

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 278-130
 MassDEP File # _____
 eDEP Transaction # _____
 Sandisfield
 City/Town

A. General Information

Please note:
 this form has been modified with added space to accommodate the Registry of Deeds Requirements

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. From: Sandisfield
 Conservation Commission

2. This issuance is for (check one):
 a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

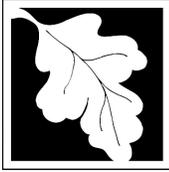
a. First Name _____ b. Last Name _____
Tennessee Gas Pipeline Company, LLC
 c. Organization _____
1001 Louisiana Street
 d. Mailing Address _____
Houston TX 77002
 e. City/Town _____ f. State _____ g. Zip Code _____

4. Property Owner (if different from applicant):

See Attached List
 a. First Name _____ b. Last Name _____
 c. Organization _____
 d. Mailing Address _____
 e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

Town Hill Road to South Beech Plain Road Sandisfield
 a. Street Address _____ b. City/Town _____
See Attached List
 c. Assessors Map/Plat Number _____ d. Parcel/Lot Number _____
 Latitude and Longitude, if known: 42 d10 m36.786s -73 d8 m37.1436s
 d. Latitude _____ e. Longitude _____



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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
See Attached List

a. County	b. Certificate Number (if registered land)
_____	_____
c. Book	d. Page
_____	_____

7. Dates: 6-3-2015 12-15-2015 12-31-2015
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
See Attached List of Approved Plans and Documents

a. Plan Title	_____	
b. Prepared By	c. Signed and Stamped by	_____
d. Final Revision Date	e. Scale	_____
f. Additional Plan or Document Title	_____	
	g. Date	

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

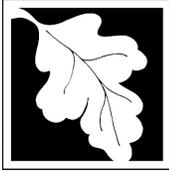
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- | | | |
|---|--|---|
| a. <input checked="" type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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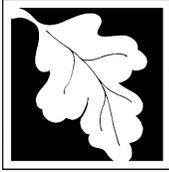
B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input checked="" type="checkbox"/> Bank	<u>120</u> a. linear feet	<u>120</u> b. linear feet	<u>120</u> c. linear feet	<u>120</u> d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u>10.0 acres</u> a. square feet	<u>10.0-acres</u> b. square feet	<u>10.39-acre</u>	<u>10.39-acre</u> d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	<u>615</u> a. square feet e. c/y dredged	<u>615</u> b. square feet f. c/y dredged	<u>615</u> c. square feet	<u>615</u> d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	<u>4.74 acres</u> a. total sq. feet	<u>4.74 acres</u> b. total sq. feet		
Sq ft within 100 ft	<u>2.37</u> c. square feet	<u>2.37</u> d. square feet	<u>2.37</u> e. square feet	<u>2.37</u> f. square feet
Sq ft between 100-200 ft	<u>2.37</u> g. square feet	<u>2.37</u> h. square feet	<u>2.37</u> i. square feet	<u>2.37</u> j. square feet



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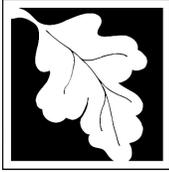
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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	_____		
	a. square feet	b. square feet		



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B. Findings (cont.)

* #22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. Restoration/Enhancement *:

_____ a. square feet of BVW

_____ b. square feet of salt marsh

23. Stream Crossing(s):

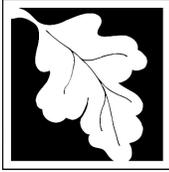
_____ a. number of new stream crossings

_____ b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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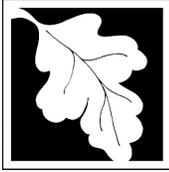
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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 278-130 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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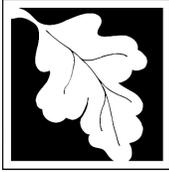
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
 - (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;

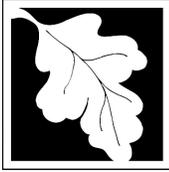


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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
- i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
 - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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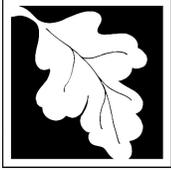
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission (“Commission”) upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See Attached Special Conditions #21 to #124

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

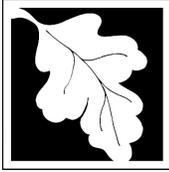
1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The _____ hereby finds (check one that applies):
 Conservation Commission
- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:
1. Municipal Ordinance or Bylaw _____ 2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
1. Municipal Ordinance or Bylaw _____ 2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):



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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

 1. Date of Issuance

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

 2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

_____	_____
_____	_____
_____	_____

by hand delivery on

by certified mail, return receipt requested, on

 Date

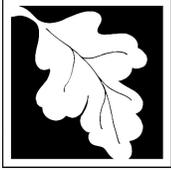
 Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Sandisfield

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

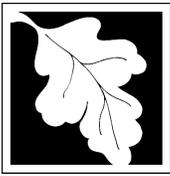
If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
Request for Departmental Action Fee
Transmittal Form

DEP File Number:

 Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

_____	_____
a. Street Address	b. City/Town, Zip
_____	_____
c. Check number	d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

_____	_____	_____
City/Town	State	Zip Code
_____	_____	
Phone Number	Fax Number (if applicable)	

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

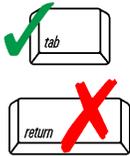
Name

Mailing Address

_____	_____	_____
City/Town	State	Zip Code
_____	_____	
Phone Number	Fax Number (if applicable)	

4. DEP File Number:

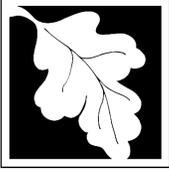
Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Tennessee Gas Pipeline Company, LLC
 CT Expansion Project
 Sandisfield, MA
 DEP File #278-130

Landowners List

Contact Name	Property Tax ID Map Block Lot	Deed Book	Deed Page	Deed Date
Commonwealth of Massachusetts	402 0 3	254	428	12/15/1934
Ronald and Robert Kimberley	401 0 1.1	1101	31	11/23/1998
Commonwealth of Massachusetts Dept. of Conservation & Recreation	405 0 8	1780	322	6/25/2007
David P. Etzel	405 0 7.02	1915 1475	44 171	5/22/2009 10/8/2003
David P. Etzel	405 0 5.2	1915 1475	44 171	5/22/2009 10/8/2003
Ronald M. Bernard	405 0 5.1 405 0 7.01	1499	297	1/7/2004
David P. Etzel et al.	405 0 7	619 Docket	222 06P0370FE	11/6/1986 9/12/2006
Peter Etzel	404 0 24.1	1645	114	9/22/2005
Heather B. Morriscal	408 0 19.5	1432	35	6/9/2003
Beverly Benanchietti	408 0 19.4	1070	199	4/2/1998
Jeffrey R. Friedman	408 0 19.3	1607	236	4/15/2005
Linda H. Fales	409 0 10	2142	186	9/12/2012
Nicholas Hryckvich	409 0 1 409 0 2	351 451	383 135	2/6/1963 2/6/1963

Tennessee Gas Pipeline Company, LLC
 CT Expansion Project
 Sandisfield, MA
 DEP File #278-130

Approved Plans and Documents

Title	Date	Scale	Signed/Prepared By
<p>Notice of Intent Narrative with Attachments</p> <p>Table 2-1 Bordering Vegetated Wetlands Occurring within or in Close Proximity to the Project</p> <p>Table 2-2 Waterbodies associated with the Connecticut Expansion Project in Massachusetts</p> <p>Table 3-1 Impacts from Two Alternative Pipeline Routes versus the Proposed Route for the Massachusetts Loop</p> <p>Table 3-2 Impacts from the Roadway Alternative Pipeline Route versus the Proposed Route for the Massachusetts Loop</p> <p>Table 4-1 Tennessee Minimum Specifications for Depth of Cover (inches)</p> <p>Table 4-2 Steep Slopes (15-30 percent) Crossed by the Connecticut Expansion Project1</p> <p>Table 4-3 Steep Slopes (>30 percent) Crossed by the Connecticut Expansion Project1,3</p> <p>Table 4-4 Steep Side Slopes (15-30 percent) Crossed by the Connecticut Expansion Project1</p> <p>Table 4-5 Steep Side Slopes (>30 percent) Crossed by the Connecticut Expansion Project1,2</p> <p>Table 5-6 Potential Bedrock Blasting Locations Along Proposed Pipeline Route</p> <p>Table 6-1 Example New England Erosion Control/Restoration Mix</p> <p>ATTACHMENT A A1 – USGS Topographic Mapping A2 – NHESP Priority Habitat Mapping</p> <p>ATTACHMENT B Abutters List, Abutter Notification Form</p> <p>ATTACHMENT C Project Reports C1 – Massachusetts Wetland and Watercourses Report C2 -Inventory of Vernal Pools and Amphibian Breeding habitat</p>	<p>June 2015</p>	<p>Varied</p>	<p>Tennessee Gas Pipeline Company, LLC</p>

<p>ATTACHMENT D Rare Species Correspondence (NHESP)</p> <p>ATTACHMENT F F1 – FERC Upland Erosion Control, Revegetation and Maintenance Plan F2 – FERC Wetland and Waterbody Construction and Mitigation Procedures</p> <p>ATTACHMENT G Spill Prevention and Response Procedures</p> <p>ATTACHMENT H Tennessee Best Management Practices and Construction Details</p> <p>ATTACHMENT I Blasting Plan</p> <p>ATTACHMENT K MEPA Certification</p> <p>ATTACHMENT M MA DEP Stormwater Report Checklist</p> <p>ATTACHMENT N2 Hydrostatic Dewatering Structure BMP Drawing</p> <p>ATTACHMENT N3 Hydrostatic Withdrawal Structure Detail</p>			
<p>Notice of Intent Supplemental Information with Attachments</p> <p>ATTACHMENT 1 – Revised Figures Revised Alignment Sheets TO-T12-200-3-142 J TO-T12-200-3-142A J TO-T12-200-3-142B J TO-T12-200-3-142C J TO-T12-200-3-142C C Revised Erosion & Sedimentation Control Drawings TO-T12-200-3-142 C TO-T12-200-3-142A C TO-T12-200-3-142B C</p> <p>ATTACHMENT 2 – Sandisfield NOI Revised Impact Tables</p> <p>ATTACHMENT 3 – Construction Sequence for Steep Slope Between MP 2.02 and MP 2.17</p> <p>ATTACHMENT 6 – Construction Sequence for SMA-20 Crossing Culvert Removal SMA-20 Crossing Description SMA-20 Detailed Crossing Plan (Sheets 1-3)</p> <p>ATTACHMENT 7 – Spectacle Pond Brook Alternatives Analysis Spectacle Pond Brook Alternative Analysis Spectacle Pond Brook Alternative Analysis Alternative Route Comparison Exhibit</p>	<p>November 2015 (unless otherwise noted)</p> <p>10/13/2015 10/14/2015 10/15/2015 10/15/2015 10/23/2015</p> <p>10/23/2015 10/23/2015 10/23/2015</p> <p>10/23/2015</p> <p>10/26/2015</p> <p>11/3/2015</p>	<p>Varied (unless otherwise noted)</p> <p>1" = 200' 1" = 200' 1" = 200' 1" = 200' 1" = 200'</p> <p>1" = 200' 1" = 200' 1" = 200'</p> <p>1" = 40'</p> <p>1" = 20'</p> <p>1" = 200'</p>	<p>Tennessee Gas Pipeline Company, LLC</p> <p>Derek A. Kohl Derek A. Kohl Derek A. Kohl Derek A. Kohl Derek A. Kohl</p> <p>Derek A. Kohl Derek A. Kohl Derek A. Kohl</p> <p>Derek A. Kohl</p> <p>Derek A. Kohl</p> <p>Derek A. Kohl</p>

Revised WPA Form 3 (excluding fee transmittal form) and Landowner List Book/Page (with removal of Roberta Myers as requested by applicant) ATTACHMENT 6 Revised Construction Sequence for SMA-14 Crossing (Sheets 1 -4) ATTACHMENT 7 Invasive Species Control Plan ATTACHMENT 8 Revised Table 6-2 Revised Wetland Restoration Planting Plan	REVB10/23/2015	1" = 20"	Derek A. Kohl
Revised Sheer Stress Analysis for 12-inch Rounded Stone Riprap at SMA-8/SMA-10	December 10, 2015		BL Companies
Revised Construction Sequence for SMA-8/SMA-10 Crossing Sheets 1-3	December 12, 2015	1" = 20'	Tennessee Gas Pipeline Company, LLC

Findings:

- The activities, as defined at 310 CMR 10.04 Activity, described within the Notice of Intent will occur within the following jurisdictional resource areas: Bank (Inland) [310 CMR 10.54(2)], Bordering Vegetated Wetlands [310 CMR 10.55(2)], Land under Water Bodies and Waterways [310 CMR 10.56(2)], Bordering Land Subject to Flooding [310 CMR 10.57(2)(a)], Riverfront Area [310 CMR 10.58(2)] and will result in the alteration of **120-linear feet** of Bank (Inland), **10-acres** of Bordering Vegetated Wetland (including **2.30-acres** of permanent conversion of forested or scrub-shrub wetland to scrub-shrub or emergent wetland and **0.11-acres** of permanent fill associated with access), **615-square feet** of Land Under Water Bodies and Waterways and **4.74-acres** of Riverfront Area.
- The activities, as defined at 310 CMR 10.04 Activity, described within the Notice of Intent will occur within the 100-foot Buffer Zone (see 310 CMR 10.04 Buffer Zone) to Bank (Inland) [310 CMR 10.54(2)] and Bordering Vegetated Wetland [310 CMR 10.55(2)];
- The Commission finds that the project meets the definition of a Limited Project under 310 CMR 10.53(3)(d);
- The Commission finds that the project, as proposed in the Notice of Intent and supplemental information will meet the General Performance Standards to the maximum extent feasible for Bank (Inland) [310 CMR 10.54(2)], Bordering Vegetated Wetlands [310 CMR 10.55(2)], Land under Water Bodies and Waterways) [310 CMR 10.56(2)], Riverfront Area [310 CMR 10.58(2)] per 310 CMR 10.05(6)(b) and as modified by the Commission per its authority at 310 CMR 10.05(7), and therefore meets the provision at 310 CMR 10.53(1) per the burden of proof at 310 CMR 10.03(1)(a)2.;
- Per 310 CMR 10.53(1), the Commission finds that the project, as proposed in the Notice of Intent and as conditioned within this Order, will not result in an adverse impairment to Bank (Inland) in accordance with 310 CMR 10.54(4)(a) or (b) and the provision at 310 CMR 10.05(6)(b);
- Per 310 CMR 10.53(1), the Commission finds that the project, as proposed in the Notice of Intent and as conditioned within this Order, will not result in an adverse impairment to Bordering Vegetated Wetland in accordance with 310 CMR 10.55(4)(a) and (b) and the provision at 310 CMR 10.05(6)(b);
- Per 310 CMR 10.53(1), the Commission finds that the project, as proposed in the Notice of Intent and as conditioned within this Order, will not result in an adverse impairment to Land Under Water Bodies and Wateryways in accordance with 310 CMR 10.56(4) and (b) and the provision at 310 CMR 10.05(6)(b);
- Per 310 CMR 10.53(1), the Commission finds that the project, as proposed in the Notice of Intent and as conditioned within this Order, will not result in an adverse impairment to Riverfront Area in accordance with 310 CMR 10.58(4)(a), (b), (c) and (d); and the provision at 310 CMR 10.05(6)(b);
- The boundary of the Bordering Vegetated Wetlands on the parcels in question are demarcated as shown on the Revised Site-Specific Wetland and Watercourse Drawings Sheets 1-19 dated November 24, 2015 stamped by Derek A. Kohn Tennessee Gas Pipeline Company, LLC scale 1"=60' and within the project area as demarcated on the Updated Wetland Delineation Mapping "CT Expansion Project Wetlands" (Sheets 1-7 of 8) dated November 2015;
- The Mean Annual High Water Line (MAHWL) of SMA 14, SMA 16, SMA 20 and SMA 21 was determined via the procedure described at 310 CMR 10.58(2)(a)2.a. and is shown on the

plans of record Revised Site-Specific Wetland and Watercourse Drawings Sheets 1-19 dated November 24, 2015 stamped by Derek A. Kohn Tennessee Gas Pipeline Company, LLC scale 1"=60';

- The Commission has determined that Bank (Inland) of intermittent streams, Land Under Water Bodies and Waterways, and Bordering Land Subject to Flooding occur on the parcels in question, the boundaries of which have not been determined by the Commission in this Order;
- The Commission has determined that the revised final mitigation plan "*Proposed Wetland Mitigation Fales Site*" dated October 16, 2015 Tennessee Gas Pipeline Company, LLC scale 1"=50' (which includes the expansion of **21,898-square feet** of wetland), and the removal of the *Phragmites australis* patch under Special Condition 68 meets the General Performance Standards at 310 CMR 10.55(4)(a) and 310 CMR 10.55(4)(b)(1) through (5) and (7) to the maximum extent feasible; and will meet the General Performance Standard at 310 CMR 10.55(4)(b)6. through implementation of this Order of Conditions to the maximum extent feasible;
- The Commission has determined that the revised final mitigation plan "*Proposed Wetland Mitigation Fales Site*" dated October 16, 2015 Tennessee Gas Pipeline Company, LLC scale 1"=50' (which includes the expansion of **21,898-square feet** of wetland), and the removal of the *Phragmites australis* patch under Special Condition 68 meets the General Performance Standards at 310 CMR 10.58(4)(a), 310 CMR 10.58(4)(b), 310 CMR 10.58 (4)(c), and 310 CMR 10.58(4)(d)1.a. to the maximum extent feasible;
- **No** activity is permitted within Certified and Potential Vernal Pools as identified in Attachment C2 of the June 2015 NOI submittal;
- **No** fill or regrading is permitted within Bordering Land Subject to Flooding.

Special Conditions:

Administrative and Procedural Requirements

21. **These Special Conditions do not supersede or negate the requirements of the General Conditions above. All successors and assigns in interest or control of the property subject to this Order and any contractor or other person performing work conditioned by this Order shall adhere to ALL applicable procedural and technical conditions in this Order.**
22. This Order specifically prohibits any activity, as defined at 310 CMR 10.04, other than that specifically authorized by this Order, on Bank [310 CMR 10.54(2)], within Bordering Vegetated Wetlands [310 CMR 10.55(2)], within Land Under Water Bodies and Waterways [310 CMR 10.56(2)], within Bordering Land Subject to Flooding [310 CMR 10.57(2)(a)], or within Riverfront Area [310 CMR 10.58(2)], as depicted on the plan(s) of record and demarcated on the parcels in question. Any proposed activity above and beyond that described in the Notice of Intent within jurisdictional resource areas and their Buffer Zones (as defined at 310 CMR 10.04) must be preceded by a negative Determination of Applicability or an Order of Conditions from the Conservation Commission, unless said activity is a "minor exempt activity" as defined at 310 CMR 10.58(6)(b) and 310 CMR 10.02(2)(b). Failure to abide by Special Condition #22 will result in potential enforcement action on the part of the Commission, and possibly other regulatory agencies.
23. The contractor(s) employed to execute earth-moving, vegetation removal, demolition, and/or motorized vehicle operation activities on the property subject to this Order must be provided a copy of this Order and all approved documents under this OOC prior to the commencement of any such activities. These documents are listed under the "Approved Documents and Plans" section of the Order. Said contractor(s) may be held responsible with the applicant and property owners for violations by the contractor, and may be subject to penalties authorized by law and/or regulation for those violations.

24. Prior to the start of any activity, the applicant shall submit to the Commission signed statements from all contractors that the OOC has been received.
25. Refueling, servicing, and repair of motorized construction vehicles shall take place outside of all "Areas Subject to Protection Under MGL c. 131, § 40" and related Buffer Zones (as defined at 310 CMR 10.02). Equipment operators shall be prepared to immediately respond to accidental releases of fuel, motor oil, and other liquids through containment. There shall be located on-site absorbent materials for use in containing accidental spills (i.e. spill kits). If any release of fuel, motor oil, lubricating oils, etc. occurs, the applicant and other responsible parties identified at Special Condition #21 and #23 of this Order, in addition to all obligations under GL c. 21E (Massachusetts Oil and Hazardous Material Release Prevention and Response Act) and the Massachusetts Contingency Plan (MCP), shall immediately notify the Sandisfield Conservation Commission at 413-258-4901 and the Massachusetts Department of Environmental Protection's Western Regional Office at 1-413-784-1100. Any response action or cleanup shall be conducted pursuant to GL c. 21E and the MCP.
26. Work shall not commence until the applicant has received a valid FERC authorization, Water Quality Certification, DCR Construction Permit, Army Corp of Engineers Section 404 Permit, and any and all applicable permits. Copies of said permits and authorization shall be mailed to the Commission prior to the start of work.
27. At least two (2) weeks prior to any activity, the applicant shall submit to the Commission for review and written approval, final construction plans for the Alignment Sheets, Erosion & Sediment Control Drawings and Wetland Restoration Planting Plans. These plans shall be an amendment of the November 2015 plan submittal such that all MA WPA resource area and buffer zone boundaries are accurately depicted.
28. Prior to the start of any activity on the site other than the installation of the erosion controls and flagging, the applicant shall request a pre-construction meeting with the Conservation Commission and/or its representative, the property owner(s), and the contractors responsible for the work to review the Conditions of this Order and ensure that they are understood. Arrangements for this meeting will be made at least two (2) weeks prior to any activity, or less if at least one member of the commission and/or its agent are able to attend on shorter notice.
29. No clearing of trees, or disturbance of soils shall occur prior to the Pre-Construction meeting, except that minimal disturbance absolutely necessary in order to place erosion or sedimentation control devices where required.
30. Prior to the Pre-Construction meeting, all erosion controls shall be installed as shown on plans approved by the Commission. The Commission or its agent shall inspect the location and installation of erosion controls.
31. Prior to the Pre-Construction meeting, the limit of work shall be clearly defined by the approved erosion controls.
32. Prior to the Pre-Construction meeting, all wetland and MAHWL flagging shall be refreshed. Flagging shall be maintained during construction and monitoring.
33. Prior to the Pre-Construction meeting, 100-FT buffer zone boundaries and Riverfront Area boundaries shall be marked in the field. Flagging shall be maintained during construction and monitoring.
34. With 24 hour notification to the land owner, members and agents of the Conservation Commission shall have the right to enter and inspect the premises to evaluate and ensure compliance with the Conditions and performance standards stated in this Order, the Act and 310 CMR 10.00 as well as MassDEP's Policies. The Commission may acquire any information, measurements, photographs, observations and/or materials or may require the submittal of any data or information deemed necessary for that evaluation.
35. Any damage caused as a direct result of this project to any wetland resource areas shall be the responsibility of the applicant to repair or restore. Sedimentation of any resource area shall be considered fill of that wetland area.

36. Any proposed change in the plans approved under this Order of Conditions shall require the applicant to file a request for an Amended Order of Conditions. Upon review, should the Commission deem the project change substantial the filing of a new Notice of Intent may be required. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed. If changes are made in the referenced plans, a copy shall be sent at the same time to the Department of Environmental Protection's Western Regional Office, MA Natural Heritage Endangered Species Program and all landowners.
37. The Sandisfield Conservation Commission may at any time require the applicant or owner to cover the costs associated with hiring a consultant to work for the Commission to monitor work on the site under M.G.L. Ch. 44 section 53g. The Commission will provide the consultant with a scope of work they desire the consultant to perform and the consultant shall provide the Commission with an estimate for this scope of work. The Commission will notify the applicant or owner and the applicant or owner shall provide the Commission with funds to cover the scope of work required by the Commission prior to the start of work if work has not yet begun. If work has begun the funds shall be provided within 24 hours of notification, unless approved otherwise by the Commission. In any event, the Commission may stop work until the funds are provided and their consultant has reviewed the site, especially in the event that the Commission requires a consultant due to problems or violations on the site. Handling of funds, and appeals (if any) of the chosen consultant, shall be in accordance with M.G.L. Ch. 44 section 53g.
38. Upon completion of the project, the applicant shall submit with their request for a Certificate of Compliance, an affidavit prepared by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts, stating that the site has been developed in accordance with the requirements of this Order of Conditions and the referenced site plans and describing any work that was not done in compliance with the Order and approved plans.

Site Stabilization Requirements

39. Prior to commencement of any work on the site, adequate erosion and sedimentation control measures shall be implemented, and they shall be maintained in effect throughout the entire project, and until the site has become stabilized with an adequate vegetative or landscaping cover. These erosion and sedimentation controls shall be constructed and installed per the plans of record, and shall be maintained in proper functioning condition until all disturbed areas have been stabilized, or until the Commission has determined that the control measures are no longer necessary. The erosion controls shall constitute a limit-of-work-line. No work shall be permitted on the resource area side of this line under this Order. Additional erosion controls necessary for site stabilization shall be installed by the contractor as needed.
40. Structural failure of the erosion and sedimentation controls required by this Order would constitute a violation of this Order, and could result in enforcement actions taken by the Commission, and possibly other regulatory agencies.
41. Any and all erosion control blankets utilized within resource areas or buffer zones must be biodegradable blankets.
42. Straw bales (not hay bales) must be utilized within resource areas and buffer zones.
43. The contractor is responsible for maintain a stockpile of erosion controls on-site, which is equivalent to 25% of the total approved erosion controls within resource areas and buffer zones for the project.

Compliance Monitoring Requirements

44. Prior to the initiation of construction, the applicant shall nominate a compliance monitor in writing, who shall be accepted in writing by the Commission. The approved compliance monitor shall supervise all construction activity within all jurisdictional resource areas (as defined at 310 CMR 10.04 Resource Area) permitted by this Order and subject to it (said compliance monitor must be a different person than those identified at Special Conditions #47, #58, #74, #81, #88, #101 of this Order). Said compliance monitor shall meet the minimum requirements specified at 310 CMR 10.60(1)(b), unless some other standards are requested by the applicant and approved by the Commission. Said compliance monitor shall directly and visually oversee all activity, as defined at 310 CMR 10.04 Activity, within all jurisdictional resource areas. Said compliance monitor shall keep a daily, written log of compliance with this Order, and shall make weekly reports to the Commission during construction. The applicant and all other parties subject to this Order shall comply with all orders and instructions of the compliance monitor, including orders to cease all activity within jurisdictional resource areas when non-compliance with the Order is observed. The applicant and all other parties subject to this Order shall not resume activity until such time as the Commission has authorized the resumption of activity, which authorization may be written or verbal, direct or through the compliance monitor. Failure to comply with this Special Condition would constitute a violation of this Order and could result in enforcement actions taken by the Commission.
45. All reports required by Special Condition #44 within this Order shall be accompanied by the submittal of digital photographs via email to clare92@verizon.net and hardcopy to the Sandisfield Conservation Commission, PO Box 663, Sandisfield, MA 01255. Submitted photographs shall clearly show the extent of project alteration within jurisdictional resource areas; the progress in the construction/installation of any required restoration/mitigation; the condition of all required erosion and sedimentation controls; and the construction, installation, and stabilization of all structural and non-structural stormwater management components; as well as any other aspect of the project as it directly relates to the several General and Special Conditions of this Order.

Provisions Regarding Work within Resource Areas containing Vernal Pools and/or Vernal Pool Habitat and Associated Buffer Zones

46. Prior to the commencement of work, the applicant shall submit to MA Natural Heritage Endangered Species Program (MA NHESP) data collected on the ten (10) potential vernal pools identified during the 2014/2015 spring vernal pool studies (Attachment C2 of the June 2015 NOI submittal), such that the potential vernal pools may be certified.
47. Prior to the installation of erosion controls, the applicant shall nominate a biologist in writing, who shall be accepted in writing by the Commission. Said biologist shall meet the minimum requirements specified at 310 CMR 10.60(1)(b) and have at least 5-years of experience with vernal pool wildlife and habitat, unless some other standards are requested by the applicant and approved by the Commission.
48. Prior to the installation of erosion controls the approved biologist shall submit a daily monitoring protocol to the Commission for review and written approval by the Commission. At minimum, the protocol shall include daily sweeps of the silt fence line located within resource areas containing vernal pools and/or vernal pool habitat and associated buffer zones. At minimum, daily sweeps shall be performed from March 1st to July 1st.
49. The approved biologist shall perform daily sweeps during the period stated under Condition #48 until the silt fence is removed from the areas defined under Condition #48.
50. Prior to the commencement of work, the approved biologist shall provide the commission with completed "pre-construction" wildlife habitat data forms (MA DEP Massachusetts

Wildlife Habitat Protection Guidance for Inland Wetland, March 2006, Appendix B Detailed Wildlife Habitat Evaluation Part 2: Field Data Form) and color photographs from established reference points. The data forms and color photographs shall document the pre-construction conditions and shall be used for the in-situ restoration of soil, vegetation, microtopography and habitat conditions.

51. At the completion of in-situ restoration work for each resource areas containing vernal pools and/or vernal pool habitat and associated buffer zones, the approved biologist shall complete "post-construction" wildlife habitat data forms (*MA DEP Massachusetts Wildlife Habitat Protection Guidance for Inland Wetland, March 2006, Appendix B Detailed Wildlife Habitat Evaluation Part 2: Field Data Form*) and take color photographs from established reference points. The data forms and color photographs shall be submitted to the Commission within 14 days of the completed restoration work. If pre-construction conditions have not been adequately restored the approved biologist shall submit a corrective plan of action to the Commission for review and approval. The corrective plan of action shall be implemented within 7 days of written approval by the Commission.
52. **No** activity, as defined at 310 CMR 10.04, within vernal pools is approved under this Order.
53. Permanent markers shall be placed around vernal pool VPMA-7-2 to prohibit the use of wheeled vehicles. Markers shall not impede wildlife passage to and from the vernal pool.

Provisions Regarding the Removal of the Beaver Dam at WMA 21, SMA 21, and SMA 21A

54. Prior to the commencement of work the applicant shall receive written approval from the Board of Health for the removal of the beaver dam and shall provide the Commission with a copy of the written approval.
55. The applicant shall notify the Commission at least 48 hours prior to the removal of the beaver dam.
56. Removal of the beaver dam shall be scheduled for a period with no forecasted rain for at least 48 hours.
57. A secondary downgradient line of erosion control barrier (in addition to the single line of silt fence) shall be installed and maintained to ensure site stability.
58. Prior to the commencement of work, the applicant shall nominate an Environmental Inspector in writing, who shall be accepted in writing by the Commission. Said Environmental Inspector shall have at least 5-years of experience in stream and wetland restoration.
59. The approved Environmental Inspector shall be on-site during the entire dam removal process. The applicant and all other parties subject to this Order shall comply with all orders and instructions of the Environmental Inspector, including orders to cease all activity within jurisdictional resource areas when non-compliance with the Order is observed. The applicant and all other parties subject to this Order shall not resume activity until such time as the Commission has authorized the resumption of activity, such authorization may be written or verbal, direct or through the Environmental Inspector. Failure to comply with this Special Condition would constitute a violation of this Order and could result in enforcement actions taken by the Commission.
60. At least 14 days prior to the commencement of work, the approved Environmental Inspector shall submit to the Commission completed "pre-construction" wildlife habitat data forms (*MA DEP Massachusetts Wildlife Habitat Protection Guidance for Inland Wetland, March 2006, Appendix B Detailed Wildlife Habitat Evaluation Part 2: Field Data Form*) and color photographs from established reference points documenting the existing conditions of SMA 21 and SMA 21A. The submittal shall also include bankfull width conditions within at least ten (10) locations and flow conditions (riffles, pools, runs, etc.) throughout the stream reach within the limit of work area.
61. The beaver dam shall be removed such that a controlled release of flow does not exceed four (4) cubic feet per second per square mile of drainage area (CFSM) as measured at the

- outlet and the release shall not cause, under any circumstances, any significant downstream erosion of the banks and/or land under a waterway.
62. The approved Environmental Inspector shall submit daily logs and color photos to the Commission during the beaver dam removal process until the removal is complete and the stream has reached an equilibrium. Daily submittals shall be made via email to the Commission at clare92@verizon.net.
 63. At the completion of restoration work for SMA 21, SMA 21A and WMA 21 the approved Environmental Inspector shall complete "post-construction" wildlife habitat data forms (MA DEP *Massachusetts Wildlife Habitat Protection Guidance for Inland Wetland, March 2006, Appendix B Detailed Wildlife Habitat Evaluation Part 2: Field Data Form*) and take color photographs from established reference points. The data forms and color photographs shall be submitted to the Commission within 14 days of the completed restoration work. The submittal shall also include bankfull width conditions within at least ten (10) locations and flow conditions (riffles, pools, runs, etc.) throughout the stream reach within the limit of work area. If pre-construction conditions have not been adequately restored the approved Environmental Inspector shall submit a corrective plan of action to the Commission for review and approval. The corrective plan of action shall be implemented within 7 days of written approval by the Commission.
 64. The approved Environmental Inspector shall monitor SMA 21 and SMA 21A biannually during the growing season for at least 5 consecutive years. If pre-construction conditions have not been adequately restored the approved Environmental Inspector shall submit a corrective plan of action to the Commission for review and approval. The corrective plan of action shall be implemented the next growing season following written approval by the Commission.
 65. The approved Environmental Inspector shall submitted a yearly monitoring report with color photographs taken from established reference points to the Commission by November 30th of each year for each monitoring year detailed under Special Condition #64.

Provisions Regarding Mitigation

66. Prior to the commencement of work, the applicant shall provide written documentation to the Commission that the MA DCR has accepted the 35.7-acre area of land (the Fales site) as described in the "Revised Final Mitigation Plan" (Attachment 8 of the November 2015 Revised Submittal) for permanent preservation.
67. A new permanent bridge crossing at SMA 14 (Spectacle Pond Brook) is **not** approved under this Order. A new permanent bridge crossing at this location would require the filing of a Notice of Intent.
68. With landowner permission, the final mitigation plan shall include the removal of the *Phragmites australis* patch located at the Bernard property (Map 405 Lot 5.1) in the area of the historic disturbance created by Kinder Morgan during the investigation of an anomaly (to the west of SMA 20 on the northerly side of Cold Spring Road).
69. Prior to the removal of the *Phragmites australis* the applicant shall submit an eradication plan to the Commission for review and written approval by the Commission. The plan shall include written authorization from the landowner to implement the eradication plan and perform any and all monitoring and corrective plans of action.
70. The *Phragmites australis* eradication shall be implemented prior to the commencement of any approved work or simultaneously with approved work within the vicinity of SMA 20.
71. **No** riprap shall be used in the stream restoration at SMA 14 and SMA 8 & 10. Should fording be approved by MA DCR, rounded native stone at least 12-inches in size shall be used for the fording area within stream restoration at SMA 8 & 10.
72. **No** geotextile fabric shall be installed below the upper Bank of restored stream channels.

73. The applicant shall provide the Commission with any and all mitigation/restoration plan required under final state and federal permits. In the event that mitigation/restoration work beyond that approved under this Order is required by other regulatory agencies these requirements would be considered a change in the approved project scope and will require that the applicant to file a request for an Amended Order of Conditions Notice of Intent. Upon review, should the Commission deem the project change substantial the filing of a new Notice of Intent may be required.
74. Prior to the implementation of stream restoration work, the applicant shall nominate a qualified scientist in writing, who shall be accepted in writing by the Commission. Said qualified scientist shall have at least 5-years of experience in stream restoration.
75. The approved qualified scientist shall be on-site full time to supervise the stream restoration at SMA 8, SMA 10 and SMA 14. The approved qualified scientist shall keep daily logs and color photos during the stream restoration process.
76. The approved qualified scientist shall be on-site full time to supervise the stream restoration. The applicant and all other parties subject to this Order shall comply with all orders and instructions of the qualified scientist, including orders to cease all activity within jurisdictional resource areas when non-compliance with the Order is observed. The applicant and all other parties subject to this Order shall not resume activity until such time as the Commission has authorized the resumption of activity, which authorization may be written or verbal, direct or through the qualified scientist. Failure to comply with this Special Condition would constitute a violation of this Order and could result in enforcement actions taken by the Commission.
77. At least 14 days prior to the commencement of work, the approved qualified scientist shall submit to the Commission completed "pre-construction" wildlife habitat data forms (MA DEP Massachusetts Wildlife Habitat Protection Guidance for Inland Wetland, March 2006, Appendix B Detailed Wildlife Habitat Evaluation Part 2: Field Data Form) and color photographs from established reference points documenting the existing conditions of SMA 8, SMA 10, and SMA 14. The submittal shall also include bankfull width conditions within at least ten (10) locations and flow conditions (riffles, pools, runs, etc.) throughout the stream reach within the limit of work area.
78. At the completion of restoration work for SMA 8, SMA 10 and SMA 14 the approved qualified scientist shall complete "post-construction" wildlife habitat data forms (MA DEP Massachusetts Wildlife Habitat Protection Guidance for Inland Wetland, March 2006, Appendix B Detailed Wildlife Habitat Evaluation Part 2: Field Data Form) and take color photographs from established reference points. The daily logs, data forms and color photographs shall be submitted to the Commission within 14 days of the completed restoration work. The submittal shall also include bankfull width conditions within at least ten (10) locations and flow conditions (riffles, pools, runs, etc.) throughout the stream reach within the limit of work area. If pre-construction conditions have not been adequately restored the approved Environmental Inspector shall submit a corrective plan of action to the Commission for review and approval. The corrective plan of action shall be implemented within 7 days of written approval by the Commission.
79. The approved qualified scientist shall monitor SMA 8, SMA 10, and SMA 14 biannually during the growing season for at least five (5) consecutive years. If pre-construction conditions have not been adequately restored the approved qualified scientist shall submit a corrective plan of action to the Commission for review and approval by the Commission. The corrective plan of action shall be implemented the next growing season following written approval by the Commission.
80. The approved qualified scientist shall submitted a yearly monitoring report with color photographs taken from established reference points to the Commission by November 30th of each year for each monitoring year detailed under Special Condition #79.

81. Prior to the creation of the **21,898-square foot** expansion wetland, the applicant shall nominate a qualified wetland scientist acceptable to the Commission. The qualified wetland scientist shall meet the minimum requirements specified at 310 CMR 10.60(1)(b) and shall have at least 5-years of experience in BVW replication, unless some other standards are requested by the applicant and approved by the Commission. The qualified wetland scientist shall oversee all aspects of the creation of the expansion wetland.
82. The expansion wetland shall be constructed and planted according to the plan(s) of record entitled "Proposed Wetland Mitigation Fales Site", dated October 16, 2015
83. The wetland scientist approved by the Commission or her/his designee(s) shall monitor the status of the expansion wetland for at least 5 consecutive years. Monitoring shall include, at a minimum, the collection of all data required in Sections I **and** II of "DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Forms" (Appendix G). All vascular plants within the proposed "restored wetlands", as shown on the plan of record, shall be identified to the species level. Scientific nomenclature shall follow *The Vascular Plants of Massachusetts: A County Checklist* (Sorrie & Somers 1999) or an equivalent acceptable to the Commission (as established in writing). At least two (2) Appendix Gs shall be completed for two (2) distinct locations within each restored BVW. Sampling shall take place at least once in each growing season in the years specified in this Special Condition. Each sampling event shall include hydrologic data garnered from "observation holes". These "observation holes" shall be at least twenty-four inches deep, as measured from the surface of the mineral soil horizon. Alternatively, and with the permission of the Commission, the wetland scientist or her/his designee(s) can establish a shallow monitoring well (a length of PVC piping of at least 36 inches, of which 24 inches must be buried), capped and sealed with bentonite, directly adjacent to the two (2) plots within the "restoration area". During each sampling event, color photographs or color reproductions of photographs (digital photographs or color photocopies) shall be taken of each of the two (2) separate plots within the expansion wetland and of the observation holes established by this Special Condition.
84. The wetland scientist approved by the Commission, or her/his designee(s) shall collect data on wetland hydrology within the expansion wetland at least once per month during the growing season in the years specified at Special Condition #81. The wetland scientist shall use the "observation holes" or shallow monitoring wells required by Special Condition #81 in order to achieve the objectives of this Special Condition. At a minimum the wetland scientist shall record depth to apparent water table and/or depth of surface inundation, both as measured from the soil surface [see *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act* (DEP 1995) for a definition] during each monthly observation. This data shall be included within the report required at Special Condition #85-#87.
85. The approved qualified wetland scientist shall submitted a yearly monitoring report with color photographs taken from established reference points and data collected under Special Conditions #83 and #84 to the Commission by November 30th of each year for each monitoring year detailed under Special Condition #83.
86. Based upon the data collected during sampling events, the wetland scientist approved by the Commission, or her/his designee(s), shall render a conclusion within each report required by Special Condition #X, as to the success of the "restored BVW, Bank, LUW, and Riverfront Area" in terms of 310 CMR 10.54(4), 310 CMR 10.55(4), 310 CMR 10.56(4) and 310 CMR 10.58 (4) and (5) **and** the establishment of wetland hydrology, as required at 310 CMR 10.55(4)(b)2. If, at the end of any of the growing seasons during the five (5) year monitoring period, the wetland scientist or her/his designee(s) renders a conclusion that the restored areas have failed the Standards at 310 CMR 10.54(4), 310 CMR 10.55(4), 310 CMR 10.56(4) and 310 CMR 10.58 (4) and (5) said wetland scientist shall prepare and submit a written "corrective plan of action" no later than the end of that calendar year to the Commission for approval. The

approved "corrective plan of action" shall be implemented the next growing season under the supervision of a wetland specialist approved by the Commission, and shall be monitored via the requirements specified in Special Condition #81 through #87 of this Order.

87. All reports required by Special Condition(s) #77 through #79 and #81 through #84 within this Order shall be accompanied by the submittal of digital photographs via email to clare92@verizon.net and hardcopy to the Sandisfield Conservation Commission, PO Box 663, Sandisfield, MA 01255.

Provision Regarding Bordering Vegetated Wetland (BVW), Bank, Land under Waterways (LUW), and Riverfront Area In-situ Restoration Areas

88. The limit of work within BVWs shall not exceed a width of 75-FT (with the sole exception of the limit of work at WMA 23 as depicted on the Revised Site-Specific Wetland and Watercourse Drawing Sheet 19) and shall be minimized to the maximum amount feasible under the supervision of the approved qualified wetland scientist approved under Special Condition #89.
89. Prior to the start of work, the applicant shall nominate a qualified wetland scientist acceptable to the Commission. The qualified wetland scientist shall meet the minimum requirements specified at 310 CMR 10.60(1)(b) and shall have at least 5-years of experience in BVW, Bank, LUW, and Riverfront Area restoration, unless some other standards are requested by the applicant and approved by the Commission. Upon written approval by the Commission, said wetland scientist shall conduct or oversee at a minimum all required BVW, Bank, LUW, and Riverfront Area "restoration" aspects of this Order so specified by the several applicable Special Conditions so noted within said Order. Any substitution of staff required by this Special Condition shall be requested and approved in writing. The Commission maintains the right to approve or disapprove any nominee based upon education, experience, and/or training.
90. At least 14 days prior to the commencement of work, the approved wetland scientist shall submit to the Commission completed "pre-construction" data forms MA DEP Massachusetts Wildlife Habitat Protection Guidance for Inland Wetland, March 2006, Appendix B Detailed Wildlife Habitat Evaluation Part 2: Field Data Form and Sections I **and** II of "DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Forms" (Appendix G) and color photographs from established reference points documenting the existing conditions of the BVW, Bank, LUW, and Riverfront Area areas to be impacted. The data collection submittal shall include microtopography.
91. At the completion of BVW, Bank, LUW, and Riverfront Area restoration work the approved wetland scientist shall complete "post-construction" wildlife habitat data forms MA DEP Massachusetts Wildlife Habitat Protection Guidance for Inland Wetland, March 2006, Appendix B Detailed Wildlife Habitat Evaluation Part 2: Field Data Form and Sections I **and** II of "DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Forms" (Appendix G) and take color photographs from established reference points. The data forms and color photographs shall be submitted to the Commission within 14 days of the completed restoration work. The data collection submittal shall include microtopography within the limit of work area. If pre-construction conditions have not been adequately restored the approved wetland scientist shall submit a corrective plan of action to the Commission for review and approval by the Commission. The corrective plan of action shall be implemented within 7 days of written approval by the Commission.
92. The in-situ restoration wetlands shall be constructed and planted according to the plan(s) of record entitled "Revised Wetland Restoration Planting Plan", dated December 2015 and the approved pre-existing conditions data submitted by the approved wetland scientist under Special Condition #90. Any requested deviation from said plan(s) of record must be made in writing and must be approved by the Commission in writing prior to adoption. Said plan(s)

of record indicate that the finished substrate of the proposed restoration areas will mimic pre-construction conditions. The wetland scientist shall verify in the field that these elevations will meet the requirements of Special Condition #90 and #92. Any requested deviation from Special Condition #90 and #92 shall be made in writing. The Commission reserves the right to modify this and any other plan(s) necessary in order to meet the General Performance Standard at 310 CMR 10.54(4), 310 CMR 10.55(4), 310 CMR 10.56(4) and 310 CMR 10.58 (4) and (5).

93. The wetland scientist approved by the Commission or her/his designee(s) shall monitor the status of the restored BVW and Riverfront Area for at least 5 consecutive years. Monitoring shall include, at a minimum, the collection of all data required in Sections I **and** II of "DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Forms" (Appendix G) and microtopography. All vascular plants within the proposed "restored wetlands", as shown on the plan of record, shall be identified to the species level. Scientific nomenclature shall follow *The Vascular Plants of Massachusetts: A County Checklist* (Sorrie & Somers 1999) or an equivalent acceptable to the Commission (as established in writing). At least two (2) Appendix Gs shall be completed for two (2) distinct locations within each restored BVW and Riverfront Area. Sampling shall take place at least once in each growing season in the years specified in this Special Condition. Each sampling event shall include hydrologic data garnered from "observation holes". These "observation holes" shall be at least twenty-four inches deep, as measured from the surface of the mineral soil horizon. Alternatively, and with the permission of the Commission, the wetland scientist or her/his designee(s) can establish a shallow monitoring well (a length of PVC piping of at least 36 inches, of which 24 inches must be buried), capped and sealed with bentonite, directly adjacent to the two (2) plots within the "restoration area". During each sampling event, color photographs or color reproductions of photographs (digital photographs or color photocopies) shall be taken of each of the two (2) separate plots within the "restored BVW and Riverfront Area", and of the observation holes established by this Special Condition.
94. The wetland scientist approved by the Commission or her/his designee(s) shall monitor the status of the restored Bank and LUW for at least 5 consecutive years. Monitoring shall include, at a minimum, the collection of all data required in MA DEP *Massachusetts Wildlife Habitat Protection Guidance for Inland Wetland*, March 2006, Appendix B Detailed Wildlife Habitat Evaluation Part 2: Field Data Form and microtopography. All vascular plants within the proposed "restored Bank and LUW", as shown on the plans of record, shall be identified to the species level. Scientific nomenclature shall follow *The Vascular Plants of Massachusetts: A County Checklist* (Sorrie & Somers 1999) or an equivalent acceptable to the Commission (as established in writing). At least one (1) MA DEP *Massachusetts Wildlife Habitat Protection Guidance for Inland Wetland*, March 2006, Appendix B Detailed Wildlife Habitat Evaluation Part 2: Field Data Form shall be completed within each restored stream. Sampling shall take place at least once in each growing season in the years specified in this Special Condition. During each sampling event, color photographs or color reproductions of photographs (digital photographs or color photocopies) shall be taken of the separate plots within each of the "restored Bank and LUW" areas.
95. The wetland scientist approved by the Commission, or her/his designee(s) shall collect data on wetland hydrology within the "restored BVW areas" at least once per month during the growing season in the years specified at Special Condition #93. The wetland scientist shall use the "observation holes" or shallow monitoring wells required by Special Condition #93 in order to achieve the objectives of this Special Condition. At a minimum the wetland scientist shall record depth to apparent water table and/or depth of surface inundation, both as measured from the soil surface [see *Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act* (DEP 1995) for a definition] during each monthly observation. This data shall be included within the report required at Special Condition #96.

96. The approved qualified wetland scientist shall submitted a yearly monitoring report with color photographs taken from established reference points and data collected under Special Conditions #93 through #95 to the Commission by November 30th of each year for each monitoring year detailed under Special Condition #93.
97. Based upon the data collected during sampling events, the wetland scientist approved by the Commission, or her/his designee(s), shall render a conclusion within each report required by Special Condition #96, as to the success of the "restored BVW, Bank, LUW, and Riverfront Area" in terms of 310 CMR 10.54(4), 310 CMR 10.55(4), 310 CMR 10.56(4) and 310 CMR 10.58 (4) and (5) **and** the establishment of wetland hydrology, as required at 310 CMR 10.55(4)(b)2. If, at the end of any of the growing seasons during the five (5) year monitoring period, the wetland scientist or her/his designee(s) renders a conclusion that the restored areas have failed the Standards at 310 CMR 10.54(4), 310 CMR 10.55(4), 310 CMR 10.56(4) and 310 CMR 10.58 (4) and (5) said wetland scientist shall prepare and submit a written "corrective plan of action" no later than the end of that calendar year to the Commission for approval. The approved "corrective plan of action" shall be implemented the next growing season under the supervision of a wetland specialist approved by the Commission, and shall be monitored via the requirements specified in Special Condition #93 through #97 of this Order.
98. All reports required by Special Condition(s) #96 and #97 within this Order shall be accompanied by the submittal of digital photographs via email to clare92@verizon.net and hardcopy to the Sandisfield Conservation Commission, PO Box 663, Sandisfield, MA 01255.

Provisions Regarding Invasive Species Control Plan

99. In addition to the details provided in the "Invasive Species Control Plan" (Attachment 7 of the December 2015 Revised supplement" the applicant shall comply with Special Conditions #100 through #113.
100. Prior to the implementation of the invasive species plan, the applicant shall submit a copy of the invasive species control conditions prepared by DCR under their Construction Permit for review under the MA WPA. The invasive species plan shall not be implemented until written approval is issued by the Commission.
101. Prior to the implementation of invasive species plan, the applicant shall nominate an environmental monitor in writing, who shall be accepted in writing by the Commission. Said environmental monitor shall have at least 5-years of experience in invasive species control.
102. Prior to the commencement of work, the approved environmental monitor shall complete an invasive species inventory for all permanent and temporary work space and shall create a baseline map for resource areas and buffer zones within the right-of-way (ROW) **and** within property affected by the project work where written landowner permission has been obtained. Prior to the implementation of the plan, the applicant shall submit to the Commission written documentation that landowner permission was requested and subsequent landowner responses.
103. Prior to the commencement of work, the approved environmental monitor shall submit detailed success criteria, including an assessment of the data collected under Special Condition #102, to be utilized during the subsequent monitoring of invasive species populations and treatments under Special Conditions #104 through #113 to the Commission. Work shall not commence until the Commission has reviewed the success criteria and provided written approval.
104. The environmental monitor shall be on-site full time to supervise the implementation of the invasive species control plan and shall be responsible for the subsequent monitoring and any necessary corrective plans of action.
105. The invasive species control plan and subsequent monitoring shall be implemented within the deeded easement **and** within property affected by the project work where written landowner permission has been obtained. Prior to the implementation of the plan, the

applicant shall submit to the Commission written documentation that landowner permission was requested and subsequent landowner responses.

106. The Commission and all affected landowners shall be notified at least 48 hours prior to herbicide treatment. Notification shall include, at minimum, the name and MSDS/SDS sheet of the herbicide, surfactant, and coloring agent being used as well as the treatment location.
107. No herbicide use is permitted when precipitation is forecasted within 48 hours of application.
108. Only herbicides approved for use within aquatic systems shall be utilized within resource areas and buffer zones.
109. Only naturally derived surfactants shall be used within resource areas and buffer zones.
110. A water-soluble non-toxic coloring agent shall be added to the herbicide to aid in assessing areas which have already been treated and avoid the negative impacts of over application.
111. Invasive species monitoring shall be performed for ten (10) consecutive years starting with the first full growing season after the implementation of the plan.
112. Invasive species monitoring shall be performed at least bi-annually during the growing season.
113. Yearly monitoring reports including color photographs shall be submitted to the commission by November 30th of each year. At a minimum reports shall include the scientific names of all observed invasive species, density of populations, a description of implemented treatments and any necessary corrective plans of action. Any corrective plans of action will be reviewed by the Commission and shall not be implemented until written approval is issued by the Commission.

Additional Provisions Regarding Equipment

114. Construction equipment used within resource areas and buffer zones are required to use eco-friendly vegetable based hydraulic oil.
115. Before entrance into resource areas and buffer zone, all equipment shall be cleaned via pressure washing with clean water to prevent the introduction of invasive plant species.

Additional Provisions Regarding Time of Year Restrictions

116. All work within streams (both intermittent and perennial) shall be performed during low flow conditions from July 1st to September 30th
117. All tree cutting shall be performed in compliance with federal and state rare species time of year restrictions.

Provisions Regarding Blasting

118. In addition to the "Tennessee Gas Pipeline Company, L.L. C. Connecticut Expansion Project Blasting Plan" dated February 2015 the applicant shall comply with Special Conditions # 118 through #120.
119. The Commission shall be notified at least 48 hours prior to any blasting.
120. Blasting in resource areas shall be avoided to the maximum extent feasible.

Provisions Regarding Hydrostatic Testing

121. The withdrawal of water from Spectacle Pond shall not exceed 0.5-inch of pond surface water elevation change.

122. Discharge from the hydrostatic testing shall be located outside resource areas and buffer zone.

Provisions Regarding the Receiver Site within Buffer Zone to WMA 23 and WMA 24

123. The Operation and Maintenance Procedure described on pages 4 and 5 of the "Responses to Memo from Stockman and Associates, LLC, To Sandisfield Conservation Commission, Dated October 20, 2015" (Attachment 10 of the Supplemental Information submitted by Tennessee Gas Pipeline, L.L.C. dated November 2015) shall survive the issuance of a Certification of Compliance and continue in perpetuity.

Provisions Regarding the Operation and Maintenance of the ROW

124. Prior to the commencement of work, the applicant shall submit a detailed operation and maintenance plan for the ROW in compliance with 310 CMR 10.53(3)(d) and (7) for review and written approval by the Commission. The operation and maintenance plan shall be continually conditioned in the Certificate of Compliance.