



Franklin Regional Council of Governments

Regional Pipeline Advisory Committee

Date:	December 9, 2015
Time:	3:30 p.m.
Location:	JWO Transit Center, 12 Olive Street, Greenfield, MA
Duration:	1.5 hours
Facilitator:	Peggy Sloan, Planning Director

Attendees:

- Meg Burch, Town of Conway
- Ariel Elan, Town of Montague
- Tracy Rogers, Town of Northfield
- Joe Strzegowski, Town of Conway
- Chris Myers, Town of Shelburne
- Bill Perlman, FRCOG Executive Committee
- Ted Cady, Town of Warwick
- Walter Ramsey, Town of Montague
- Thomas Hutcheson, Town of Conway
- Marcelle Morgan, Town of Conway
- Kayce Warren, Town of Deerfield
- Tom Miner, Franklin Regional Planning Board

Guests

- Deborah Andrew, Town of Shelburne

Staff:

- Linda Dunlavy, Executive Director
- Peggy Sloan, Planning Director
- Gretchen Johnson, Planning Grant Administrator

1 – Introductions and Review of October 13, 2015 Meeting Notes: P. Sloan

L. Dunlavy, called the meeting to order at 3:31 p.m. A round of introductions followed.

P. Sloan asked if there were any corrections for the October 13th meeting notes. No corrections were offered. The consensus was that the minutes can be posted to the website as presented.

2 – Review and Discussion of KM-TGP Application & Intervenor Status Requests: L. Dunlavy & P. Sloan, FRCOG

L. Dunlavy stated that the KM-TGP application has been accepted by FERC. Anyone wishing to seek Intervenor status has to submit a request no later than January 6, 2016. P. Sloan stated that FERC extended the typical 21 day window to thirty days to

accommodate the holidays. W. Ramsey stated that the Montague Select Board will be reviewing the Town's Intervenor request later in the week. T. Cady stated that the Town of Warwick will be submitting a letter as well. P. Sloan stated that town Intervenor requests can be reviewed by the FRCOG Attorney prior to filing. P. Sloan asked that Intervenor request letters be sent to her to forward to the Attorney and to identify any town deadlines (e.g. Select Board meeting date).

A. Elan stated that the Municipal Pipeline Coalition met yesterday and they felt that the KM-TGP application was not adequate. A. Elan asked for input on what to include in the Intervenor request letter. In addition to identifying the town resources that will be impacted, the request can also identify deficiencies. P. Sloan noted that she is in the process of trying to identify deficiencies in comparison to the information requested by the RPAs. KM-TGP has requested that FERC make a decision on the Certificate by the fourth quarter of 2016 so that they can begin construction in 2017.

M. Burch stated that some recent utility work along the transmission line appears to be prep work for the pipeline. T. Rogers stated that she is receiving weekly updates from Eversource, but that is likely due to the fact that they are blasting. J. Strzegowski and T. Hutcheson stated that they are also getting updates but they are not occurring weekly. Discussion followed concerning work being done in municipalities without notification to the towns. J. Strzegowski stated that he is concerned about wetlands in Conway. L. Dunlavy stated that she recently attended a meeting with Eversource and requested that there be increased communications with towns about when utility work is being conducted. L. Dunlavy asked for feedback from towns if this does not happen.

A. Elan asked about the benefits of becoming an Intervenor. By being an Intervenor an entity will have legal standing to appeal the decision by FERC. P. Sloan encouraged submitting Intervenor requests as soon as possible because sometimes the FERC system goes down. Late filings may not be accepted by FERC. P. Sloan replied that FERC will provide an e-list of all Intervenors.

T. Hutcheson asked if a representative has to be at the hearings in Washington, D.C. to participate. P. Sloan stated that she will check with the Attorney on this. J. Strzegowski asked if an Intervenor can appeal a final decision by FERC on the Certificate. P. Sloan replied yes. The FRCOG Attorney can assist with requesting a rehearing if necessary.

T. Miner stated that S. Lovejoy informed the Franklin Regional Planning Board Executive Committee that it is not uncommon for FERC to lump Intervenors with common interests together. P. Sloan stated that FERC has different processes for different types of utility projects (e.g. hydroelectric, gas pipeline, etc.).

T. Hutcheson asked if the FRCOG Attorney is available to be hired by a municipality to represent them at the hearings in Washington, D.C. P. Sloan stated that the Attorney should be able to represent towns and is based in Washington D.C.

P. Sloan referenced the FERC process 101 handout included in the meeting packet.

3 – Review and Discussion of MA Environmental Policy Act (MEPA) Process: A. Strysky, MEPA (invited but not confirmed) and P. Sloan, FRCOG

P. Sloan stated that there will be MA Environmental Policy Act (MEPA) meetings held in this area once the application is filed by KM-TGP. P. Sloan stated that it is important to provide comments during the MEPA process. P. Sloan will once again invite a MEPA representative to a future meeting.

P. Sloan gave a PowerPoint presentation on the MEPA process. P. Sloan explained that the MEPA process is expected to run concurrently with the National Environmental Policy Act (NEPA) process. MEPA is a study and assessment process, not a regulatory process. The NED pipeline project meets several MEPA thresholds. The MEPA process provides additional public comment opportunities relative to environmental impacts and mitigation.

Other State entities that will review the project include:

- Department of Public Utilities
 - Granting of zoning exemptions
 - Rulings on petitions for survey rights
- Energy Facilities Siting Board
 - Often intervenes on behalf of the citizens of the Commonwealth
 - Provides comments on the environmental impacts
- Massachusetts Historical Commission
- MassDOT
- Department of Environmental Protection
- Natural Heritage and Endangered Species Program

Town Conservation Commissions will also review the project with regard to the MA Wetlands Protection Act. The applications are anticipated to be submitted in January 2016 according to KM-TGP reports but may be delayed.

T. Cady stated that some of the proposed slopes are quite steep with cold water fisheries at the base. P. Sloan noted that cold water fisheries were not adequately addressed in the Alternatives analysis completed by KM-TGP.

M. Burch stated that she has a copy of the KM-TGP application on DVD. She offered to lend it to P. Sloan to make copies. P. Sloan asked that town contact her if they would like a digital copy.

M. Morgan stated that there has been some discussion about MADEP conducting the Wetlands review process rather than the local Conservation Commissions. T. Miner stated that if that were to happen then local review would be removed from the process. T. Miner will contact MACC to get additional information.

4 – Update on Legislation (House No. 3690) related to Article 97: L. Dunlavy & P. Sloan, FRCOG

Related to the pipeline is a proposed House Bill (No. 3690) which might facilitate the granting of an easement to construct a gas pipeline in Sandisfield through protected open space subject to Article 97 owned by the MA DCR. If passed, this bill might set a precedent for the NED pipeline project that is also seeking easements through protected open space. FRCOG has sent a letter to the Joint Committee on State Administration and Oversight that is reviewing the proposed Bill (House No. 3690) and requested that the Bill receive an adverse recommendation from Committee. T. Cady stated that he attended the Public Hearing on House No. 3690 and that the Bill's sponsor did not appear and thought the Bill was unlikely to move forward.

5 –Discussion of KM-TGP Road Information Request to Towns & Updated on AECOM Information Request: L. Dunlavy & P. Sloan, FRCOG

P. Sloan stated that the FRCOG would not compile publicly available GIS information requested by AECOM unless funding was provided to cover staff time. AECOM, a consultant to KM-TGP continues to request the information.

The Town of Northfield received a letter asking about roads and crossings weight limits. P. Sloan passed out a map illustrating the functional classification of roads. L. Dunlavy briefly reviewed the classifications of roads. T. Miner stated that there is a State regulation that offers protection for stone walls, historical trees, etc.

P. Sloan stated that BRPC has drafted a model Local Road Preservation Bylaw that will address some of the impacts. P. Sloan is reviewing it and will send it out via email. P. Sloan encouraged towns to review the model general bylaw for noise, earth removal, and related disturbances for large scale industrial and commercial facilities previously provided by the FRCOG as soon as possible. If a town requests specific conditions to be included in the Certificate, if granted by FERC, it is beneficial to have an adopted bylaw to reference.

M. Burch stated that she shared a bylaw concerning blasting and water. M. Burch stated that several towns in New York have adopted it. P. Sloan stated that the 401 Water Quality Certificates that need to be issued by each State are very important to protecting water quality.

W. Ramsey stated that directional drilling is being proposed for the wetland areas in Montague. L. Dunlavy suggested offering the town's ARC GIS software under the DLTA funds as a project. She stated that printing a map with every data layer is not readable. However, if the towns had access to the software they could view only the datalayers they want for each situation. P. Sloan stated that there may be funding under a future DLTA grant to prepare some GIS mapping for towns if they identify that as a priority project.

6 –Next Meeting Date/Other Topics not reasonably anticipated 48 hours in advance of the meeting/Adjourn: P. Sloan

T. Cady noted that Kinder Morgan has lost approximately fifty percent of its stock value and that their dividends have been reduced by seventy-five percent.

The next meeting was scheduled for January 21, 2016 at 3:30 p.m.

Copies of the handouts are available. Please contact G. Johnson at gjohnson@frcog.org or 413-774-3167 x126.

The meeting adjourned at 5:00 p.m.