

CRMC DECISION WORKSHEET

2023-10-104

Algonquin Gas Transmission, LLC

Hearing Date:	
Approved as Recommended	
Approved w/additional Stipulations	
Approved but Modified	
Denied	Vote

APPLICATION INFORMATION						
File Number	Town	Project Location		Category	Special Exception	Variance
2023-10-104	Portsmouth	Various Locations		A	<input type="checkbox"/>	<input type="checkbox"/>
		Plat	Lot			
		Owner Name and Address				
Date Accepted	1/09/2024	Algonquin Gas Transmission, LLC c/o Joe McGaver 11 East Superior Street, Suite 125 Duluth, MN 55802		Work at or Below MHW <input type="checkbox"/>		
Date Completed	4/23/2024			Lease Required <input type="checkbox"/>		

PROJECT DESCRIPTION

replace portion of pipeline from pump station Portsmouth to East Main Rd, Little Compton

KEY PROGRAMMATIC ISSUES

Coastal Feature: Coastal Beach and Coastal Bluff

Water Type: Type 3, Sakonnet River

Red Book:

Freshwater

Wetlands Wooded Swamp

Feature

Variances and/or Special Exception Details:

Additional Comments and/or Council Requirements: The application was conditionally approved as a Category A/Freshwater Wetlands Insignificant Alteration on 2/14/2024. As the draft Assent was being converted to a final Assent, objections were received.

Specific Staff Stipulations (beyond Standard stipulations):

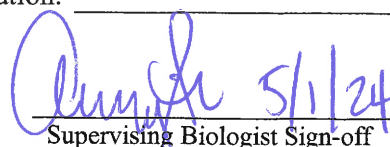
STAFF RECOMMENDATION(S)


Engineer RML Recommendation: No Objections/Approval

Biologist ALS Recommendation: No Objections/Approval

Other Staff _____ Recommendation: _____


Engineering Supervisor Sign-Off 4/29/24 date


Supervising Biologist Sign-off 5/1/24 date


Executive Director Sign-Off 4/30/24 date

Staff Sign off on Hearing Packet (Eng/Bio) _____ date

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Staff Report



STATE OF RHODE ISLAND
COASTAL RESOURCES MANAGEMENT COUNCIL
STAFF REPORT TO THE COUNCIL

DATE: April 23, 2024
TO: Jeffrey M. Willis, Executive Director
FROM: Amy Silva, Richard Lucia, P.E.

Applicant's Name:	Algonquin Gas Transmission, LLC
CRMC File Number:	2023-10-104
Project:	Replace portion of pipeline from pump station Portsmouth to East Main Rd, Little Compton
Location:	Various Locations; Portsmouth & Little Compton
Water Type/Name:	Type 3, Sakonnet River
Coastal Feature:	Coastal Beach and Coastal Bluff
Freshwater Wetland	Wooded Swamp
Plans Reviewed:	G-2 Natural Gas Pipeline Maintenance Project (Appendix A, Mapping Drawings), sheets 1-8 and Attachment B, Project Drawings 1-10

INTRODUCTION:

Algonquin Gas Transmission, LLC (Algonquin), operates an existing natural gas transmission system in the subject area. This line interconnects with Rhode Island Energy, the local gas distribution company. The existing pipeline, originally installed in 1954, is the source of natural gas for homes and businesses on Aquidneck Island. After a recent inspection, it was determined that a portion of the line must be replaced.

Algonquin is proposing to replace a total of approximately 9,920 feet of existing 6-inch diameter pipeline stretching from the east side of the Sakonnet River in Little Compton to Algonquin's existing Meter and Regulation Station 00013 (M&R Station 00013) in Portsmouth. The replacement pipeline segment will primarily be located within Algonquin's existing rights-of way (ROW) in Portsmouth and Little Compton and will ensure the continued safe and reliable transmission of gas. The replacement pipe will be 12-inch diameter and installed primarily within Algonquin's existing ROW. There are two separate Horizontal Directional Drilling (HDD) segments included in the Project; one HDD under the Sakonnet River and one HDD under Cotton Swamp in Portsmouth.

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The subject application was conditionally authorized administratively in “DRAFT” form on February 14, 2024 pending receipt of sign-offs from all property owners outside the ROWs. The draft Assent was provided to the applicant so they could obtain the signatures and complete other aspects of the permitting and financing process.

The required sign-offs for work outside of the ROWs were received on March 19, 2024.

As the signature document was being reviewed for issuance of the finalized Assent, an objection was received. Several other objections have been received in the wake of that original objection.

COMMENTS ON APPLICATION/APPLICABLE POLICIES, STANDARDS & ETC:

The application falls under the jurisdiction of both the Freshwater Wetlands in the Vicinity of the Coast Program (FWWVC; 650-RICR-20-0-9) and the Coastal Resources Management Program (CRMP/”Red Book”; 650-RICR-20-0-1).

Freshwater Wetland Regulations (650-RICR-20-0-9)

9.6.9	Exemptions: Utility Emergencies	The applicant provided documentation to support a full FWWVC application, but the project could be considered an exemption.
9.11	Application for a Freshwater Wetlands Permit	The submitted application narrative provides all required elements of this Section. All disturbances to FWWVC are either temporary and will be restored, or have been avoided by the use of Horizontal Directional Drilling

“Red Book” Regulations (650-RICR-20-0-1)

1.1.6(G)	Substantive Objections	See Below
1.2.1(D)	Type 3 Water—High Intensity Boating	There is no activity within the identified waterway. All work will be done via Horizontal Directional Drilling under the waterway.
1.2.2(A)	Coastal Beaches	Any work on identified Coastal Features will be temporary in nature and all areas will be restored
1.2.2(D)	Coastal Headlands, Bluffs and Cliffs	Any work on identified Coastal Features will be temporary in nature and all areas will be restored
1.3.1(B)	Filling, Removing, Grading Shoreline Features	Any work on identified Coastal Features will be temporary in nature and all areas will be restored
1.3.1(N)	Maintenance of Structures	The gas line proposed for maintenance/replacement pre-dates the CRMC.

This application was reviewed administratively and approved pending receipt of required signatures on February 14, 2024. It was determined to have met all regulatory requirements.

COMMENTS ON OBJECTION(S):

As the signature document was being reviewed for issuance of the finalized Assent, an objection was received from the Sierra Club. Several other objections have been received in the wake of that original objection.

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Staff offers the following comments on the submitted objections in accordance with Section 1.1.6(G):

The initial objection, from the Sierra Club (3/28/24), objected to the requesting of the file and the process of receiving the file. Staff acknowledges that there were administrative issues in getting the file requested to the requestor. Said requestor then asked how long the comment period was. There was no comment period, and staff was readying the Assent for issuance and requested that comment be sent in as soon as possible. As of this writing, no further comment has been submitted from this member of the public.

Most objections received following the 3/28 complaint from Sierra Club are related to opposition to increasing fossil fuel infrastructure in RI, concerns for impacts of the directional drilling, and one is in opposition to fracking. It should be noted that there is no fracking proposed under this application. This application is requesting to replace an existing gas transmission line. A stipulation has been included in the Draft Assent to address monitoring of the project, which was provided to the application and states the following:

“An Environmental Compliance Monitor (ECM) shall be designated to oversee project compliance with the CRMC Assent. The RE (Resident Engineer) shall ensure that one or more inspectors are available as necessary for the project, each inspector must be qualified in the required specialized environmental field (i.e. waste management, coastal wetlands, etc). Each inspector must have the education and experience in each respective field to properly inspect the project and recommend corrective measures. The RE/ECM shall report site inspections at least once weekly and on an as needed basis during all phases of the project likely to result in environmental impacts. A dated and signed report shall be completed for the record during each inspection. Each inspection shall identify any environmental issues of concern and any non-compliance with the CRMC Assent and other agency approvals (RI Department of Environmental Management, US Army Corps of Engineers and US Coast Guard). Subsequent reports shall describe actions and remedies undertaken to rectify these issues and restore project compliance with the CRMC Assent and the approved plans. Where compliance has not been properly achieved, the RE/ECM shall notify the CRMC on a timely basis. In addition, field reports shall be available to be forwarded to the CRMC upon request”.

An objection also from Dave Sungarian, email dated April 22, 2024 refers to the increase in the diameter of the pipe from 6” to 12”, which technically this could increase its capacity. The applicant has not stated that there will be an increase in product (gas) into the pipe, but simply that the pipe increase will improve “integrity and reliability”. There are no engineering objections to increasing the pipe size to 12” as this will increase efficiency of the pipe as compared to the 6” pipe (less pressure required to transport the same amount of gas).

The project was reviewed administratively and did not require a Public Notice under either the Freshwater Wetlands Program or the “Red Book”. The concerns raised do not appear to meet the criteria of substantive under either Redbook Section 1.1.6(G) or Freshwater Wetland in the Vicinity of the Coast Section 9.12.4(C)(3).

CONCLUSION & RECOMMENDATION:

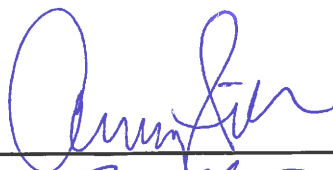
The application was reviewed administratively by staff and was prepared for a Draft Assent on February 14, 2023, which was sent to the applicant, to be finalized (signed by the Executive/Deputy Director) upon receipt of signatures of affected property owners.

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The signatures required were submitted on March 19, 2024. Before the Assent could be issued in its finalized form, objections were received, and the Assent was held for Council review and decision. Staff maintains the opinion that the application meets the requirements of the applicable programs and believes that the submitted objections do not rise to “substantive” under either program.

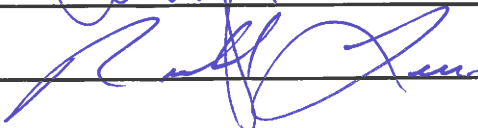
Should the Council approve this application, the draft Assent will be finalized and provided to the applicant.

Signed _____



Staff Biologist

Signed _____



Staff Engineer