

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:  
OEP/DG2E/Gas 1  
Tennessee Gas Pipeline Company  
Connecticut Expansion Project  
Docket No. CP14-529-000

December 29, 2016

Reid Nelson, Director  
ATTN: John Eddins  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001-2637

**Re: Notification of Adverse Effect for the Connecticut Expansion Project**

Dear Mr. Nelson:

Pursuant to Title 36 of the Code of Federal Regulations, Part 800.6(a)(1)(36 CFR 800.6[a][1]), the Federal Energy Regulatory Commission (FERC) is notifying the Advisory Council on Historic Preservation (ACHP) that the Connecticut Expansion Project (Project) in the above-referenced docket would have an adverse effect on historic properties. The finding involves multiple ceremonial stone landscape features in Berkshire County, Massachusetts.

We are requesting your participation in the resolution of adverse effects as a signatory to a Memorandum of Agreement. The Massachusetts State Historic Preservation Office (SHPO) has chosen not to participate. ACHP staff have previously been provided information about the Project, including cultural resource survey reports, SHPO concurrence letters on archaeological and architectural survey, the results of the Ceremonial Stone Landscape Survey, and documentation of consultation with Indian Tribes. The Enclosure contains a summary of these documents, as well as other documentation required by 36 CFR 800.11(e), in support of the adverse effect finding.

If we do not hear from you within 15 days of receipt of this notice, we will assume you do not want to participate further in the Section 106 process. A copy of any executed memorandum of agreement, with the documentation required pursuant to 36 CFR 800.11(f), will be provided to the ACHP for the Project upon completion.

This letter is available for public inspection in the FERC's public file for the above referenced docket. If you have any questions, please call Ellen Saint Onge, Archaeologist, at (202)-502-6726, Eric Howard, Archaeologist, at (202) 502-6263, or Elaine Baum, Project Manager, at 202-502-6467.

Sincerely,

J. Rich McGuire, Director  
Division of Gas-Environment  
and Engineering

Enclosure

cc: Public File, Docket No. CP14-529-000(w/o Enclosure)

All Parties (w/o Enclosure)

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Attn. Jonathon K. Patton

**Documentation for Adverse Effects on Historic Properties  
In Berkshire County, Massachusetts**

**1) The Undertaking**

Tennessee Gas Pipeline Company (Tennessee) would construct, modify, and operate a natural gas transmission pipeline and related facilities along its existing 200 Line system in New York and Massachusetts, and along its existing 300 Line system in Connecticut. Tennessee's proposed system expansion, referred to as the Connecticut Expansion Project (Project) would provide 72,100 dekatherms per day of natural gas to three new shippers. The Project includes construction of three looping<sup>1</sup> segments of new 36-inch-diameter and 24-inch-diameter natural gas pipeline, totaling about 13.5 miles, modifications at an existing compressor station, and certain appurtenant facilities. The Project would consist of the following facilities:

- installation of 1.4 miles of new 36-inch-diameter pipeline loop near the Town of Bethlehem, in Albany County, New York (referred to as the New York Loop);
- installation of 3.8 miles of 36-inch-diameter pipeline loop near the Town of Sandisfield, in Berkshire County, Massachusetts (referred to as the Massachusetts Loop);
- installation of 8.3 miles of 24-inch-diameter pipeline loop near the Town of Agawam, in Hampden County, Massachusetts and near the Towns of Suffield and East Granby in Hartford County, Connecticut (referred to as the Connecticut Loop);
- modifications at the existing Agawam Compressor Station (Compressor Station 261) in Hampden County, Massachusetts;
- installation of appurtenant facilities, including a mainline valve, cathodic protection, and pig launchers and receivers<sup>2</sup> along the three pipeline loops; and
- relocation of two existing pig receiver facilities.

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<sup>1</sup> A loop is a segment of pipeline that is usually installed adjacent to an existing pipeline and connected to it at both ends. The loop allows more gas to be moved through the system.

<sup>2</sup> A "pig" is a tool that moves through the pipeline and is used for cleaning, internal inspections, or other purposes. A launcher/receiver is an aboveground facility where pigs are inserted into/retrieved from the pipeline.

All of the proposed facilities would be owned and operated by Tennessee.

The Federal Energy Regulatory Commission (FERC or Commission) is the lead federal agency for the environmental review of the Project. The New York State Department of Agriculture and Markets (NYSDAM) was a cooperating agency that assisted FERC staff in preparing the environmental assessment (EA) because it has special expertise with respect to agricultural areas that would be crossed by the Project.

The EA for the Project was issued on October 23, 2015. On March 11, 2016, the FERC issued a Certificate of Public Convenience and Necessity (Certificate) under section 7 of the Natural Gas Act and Part 157 of the Commission's regulations for the Project. Tennessee's Certificate included the following environmental condition:

**Prior to construction or implementation of any treatment plans/measures, Tennessee shall:**

- a. file with the Secretary (*of the Commission*) any outstanding cultural resources surveys and evaluation reports, any necessary treatment plans, and the New York, Massachusetts, and Connecticut State Historic Preservation Office's comments on any reports and plans;
- b. allow the Advisory Council on Historic Preservation the opportunity to comment if historic properties would be adversely affected; and
- c. ensure that Commission staff reviews and the Director of OEP (*Office of Energy Projects*) approves all cultural resources reports and plans, and notifies Tennessee in writing that treatment plans/mitigation measures may be implemented and/or construction may proceed.

All materials filed with the Commission containing location, character, and ownership information about cultural resources must have the cover and any relevant pages therein clearly labeled in bold lettering **"CONTAINS PRIVILEGED INFORMATION – DO NOT RELEASE."**

**2) Steps Taken to Identify Historic Properties**

Tennessee conducted cultural resources investigations for all pipeline rights-of-way, associated temporary workspaces, pipeyards, and access roads. The cultural resources investigations included an overview survey, archaeological survey, and architectural survey. The overview survey included a review of state

files for information on previous investigations, previously recorded archaeological sites and architectural properties, and included a review of maps, atlases, and town histories. Tennessee used the information from the overview survey to identify areas of low, moderate, and high sensitivity for archaeological sites.

Archaeological field survey methods included pedestrian survey and shovel testing in areas of high and moderate sensitivity in Connecticut and Massachusetts and areas of high, moderate, and low sensitivity in New York. The archaeological field survey of the pipeline rights-of-way in New York and Massachusetts was a 400-foot-wide corridor mostly centered on the proposed right-of-way. In Connecticut, the archaeological field survey was a 200-foot-wide corridor for the pipeline right-of-way.

Tennessee's architectural survey was undertaken in a 300-foot-wide corridor for all three states. In total for all three states, survey for architectural resources identified 17 properties that are recommended as eligible or potentially eligible for listing on the National Register of Historic Places (NRHP).

Additionally, consultation with federally-recognized Indian Tribes including the Mashantucket (Western) Pequot, Narragansett Indian Tribe, Wampanoag of Gay Head (Aquinnah), and Mohegan Tribe (collectively referred to as Tribes), indicated that the Tribes believed a Ceremonial Stone Landscape (CSL) survey of the Project area would be needed to identify landscapes and features of importance to the Tribes. Tennessee, the Tribes, and FERC staff met to determine the scope of a CSL survey. At this meeting, Tennessee provided a desktop review of the Project. Through this review, the Tribes were able to eliminate the need for a CSL field survey for the New York Loop and portions of the Connecticut Loop. Immediately following the desktop review, Tennessee, the Tribes, and FERC staff did a walkover survey of the remaining portions of the Connecticut Loop and the Massachusetts Loop. As a result of the walkover survey, the Tribes concluded that there were no CSLs within the Connecticut Loop, and no further work was necessary in Connecticut. For the Massachusetts loop, Massachusetts Department of Conservation and Recreation (MADCR) staff joined the walkover survey. The walkover survey of the Massachusetts Loop indicated that there was a high probability for CSLs, and a CSL survey was appropriate.

A systematic CSL survey along the Massachusetts Loop was undertaken by members from the Tribal Historical Preservation Offices (THPO) of the above listed tribes, assisted by Ceremonial Landscapes Research, LLC, between August 24 and September 15, 2016. The purpose of that survey was to identify ceremonial stone features or landscape areas with significance to the Tribes within

the proposed limit of disturbance for the Project. Survey methods consisted of mapping using GPS, photographing features, and identification of significance. A survey report was provided to the FERC and Tennessee.

### **3) Description of the Affected Historic Properties**

#### **Connecticut**

Tennessee's archeological survey in Connecticut identified three archeological sites. Tennessee's survey found a widespread diffuse scatter of historic and prehistoric artifacts, all of which were recommended as isolated finds. However, the Connecticut SHPO assigned three site numbers to several of the pre-contact lithic finds; two for individual finds, and a third for a group of isolated finds. In a letter dated, September 5, 2014, the Connecticut SHPO concurred that the three archaeology sites were not eligible for listing on the NRHP. An addendum survey in Connecticut identified concrete foundations associated with a World War II period structure at Bradley Field. However, these foundations did not retain significance and were recommended as not eligible for listing on the NRHP. In a letter dated April 20, 2015, the Connecticut SHPO concurred that the site was not eligible for listing on the NRHP.

During Tennessee's architectural survey in Connecticut, it identified one property that is listed in the NRHP, 12 properties that are potentially eligible for listing in the NRHP, and one property listed in the state register of historic places. For most of these properties, the pipeline right-of-way will have no effect due to the distance from the project, and the presence of an existing pipeline right-of-way. Only one of these properties, the Agricultural Complex at 190-271 Hill Street, Suffield (CT-D), was judged to be close enough to the Project to potentially be at risk of direct effects. Several tobacco barns are immediately adjacent to the right-of-way and access roads. Tennessee would implement avoidance and protection plans to ensure that the property is not subject to direct impacts associated with project-related construction activity. Any Project effects on the remaining properties will be limited to the duration of construction, and, when completed, the right-of-way will be returned to its current condition and will not introduce any new elements. In a letter dated April 20, 2015, the Connecticut SHPO concurred that the project would have no effect on historic properties.

The CSL survey within Connecticut did not identify any features or landscapes of significance to the Indian Tribes.

## **New York**

Tennessee's cultural resources survey of the New York portion of the Project identified one historic period archaeology site and several isolated artifacts including one prehistoric and several historic finds. The historic site represents a dump site of refuse from a hotel, and was recommended as not eligible for listing on the NRHP. Additionally, the survey identified the Britt-Luke House and associated cemetery, which are recommended as potentially eligible for listing on the NRHP. The construction corridor for the pipeline would be over 100 feet from the known cemetery boundaries. Tennessee developed an avoidance and protection plan to protect the cemetery during construction. In a letter dated August 20, 2015, the New York SHPO concurred that through implementation of the avoidance and protection plan, the project would have no adverse effect on historic properties.

The CSL survey within New York did not identify any features or landscapes of significance to the Indian Tribes.

## **Massachusetts**

The archaeological survey of the Massachusetts portion of the Project re-identified two historic period archaeological sites; the G. Dunham Foundation Site (SAN-2) and the Allen Foundation Site (SAN-3). Both sites have previously been recommended by the Massachusetts SHPO as potentially eligible for listing in the National Register. The G. Dunham Foundation Site has an archeology site associated with it, the Dunham Site (19BK173), which consisted of an isolated prehistoric artifact. However, Tennessee's survey did not recover any additional prehistoric artifacts at this site. Tennessee provided Archaeological Site Avoidance and Protection Plans to avoid effects to the G. Dunham Foundation Site and the Allen Foundation Site. The Massachusetts SHPO has concurred that through implementation of the avoidance the plan, the Project would have no adverse effects on the G. Dunham and Allen Foundation archaeological sites.

Additionally, Tennessee's survey identified 38 stone walls in Massachusetts. Where feasible, Tennessee would avoid impacts on stone walls during construction. In the event that Project-related impacts cannot be avoided, Tennessee committed to restoring stone walls following construction. These procedures are detailed in an avoidance and protection plan that has been reviewed and approved by the Massachusetts SHPO.

Tennessee's architectural survey identified three historic properties identified as having the potential to be affected by Project activities. The Clark-Slater House and the Ira Brewer House are adjacent to a proposed warehouse.

Project effects on these properties would be temporary, and there would be no permanent adverse effects. The Josiah Hulet House is about 290 feet from pipeline construction; however it lies approximately 30 feet from Cold Spring Road, which Tennessee would use to access the pipeline right-of-way. The Massachusetts SHPO encouraged FERC to consider noise, vibration, and other potential Project effects on historic architectural properties and to prepare plans to protect those properties through avoidance and minimization of heavy truck traffic and blasting. Since issuance of the EA, Tennessee filed a plan with the Commission to avoid and minimize the effects of heavy truck traffic, and the Massachusetts SHPO has concurred with the plan. We concur as well.

In letters dated August 13, 2014, December 23, 2014, February 27, 2015, and September 3, 2015, the Massachusetts SHPO concurred with the results of the cultural resources survey reports, and indicated that there would be no adverse effects from the Project on the G. Dunham and Allen Foundation archaeological sites.

The Massachusetts SHPO was informed about the Tribes request for a CSL survey, but declined to review and provide recommendations of eligibility for any resources identified in the CSL survey.

All of the Project area in Massachusetts received intensive CSL survey, and in total, the survey identified 73 CSL features within the Project right-of-way that the Tribes determined to be eligible for listing on the NRHP due to the cultural and religious significance to the Tribes.

#### **4) The Undertaking's Effects**

The FERC evaluated several alternatives to the Connecticut Expansion Project to determine whether they would be reasonable and environmentally preferable to the proposed Project. Our analysis of alternatives in the EA are included under the headings: No-Action Alternative; System Alternatives; Route Alternatives and Route Variations; and Aboveground Facility Siting Alternatives. The criteria used to evaluate potential alternatives included whether they offer a significant environmental advantage over the proposed Project; are technically and/or economically feasible and practical; and meet Tennessee's stated Project objectives.

Two route alternatives were evaluated in the EA that would avoid the proposed 2.0 miles of the Massachusetts Loop that crosses MADCR property, where many of the CSL features are located. Both alternatives begin near the starting point for the proposed loop at MP 0.0 and interconnect with the existing 200 Line 124 system about 6 miles and 4 miles, respectively, southeast of the

proposed loop. The EA concluded that the construction and operation impacts of both alternative routes would be significantly greater than the proposed Massachusetts Loop. However, at that time the CSL survey had not occurred, and those resources could not be factored into the decision to support the originally proposed route adjacent to the existing pipeline. Tennessee took the State of Massachusetts to condemnation proceedings to get access to the property. Because any adjustments outside the current easement would also have to be condemned, Tennessee's ability to adjust the pipeline route to avoid CSL features is limited.

#### **5) Why the Criteria of Adverse Effect was Found Applicable**

The criteria of adverse effect was found applicable because avoidance of all CSLs was not feasible due to the above-mentioned land constraints, as well as engineering and cost constraints. Because "physical destruction of or damage to all or part of the property" would occur, 36 CFR 800.5(a)(2)(i) requires that the effects be considered adverse. Tennessee is developing a treatment plan in consultation with the Tribes and FERC to mitigate the adverse effects on the historic property.

#### **6) Summaries of Views by Consulting Parties and the Public**

On August 14, 2014, the Commission issued a Notice of Application for the Project under Docket No. CP14-529-000. On October 10, 2014, we issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Connecticut Expansion Project, Request for Comments on Environmental issues, Notice of Public Scoping Meetings, and Notice of Environmental Site Reviews* (NOI). The NOI was published in the Federal Register and was mailed to 316 interested parties, including federal, state, and local government representatives and agencies; elected officials; affected landowners; environmental and public interest groups; potentially interested Native American tribes; other interested parties; and local libraries and newspapers.

We conducted three public scoping meetings and on-site environmental reviews in the Project area to provide an opportunity for agencies and the general public to learn more about the Project and to identify issues to be addressed in the EA. Scoping meetings were held on October 28, 2014, in East Granby, Connecticut; October 29, 2014, in Sandisfield, Massachusetts; and October 30, 2014, in Delmar, New York.

We received several comments regarding cultural resources. The MADCR requested that Tennessee clearly map all stone walls on state property. On

December 11, 2014, Tennessee filed supplemental maps that depicted in more detail the locations of cultural resources in relationship to Project activities.

We received a comment letter from Ronald M. Bernard and Jean Atwater-Williams, who are the current owners of the NRHP-eligible Josiah Hulet House. They expressed concern about Project impacts on their property, including vibration from heavy equipment using the nearby Cold Spring Road. Additionally, they expressed concern about damage to windows from blasting debris. They also mentioned concern over Project impacts on the historic Knox Trail. The closest Project work area is about 290 feet from the Josiah Hulet House. That distance, coupled with Tennessee's adherence to their Blasting Plan would ensure that there would be no effects to the structure from blasting, including direct impacts, such as flying debris, and indirect impacts, such as vibration. Therefore, we are not requiring any additional plans or avoidance measures to account for blasting. As addressed above, Tennessee filed a plan with the Commission to avoid and minimize the effects of heavy truck traffic, and the Massachusetts SHPO has concurred with the plan. The Knox Trail is a significant historic resource in the area. However, as the commentor noted, it is approximately 1 mile from the Project area and, therefore, there would be no effects to the trail as a result of the Project.

On September, 4, 2013, Tennessee provided Project information to the following nine federally recognized Native American tribes, three non-federally recognized Native American tribes, and two state agency tribal representatives and requested to be notified of any concerns about properties of traditional religious or cultural significance that may be affected by the Project.

Federally Recognized Tribes

Delaware Nation of Oklahoma  
 Delaware Tribe of Indians  
 Mashantucket Pequot Tribal Nation  
 Mashpee Wampanoag Indian Tribe  
 Mohegan Indian Tribe  
 Narragansett Indian Tribe  
 St. Regis Mohawk Tribe  
 Stockbridge-Munsee Community Band of Mohican Indians  
 Wampanoag Tribe of Gay Head/Aquinnah

Non-Federally Recognized Tribal Organizations

Eastern Pequot Tribal Nation  
 Golden Hill Tribe of Paugussett  
 Schaghticoke Tribal Nation

State Agency Tribal Representatives  
Connecticut Indian Affairs  
Massachusetts Commission on Indian Affairs

Tennessee received responses from two of the federally recognized Native American tribes, the Delaware Tribe of Indians and Mashantucket Pequot Tribal Nation. Both tribes indicated their interest in being consulted during Project planning activities.

On July 24, 2014, Tennessee submitted the archaeological survey reports to all of the above-listed Native American tribes. In the same submittal, Tennessee also included its draft Procedures Guiding the Discovery of Unanticipated Cultural Resources and Human Remains.

On September 20, 2013, which was prior to the filing of Tennessee's application, we received an email from the Mashantucket (Western) Pequot Tribal Nation indicating the tribe was interested in receiving and reviewing the survey reports when completed. The Mashantucket (Western) Pequot Tribal Nation followed up with another email dated August 20, 2014 that indicated they had reviewed the survey reports for Connecticut, New York, and Massachusetts, agreed that the research design and testing strategy met acceptable professional standards, concurred with the recommendations, and asked to be kept informed of any further developments with respect to the Project.

We received a letter dated August 29, 2014, from the Stockbridge-Munsee Tribe stating that it had reviewed the archaeological findings for the Project, its cultural resource concerns were satisfied, and it concurred with the Massachusetts SHPO's letter dated August 13, 2014.

On September 3, 2014, the FERC Tribal Liaison received a letter from United Southern and Eastern Tribes (USET) about the Project. USET includes the following tribes that have an interest in the project area: Mohegan Tribe, Mashantucket Pequot Tribe, Narragansett Tribe, and the Wampanoag Tribe of Gay Head (Aquinnah). USET expressed concerns that tribes had not been consulted with, indicated that there may be ceremonial stone landscapes in the vicinity of the Project, and requested a meeting. On September 29, 2014, FERC staff met with USET. Representatives from the Wampanoag Tribe of Gay Head and Narragansett Indian Tribe participated in the USET meeting. USET expressed concern over a number of issues, including ceremonial stone landscapes, and indicated that they thought these features may be present in the Project corridor. FERC staff and USET discussed that a site visit to see the specific area of concern would be appropriate. As FERC staff began the process of setting up a site visit, it became clear that the immediate area of concern was not a part of the Connecticut

Expansion Project, but was a part of the Algonquin Incremental Market Project (AIM Project).

On October 17, 2014, FERC staff for both the AIM and Connecticut Expansion Projects attended a site visit on the AIM Project in order to understand the issues regarding ceremonial stone landscape features. At that meeting, FERC staff discussed with the tribe whether a ceremonial stone landscape survey would be appropriate for the Connecticut Expansion Project. FERC staff agreed with the tribe that a survey would be appropriate. Notes from the meeting were put into the docket in FERC's eLibrary system for the Project on November 5, 2014.

Additionally, in a comment filed on December 3, 2015, the Mashpee Wampanoag Tribe requested documents needed to complete their Section 106 review for the Project.

The following, represents a summary of the highlights of the ongoing consultation. On February 27, 2015, we sent letters to the above-listed Tribes inviting them to be consulting parties for the Commission's review of the Project. In December 2015, FERC staff met with representatives from the Tribal Historic Preservation Offices (THPO) from the Tribes to do the desktop review and walkover survey of the Project area to determine the areas that need survey. In September of 2016, the Tribes with the help of Ceremonial Landscapes Research, LLC performed the CSL survey, and provided the CSL survey report on October 1, 2016.

On November 7, 2016, Tennessee contacted the Stockbridge-Munsee Community Band of Mohican Indians, because the CSL report indicated that the survey area was within an area historically occupied by the Stockbridge-Munsee, and provided them the CSL for review. On December 5, 2016, FERC met with Tennessee and the Tribes and the Stockbridge-Munsee Community Band of Mohican Indians to discuss Tennessee's draft Treatment Plan.