



The pipeline will cross lands deemed natural heritage areas.

On May 8, the Association of Conservation Commissioners, which represents more than 2,100 conservation commissioners throughout Massachusetts, sent a letter to Gov. Deval Patrick, urgently requesting the Governor's assistance in initiating a public process that would, at an early enough stage to be meaningful, address less environmentally destructive routes for the pipeline, including routing near already-compromised stretches, such as along roadways or utility easements. As of this writing, neither the Governor nor the Secretary of Energy and Environmental Affairs has responded to this letter.

Other Conservation Commissioners have enumerated the grave and irreversible negative impacts of the pipeline in letters to Governor Patrick: A May 28 letter from the Trustees of Reservations noted that the proposed pipeline route travels through an estimated 20 state-protected wildlife management areas and state forests, municipal watershed protection areas, the reservations and sanctuaries of The Trustees and Mass Audubon, and the Appalachian Trail. The Trustees urged the Governor to "protect the deep public and private investments that have created this spectacular network of conservation lands along the northern Massachusetts corridor."

The Nashua River Watershed Association pointed out in its letter to the Governor that the pipeline is planned to travel through the two largest Massachusetts state-designated Areas of Critical Environmental Concern: the Squannassit and Petapawag, which together have 39 state-listed rare species of animal and plant life. And a letter from the Groton Conservation Trust describes the ecology of the same Area as "the result of unique geology, hydrology and geography...one of the most remarkable arrays of glacial landforms in New England."





Kinder Morgan corridor through Richmond.

If the currently proposed route of the Kinder Morgan pipeline continues as proposed, what authority can assist localities to preserve these and other resources that have been carefully stewarded over the years by the local Conservation Commissions? Localities can intervene in and participate in the FERC process, and, as scientific experts, Commissioners can call to FERC's attention studies and assessments of impacts that will be relevant to FERC's determination as to whether issuance of a Certificate is truly in the public interest. As interveners, localities can petition FERC for a rehearing, and can, if necessary, seek judicial review.

The Commonwealth of Massachusetts has itself required installation of a pipeline in previously developed properties rather than untouched open space: The March 28, 2014 Certificate of the Secretary of Energy and Environmental Affairs approving the Algonquin Incremental Market (AIM) natural gas pipeline project states that "the majority of the pipeline will be installed beneath 4.5 miles of roadway [which are] bordered by a combination of industrial and commercial land uses..." The New England Council stated that the AIM project "will be constructed largely within Algonquin's current footprint to minimize impacts to landowners, communities and the environment." This same sensitivity toward minimizing impacts should inform the Commonwealth when it becomes involved in the Kinder Morgan project, whose current route is a matter of serious concern to scores of affected localities.

### **State and Local Permit Conditions**

If the project goes forward as proposed, the NEPA regulations require FERC to acknowledge inconsistencies between the pipeline construction and operation and the affected conservation area and must describe "the extent to which the agency would reconcile" conflicts. Specifically, the NEPA regulations state:

(d) To better integrate environmental impact statements into State or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned). Where an inconsistency exists, the statement