



Advocacy Department

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April 10, 2015

Secretary Matthew Beaton  
Executive Office of Energy and Environmental Affairs  
Attn: MEPA Office, EEA #15205  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Via Email: [Alexander.Strycky@state.ma.us](mailto:Alexander.Strycky@state.ma.us)

Re: **EOEEA # 15205, Connecticut Expansion Project, Agawam, Sandisfield and Tyringham**

Dear Secretary Beaton:

On behalf of Mass Audubon, I submit the following comments on the Final Environmental Impact Report (FEIR) for this project. The project is proposed by Tennessee Gas Pipeline Company (a Kinder Morgan subsidiary) and involves construction of nearly 4 miles of new 36-inch diameter gas pipeline and associated facilities. It will alter over 50 acres of land, much of which presently contains mature forest. Approximately 10 acres of wetlands will be altered, of which the proponent claims only 2.20 acres will be permanently impacted. However, the removal of mature forest cover in wetlands and upland buffers will have substantial, long-lasting impacts that are more than temporary in nature. The project also will traverse 1.9 miles within the Otis State Forest, impacting more than 20 acres of state-owned parklands on which the company does not presently hold an easement. A construction permit from the Department of Conservation and Recreation (DCR) is proposed for the temporary parkland impacts and a permanent easement is proposed to be obtained on 6.19 acres through the Article 97 disposition process.

Mass Audubon assisted DCR in acquiring parklands that will be impacted by this project. We continue to object to the proposed impacts and easements. Questions have also been raised regarding the project need and alternatives analysis, and whether the project is improper segmentation of a component of the larger Northeast Energy Direct project. The fact that the alternatives analysis indicates that routing pipelines through undeveloped areas and away from existing roadways is preferable also raises troubling implications for other future gas pipeline improvement projects. Massachusetts is the third most densely populated state in the nation, and has undertaken decades of careful planning and land conservation that has protected ecologically valuable sections of the landscape. It appears that these protected lands are now highly vulnerable to gas pipelines because homes and businesses are not present. This is of grave

concern considering the extensive time and money that has been devoted to placing supposedly permanent protection on sensitive, scenic properties.

### **Inadequate Mitigation**

The proposed mitigation for impacts to Article 97 lands and wetlands is grossly inadequate considering the significant, long-term impacts on public interests associated with these resources. The affected DCR lands contain many old trees and associated mature forest character, on a site with numerous boulders and ledge outcroppings, seeps, vernal pools, coldwater streams, and other sensitive resources. Clearing this land and digging a trench across it will have permanent impacts, even within the so-called temporary work zones. Re-growth of lost trees will require over 100 years, and the overall forest condition will never fully recover pre-construction conditions. The disturbed areas will also be vulnerable to infestation by invasive plants.

The proposed mitigation is \$6,000/acre for 17 acres of temporary easement and \$12,000/acre for 6 acres of permanent easement. There is no indication that land of similar natural and cultural characteristics is available in the general vicinity for immediate acquisition by DCR with this amount of money. The costs of investigating potential sites for parkland acquisition and conducting due diligence have also not been considered. Nor is the agency being compensated for staff time involved in reviewing the project and supervising construction and restoration across its property.

Wetlands mitigation is also inadequately addressed. The impacts of loss of forested buffer and associated habitat for species like vernal pool amphibians are not considered. Replacing soils in the trench and replanting with a wetland seed mix does not result in full replacement of wetland functions and values, even when carried out in a careful manner. Forested wetlands that are cleared and disturbed will require many decades to regrow – again, the impacts are far from temporary. Offsite mitigation under the Clean Water Act for permanent conversion of forested wetlands to emergent wetlands is acknowledged to be required but there is no information on where this will take place.

The Department of Agricultural Resources holds an Agriculture Preservation Restriction (APR) on the proposed construction pipe storage yard in Tyringham. The FEIR does not adequately address DAR's comment or Article 97 in relation to the APR. The FEIR claims impacts will be only temporary and the land will be restored to agricultural use after one year. However, the extent of impact from compaction and vehicular travel on the site may impair the agricultural use for a longer period of time, and additional restoration may be required. Several potential alternative pipeyard sites have been identified, but those also involve impacts to agricultural fields, wetlands, and/or DCR land. It remains unclear which site will ultimately be utilized and what the compensation and mitigation will be. If the Tyringham site is used, the APR issues must be more thoroughly addressed. This site also supports rare turtles and the Natural Heritage and Endangered Species Program construction-related conditions must be carefully followed.

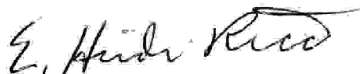
Invasive species management is proposed only for four species in wetlands and DCR land, and only for a period up to five years. A much more extensive, ongoing program of invasive species

control should be provided for the entire pipeline corridor including the adjacent existing easements.

The FEIR provides vague commitments to providing measures to control illegal use of ATVs along the DCR portion of the corridor. Specific plans for placement of gates and other control measures and for ongoing policing operations need to be provided.

Thank you for considering these comments.

Sincerely,



E. Heidi Ricci  
Senior Policy Analyst

cc: Mark Gardella, AECOM  
FERC Docket # CP14-529  
Acting Commissioner Jack Murray, DCR  
Nancy Putnam, DCR  
Eve Schulter, NHESP  
Lealdon Langley, DEP

*Mass Audubon works to protect the nature of Massachusetts for people and wildlife. Together with more than 100,000 members, we care for 35,000 acres of conservation land, provide school, camp, and other educational programs for 225,000 children and adults annually, and advocate for sound environmental policies at local, state, and federal levels. Founded in 1896 by two inspirational women who were committed to the protection of birds, Mass Audubon is now one of the largest and most prominent conservation organizations in New England. Today we are respected for our sound science, successful advocacy, and innovative approaches to connecting people and nature. Each year, our statewide network of wildlife sanctuaries welcomes nearly half a million visitors of all ages, abilities, and backgrounds and serves as the base for our work. To support these important efforts, call 800-AUDUBON (800-283-8266) or visit [www.massaudubon.org](http://www.massaudubon.org).*

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