



Massachusetts Association of Conservation Commissions

protecting wetlands, open space and biological diversity through education and advocacy

Electronically filed with FERC

October 15, 2015

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Room 1A
Washington, DC 20426

Re: Scoping comments responding to the Notice of Intent to Prepare an Environmental Impact Statement for the proposed Northeast Energy Direct project (FERC pre-filing: Tennessee Gas Pipeline Company, L.L.C., Docket No. PF14-22-000)

Dear Ms. Bose:

These are the comments of the Massachusetts Association of Conservation Commissions (MACC) on the scope for the Environmental Impact Statement (EIS) for the proposed so-called Northeast Energy Direct natural gas pipeline project of Kinder Morgan's Tennessee Gas Pipeline Company. These comments are for the portion of the project in the state of Massachusetts.

MACC, established in 1961 and incorporated in 1978, is the professional association of Massachusetts conservation commissions. The conservation commission in each of the 351 cities and towns in Massachusetts is an integral part of its municipal government. Conservation commissions are the municipal government wetlands, wildlife, and open space boards. They exercise the police power, home rule power, and public ownership of conservation, park, and natural resource properties as well as public easements, land restrictions, and other rights. Conservation commissions protect conservation lands and other natural resources in their communities under the Massachusetts Conservation Act (G.L. c.40, § 8c). Notably, conservation commissions administer and enforce the Massachusetts Wetlands Protection Act (G.L. c.131, § 40) and municipal home-rule wetlands laws and regulations. Most projects in or near wetlands require a permit (Order of Conditions) issued by the local conservation commission before work can be performed and the work must be consistent with the conditions of the permit and state and local wetlands protection requirements. Most conservation commissions also manage municipally-owned conservation lands; some hold conservation restrictions or easements on other parcels.

Massachusetts conservation commissions in the municipalities that will be affected by the NED project have been closely following the FERC pre-filing process. The proposed pipeline would be subject to their jurisdiction under the Massachusetts Wetlands Protection Act as well as under municipal wetlands laws. Some own or manage properties through which the pipeline would pass. Many attended the project open houses earlier this year. Many participated in the recent scoping meetings. Many will comment to FERC on the scope for the EIS, either directly or as a part of the comments of their city or town.

On July 2, 2015, we wrote to you, asking that the comment period be extended to allow for adequate time to review Kinder Morgan's extensive multi-volume Resource Reports, which it filed in late July, and because the comment period would occur while many people would be on summer vacation. We appreciate that FERC extended the comment period to October 16, 2015. We think FERC's extension of the comment period is consistent with and required by the Council on Environmental Quality (CEQ) regulations that call for flexibility in setting time limits appropriate to the action, 40 CFR 1501.8, considering the large scope of the project, the potential for environmental harm, Kinder Morgan's altering the proposal and not providing important information about aspects of its proposal, the voluminous materials that require review, and the significant controversy the pipeline has engendered. We would also expect FERC to provide adequate time, at least four months, and preferably six months, to review and comment on the Draft Environmental Impact Statement.

The pipeline as proposed would cross through large numbers and many acres of wetlands, rivers, streams, and other wetland and water resource areas; large numbers and many acres of conservation lands, including lands purchased with public funds and protected as open space conservation lands by Article 97 of the Massachusetts Constitution; public drinking water supply protection areas and areas that affect residential drinking water wells; working productive farms; forests; lands protected from development by state-authorized conservation restrictions; valuable wildlife habitats; scenic vistas; and more. If constructed as proposed, there would be an underground 30 inch diameter high pressure pipeline and a surface level permanent fifty foot wide swath cut through ecologically sensitive lands on which trees could not grow and structures not be built. We are concerned that Kinder Morgan's preferred path for its large and long gas pipeline, cutting through so much protected conservation lands, will be counter-productive to the continued acquisition and preservation of important conservation areas.

We describe below state and local laws and policies on land use that are relevant to the environmental impact assessment because, as required by 40 CFR 1502.16, the EIS must include a discussion of possible conflicts between the proposed action and the objectives of federal, state, regional, and local land use plans, policies, and controls. That assessment is especially critical for this project, which may allow for federal preemption of state and local requirements. We would expect the EIS to assess the impact of preemption, mitigation for preemption, as well as alternatives to exercising preemption. In addition, the analysis of alternative routes must compare the impacts of the routes on state and local plans, policies, and controls.

Protecting Wetlands

The Massachusetts Wetlands Protection Act, MGL c.131 § 40 (WPA), adopted in 1972, was the first comprehensive wetlands protection law in the United States. It remains among the strongest and most effective such laws in the nation.

The WPA regulates activity that would remove, fill, dredge, or alter a wetland resource area. Areas subject to protection under the WPA are: 1) any bank, freshwater wetland, coastal wetland, beach, dune, flat, marsh, or swamp, providing that it borders on the ocean or on an estuary, creek, river, stream, pond, or lake; and 2) land under any of the water bodies noted above, land subject to tidal action, land subject to coastal storm flowage, land subject to flooding, and riverfront area. Activities in those area are regulated to contribute to these interests: protection of public and private water supply, protection of ground water supply, flood control, storm damage prevention, prevention of pollution, protection of land containing shellfish, protection of fisheries, and protection of wildlife habitat.

In comparison to section 404 of the federal Clean Water Act, which requires a permit to discharge dredged or fill materials into Waters of the United States, the WPA is much more comprehensive in the types of activities it regulates, the areas it protects, and the protections it affords to wetlands.

Municipal conservation commissions in each of the 351 cities and towns of Massachusetts administer the WPA through local permits. The Massachusetts Department of Environmental Protection (MA DEP) promulgates WPA regulations, adopts WPA policy and guidance, and decides appeals of municipal decisions made under the WPA. Both MA DEP and conservation commissions have the authority to take enforcement action to ensure compliance with the WPA. In short, the WPA is a state law that relies on municipal conservation commissions to implement and enforce the law, subject to review by MA DEP.

In addition to administering the WPA, municipalities in Massachusetts may adopt local wetland protection ordinances or bylaws that are stricter than the WPA, providing more protection to wetlands and wetland resources. A majority of Massachusetts cities and towns have adopted their own wetland ordinances or bylaws, also administered by their conservation commissions through local permitting.

Protecting Conservation Lands

In 1972 Massachusetts added Article 97 to the Massachusetts Constitution, providing the people with “the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose.” Article 97 authorizes the state to purchase conservation lands and easements to accomplish those purposes and requires the “Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court.” Those lands may be owned by the state or its political subdivisions. The state’s Article 97 Land Disposition Policy is no net loss of Article 97 lands and that land be removed from Article 97 protection only in extraordinary circumstances.¹ Land disposition includes a change in use, in addition to transfer or conveyance of the property, by deed, easement or lease. *Id.* Easements required by the project for crossing Article 97 land would be a change in use requiring a two thirds vote in favor by both the Massachusetts Senate and Massachusetts House of Representatives.

Massachusetts also designates lands as Areas of Critical Environmental Concern (ACEC) for special recognition because of the quality, uniqueness, and significance of their natural and cultural resources. 301 CMR 12.00. Those areas are worthy of a high level of concern and protection; activities in or impacting the areas must be carried out to minimize adverse effects. *Id.*

Massachusetts also authorizes conservation and agricultural restrictions to be placed on land to maintain such lands in conservation or agricultural use. MGL c.184, §§ 31-33. Those conservation restrictions are most often deeded by land owners and held by conservation commissions or land trusts. The restrictions can be for a specified number of years or in perpetuity. The Department of Public Utilities can authorize a taking of an easement for the purpose of utilities services under specified conditions on lands with restrictions established under MGL c.184, §§ 31-33.

¹ <http://www.mass.gov/eea/agencies/mepa/about-mepa/eea-policies/eea-article-97-land-disposition-policy.html> (accessed October 12, 2015).

In addition, conservation lands in Massachusetts have been purchased with grants from the federal Land and Water Conservation Fund (LWCF). Those state assistance grants have supported hundreds of projects across Massachusetts' state and local parks, including trails, watershed lands, and scenic views. According to the U.S. Department of Interior, as of October 13, 2015, there have been 452 LWCF grants in Massachusetts for projects totaling 25,164.48 acres.² Those areas are protected from development under the federal program.

Protecting Drinking Water Supplies

Massachusetts has primacy for and thus administers and enforces the federal Safe Drinking Water Act (SDWA) in Massachusetts. To continue to do so, it must regularly demonstrate to the federal Environmental Protection Agency that it has state regulations at least as stringent as those promulgated by EPA under the SDWA to protect the drinking water of public water supplies.

Public potable water supplies in Massachusetts include surface water sources and ground water sources. Some systems are all groundwater, others are all surface water, and others are a combination. All those systems are subject to state regulation under the SDWA.

Groundwater supplies are protected by the Massachusetts Wellhead Protection Program, which assists communities in preventing contaminants from entering their public drinking water supply wells. The law establishes three zones of protection. Zone I, the closest protective radius around a well or wellfield, must be owned or controlled through a conservation restriction by the public water supplier and may be used only for water supply purposes. Zone II, the next area out, must have various prohibitions and restrictions on buildings and activities in the zone. Zone III, the area beyond zone II, is an area from which surface or ground water drains into zone II; it does not have state protection but can have local protection. Wellhead protection areas are used where zones have not been established. More than 120 communities in Massachusetts have adopted water supply protection laws and regulations to implement the state requirements. Some also protect more water supply areas, including Zone III.

Surface water supplies are protected through watershed management. The Massachusetts Watershed Protection Act protects the reservoirs (Quabbin and Wachusetts) that provide water for the Massachusetts Water Resources Authority drinking water system.³ It established requirements for the watersheds of the reservoirs, including buffer zones, prohibitions on activities, acquisition of land, and assistance to watershed communities. Over 85% of the watershed lands that surround the reservoirs are covered in forest and wetlands. About 75% of the total watershed land cannot be built on.

The Watershed Protection Act also authorized the MA Department of Conservation and Recreation, in consultation with MA DEP, to establish requirements for the protection of the other surface water reservoirs. Those reservoirs are also protected through land management and protection requirements.

More than 400,000 people in Massachusetts rely on private wells for potable water. Those wells are not subject to SDWA requirements. The state has adopted requirements for well drilling and guidelines for

² <http://waso-lwcf.ncrc.nps.gov/public/index.cfm> (accessed October 13, 2015)

³ MWRA is by far the largest public water system in Massachusetts. It supplies water to 48 communities: 42 communities, including the City of Boston, in the Boston metropolitan area, three communities in central Massachusetts, and back-up supply to three other communities.

private well design, construction, repair, and maintenance. The federal clean water act, state WPA, and state septic system regulations provide protections for private drinking water by regulating pollution discharges to surface water, protecting wetlands, managing storm water, and regulating the design, construction, and siting of septic systems. Municipalities have the authority to adopt local laws on maintenance of private water supplies. MGL c.40, § 21. Local boards of health use their powers to issue health regulations for private water supplies in their communities.

Protecting Endangered Species

The Massachusetts Endangered Species Act, MGL c.131A, protects both species and their habitats. Species (animals and plants) may be listed as endangered, threatened, or of special concern. Priority habitats of rare species are designated. With some exceptions, alteration of a priority habitat may be done only with the approval of the director of the Division of Fisheries and Wildlife that the alteration will not reduce the viability of the habitat to support the endangered or threatened species population involved.

BioMap2: Conserving the Biodiversity of Massachusetts in a Changing World

BioMap 2 is “a biodiversity conservation plan for Massachusetts” (quoting from the introduction) and can be used as a prioritization tool to help maximize biodiversity protection.⁴ It combines thirty years of rigorously documented rare species and natural community data with special data identifying wildlife species and habitats, and is integrated with an assessment of large, well-connected, and intact ecosystems and landscapes across Massachusetts, incorporating concepts of ecosystem resilience. BioMap 2 identifies 1,242,000 acres of Core Habitat, key areas that are critical for the long-term persistence of rare species and other species of conservation concern as well as a wide diversity of natural communities and intact ecosystems across Massachusetts. It also identifies 1,783,000 acres of Critical Natural Landscape, large natural landscape blocks that provide habitat for wide-ranging native species, support intact ecological processes, maintain connectivity among habitats, and enhance ecological resilience, as well as buffering land around coastal, wetland, and aquatic Core Habitats to help ensure their long-term integrity. BioMap 2 explains that, “protection and stewardship of BioMap 2 Core Habitat and Critical Natural Landscape is essential to safeguard the diversity of species and their habitats, intact ecosystems, and resilient natural landscapes across Massachusetts.”

Requirements for the EIS

The EIS must rigorously explore and objectively assess the environmental impacts of Kinder Morgan’s proposed action, and all reasonable alternatives to the proposed action, including the no action alternative, as required by the CEQ’s regulations. 40 CFR 15.02.14. Such alternatives analysis is the “heart of the environmental impact statement.” *Id.* It must be done in a comparative form to provide a clear choice among the alternatives and must include a discussion of direct effects and their significance; indirect effects and their significance; possible conflicts between the proposed action and the objectives of federal, state, regional, and local land use plans, policies, and controls for the area; the environmental effects of the alternatives and the proposed action; energy requirements and conservation potential of various alternatives and mitigation measures; natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures; historic and cultural resources;

⁴ <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/land-protection-and-management/biomap2/> (accessed October 13, 2015).

and the means to mitigate impacts. 40 CFR 1502.16. Our comments are based on those regulatory standards.

As noted earlier in this letter, the proposed route of the pipeline would cut through conservation lands, including Article 97 lands, wetlands, and public and private drinking water supply areas. The Massachusetts land and water protection programs we discuss above must be incorporated into the EIS's: 1) analysis of impacts when comparing route alternatives, including the no build option, 2) discussion of conflicts between the proposed pipeline route and the objectives of state and local land use plans, policies, and controls for the project area, and 3) determination of what mitigation is needed and appropriate. It should also aid in determining whether the pipeline route could be modified to avoid the impacts. There should be discussion of options and impacts if legislative approval is not granted for easements on Article 97 lands. Further, land purchased with state LWCF grants are not subject to federal preemption and so must be identified and alternatives discussed.

Especially important for analysis would be the impact of the reduced protection of natural resources that would occur with preemption of state and local wetlands protections, drinking water supply protections, Article 97 protections, conservation restrictions, and habitat protections. The EIS must compare impacts with preemption to impacts without preemption. In addition, the EIS should state whether the drinking water supply protections can be preempted, considering those protections are the implementation of the federal Safe Drinking Water Act program delegated to the state. It is our opinion that FERC's preemption authority would not extend to preempting federal requirements of the Safe Drinking Water Act as implemented by Massachusetts under the delegated program.

Massachusetts has two tools that may be employed in the EIS analysis. One, mentioned above, is BioMap2, which explains that the protection and stewardship of the Core Habitats and Critical Natural Landscapes it lists are essential to safeguard the diversity of species and their habitats, intact ecosystems, and resilient natural landscapes across Massachusetts. The EIS should list and discuss each Core Habitat and Critical Natural Landscape through which the pipeline preferred and alternative routes would cut, including the impact of pipeline construction, restoration of the landscape, and long-term maintenance of the easement on the values of each parcel so affected, as well as mitigation options.

The other tool that may be employed in determining and reporting on the impact of the pipeline routes on the ecological value of the lands and waters the pipeline would cross is the Conservation Assessment and Priority System (CAPS) developed at the University of Massachusetts.⁵ CAPS is an ecosystem-based approach for assessing the ecological integrity of lands and waters and subsequently identifying and prioritizing land for habitat and biodiversity conservation. It defines ecological integrity as the ability of an area to support biodiversity and the ecosystem processes necessary to sustain biodiversity over the long term. CAPS is a computer software program that offers an approach to prioritizing land for conservation, based on the assessment of ecological integrity for various ecological communities (e.g., forest, shrub swamp, headwater stream) within an area. CAPS combines principles of landscape ecology and conservation biology with the capacity of modern computers to compile spatial data and characterize landscape patterns. This process results in establishing an Index of Ecological Integrity for each point in the landscape based on models constructed separately for each ecological community. The approach is landscape-oriented and focused on a comprehensive valuation of the entire landscape. It attempts to combine many complex spatial relationships in the landscape that drive ecological processes, including population persistence and community dynamics. The CAPS approach seeks to

⁵ <http://www.umasscaps.org> (accessed October 14, 2015).

evaluate the ecological integrity of the entire landscape mosaic, not just the rare species and community locations. It assumes that by conserving intact, ecologically-defined communities of high integrity, we can conserve most species and the ecological processes that shape and maintain ecosystems over time.

The EIS should also perform the analysis of impacts of each of the reasonable pipeline routes as was conducted by researchers at the University of Massachusetts Center for Agriculture, Food, and the Environment on the Project proponent's preferred route.⁶ That report employs a methodology that can be used to compare the various routes. That comparison can be a starting point for a more detailed analysis of impacts on each parcel and the overall ecology of the area.

To facilitate analysis and review, the EIS should:

- Indicate and show on maps the location of each Article 97 land that the pipeline, including laterals, would cross.
- Indicate and show on maps the location of each parcel purchased with funds from the federal Land and Water Conservation Fund that the pipeline, including laterals, would cross.
- Indicate and show on maps the location of each Area of Critical Environmental Concern that the pipeline, including laterals, would cross.
- Indicate and show on maps the location of each wetland and wetland resource area, including the type of wetland resource per the WPA (e.g., bordering vegetated wetland, vernal pool) that the pipeline, including laterals, would cross. Each of those wetlands should be delineated and described.
- Indicate and show on maps the location of each Core Habitat and Critical Natural Landscape that the pipeline, including laterals, would cross.
- Indicate and show on maps the location of each land with a conservation or agricultural restriction that the pipeline, including laterals, would cross.
- Indicate and show on maps each Zone I, Zone II, Zone III, wellhead protection area, reservoir, and other public drinking water supply through which the pipeline, including laterals, would cross, and each in which the project would come within 100 yards of crossing.
- Indicate and show on maps the locations of contaminated sites that the pipeline, including the laterals, would cross.
- Indicate and show on maps each Priority Habitat that the pipeline, including laterals, would cross.
- Indicate and show on maps each cold water fishery that the pipeline, including laterals, would cross.
- Indicate and show on maps each environmental justice community through which the pipeline, including laterals, would cross.
- Visual resources throughout the route.
- Recreational resources throughout the route.
- Cultural resources throughout the route, including historic sites and buildings.
- For each of the above areas, an analysis of alternative routes and siting that would avoid those areas.

⁶ <http://www.umass.edu/newsoffice/article/researchers-release-assessment-proposed> (accessed October 13, 2015).

- For each area where the pipeline would be located adjacent to, and parallel with, existing utility corridors, a description of any widening or additional right of way that would be required and the location of that widening or additional right of way.

Information must be provided for each compressor station that would include the information provided for the pipeline and laterals as listed above. Other information required for each compressor station must include:

- The size and footprint of the station.
- Power to be used.
- The size and location of the parcel on which each would be located.
- The route of utilities to and from the station.
- An acoustical analysis of compressor station operation, including the level of noise the station would generate at the source, at the borders of the parcel, and at the nearest sensitive receptors, both average and highest amounts. Also, noise impacts on flora and fauna at the compressor parcel, noise mitigation measures, and a comparison to MA DEP noise standards.
- Expected air emissions data from each station, including a listing of pollutants, yearly average and highest hourly and daily amounts, frequency of emissions, including blowdowns/blowoffs, how they would affect the concentration of priority pollutants in the ambient air at the site as compared to the National Ambient Air Quality Standards (NAAQS), and in comparison to the Prevention of Significant Deterioration increments, and the impact of its emission of toxic pollutants not subject to NAAQS. It should also quantify its expected methane emissions.

The impact of the project should be analyzed and described for each of the bulleted items, and mitigation options discussed and chosen.

Recognizing that city and town governments, not counties, are the primary local government in Massachusetts, we request that the EIS include a map of each municipality that the pipeline, including laterals, would cross, showing the precise proposed location of the pipeline, lateral, compressor station, etc., in that municipality, as well as the location of the lands and waters noted above. Similarly, charts, graphs, and other details that are provided should be at the municipal as well as county and state level.

There should be a description of the construction techniques that will be used throughout the route, and how they compare to other options that would decrease environmental impacts. Any proposed deviation from Massachusetts WPA requirements, storm water management standards, and erosion control standards related to construction should be discussed and explained.

The proposed pipeline would cross many streams, rivers, and wetlands. Each of those crossings will have environmental impacts on the resource crossed. The EIS must list each water body (river, stream, lake, pond, pool) and wetland that each pipeline route would cross, which construction technique is proposed to be used, and an evaluation of the impacts of horizontal directional drilling as compared to the use of conventional backhoe equipment. Horizontal directional drilling for each crossing, where feasible, would have fewer environmental impacts than would use of conventional backhoe equipment. For example, trenching through a wetland would have much greater environmental impacts on flora and fauna during construction, would require more ecological restoration, and would allow invasive, non-native, and unwanted species to take hold and proliferate. It is our preference that horizontal directional drilling be used wherever feasible when crossing a water body or wetland to mitigate impacts.

The cumulative effect on vegetation and wildlife during construction and restoration must be thoroughly addressed as they relate to the ecosystems through which the pipeline would pass, including forests, shrub lands, waterbodies, wetlands, and wildlife habitats. Construction impacts and inappropriate or ineffective restoration can cause or result in the introduction and proliferation of invasive, non-native, and unwanted species. A restoration plan should be adopted and implemented, with input and approval by the local municipality, to assure vegetation and habitat restoration. The type of habitat should not be altered; replanting should be with native trees and shrubs under a formal restoration plan. There must be regular third-party monitoring of the restoration paid for through a fund established by Kinder Morgan Tennessee Gas Pipeline. Long term maintenance must include a regular schedule of invasive species control.

The descriptions and analyses in the EIS must improve upon the bean counting Kinder Morgan resorted to in its Resource Reports. The EIS must discuss and analyze the ecological quality, value, and services of the lands and waters the pipeline would cross. It is not acceptable under NEPA to do little more than count and compare numbers of acres, streams, or wetlands the pipeline would cross, as was done in the Resource Report. For example, crossing a stream on the I-90 (Massachusetts Turnpike) right-of-way would have much less ecological impact than would crossing a similar stream in a pristine area yet the Resource Reports failed to recognize that essential difference and assigned each stream crossing equal weight regardless of the true nature of the impact. The EIS must include an analysis of the current ecological qualities, values, and services of the lands and waters the pipeline would cross and the impacts expected on those ecological qualities, values, and services.

The proposed pipeline's potential adverse impact on public and private drinking water supplies could be significant. In addition to the devastating impact a pipeline failure would have, the longer term impacts of an underground gas pipeline on groundwater flow must be analyzed. That would require a hydrogeological analysis be done wherever the pipeline would cross Zones I, II, or III, wellhead protection areas, and sources of private drinking water. The purpose of the analysis would be to determine if the pipeline would have any potential impact on the quality, quantity, or availability of those groundwater sources to be used for potable water, or reserved for future use. There must also be a description of potential impacts on surface water drinking sources that may be affected by the pipeline, including wherever the pipeline would be within the watershed of a reservoir or within three miles of a potable water intake structure. Mitigation measures that will be employed should be described.

The proposed pipeline would greatly increase the amount of fossil fuel that could be burned in the region. The environmental impacts, including the increased emission of greenhouses gases that would result from adding more than 1 billion cubic feet per day of natural gas to the region, must be described, assessed, and compared to the federal Clean Power Plan, the Massachusetts Global Warming Solutions Act, and the Regional Greenhouse Gas Initiative requirements and policies. Because coal-fired electric generating facilities in Massachusetts have closed or are in the process of closing, it cannot be claimed that the pipeline would replace coal with gas. With the announcement that the nuclear power generating facility in Plymouth, MA, will close within two years, the environmental impact of bringing more natural gas into the region, as compared to providing electric generating capacity with hydro, wind, and solar must be described and assessed. Of special importance would be an analysis of whether renewable energy would be the replacement for the nuclear plant if the project were not constructed. In addition, the environmental impacts of connecting the project in Dracut to existing pipeline infrastructure to allow export to Canada and beyond must be assessed; that assessment must include

the environmental impacts of export to Canada and overseas, including increases in greenhouse gas emissions from those areas.

The Union of Concerned Scientists (UCS) recently released a report identifying Massachusetts as a state that is putting its electric consumers at financial risk because of an overreliance on natural gas.⁷ The report appears to contradict Kinder Morgan's claim that the pipeline would reduce electric rates. The EIS should assess how the project would affect the financial risk identified by the UCS report, and the resulting environmental impacts.

The proposed pipeline is a major project that will have significant short and long term impacts on the environment. Those impacts will be exacerbated by the amount of wetlands, rivers and streams, conservation lands, and other protected lands the pipeline will cross and by the additional amount of fossil fuel brought into and through the region. The EIS must provide the information and analyses necessary to evaluate the proposed preferred route and alternatives, the no build option, as well as proposed mitigation measures.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Eugene B. Benson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Eugene B. Benson
Executive Director
Email: eugene.benson@maccweb.org

Copy:

Massachusetts Secretary of Energy and Environmental Affairs Matthew A. Beaton
Massachusetts Department of Environmental Protection Commissioner Martin Suuberg
Northeast Municipal Gas Pipeline Coalition
Conservation Commissions

⁷ www.ucsusa.org/clean-energy/rating-the-states-on-their-risk-of-natural-gas-overreliance (accessed October 15, 2015).