



State of Rhode Island and Providence Plantations
Coastal Resources Management Council
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December 20, 2017

Mr. William R. Howard
Environmental Manager
National Grid
280 Melrose Street
Providence, RI 02907

Re: Coastal Zone Management Federal Consistency Determination - National Grid LNG
Liquefaction Facility – 121 Terminal Road, Providence
CRMC File No.: 2016-10-099

Dear Mr. Howard,

On October 31, 2016 National Grid (filing as National Grid LNG, LLC) filed with the Rhode Island Coastal Resources Management Council (CRMC) a federal consistency certification along with the necessary data and information for the proposed construction of a liquefied natural gas (LNG) liquefaction facility (the Project). National Grid intends to construct the Project adjacent to the existing LNG storage tank and associated vaporization plant and truck station located at 121 Terminal Road, Providence, RI. In its filing National Grid certified that “the proposed activity will be consistent with Rhode Island’s federally approved Coastal Resources Management Program.” A copy of National Grid’s consistency certification was also filed concurrently with the Federal Energy Regulatory Commission (FERC) on November 1, 2016. See FERC Docket CP16-121.

National Grid LNG, LLC is seeking a federal license, permit or authorization from the Federal Energy Regulatory Commission (FERC) pursuant to Section 7(c) of the Natural Gas Act (U.S. Code 15 § 717). Federal actions, including the issuance of federal licenses, permits or authorizations that would have a reasonably foreseeable effect on any land or water use or natural resources of a coastal zone must be consistent with the enforceable policies of the federally approved state coastal management plan, in this case the Rhode Island Coastal Resources Management Program (CRMP). The Project is located within the first tier of Rhode Island’s coastal zone, which extends 200 feet inland from a coastal feature, and within a coastal community, Providence. FERC has exclusive jurisdiction in this matter relative to the siting, construction and operation of this proposed Project in accordance with U.S. Code 15 § 717. While FERC’s jurisdiction preempts state permitting of the siting of the Project, federal preemption does not remove the CRMC’s federal consistency review authority for the Project pursuant to the federal Coastal Zone Management Act (CZMA), 16 USC §§ 1451-1464, and the CZMA’s implementing regulations at 15 C.F.R. Part 930, Subpart D – Consistency for Activities Requiring a Federal License or Permit. Accordingly, the CRMC review is limited in this matter to the reasonably foreseeable coastal effects of the Project.

William R. Howard
National Grid
December 20, 2017
Page Two

The CRMC issued a public notice for the Project on November 16, 2016 with a public comment period ending on December 23, 2016. The CRMC further extended the public comment period an additional 30 days until January 23, 2017 to accommodate further public review of this Project. The CRMC also scheduled public hearings to provide the public an opportunity to testify on the Project despite the fact that such hearings are not required, but at the discretion of the agency in accordance with 15 C.F.R. § 930.61. Based on the October 31, 2016 National Grid LNG, LLC filing date of a complete application with the CRMC, the 6-month state agency review period specified in 15 C.F.R. § 930.60 was to end on April 30, 2017. The CRMC continued to provide guidance and assistance to National Grid during this review period in accordance with 15 C.F.R. § 930.56 and additional information was provided by National Grid to supplement the CRMC file, including additional information concerning the proposed Project 25-year design life. Under the provisions of 15 C.F.R. § 930.60(b) the CRMC and National Grid mutually agreed to stay the CRMC 6-month review period until June 15, 2017. Subsequently, the CRMC and National Grid agreed to further stay the CRMC 6-month review period until October 31, 2017, and then again until December 31, 2017, and further until February 28, 2017 to allow sufficient time for National Grid to obtain other needed authorizations or permits to incorporate into the CRMC record.

CRMC staff have conducted a review of the necessary data and information filed by National Grid including the proposed 25-year design life for the Project. CRMC staff also reviewed public comments filed in this matter, and the CRMC staff report was completed and signed by staff on October 25, 2017. The CRMC has provided for public participation as required under 15 C.F.R. § 930.61 by issuing timely public notice and an opportunity for the public to provide comments. In addition, the CRMC held three public hearings in this matter on November 14 and 28, and December 12, 2017 where the Council considered the findings of the CRMC staff report, the public comments and testimony on the Project, and the materials, representations and testimony submitted by National Grid. The Council concurred with the recommendation of the CRMC Executive Director that based upon his review of the record that the Project is consistent with the applicable enforceable policies of the Rhode Island Coastal Resources Management Program.

Therefore, based on the filings with this office and the testimony of National Grid at the hearings that the Project has a 30-year design life and would be decommissioned after that time frame, and the further evidence presented and the representations of National Grid during the review and the Council's deliberations on this matter, the CRMC hereby concurs with the consistency certification filed by National Grid that the proposed Project with its 30-year design life is consistent with the federally approved Coastal Resources Management Program in accordance with the CZMA (16 U.S.C. § 1451 *et seq.*) and 15 C.F.R. Part 930, Subpart D - Consistency for Activities Requiring a Federal License or Permit. Any substantial changes to the proposed Project from the material presented by National Grid, or later substantial modifications to the license issued by FERC, may require a separate CZMA review by the CRMC, pursuant to the CZMA regulations at 15 C.F.R. §§ 930.51(b) and (c) or 930.66. The CRMC will file a copy of this consistency certification concurrence with the Secretary of the Federal Energy Regulatory Commission as required pursuant to 15 C.F.R. § 930.62(a).

William R. Howard
National Grid
December 20, 2017
Page Three

Please contact me at 401-783-3370 or email gfugate@crmc.ri.gov should you have any questions.

Sincerely,


Grover J. Fugate, Executive Director
Coastal Resources Management Council

/lat

cc Kimberly D. Bose, Secretary
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