity Management Plan be developed to document the procedures under which pipeline integrity will be monitored and maintained for those areas where the pipeline traverses lands or facilities that are considered HCAs (49 CFR Part 192 Subpart O). Schools are considered HCAs. Algonquin has implemented a comprehensive Integrity Management Program that meets, and in many cases exceeds, these regulations. Based on route changes of the Project, the Nayaug Elementary School is not in proximity of the Project.

¹⁶⁵ Sierra Club Comments at 1; Yorktown Meeting Comments at 33.

¹⁶⁶ Sierra Club Comments at 1; Yorktown Meeting Comments at 30.

¹⁶⁷ Sierra Club Comments at 1; FWW Comments at 12.

Response to Comments – FERC Scoping Period

8. *How will citizens be notified of explosions or other dangerous occurrences at the Project site?*¹⁶⁸

In accordance with PHMSA regulations and Spectra Energy Transmission's U.S. Operations Standard Operating Procedures, Algonquin and Maritimes maintain detailed emergency response plans that include communicating timely and accurate information to the public. Algonquin and Maritimes also communicate regularly with members of the public who live or work near our pipelines, and we collaborate with organizations that share our dedication to pipeline safety and public awareness. Algonquin and Maritimes enjoy long-standing relationships with local and regional emergency response officials, who we visit with regularly to discuss pipeline safety and emergency preparedness issues.

9. *Conduct an analysis of impacts to children from construction and operation of the pipeline if there is a possibility of disproportionate impact on children.*¹⁶⁹

Algonquin does not anticipate a disproportionate impact on children from the construction and operation of the pipeline. Public safety will be paramount during all phases of the Atlantic Bridge Project. Algonquin will secure construction work area along the ROW during active construction and at night Algonquin will secure any work areas where open trenches exist. Traffic and/or construction controls will be implemented where pedestrians, including children, cross. Algonquin will abide by PHMSA safety regulations and regulations related to air permits issued for compressor stations throughout construction and operation of the pipeline, and such regulations will protect both adults and children.

10. *What will happen if private property is damaged during construction? What amount of insurance does Algonquin carry for such matters?*¹⁷⁰

Please refer to Section 8.3.3 of draft Resource Report 8 to be filed with the Commission in Docket No. PF15-12-000 for a description of the effect on residences.

Algonquin carries sufficient insurance commensurate with similarly sized corporations, with similar types of assets, to address the unlikely event of a pipeline incident. Addressing the specifics of insurance schemes is not a requirement of NEPA.

¹⁶⁸ Comment of James Hill, Docket No. PF15-12-000 (Apr. 2, 2015).

¹⁶⁹ EPA Comments at 10-12.

¹⁷⁰ Sierra Club Comments at 1.

Document Content(s)

Atlantic Bridge - Response to Scoping Comments.PDF.....1-57