



Algonquin Gas Transmission, LLC
890 Winter Street
Suite 320
Waltham, MA 02451



April 1, 2024

Ms. Laura Miguel
Deputy Director
State of Rhode Island
Coastal Resources Management Council
Oliver H. Stedman Government Center
4808 Tower Hill Road, Suite 3
Wakefield, RI 02879-1900

Re: CRMC Assent No. W2023-10-104, CRMC File No: 2023-10-104

Dear Miss Miguel:

Algonquin Gas Transmission, LLC ("Algonquin") is providing a summary of applicable regulations to support its Rhode Island Coastal Resources Management Council ("CRMC") Freshwater Wetlands in the Vicinity of the Coast Permit Application received by the Agency on October 23, 2023, for its G-2 Natural Gas Pipeline Maintenance Project (the "Project"). As summarized in the attachment to this letter, and as confirmed by the CRMC through its Draft Assent issued by the CRMC on February 14, 2024 (Algonquin provided the CRMC with the supporting documentation required to fulfill the requirements listed in Section A. of the Specific Stipulations of Approval in the Draft Assent: (i) March 14, 2024, and resent on March 19, Algonquin provided the Verification of Landowner Consents; and (ii) on February 9, 2024, Algonquin provided the Letter of No Objection from RIHPC), the Project has met all regulatory requirements necessary for the CRMC to issue the Assent for this Project.

Algonquin has also received approval from the United States Army Corps of Engineers New England District Regulatory Division on March 12, 2024, to begin construction on the Project, pending the CRMC required authorization. Algonquin is anticipating receiving approval from the Federal Energy Regulatory Commission for the Project on April 8, 2024.

Algonquin appreciates the CRMC's attention to this matter and requests a timely issuance of the final Assent for this Project, as Algonquin has met all of the regulatory requirements for the issuance of the general Freshwater Wetlands Permit. It is critical that Algonquin proceed with this maintenance project in order to maintain the safety of the system and reliable pressures on a critically important segment of the Algonquin system in Rhode Island and to ensure that the maintenance work is completed before the start of the winter heating season.

Regards,

A handwritten signature in blue ink, appearing to read "BW", followed by a long horizontal flourish.

Brad Wynnemer
Manager, Environment Projects
Algonquin Gas Transmission, LLC

CC: Joe McGaver, Algonquin Gas Transmission, LLC
Tom Dahl, Algonquin Gas Transmission, LLC

Enclosures



Attachment

Section 1

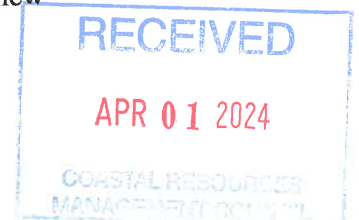
Rhode Island applies standards to regulated projects and activities in accordance with 650-RICR-20-10-9.7 with the intent to protect and enhance the functions and values of freshwater wetlands, buffers, floodplains, areas subject to flooding, and areas subject to storm flowage. The following identifies these standards and demonstrates how the Project will comply with these standards.

§ 9.7.1(A) General freshwater wetland protection standards: *All projects and activities subject to this Part shall be designed and carried out to avoid alteration of freshwater wetlands.*

There will be no permanent freshwater wetland impacts or permanent wetland cover type changes as a result of the Project. The Project has been designed to avoid and minimize temporary freshwater wetland impacts to the extent practicable by using horizontal directional drilling (“HDD”) to avoid and minimize temporary wetland impacts. Construction mats will be utilized in all workspaces that overlap with freshwater wetlands, reducing the amount of ground disturbance within the freshwater wetlands. Erosion and sediment controls will be installed prior to ground disturbance activities and will be maintained throughout the duration of the Project. Vegetation removal will be confined to the minimum space required to safely and efficiently execute the Project, and stumps will be left in place outside of the direct excavation area to promote rapid revegetation of existing species composition (unless safety or access considerations require stump removal elsewhere). Following the completion of the Project, all wetland areas will be restored to preconstruction conditions, including restoring pre-construction grades and drainage patterns to original configuration and allowed to revegetate to pre-construction cover type. Additionally, Algonquin will have an Environmental Inspector frequently inspecting the Project workspace to ensure all best management practices are being utilized and maintained throughout construction activities. Following the restoration of the workspace, periodic inspections will be completed to document the status of the freshwater wetland restoration. Therefore, by designing the Project to avoid permanent impacts, utilizing the HDD method, using construction mats, installation and maintenance of erosion and sediment controls, and the restoration of pre-construction conditions, there will be no permanent alteration of freshwater wetlands as a result of the Project.

§ 9.7.1(B)(3) Freshwater wetland buffer standard: *Protection of existing freshwater wetland buffers. All projects and activities shall be designed and carried out to avoid alteration of buffers within buffer zones, except as provided for in § 9.7.1(B)(5) of this Part below. The buffer within a designated buffer zone shall consist of: a) all undeveloped vegetated land; and b) any area to be newly created to resemble buffer pursuant to 9.7.1(b)(4) of this Part, below.*

There will be no permanent buffer impacts or permanent cover type changes to buffers as a result of the Project. The only permanent impacts associated with the Project are at the new



aboveground facility (trap site) in Little Compton, which has been specifically located greater than 200 feet from the edge of the Sakonnet River outside the river buffer for the Sakonnet River. Following the completion of the Project, temporarily impacted buffers will be restored and revert back to pre-construction conditions and there will be no change in permanent cover type within buffers.

§ 9.7.1(B)(4) Freshwater wetland buffer standard: *Creation of new buffer on existing disturbed property. When a project or activity is proposed within a buffer zone that does not consist entirely of undeveloped vegetated land, new buffer area may be required to be created within a portion of the buffer zone to resemble a naturally occurring vegetated area. b) A project or activity that cannot, due to site constraints, avoid intrusion into the buffer zone shall be designed and carried out to avoid alteration of the existing buffer as well as meet the following minimum targets for creation of new buffer contiguous to freshwater wetland or existing buffer on the subject property: 1) For single-family houses and other development proposed on property with no existing buildings, the minimum target for total buffer width (existing undeveloped vegetated land plus created buffer) is: (AA) Fifty percent (50%) of the applicable buffer zone width from § 9.23 of this Part, not to exceed fifty feet (50'), on lots greater than or equal to one (1) acre, or (BB) Fifteen feet (15'), on lots less than one (1) acre. 2) For proposed projects or activities on property that is greater than or equal to three (3) acres, that is not a single-family residential lot of record, that contains one (1) or more existing structures, and where the proposed land disturbance total is greater or equal to ten thousand (10,000) square feet, the minimum target for total buffer width is: (AA) Twenty five feet (25') in the non-urban River Protection Regions 1 and 2 (See § 9.24 of this Part); or (BB) Fifteen feet (15') in the urban region (See § 9.24 of this Part). c) Creation of new buffer may be accomplished by the planting of vegetation or by allowing the area to naturally revegetate, at the discretion of the CRMC. The CRMC may require plantings as a condition of a permit, and such area shall be defined as buffer. When creating buffer, the CRMC may allow certain areas to remain clear in order to accommodate existing utilities, drainage easements, reasonable access to existing developed shoreline features, property accessories, or conditions where re-vegetation would require the removal or threaten the integrity of existing structures.*

Since buffers temporarily impacted by the Project will be allowed to naturally revegetate to pre-construction conditions, the creation of new buffers is not applicable to the Project.

§ 9.7.1(B)(5) Freshwater wetland buffer standard: Residential infill lot standard a) *This standard shall apply to proposed new construction on an individual residential lot of record, as of the effective date of these Rules, where the lot meets the following conditions: (1) Has frontage on an existing road; (2) Has adjacent lots on both sides that are developed; (3) Is less than or equal to one (1) acre in size; and (4) Is undeveloped vegetated land.*



§ 9.7.1(E): Flood Protection Standard: *1. Flood storage capacity: Projects and activities taking place in a floodplain shall not result in any net reduction in flood storage capacity and shall not reduce the rate at which floodwater is stored by the floodplain. 2. Floodway obstruction: Projects and activities taking place within or adjacent to rivers or streams shall not encroach into floodway limits with any fill, structure or other development.*

The Project is not located in special flood hazard areas (Zone A, AE, etc.). Although a section of the Cotton Swamp is within the 500-year flood zone (Zone X), which is not considered a special flood hazard area, there will be no grade changes or fill proposed in or adjacent to this area. Additionally, no floodways will be filled as part of the project. The Project will not result in a net reduction in flood storage capacity and will not reduce the rate at which floodwater is stored by the floodplain.

§ 9.7.1(F) Surface Water and Groundwater Diversion Standard: *Projects and activities shall not adversely affect the flow of groundwater or surface water into or out of any freshwater wetland and shall not result in obstruction of, or the reduction in storage capacity of, any area subject to flooding or area subject to storm flowage.*

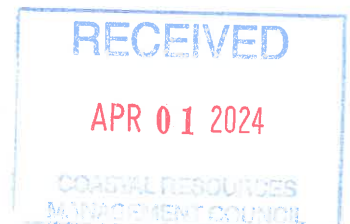
Since the Project workspace will be restored to pre-construction conditions following the completion of the Project, there will be no adverse effects to the flow of groundwater or surface waters into or out of freshwater wetlands. Minor grading will take place in order to safely install the new aboveground facility in Little Compton, but since this minor alteration is located outside the 200-foot contiguous area associated with the Sakonnet River, these minor changes will have no impact on the flow of groundwater or surface water, nor result in the obstruction of, or the reduction in storage capacity of areas subject to flooding or areas subject to storm flowage.

§ 9.7.1(G): Stormwater Management Standard: *Projects and activities shall meet the minimum standards in the Stormwater Management, Design, and Installation Rules, 250-RICR-150-10-8, or for single-family lots of record the “RI Stormwater Management Guidance for Individual Single Family Residential Lot Development” for the recommended and primary means to achieve this standard.*

The Project has been designed to comply with the minimum standards found in 250-RICR-150-10-8.

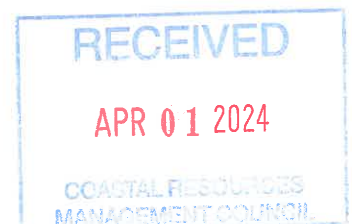
§ 9.7.1(H): Erosion and Sedimentation Control Standard: *Projects and activities shall be designed and carried out in a manner that prevents soil erosion and sedimentation consistent with the Stormwater Management, Design and Installation Rules, § 250-RICR-150-10-8.16.*

The Project will be executed in compliance with Algonquin’s E&SCP, which is consistent with 250-RICR-150-10-8.16. Additionally, Algonquin will permit discharges from construction activities in compliance with state and federal requirements, as applicable.



§ 9.7.1(I): Water Quality Standard: *Projects shall not cause or contribute to a violation of any State water quality standard for surface water or groundwater or contribute to significant degradation of surface water or groundwater resources.*

Pursuant to the 250-RICR-150-05-1 Water Quality Regulations, effective February 26, 2020, the Sakonnet River is classified as a Class SA (seawater) waterbody and is suitable for shellfish harvesting for direct human consumption, primary and secondary contact recreational activities, fish and wildlife habitat, and has good aesthetic value. The Project is avoiding impacts to the Sakonnet River through the use of the HDD. Impacts to Cotton Swamp and associated streams will be avoided and minimized to the extent practicable by the use of the HDD. Temporary impacts associated with the Project will be minimized by utilizing Algonquin's E&SC Plan and SPCC Plan. Additionally, Algonquin has a Best Drilling Practices Plan & Monitoring and Clean-up of Horizontal Directional Drilling Inadvertent Returns ("BDP Plan") prepared for the Project.



Section 2

Rhode Island applies standards to regulated projects and activities pursuant to the federal Coastal Zone Management Act and RI General Laws Chapter 46-23 with 650-RICR-20-00-1. The purpose of these rules is to manage the coastal resources of the state, provide for the integration and coordination of the protection of natural resources, promote reasonable coastal-dependent economic growth, and improve protection of life and property from coastal hazards. The following section identifies the standards in these regulations and demonstrates how the Project will comply with these standards.

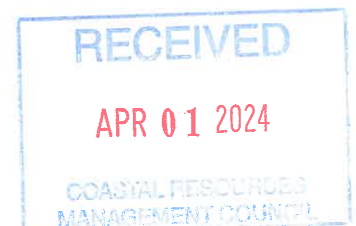
1.2.1B, 1.2.1C Type 1 and Type 2 Conservation Areas: *Sakonnet River is Type 1 along coast, Type 2 in open water (CRMC, 2010a and CRMC, 2010b). CRMC's goal for Type 1 waters is to preserve and protect them from activities and uses that have the potential to degrade scenic, wildlife, and plant habitat values, or which may adversely impact water quality or natural shoreline types. CRMC's goal for Type 2 waters is to maintain and, where possible, restore the high scenic value, water quality, and natural habitat values of these areas, while providing for low intensity uses that will not detract from these values.*

By utilizing the HDD methodology, the Project proposes to replace the pipeline without altering the characteristics of the shoreline and tidal waters in the vicinity of the Project. While the HDD method is a proven technology, there are certain temporary impacts that could occur as a result of the drilling such as the inadvertent release of drilling fluid. Accordingly, Algonquin has developed a Best Drilling Practices Plan & Monitoring and Clean-up of Horizontal Directional Drilling Inadvertent Returns (BDP Plan) for monitoring the HDD program for the Project. This BDP Plan will be kept on-site and will be available and implemented by all proposed personnel described in the BDP Plan.

1.2.2.E Rocky Shores: *CRMC's goal is to preserve and protect rocky shores for their role in erosion prevention, for the unique assemblages of organisms that they may support, and for their recreation and scenic value.*

By utilizing the HDD methodology, the Project will not impact the Sakonnet River's rocky shores. The proposed TWS near the Sakonnet River is located on an active agricultural field and will not impact the rocky shores associated with the Sakonnet River. Algonquin will install and maintain erosion and sediment controls in accordance with Algonquin's E&SCP to avoid and minimize runoff during construction, and the entire area will be restored and stabilized upon completion of the Project.

1.2.3 Areas of Historic and Archaeological Significance: *CRMC's goal is to, where possible, preserve and protect significant historic and archaeological properties in the coastal zone.*



On July 21, 2023, PAL submitted the Project cultural assessment to the RI SHPO, as well as the Narragansett Indian Tribe, Mashpee Wampanoag Tribe and the Wampanoag Tribe of Gay Head, for review and concurrence. On August 18, 2023, RI SHPO concurred with PAL's conclusion that the Project will not affect historical properties and no additional historical architectural survey is required.

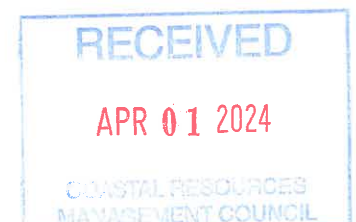
1.3.1.H.2.a(1-2) Energy-related Activities and Structures: CRMC requires a permit for construction, alteration, and operation for facilities that transfer petroleum products sited within the coastal region due to the high probability of affecting coastal resources and land uses.

1.3.1.H.2.a(3) The siting, construction, alteration and/or operation of petroleum processing, transfer or storage facilities and power generating facilities within the State of Rhode Island shall require a Council permit when there is reasonable probability demonstrated by reliable and probative evidence that the proposal will: (AA) Conflict with any Council management plan or program, (BB) Make any area unsuitable for any uses or activities to which it is allocated by a Council Plan or Program, or (CC) Significantly damage the environment of the coastal region.

One CRMC management plan exists for areas within the vicinity of the Project. The CRMC Shoreline Change Special Area Management Plan is applicable to the 420 miles of shoreline in RI. The Project will drill beneath the shoreline in Little Compton and Portsmouth, therefore avoiding conflict with this management plan. The area will remain suitable for uses and activities allocated by the plan, and the Project will not significantly damage the environment of the coastal region.

1.3.1.H.2.a(4) Applicants for energy facilities must consider the projected impacts of climate change, including but not limited to projected storm surge, coastal erosion and sea level rise to these facilities.

Algonquin considered the projected impacts of climate change when engineering the replacement pipeline and aboveground facility. For the majority of the Project, the replacement pipeline will be installed below the surface, with sufficient cover to prevent erosive forces from exposing the pipe. The new aboveground facility proposed in Little Compton is sited approximately 34 feet above sea level, and the existing M&R00013 station in Portsmouth is sited approximately 69 feet above sea level, significantly above the NOAA worst-case sea level rise scenario of eight feet by year 2100. The largest storm surge on record in Rhode Island was during the 1938 Hurricane, which was approximately 9.5 feet above normal high tide in Newport County and approximately 13.5 feet higher than normal high tide in Providence County. The proposed aboveground facility and the existing M&R Station are sited at higher elevations than the highest record storm surge on top of the worst-case scenario sea level rise.



1.3.1.H.2.a(5) Applicants shall be further required to demonstrate by reliable and probative evidence that: (AA) Alternative sites have been considered and rejected for environmental, economic and/or operational reasons.

As identified in Section 4.0 of Algonquin's Permit Application, Algonquin has considered alternatives that were rejected for environmental, economic and/or operational reasons.

(BB) Construction and/or operation will be in conformance with all applicable environmental standards, guidelines and objectives.

Prior to starting construction of the Project, Algonquin will obtain the necessary state and federal permits required to authorize the Project. Algonquin is in the final steps of obtaining all required authorizations and consultations.

(CC) Siting will not cause secondary developments that are inconsistent with the State Guide Plan or approved municipal comprehensive plans.

This maintenance Project is required to improve the reliability and safety of Algonquin's existing pipeline. No additional development is necessary to make the Project viable. The Project will not cause secondary developments that are inconsistent with the State Guide Plan or approved municipal comprehensive plans.

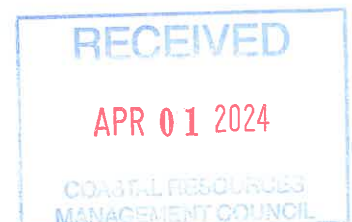
(DD) Operation will not degrade aquifers or water bodies utilized for public water supply

The Project is located on aquifers classified as GA, suitable for drinking. By utilizing the E&SCP, SPCC Plan and BDP Plan, construction and operation of the Project will not degrade aquifers or waterbodies utilized for public water supply.

(EE) Adequate procedures for the safe transport and/or disposal of products, materials and/or wastes hazardous to man or the coastal environment will be taken, including emergency containment and cleanup.

The Project will be completed in compliance with Algonquin's E&SC Plan, SPCC Plan and BDP Plan to ensure the safe transport and/or disposal of products, materials and/or wastes hazardous to man or the coastal environment. Additionally, to facilitate proper disposal, soil and groundwater pre-characterization will be completed prior to starting construction.

1.3.1.H.2.a(7) Recipients of approved Council permits shall be required to maintain such records as may be necessary to monitor and ensure compliance of facility operations with all applicable Policies as set forth above.





Algonquin will maintain such records as may be necessary to monitor and ensure compliance of facility operations with all applicable Policies as set forth above.

1.3.1.H.3 Certified verification agent (CVA) requirement for energy-related activities defined in § 1.1.2 of this Part for which the CRMC has jurisdiction or requires a permit in accordance with §§ 1.1.4 and 1.3.3 of this Part, and as required by the CRMC executive director to review projects that are outside the scope of CRMC staff expertise.

If required, Algonquin will retain and utilize a CVA as required in 1.3.1.H.3.b-q.

1.3.1.H.4 Applicants must demonstrate that all relevant local zoning ordinances, building codes, flood hazard standards, and all state safety codes, fire codes, and environmental requirements have or will be met.

The Project proposes the replacement of an existing pipeline located primarily within the existing ROW. No changes to zoning are required to complete the Project and no building codes or flood hazard standards apply. As applicable, state safety codes, fire codes and environmental requirements will be met.

1.3.1.H.5 Industrial operations and structures are prohibited in Type 1 and 2 waters or on shoreline features and their contiguous areas abutting these waters.

The Project does not propose industrial operations or structures in Type 1 or 2 waters or their 200-foot contiguous areas. The Pipeline will run approximately 210 feet below the bed of the Sakonnet River, avoiding impacts to the shore and there will be no proposed permanent changes to land use within the jurisdictional area following final site restoration. The aboveground facility in Little Compton will be located greater than 200 feet from the banks of the Sakonnet River.

1.3.1.H.6.a Unless preempted under the regulations of the Federal Energy Regulatory Commission the following summary defines the scope of the topics that shall be addressed by applicants for power generating and petroleum processing and storage as they apply to construction, operation, decommissioning, and waste disposal:

(1) Environmental impacts,

The Project's temporary environmental impacts are summarized in sections 2.0 and 3.0 of Algonquin's Permit Application submitted to CRMC on October 23, 2023.

(2) Social impacts,

In order to continue Algonquin's commitment to safety and reliability, it is critical that Algonquin maintain the existing G-2 pipeline system through Portsmouth and Little Compton. The construction duration is temporary and will result in a minimal negative social impact to the



surrounding community when compared to the long-term, lasting positive social impact the Project will have on the overall community.

(3) Economic impacts,

Project economic impacts are referenced in Section 1.0 of the permit application submitted to CRMC on October 23, 2023.

(4) Alternative sites,

The Project Alternative Assessments are referenced in Section 4.0 of the permit application submitted to CRMC on October 23, 2023.

(5) Alternative means to fulfill the need for the facility,

The Project Alternative Assessments are referenced in Section 4.0 of the permit application submitted to CRMC on October 23, 2023.

(6) Demonstration of need, and

The demonstration of Project need is referenced in Section 1.0 of the permit application submitted to CRMC on October 23, 2023.

(7) Consistency with state and national energy policies.

The description of Project need is referenced in Section 1.0 of the permit application submitted to CRMC on October 23, 2023.

1.3.1.H.7.a Filling, removing, or grading

The Project does not propose filing, removing, or grading of beaches, rocky shores, or within coastal wetlands. Open cut replacement of the pipeline will temporarily impact approximately 2,400 square feet (0.06 acres) of freshwater wetlands via excavation, below the threshold in the standard 1.3.1.B.f for activities to be reviewed at the Category B level.

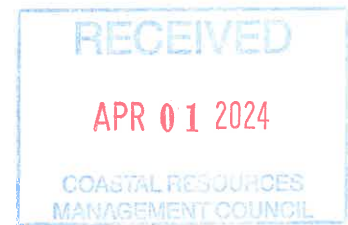
1.3.1.H.7.b Residential, commercial, industrial, and public recreational structures

As discussed in the response to 1.3.1.H.2.a(3) above, the Project will not negatively impact any public access plan, nor will it threaten lives or coastal resources in the event of a storm disaster.

1.3.1.H.7.c Treatment of sewage and stormwater

No sewage or stormwater treatment facilities are proposed as part of this Project.

1.3.1.H.8.b(2) Applicants for such a permit shall demonstrate by a fair preponderance of evidence that the proposed action will not: (AA) Conflict with any Council management plan or



program;

See response to 1.3.1.H.2.a(3) above.

(BB) Make any area unsuitable for any uses or activities to which it is allocated by a Council management plan or program, or

The Project does not propose substantial changes to the landscape. A small trap facility will be constructed in Little Compton, resulting in minor reductions to privately owned land. The Project will not make the area unsuitable for current or potential future use.

(CC) Significantly damage the environment of the coastal region.

The Project will implement the E&SC Plan, SPCC Plan and BDP Plan, which have all been designed to minimize and avoid impacts to the surrounding environment. Through the use of these construction plans, as well as the short-term construction duration of the Project, there will be no significant damage to the environment of the coastal region as a result of the Project.

1.3.1.H.8.b(3) In addition to those requirements set forth in § 1.3.1(H)(2) of this Part, it shall be further demonstrated by reliable and probative evidence that the coastal resources are capable of supporting the proposed activity including the impacts and/or effects related to:
(AA) Scheduling and duration of construction relative to recreational, wildlife and fisheries use of affected areas;

By utilizing the HDD method, the Project will not affect recreational, wildlife or fisheries use of the Sakonnet River. To the extent practicable, Algonquin will expedite the HDD under the Sakonnet River while executing the Project safely and efficiently.

(BB) The degree and nature, if any, of site reclamation proposed; and

Following the completion of the Project, all TWS will be fully restored to preconstruction conditions. Routine monitoring will occur until restoration is complete and the site is fully stabilized.

(CC) Exposure of the proposed pipelines to hazardous bottom conditions.

The replacement pipe will be installed up to approximately 210 feet below the Sakonnet River riverbed; therefore, the replacement pipe will be adequately protected against hazardous bottom conditions.

1.3.5.B. Visual requirements of projects in and adjacent to Type 1, 2, and 4 waters



By utilizing the HDD method, the existing vegetation along the banks of the Sakonnet River will be maintained and the Project will not impact the rocky shoreline. The new aboveground facility is located greater than 200 feet from the banks of the Sakonnet River and will be visually insignificant compared to the surrounding landscape.

1.3.6 Protection and Enhancement of Public Access to the Shore

The replacement pipeline will be installed below the Sakonnet River and associated banks, therefore the Project will not interfere with the public's right to pass and repass along the shore.