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June 2, 2023

SENT VIA ELECTRONIC MAIL ONLY [Luly.Massaro@puc.ri.gov]:

Luly E. Massaro
Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, Rhode Island 02888

Re: Docket No. SB-2021-04
Natural Gas (LNG) Vaporization Facility at Old Mill Lane, Portsmouth (the "Facility")

Dear Ms. Massaro:

In accordance with the Energy Facility Siting Board's Preliminary Decision and Order, dated October 19, 2022, the Division of Statewide Planning, in consultation with the Office of Energy Resources, hereby submits its Advisory Opinion on the Socio-Economic Impact and State Guide Plan Consistency of the proposed Facility, after presentation to and approval for submission by the Statewide Planning Council.

Please enter into Docket No. SB-2021-04 for consideration by the Energy Siting Board.

Respectfully submitted.

/s/ Adam J. Fague, Esquire
Adam Fague, Esquire
Senior Legal Counsel

Certification

I hereby certify that on this 2nd day of June 2023 that I caused to be sent to the individuals identified on the attached Service List at their respective email addresses as provided therein a true copy of the aforementioned Advisory Opinion.

/s/ Adam J. Fague, Esquire
Adam Fague, Esquire
Senior Legal Counsel

Advisory Opinion

on the

Socio-economic Impact and State Guide Plan Consistency

of the proposed

Narragansett Electric Company d/b/a National Grid to Mobilize and Operate a Liquified Natural Gas (LNG) Vaporization Facility at Old Mill Lane (Portsmouth, RI)

Prepared for the
ENERGY FACILITY SITING BOARD

Docket No. SB-2021-04

By the
RI Division of Statewide Planning
Statewide Planning Program
Department of Administration
235 Promenade Street – Suite 230
Providence, RI 02908

June 1, 2023

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PART ONE: INTRODUCTION

STATEWIDE PLANNING REVIEW PROCESS

In its Preliminary Decision and Order for the Old Mill Lane Liquid Natural Gas ("LNG") Project ("Project" or "Facilities") dated October 19, 2022, the Energy Facility Siting Board ("EFSB" or "Board") provided the following directive:

> The Division of Statewide Planning ["DSP"] is directed to render an Advisory Opinion as to (i) the socio-economic impact of the proposed Facility, including its construction and operation; (ii) the proposed Facility's consistency and compliance with the State Guide Plan including the State Energy Plan – Energy 2035; and (iii) in coordination with the Rhode Island Office of Energy Resources, a particular examination of the proposed Facility's consistency and compliance with the State Energy Plan or any other applicable and/or relevant statute enacted during this session of the General Assembly that would relate to the project, and state energy policies. In addressing the issue of socio-economic impact, consideration must be given to economic and reliability benefits, including employment and tax benefits to the Town of Portsmouth and/or to the State.

1. Role of Statewide Planning Staff and State Planning Council

Per R.I. Gen. Laws § 42-11-10(b)(2): "The statewide planning program shall consist of a state planning council, and the division of planning." In the creation of this Advisory Opinion, the DSP staff had the primary responsibility for producing a draft for consideration by the State Planning Council. DSP staff reviewed the full set of application materials, formulated requests for additional information, and reviewed the data request responses provided by the TNEC. Additionally, staff monitored pre-filed testimony and TNEC's responses to other agencies' data requests as such information was made available through the EFSB's Service Contact list for this Project. The draft Advisory Opinion was presented to the State Planning Council for final revisions and approval at its meetings on May 18, 2023 and June 1, 2023.

2. Coordination with other Agencies

<u>Role of other EFSB Designated Agencies</u>

The Energy Facility Siting Act states that:

> The jurisdiction of each state agency should be defined, and the role of each agency in energy siting should be delineated, to eliminate overlap and duplication and to ensure that expeditious decisions are made within a time frame to be determined by law.[1]

[1] R.I. Gen. Laws § 42-98-1(c)

Therefore, in determining which socio-economic topics to address for this Advisory Opinion, the DSP recognized that the EFSB has already requested that many factors be evaluated by the state's leading experts within their respective fields. These included:

- Traffic and road impacts by the Portsmouth Department of Public Works;
- Compliance with the Portsmouth Comprehensive Community Plan by the Portsmouth Planning Board;
- Compliance with the requirements of the Town's zoning ordinances by the Portsmouth Zoning Board of Review;
- Soil Erosion Sediment Control compliance and consistency with the requirements of other municipal ordinances by the Portsmouth Building Inspector;
- Compliance with noise ordinance limits by the Portsmouth Town Council;
- Conformance with the requirements of the Rhode Island Historic Preservation and Heritage Commission;
- Impacts on vegetation, fish, and wildlife, and whether the Facility will present an unacceptable harm to the environment by the Rhode Island Department of Environmental Management;
- Energy need/production, cost-justification, and emission impacts by the Rhode Island Public Utilities Commission; and
- Potential public health concerns and drinking water impacts by the Rhode Island Department of Health.

Given the intent of the Energy Facility Siting Act not to duplicate efforts, and the extensive list of experts that were otherwise being consulted, the Division chose to focus on factors that were not otherwise being considered by others.

Collaboration with, and direct assistance from, other Agencies

The DSP staff reviewed the Project's consistency with *Energy 2035: Rhode Island State Energy Plan*, in close collaboration with staff of the Office of Energy Resources ("OER"), as required by the EFSB's Preliminary Decision and Order. DSP staff and OER staff met to coordinate the process and discuss each office's findings. OER, as the experts on the topic of energy and the main authors and implementers of *Energy 2035*, led the analysis on determining whether the Project is consistent with the State's Energy Plan. The DSP staff reviewed the draft consistency determination produced by OER and coordinated with it in finalizing the content. The final consistency determination found in Part Two of this Advisory Opinion reflects this close collaboration between OER and the DSP.

3. Information Requests and Responses

In executing the review process, DSP staff identified an issue that needed to be supplemented with information not included in the Application. As such, the DSP made an informational request to TNEC. Specifically, the DSP requested information pertaining to adjacent houses located on Old Mill Lane that TNEC has proposed purchasing from the existing owners. The DSP asked TNEC for information on their future plans for these houses.

Specifically, DSP asked: If the owners of the properties identified as eligible for the Purchase Plan (the "Plan") outlined in Appendix G of [TNEC's] Transmittal and Application elect to participate in the Plan and sell their homes, what does [TNEC] plan to do with the acquired properties? TNEC responded, "All property acquired in connection with the Plan will be placed on the market for sale with the agreement that future owners cannot participate in the Plan."

4. State Planning Council Review

The final draft Advisory Opinion, prepared by DSP staff, was submitted to the State Planning Council ("Council") for initial review on April 25, 2023. However, to avoid the potential of *ex parte* communication, the draft opinion was not sent to a member who serves on the EFSB, namely, Ms. Meredith Brady. In following a procedure used for other types of project reviews, Council members were given ten days to enter any objections to the draft Advisory Opinion. Having received none, the draft Advisory Opinion was thereby accepted by the State Planning Council at its meeting on June 1, 2023. Had any objection been received, the matter would have been docketed for discussion and action at another meeting.

ORGANIZATION OF THE ADVISORY OPINION

Part Two of this Advisory Opinion presents State Guide Plan consistency assessments, including the State Energy Plan; Part Three presents the results of the socio-economic impact assessment of the construction and operation of the Project; and Part Four concludes the Advisory Opinion with a summary of findings and recommendations.

PART TWO: STATE GUIDE PLAN CONSISTENCY

BACKGROUND

The portable liquified natural gas ("LNG") vaporization project ("Project") proposed by the Narragansett Electric Company ("TNEC") is located on a parcel of land on Old Mill Lane ("the Property") at the southern end of the Town of Portsmouth. TNEC submitted an application to the Energy Facility Siting Board ("EFSB") in May of 2021 for the issuance of a license to mobilize and operate a LNG vaporization facility at the Property.

The parcel is approximately five acres and is owned in fee by TNEC; equipment currently occupies approximately 30,000 square feet of the parcel and consists of portable vaporizers, portable booster pumps, a portable power supply, and a portable odorizer system to convert the super-cooled LNG to natural gas. The Property is the former propane tank site that provided capability for the Aquidneck Island natural gas distribution system until Providence Gas expanded its pipeline supply capability on the Algonquin pipeline in the late 1980's. The propane tanks were removed in 2014 and the Property remained vacant until the Spring of 2018.

The history of LNG at the Property began in 2001 when it was used for seasonal peak-shaving during the winter of 2001-2002. This Property was needed while the permitting process was being completed for the Navy Yard LNG site. The Property was used again in 2018 to backup up the natural gas supply during the inspection of the transmission pipeline supplying the Island. The next mobilization was in January of 2019 following a loss of pressure on the interstate supply line to Aquidneck Island. Since 2019, the Property has supported the winter LNG operations which serve the dual function of providing peak shaving and as a backup to the natural gas supply in event of a supply disruption.

The Project consists of portable equipment that is owned and operated by the TNEC (or its selected vendor) and will be mobilized during the winter season, when needed, to provide the necessary amount of power production needed to accommodate peak loads ("peak-shaving"). The Project may also be mobilized as needed in the event of potential natural gas supply disruptions to Aquidneck Island. TNEC will continue using the Old Mill Lane portable LNG at least until the 2034-2035 winter.

TNEC has deemed the facility to be "temporary" because activity at the Property will begin each November and conclude by the end of each following April when demand for gas is the highest. In April, the equipment is removed from the Property. At the end of the winter season, all stored LNG will be vaporized into the natural gas distribution system before the equipment is removed from the property. When the equipment is present, the Project will be staffed by at least two individuals, a security officer and a National Grid operator. A representative of the equipment owner will also be present when the equipment is being used to provide natural gas supply. The Project will cost approximately $1.5 million.

The Project utilizes the following seasonal equipment: portable vaporizers, portable booster pumps, portable storage tanks, portable generator, and a mobile office ("Equipment"). The Property is secured by an existing fence and gate along Old Mill Lane and temporary fence around the perimeter of the Property. The permanent and temporary chain link fences are approximately six feet tall. The seasonal mobilization typically takes two weeks and begins in November with the mowing of vegetation, installation of composite construction mats, and installation of a temporary fence around the perimeter of the Equipment. Once the initial setup is completed, the Equipment is delivered, together with an office trailer, portable lavatory, and portable diesel-powered redundant generator.

The permanent changes to the Property include the installation of lights on utility poles, the gas riser/manifold, and the fence and gate along Old Mill Lane. During the most recent mobilization, shades were added to the lights to reduce the amount of light leaving the Property. A pole-mounted transformer was also installed prior to the last mobilization as a sound mitigation measure that allowed the generator to be replaced with local electric service. In addition, during the operation a heavy-duty wind-resistant privacy screen is added to the fence. TNEC is also considering installing new gate and fence to provide additional visual screening from Old Mill Lane and adding landscaping along Old Mill Lane.

The TNEC has approximately 14,300 residential and business natural gas customers on Aquidneck Island. The gas is transported to the island via the Algonquin Gas Transmission ("AGT") line that feeds the Northeast. An AGT lateral branches off the AGT mainline in southern Massachusetts and serves southeastern Massachusetts and parts of Rhode Island.

The State Guide Plan

The State Guide Plan ("SGP") was established by R. I. Gen.Laws § 42-11-10(d):

> *State guide plan*. The state guide plan shall be comprised of functional elements or plans dealing with land use; physical development and environmental concerns; economic development; energy supply, access, use, and conservation; human services; and other factors necessary to accomplish the objective of this section. The state guide plan shall be a means for centralizing and integrating long-range goals, policies, and plans. State agencies concerned with specific subject areas, local governments, and the public shall participate in the state guide planning process, which shall be closely coordinated with the budgeting process.

The SGP is intended to provide a degree of continuity and permanent policy direction for the state's future development. It is not a single plan, but a collection of plans referred to as SGP elements. The State Guide Plan currently consists of eighteen functional elements. The State Planning Council is the entity authorized with adopting plans as elements of the State Guide Plan.

The SGP elements are not designed to make judgements on specific site development applications. The SGP elements are intended as a policy guide to municipalities and state agencies in setting goals and actions for comprehensive community plans and designing statewide programs. They are not adequate or intended for regulatory interpretations on site specific applications but rather are a measure to suggest that site specific applications may or may not help implement state goals and policies. With this caveat as the basis for determining consistency, findings are provided below for consistency with the SGP Elements relating to land use and natural resources.

For purposes of determining "consistency and compliance with the State Guide Plan," the DSP examined the goals, objectives, and policies of the SGP elements since it is these components of the SGP that best present the state's intended future. Given the breadth of the State Guide Plan, it is inevitable that certain goals will compete with, or even come into conflict with, other goals. Furthermore, a determination of consistency is not a finding of fact; rather, it is a subjective judgement that exists on continuum from "not at all" to "completely." As such, a finding of "State Guide Plan consistency" cannot realistically be based on a project being completely consistent with every individual goal, objective, or policy found in the SGP. While each relevant State Guide Plan goal, objective, and policy is considered, the final recommendation regarding State Guide Plan consistency is based on assessing the Project's consistency with the *overall* intent of the SGP.

Several elements were found not to be applicable to the Project either because they are directed at a part of the State outside of the Project area or because they do not contain any content relevant to the Project. As such, these elements were not considered in this review:

- Rhode Island Strategic Housing Plan
- State Airport Systems Plan
- Rhode Island Rail Plan
- Waterborne Transportation Plan
- Solid Waste 2038: Rhode Island's Solid Waste Management Plan

For those elements that were found to be germane, staff has provided an element-by-element assessment of the Project's consistency with the relevant goals, objectives, and policies of the element:

A. Energy 2035: Rhode Island State Energy Plan
B. Land Use 2025: Rhode Island's State Land Use Policies & Plan
C. Rhode Island Rising: A Plan for People, Places, and Prosperity
D. State Housing Plan

E. Ocean State Outdoors: Rhode Island's Comprehensive Outdoor Recreation Plan
F. A Greener Path: Greenspace & Greenways for Rhode Island's Future
G. Forest Resources Management Plan
H. Urban and Community Forestry Plan
I. Protecting Our Legacy of Buildings, Places, and Culture: An Historic Preservation Plan for Rhode Island
J. Long-Range Transportation Plan
K. Rhode Island Water 2030
L. Water Quality 2035

Please note that some the topics may be covered by another agency's Advisory Opinion. In those cases, the DSP and the State Planning Council decided, that it would be premature to make a *final* determination of consistency if expert opinions of those other agencies were not available. Therefore, findings of consistency for these elements should be considered *contingent*. These elements include:

- Energy 2035: Rhode Island State Energy Plan
- Protecting Our Legacy of Buildings, Places, and Culture: An Historic Preservation Plan for Rhode Island

What follows summarizes the purpose of each of the relevant State Guide Plan elements, identifies the goals, objectives, and/or policies particularly relevant to the Project, discusses how the Project relates to the element's goals, objectives, and policies.

A. Energy 2035: Rhode Island State Energy Plan (adopted October 8, 2015)

While all State Guide Plan elements have equal weight, *Energy 2035: Rhode Island State Energy Plan* (the "Plan") is the most directly relevant to the Project. As noted in the introduction, the Energy Facility Siting Board requested the Division of Statewide Planning, "in coordination with the Rhode Island Office of Energy Resources," to render an Advisory Opinion, conducting "a particular examination of the proposed Facility's consistency and compliance with the State Energy Plan or any other applicable and/or relevant statute enacted during this session of the General Assembly that would relate to the project, and state energy policies." The following opinion was prepared primarily by the Office of Energy Resources, as the experts in this topic and main authors and implementers of the Plan.

Overview

Energy 2035 describes the existing energy system for the state, identifies Rhode Island's key

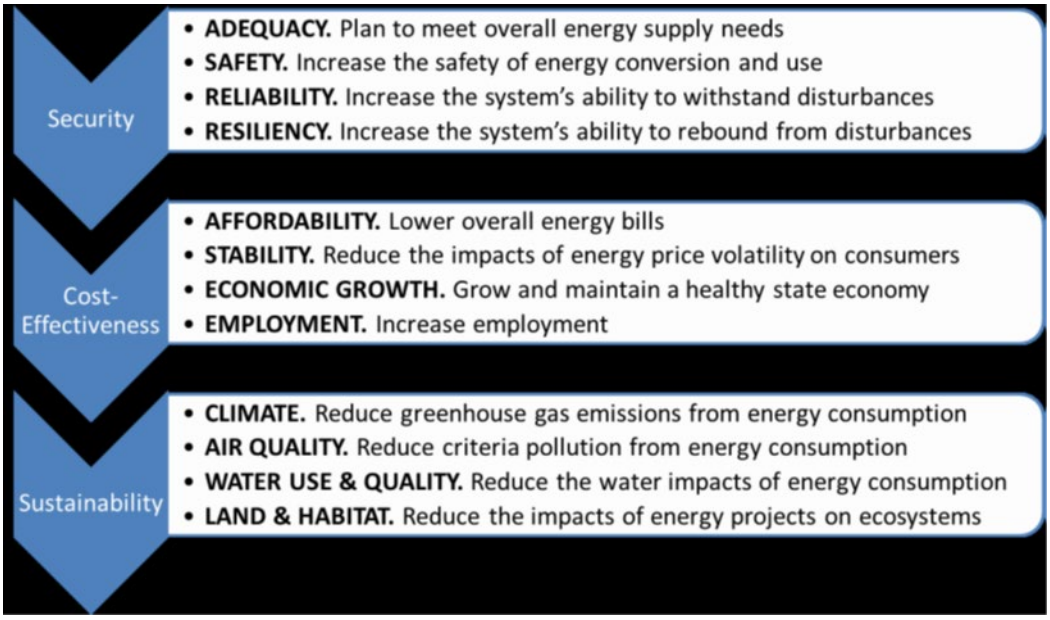
energy issues, and sets goals and policies to improve security, cost-effectiveness, and sustainability in all sectors of energy production and consumption.[2] It is intended to advance the effectiveness of public and private stewardship of the state's use of energy resources and identifies activities needed to optimize the state's energy systems.

Evaluating the Project's consistency and compliance with the Plan requires an understanding of the Plan's intended scope and application within the context of energy policy decision-making. The research philosophy of the Plan is described in the following excerpt from the "Introduction and Vision" section:

> To reflect the uncertainties associated with forecasting for a dynamic energy system, the Project Team and Advisory Council deliberately chose a directional approach, rather than a specific approach, in establishing the Plan's vision, goals, and strategies. With the understanding that "all models are wrong, but some are useful," the Team structured a data-driven scenario modeling analysis that would help policymakers understand order-of-magnitude impacts and sensitivities—that is, the range of credible outcomes Rhode Island might expect from strategic investments in alternative demand and supply of energy resources. The team developed goals and performance measure targets that were quantitative enough for meaningful measurement, but not specific enough to risk immediate irrelevance. The team proposed a comprehensive set of policies and strategies to improve Rhode Island's energy system and achieve performance measure targets set in the Plan, but shied away from prescriptive actions and discrete tactics, which will be addressed in the implementation of the plan, including development of policy and program design." (pg. 7)

The purpose of *Energy 2035* is to provide a context for decision-making by setting a long-term vision and establishing high-level outcome targets. *Energy 2035* groups its twelve goals under the three themes of security, cost-effectiveness, and sustainability as follows:

[2] Energy 2035: Rhode Island State Energy Plan



Energy 2035 also contains performance measure targets for each theme – 1. Increase fuel diversity in each sector above 2013 levels; 2. Produce economy-wide net benefits; and 3. Reduce greenhouse gas emissions by 45% below 1990 levels, which the Act on Climate subsequently revised to a target date of 2030 to meet the 45% reduction – while also recommending policies and strategies to assist in achieving the desired goals.

Results of the consistency review

First, the proposed Project is consistent with the security goals of the Plan by addressing the "capacity vulnerability" and "capacity constraint" issues Rhode Island Energy has identified for Aquidneck Island in their application to the Energy Facility Siting Board by: preparing to meet the energy supply needs of the territory as a "secondary source of supply,"[3] providing supply to maintain safe operation of the gas system, ensuring reliability to customers during extreme weather and supply disruption events, and as a measure of resiliency. The proposed Property's ability to supply the territory with gas capacity is limited, with full capacity usage of 750 DTH/hr meeting only a portion of the forecasted demand and sustainable for eight hours in the event of a complete supply disruption, but granting response time to investigate, re-supply, and coordinate wider response in a prolonged event.[4]

The Plan also focuses on a cost-effective energy future for Rhode Island. It sets a performance

[3] Prefiled testimony of Julie Porcaro

[4] "Aquidneck Island gas Reliability Project Old Mill Lane, Portsmouth, RI" including Figures and Appendices

measure target to "produce economy-wide net benefits," defined as "the product of an economic policy that prioritizes prudent, strategic energy system investments that generate long-term energy savings and more stable energy costs for consumers, businesses, and institutions in Rhode Island." There are four underlying goals to the cost-effective theme: energy affordability, stability, economic growth, and increased employment.

Usage of the proposed Project offers benefit in the incidence of its use for peak shaving during capacity constraining events. As TNEC noted in its response to Conservation Law Foundation's data request, this capacity constraint response is estimated to "meet or exceed this threshold four or fewer times per winter season,"[5] allowing for a modest effect on energy affordability and price stability. In consideration of economic growth, as noted in the application "is not intended as a means for future growth on Aquidneck Island,"[6] however, the proposed Facility represents a measure of protection against loss and mitigation of risk, providing homeowners and businesses in the service territory with a greater level of assurance against the potential damage associated with a failure of heating service. Lastly the proposal includes the hiring of a limited number of full-time staff to operate and manage the Project.

The third pillar of the Plan is "sustainability," with a performance measure target focused on the reduction of greenhouse gas emissions. This theme has four goals consisting of impacts on climate, air quality, water use and quality, and land and habitat. The Plan is clear that "Rhode Island must address supply-side GHG emissions."

In direct consideration, the proposed Project does not enable progress toward that goal. While serving to maintain safe and reliable heating service, the Project will result in the release of methane as a result of operations vaporizing LNG. The process to utilize the system results in the need to release Boil Off Gas (BOG) to the atmosphere at stages in the transfer of the fuel from the storage units to the gas system, as well as during re-supply. The amount of BOG released on an annual basis and over the lifetime of the Project is unknown due to the incidental need for system operations, but yearly re-supply to prepare for months when capacity vulnerability and constraint are at their highest potential means there is some consistent baseline measure of emissions to be expected annually.

Indirectly, the portable configuration of the equipment to be purchased as part of this application offers some potential benefit in furthering the sustainability goals of the Plan. As numerous bodies within the state work to understand and implement the requirements of the Act on Climate[7], R.I. Gen. Law § 42-6.2 the role of the gas system in the heating and energy make-up of

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[5] Responses to Conservation Law Foundation's First Set of Data Requests

[6] "Aquidneck Island gas Reliability Project Old Mill Lane, Portsmouth, RI" including Figures and Appendices

[7] R.I. Gen. Law § 42-6.2

the state is a key aspect of that consideration. As a primary emitter of methane and other greenhouse gases, the gas system provides fuel for the generation of heat for a variety of applications at a low apparent cost which is offset by its impacts on the health and safety of Rhode Islanders from those direct emissions.

In the event of a moratorium on future gas service, as well as the potential for further requirements in which gas service would be scaled back in order to reduce emissions, a plan to "prune" branches of the gas system may become necessary. The portable equipment proposed for this Facility may grant flexibility in enabling that effort. The TNEC notes the flexibility inherent to the system in their response to the Public Utilities Commission 1-13, "(T)he Company plans to place an order in CY 2023 for portable LNG equipment that will be used at Old Mill Lane. The equipment could be used at the future desired footprint, which is set back from the street, or it can be used on the existing footprint of Old Mill Lane."[8]

Additionally, the TNEC notes in its response to the Conservation Law Foundation, "Yes, the Project consists of portable, non-permanent equipment so that, if and when the Project is no longer needed to address the capacity vulnerability and the capacity constraint, it can be discontinued."[9]

After careful consideration, OER finds the following regarding the proposed Project's consistency with the Plan to be:

1. Consistent with *Energy 2035*'s energy security themes by providing system capacity on Aquidneck Island to address the capacity vulnerability and capacity constraint concerns as cited in the application, enhancing the reliability and safety of the gas system to constituents on Aquidneck Island;
2. Consistent with *Energy 2035*'s cost-effectiveness themes as a measure of safety and reliability offers risk mitigation and loss prevention, as well as modest energy price stability through use in peak shaving;
3. Inconsistent with *Energy 2035*'s sustainability themes, as it does not advance the greenhouse gas emission reduction performance measure target, but re-use of the portable and temporary equipment purchased as part of this proposal may offer potential value to later provide safety and stability during future efforts to reduce emissions and meet the state's performance targets.

Conclusion: After careful consideration, the Office of Energy Resources and the Division of Statewide Planning finds 1) the proposed Project is predominantly consistent with the Plan's goals and performance measure targets and 2) the proposed Project is

[8] Responses to PUC Data Request Set 1

[9] Responses to Conservation Law Foundation's First Set of Data Requests

predominantly consistent with the Plan's policy themes and strategies. Therefore, the proposed Project is predominantly consistent with *Energy 2035*.

B. Land Use 2025: Rhode Island's State Land Use Policies & Plan (adopted April 13, 2006)

Overview

Land Use 2025 brings together other content from several State Guide Plan elements such as natural resources, economic development, housing, and transportation to guide conservation and land development in the state. It articulates goals, objectives, and strategies to guide current and future land use planning using different development approaches for urban and rural areas. It is intended as a policy guide for directing growth to areas most capable of supporting current and future developed uses and to direct growth away from areas less suited for development. The core development pattern that *Land Use 2025* is directed at is the spread of relatively low-density housing and commercial highway development into the more rural areas of the state. The cornerstone of *Land Use 2025* is the principle that the state will "contain sprawl, and that housing, commerce, and social interaction will be concentrated in dense centers of varying scales, marked by quality design."

Land Use 2025 contains a future land use map (FLUM) that visually depicts this intent. The map contains an urban services boundary (USB) that shows a projection where areas with public services supporting higher development density presently exist or are generally desirable. Within the USB, most land is served by public water service; many areas also have public sewer service. Also included on the FLUM are potential areas for the development of local growth centers. What was not specifically included in establishing the USB was the location of existing or proposed energy infrastructure. It is important to note the FLUM is a generalized portrayal of desired state land use policy and is not intended to be applied to specific development proposals.

Relevant goals, objectives, and policies

> **Goal LUG 3:** Excellence in community design: communities that are of high quality, energy efficient, safe and healthful, distinct, diverse and aesthetically pleasing; communities that are rich in natural, historical, cultural, and recreational resources; communities that provide abundant economic opportunities.
>
> **Objective LUO 3C:** Maintain and protect the rural character of various parts of Rhode Island.
>
> **Goal LUG 4:** First class supporting infrastructure that protects the public's health, safety, and welfare, fosters economic well-being, preserves and enhances environmental quality, and reinforces the distinction between urban and rural areas.
>
> **Objective LUO 4D:** Locate new infrastructure in appropriate areas.

Policy LUP 5: Relate the use of land to its natural characteristics, varying suitability and capacity for development.

Policy LUP 18: Protect rare and unique geologic or other natural features.

Policy LUP 19: Preserve the best farmland and active farms in the State for active agricultural use.

Policy LUP 24: Preserve historic buildings, districts, and archeological sites**.**

Policy LUP 28: Protect and provide utility services that are adequate to meet the needs of present and future populations.

Results of the consistency review

The DSP considered the following findings in its evaluation of consistency:

No existing land uses will be displaced or negatively impacted. The Project is proposed entirely on an existing parcel which is already occupied by gas line connections in coordination with the adjacent Take Station property. The continuation of existing seasonal LNG operations within the existing parcel are consistent with the established land use. The project will have minimal impact on the geologic, soil, surface water, and wetland resources of the Property since the proposed project occurs within existing developed urban land uses and utility rights-of-way. The environmental impacts also appear to be locally contained within the existing developed urban land and utility rights-of-way.

Conclusion: The Division of Statewide Planning finds the proposed Project to be consistent with *Land Use 2025: Rhode Island's State Land Use Policies & Plan*.

C. Rhode Island Rising: A Plan for People Places and Prosperity (adopted December 2014)

Overview

Rhode Island Rising presents an analysis and discussion of economic development opportunities facing the state. It is intended to be a state-level economic development plan. On the topic of energy, *Rhode Island Rising* defers to *Energy 2035: Rhode Island State Energy Plan* for specific energy policy recommendations while emphasizing the need for Rhode Island to be resilient and competitive. The Plan recognizes that economic development requires a reliable energy infrastructure.

Relevant goals, objectives, and policies

Goal 5: Create a stronger, more resilient Rhode Island.

Policy C: Adopt an energy policy that keeps Rhode Island competitive.

Results of the consistency review

The Project will provide energy security that will create resiliency and ensure competitiveness for the many businesses on Aquidneck Island.

Conclusion: The Division of Statewide Planning finds the proposed Project to be consistent with *Rhode Island Rising*.

D. State Housing Plan (adopted March 2000)

Overview

The *State Housing Plan* establishes state goals and policies for housing. It serves as a guide to aid the public and private sectors in providing affordable housing, in standard condition, and in a suitable living environment, for all Rhode Island residents, with special emphasis on the housing needs of lower-income households and individuals.

Relevant goals, objectives, and policies

> **Goal 1-1-1B:** Ensure the provision of a sufficient number of housing units to meet population needs.
>
> **Policy 1-2-3 B:** Enhance and preserve historic and other aspects of neighborhoods and communities which add identity and character.

Results of the consistency review

While there will be some visible impact to certain residential areas, the impact should not be significantly different than the view of the existing facilities. The Siting Report addresses noise impacts to residential areas. The TNEC has identified thirteen residential properties where the noise level, as measured at the property line, is projected to exceed 60-65 dBA. Under the applicable noise ordinance, the permitted daytime noise levels are 65 dBA from 7 AM to 10 PM. The TNEC proposes to allow all impacted residential properties to participate in the Purchase Plan, which is outlined in Appendix G of the Report. All property acquired in connection with the Plan will be placed on the market for sale with the agreement that future owners cannot participate in the Plan, therefore it will not impact the housing stock.

Conclusion: The Division of Statewide Planning finds the proposed Project to be consistent with the *State Housing Plan*.

E. Protecting Our Legacy of Buildings, Places, and Culture: An Historic Preservation Plan for Rhode Island (adopted October 14, 2021)

Overview

Rhode Island's Historic Preservation Plan describes the planning process for historic

preservation, explains how the state organizes information about historic properties, sets goals, objectives, and policies for preservation, and identifies strategies for putting the plan into action.

Relevant goals, objectives, and policies

Goal 1: Protect and preserve all of Rhode Island's historic properties.

Goal 2: Retain community character through preservation of local heritage by the protection, restoration, and reuse of historic and cultural resources.

Objective 2C: Protect historic buildings, areas, and archeological sites from inappropriate alteration, neglect, and demolition.

Results of the consistency review

The DSP did not identify any historic resources that would be impacted by the Project; however, DSP defers to expertise of the Rhode Island Historical Preservation and Heritage Commission (RIHPHC). The Property was studied as part of the Algonquin Gas Transmission Line project at which time the cultural resources consultant determined that the project Property had no/low archaeological sensitivity and no further cultural resources investigations were recommended; RIHPHC concurred with this assessment at the project Property. In the April 2022 "Aquidneck Island Gas Reliability Project" siting report, the consultant identified three inventoried historic cemeteries, three pre-contact archaeological sites, and one demolished historic homestead within the area of potential effect (APE) for indirect effects (the APE for direct effects was studied in the Algonquin Gas Transmission Line Project as mentioned above). The consultant recommends that the facility will have no effect on these historic properties. Based upon its review of available information, the RIHPHC concurs with this determination.

Conclusion: The RIHPHC does not object to the Project or elements thereof, therefore the Division of Statewide Planning finds the proposed Project to be consistent with the *State Historical Preservation Plan*.

F. Ocean State Outdoors: Rhode Island's Comprehensive Outdoor Recreation Plan (adopted August 29, 2019)

Overview

Ocean State Outdoors presents long-term goals and a five-year plan of action for strategically managing outdoor recreational resources of the state, impending threats, and unfulfilled needs.

Results of the consistency review**:**

The closest recreational resource is Pebble Beach in Middletown, located approximately one mile to the southeast of the Property. Other recreational resources within the general vicinity are

the privately-owned Newport National Golf Club to the northwest and Howland Park and Demery Park to the southwest.

The continuation of the existing seasonal use does not conflict with existing recreational facilities.

Conclusion: The Division of Statewide Planning finds the proposed Project to be consistent with *Ocean State Outdoors*.

G. A Greener Path…Greenspace & Greenways For Rhode Island's Future (adopted November 10, 1994)

Overview

A Greener Path...Greenspace and Greenways for Rhode Island's Future offers a vision of an integrated, statewide greenway network, and provides strategies to advance protection of valuable resource lands, encourage transportation alternatives, and expand recreation opportunities for Rhode Island.

Relevant goals, objectives, and policies:

Policy G-8: Direct new growth and development to areas and locations that minimize the potential for negative impacts upon the greenspace system.

Policy G-9: Incorporate a greenspace buffer within major new developments whenever the potential for discordance exists between the type, scale, or effects of the new facility and existing or planned adjacent land uses.

Policy P-1: Particularly within urban areas where it is lacking, make retention, enhancement, or reestablishment of greenspace a priority consideration in all physical development and revitalization projects. Make provision or expansion of public access to greenspace and greenways a fundamental aspect of community and economic revitalization efforts.

Results of the consistency review:

The closest greenway is the trailhead for the Sakonnet Greenway, located 2.3 miles to the northwest of the project. The Greenway is the longest contiguous nature trail on Aquidneck Island and is owned by the Aquidneck Island Land Trust. The trail runs for ten miles and is used for walking, biking, horseback riding and cross-country skiing in the winter.

The Project will not disturb any the greenway or any greenspace areas, nor will it interfere with the planned and promotion of the statewide network of greenspaces and greenways. As noted above, all proposed work occurs mainly within existing developed land uses and impacts to ecological systems and natural landscape units will be minimal. With respect to the impact on

vegetative community, fish and wildlife that will be caused by disruption of the habitat and whether the project will present an unacceptable harm to the environment, the DSP defers to the expertise of the Rhode Island Department of Environment Management (RIDEM).

Conclusion: Based on the available information, the Division of Statewide Planning finds the proposed Project to be consistent with *A Greener Path...Greenspace and Greenways for Rhode Island's Future*. However, this conclusion is contingent on RIDEM's findings with respect to impacts on habitat and the environment.

H. Forest Resources Management Plan (adopted March 10, 2005)

Overview

The *Forest Resource Management Plan* establishes a vision for the management of the forest resources of the state. It provides goals, policies, and strategies focused on the management of tree resources within the state. It is intended to advance local stewardship of the state's forest resources towards the twin goals of a healthy, sustainable economy and environment.

Relevant goals, objectives, and policies

Goal S: To create, conserve, and maintain sustainable forest resources.

Goal FRT: To provide statewide recreational activities and promote tourism in forested recreation areas.

Goal F: To conserve and restore Rhode Island's forests so as to minimize forest fragmentation.

Results of the consistency review

While the *Forest Resources Management Plan* does not define a minimum size for an area to be classified as "forest," the Farm, Forest, and Open Space Act defines "forest land" as "any tract or contiguous tracts of land, ten (10) acres or larger bearing a dense growth of trees…" TNEC reports that vegetation mowing, and minor tree trimming may be required to facilitate safe placement of Equipment. Equipment locations will be staked on the ground or marked on the Property. However, no tree removal will be associated with this project.

Conclusion: As no treed land will be cleared for the Project, there is no inconsistency with the *Forest Resources Management Plan*.

I. Urban and Community Forestry Plan (adopted (May 13, 1999)

Overview

The Rhode Island *Urban and Community Forest Plan* establishes a vision, goal, and policies, and provides recommendations focused on the management of tree resources within the built environment. This guidance is intended to advance the effectiveness of local stewardship of the state's tree resources towards the twin goals of a healthy, sustainable economy and environment.

Relevant goals, objectives, and policies

> **Goal:** Stabilize overall forest cover at or near the present level, and gradually repair the forest canopies of urbanized areas to the level recommended for proper ecological functioning.
>
> **Policy D1:** Encourage new development that respects forest resources as vital elements of the community and properly integrates trees to create high-quality living and working environments.
>
> **Policy D2:** Integrate trees into the built environment to beautify, buffer, and shelter structures and facilities.

Results of the consistency review

The Project is located on a previously developed site and not in a forested area.

Conclusion: Because this project will not impact the municipality's overall forest cover, it is the conclusion of the Division of Planning that this project is consistent with the *Urban and Community Forest Plan*.

J. Moving Forward RI 2040: Long Range Transportation Plan (adopted December 2020)

Overview

Moving Forward RI 2040 provides a long-range framework, goals, objectives, and strategies for the movement of both goods and people. It encompasses the highway system, public transit, transportation system management, bicycle travel, pedestrian, intermodal, and regional transportation needs.

Relevant goals, objectives, and policies

This plan's goals and objectives are specifically tailored to address long-range transportation issues. As such, they generally will not apply to energy facility siting. Specific potential impacts upon traffic and road conditions associated with a facility during construction and operation is best assessed by the Rhode Island Department of Transportation or the host community.

However, one objective could potentially be affected over the long-term and therefore is assessed below.

Objective: Reduce travel congestion.

Results of the consistency review

The following statement is presented in the Narragansett Electric Company's application:

> "The project related traffic will be intermittent, temporary, and will cease once mobilization and decommissioning of the Project is completed. The addition of this traffic for the limited periods of time is not expected to result in any additional congestion or change in operating conditions along any of the roadways within the Study Area… Further, no long-term impacts to existing traffic patterns or volumes are anticipated following completion of the annual mobilization and de-mobilization."

The key phrase in this assessment is "no long-term impacts." The annual scheduled activity for this project will begin in November and end in April which is when the anticipated additional traffic would occur. It is also important to note as referenced in the siting report, there should be no additional vehicular traffic during the months of May to October. While additional traffic will occur, the existing roadways and intersections have sufficient capacity to accommodate the additional traffic without disruption or congestion. Lastly, as the main access throughways are Town-maintained, we encourage TNEC to work with the both the Towns of Portsmouth and Middletown regarding issues of ingress and egress and any local complaints that may arise.

Conclusion: The Division of Statewide Planning finds the proposed Project to be consistent with *Moving Forward RI 2040: Long-Range Transportation Plan.*

K. Rhode Island Water 2030 (adopted June 14, 2012)

Overview

Overall, *Rhode Island Water 2030* describes the potable water resources of the state and sets goals and policies for the management of issues pertaining to them. It focuses on critical policy and emerging trends for potable water systems at all management and planning levels and is intended to serve as the foundation for coordinated water supply management and decision making. It identifies where our drinking water comes from, the various types of drinking water systems in the state, and the organizational and managerial responsibilities of our water systems. The plan also addresses the roles and responsibilities of State agencies relative to water allocation but does not address in detail the functions and values of the raw natural resource or the protection of its quality, as this subject matter is addressed through other State Guide Plan elements. It also does not offer policy considerations for the siting of specific types of water users.

Relevant goals, objectives, and policies

Goal WRM-1: Manage and plan for the sustainable water use and development of the water resources of the State.

Policy 1: Ensure the overall long-term availability of potable water statewide.

Policy 2: Manage water use and withdrawals based on water availability that considers hydrologic capacity, public health, and protection of aquatic resources.

Policy 4: Ensure the protection of public health, safety, and welfare as the priority use of potable water while striving to protect other uses and the economic well-being of the state.

Goal WRM-2: Protect and preserve the health and ecological functions of the water resources of the State.

Goal WRM-3: Ensure a reasonable supply of quality drinking water for the state.

Results of the consistency review

The Project is not located in an area adjacent to any water resources of state significance used for drinking water, nor are there any drinking water reservoirs or watershed protection districts located on the Property.

Conclusion: The Division of Statewide Planning finds the proposed Project to be consistent with *Rhode Island Water 2030*.

L. Water Quality 2035 (adopted October 13, 2016)

Overview

This plan describes existing practices, programs, and activities in major water quality areas and develops recommendations specific to each. It provides goals for water quality restoration and protection and addresses the protection and restoration of both surface and ground waters that are threatened or impaired by pollution. *Water Quality 2035* sets forth recommendations for twenty-four sources of pollution that are known to contribute, or have the potential to contribute, to water quality problems in Rhode Island. The plan also addresses reducing water pollution and protecting water resources through the proper management and planning for wastewater.

Relevant goals, objectives, and policies

Goal WQ #1: Protect the existing quality of Rhode Island's waters and aquatic habitats and prevent further degradation.

Goal WQ #2: Restore degraded waters and aquatic habitats to a condition that meets their water quality and habitat goals.

Results of the consistency review

It is important to note that *Water Quality 2035* does not address or endorse any specific types of wastewater management on a site-by-site basis. The Project and use is not mentioned as a location or use of concern in this Plan. However, one of the Plan's overarching Pollution Source and Aquatic Habitat Management Policies is "ensuring compliance with federal, state, and local regulatory programs for water quality protection and restoration."

The Project must comply with an assortment of regulatory programs for water quality protection and restoration that include permits from the:

- Rhode Island Coastal Resources Management Council;
- Rhode Island Department of Environmental Management; and
- Army Corps of Engineers

The project area is drained by waterways which generally flow to the north and southeast into the Sakonnet River. The crossing of rivers and streams is not proposed for this Project.

The project is located on a previously developed site and is expected to have no impact on either the quantity or quality of runoff from the Property, as best management practices for erosion and sediment control and low impact stormwater design will be required by the state agencies of jurisdiction through Rules and Regulations of the Department of Environmental Management and the Coastal Resources Management Council.

Conclusion: Consistency with this Plan is dependent on TNEC receiving all State and Federal permits pertaining to water quality. With proper permitting, the Project should be considered consistent with this State Guide Plan element.

M. Consistency with applicable and/or relevant statutes

The EFSB also requested an opinion on whether the proposed Project would conform with other applicable and/or relevant statutes. The Office of Energy Resources made the following determination regarding the proposed project's consistency with the Resilient Rhode Island Act and the Act on Climate:

Consistency with State Laws

The Resilient Rhode Island Act, R.I. Gen. Laws §42-6.2, established the Executive Climate Change Coordinating Council (EC^4); set specific greenhouse gas emissions reduction targets; and incorporated consideration of climate change impacts into the powers and duties of all state agencies. The EC^4 is charged with developing and tracking the implementation of a plan to achieve greenhouse gas emissions reductions below 1990 levels of: ten percent (10%) by 2020; forty-five percent (45%) by 2035; and eighty percent (80%) by 2050.

In April 2021, the Act on Climate was signed into law and established more stringent mandatory greenhouse gas emissions reduction targets of: ten percent (10%) below 1990 levels by 2020, forty-five percent (45%) below 1990 levels by 2030; eighty percent (80%) below 1990 levels by 2040; and net-zero emissions by 2050.

In considering the impacts of climate change, while the proposed Project represents a means of addressing the capacity vulnerability and capacity constraint on Aquidneck Island, the Facility does not advance Rhode Island's mandatory emissions reduction targets. With a cost of roughly $15 million to purchase and install, and an annual operating cost of $1.5 million, the Facility represents a likely expenditure of not less than $20 million dollars through 2029/2030, which is the earliest date the Company has identified the system might be discontinued.[10] This cost, when set against the decarbonization and emissions reduction targets, should serve as an indicator of the need to accelerate efforts to meet those targets. This investment into a Facility which is specifically designed to provide support for a particular territory is important but stands in contrast to the effort to meet the goals of Act on Climate and how targeted investment in those areas of the state where focused, accelerated efforts to reduce demand would preclude the need for such facilities. Rhode Island Energy highlights this contrast in their response to the Division of Public Utilities and Carriers:

> "The company's 2023 Annual Energy Efficiency Plan, as approved by the Public Utilities Commission in Docket No. 22-33-EE, provides for a gas energy efficiency program budget of $36,931,500. The energy efficiency measures funded by the budget are intended to be deployed on a statewide basis and are not specifically targeted to Aquidneck Island. The Company has not developed energy efficiency budgets for plan years after 2023."[11]

In the Heating Sector Transformation Report, the policy recommendations include the need to "use pilot and demonstration projects, targeting state-specific issues or in collaboration for more general issues" and "local pilot and demonstration projects can also be useful for learning about how technologies and approaches may apply in Rhode Island circumstances."[12] The capacity vulnerability and capacity constraint issues facing Aquidneck Island represent exactly the type of issues for which those recommendations apply. While the proposed Facility is intended to achieve localized safety and reliability, commensurate investment which would achieve those goals of safety and reliability – while also progressing the state toward its targets in the Act on Climate – is strongly recommended. Additionally, the infusion of funding from the Infrastructure and Jobs Act and the Inflation Reduction Act will continue to improve the cost-effectiveness of

[10] Responses to Conservation Law Foundation's First Set of Data Requests

[11] Responses to Division Data Request Set 1

[12] Heating Sector Transformation in Rhode Island

the alternatives put forth in the application for this facility, as well as enabling additional pathways allowing for the achievement of the state's climate goals.

The acceleration of targeted investment to address localized constraints, as well as the improvements to the cost-effectiveness of alternatives to encourage deployment of long-term efficiency and emissions reduction measures strongly recommend the periodic review of the continued need for this Facility should it be placed in service.

Conclusion: The proposed Project does not help advance the emissions reductions mandated through the Act on Climate, therefore it is inconsistent with the Act on Climate, and the Resilient Rhode Island Act.

PART THREE: SOCIO-ECONOMIC IMPACT ASSESSMENT

BACKGROUND

Neither the Energy Facility Siting Act nor the EFSB's order specifies the topics to be included in a socio-economic impact assessment other than that the analysis must include, "In addressing the issue of socio-economic impact, consideration must be given to economic and reliability benefits, including employment and tax benefits to the Town of Portsmouth and/or to the State." The application submitted by TNEC includes the following topics:

- Population trends
- Land use
- Open space and recreation
- Local conservation land
- Compatibility with future land use planning
- Visual resources
- Noise
- Cultural resources
- Transportation/traffic

The DSP concurs that these topics are commonly accepted components of socio-economic impact assessments. As noted in Part One, in determining which socio-economic topics to address for this Advisory Opinion, the DSP recognized that the EFSB has already requested that many factors be evaluated by the state's leading experts within their respective fields. Given the expertise that these other agencies can provide to the EFSB, those topics are not examined as part of this report's analysis. Therefore, in the absence of additional direction, this Advisory Opinion will limit itself to impacts from the construction and operation of the Facility on:

- Economic impact and employment;
- State and local tax revenues;
- Energy reliability;
- Size and composition of the population;
- Social equity;
- Housing; and
- Visual impacts

Many portions of this socio-economic analysis were conducted using quantitative and qualitative data supplied by TNEC. Staff also reviewed pre-filed testimony from all parties and noted if there were differences of opinion on the accuracy of the data and/or projections reported in the Application.

A. ECONOMIC IMPACT ASSESSMENT

In the project application, TNEC states that, "The Project is not expected to have any impact on local employment." The application also states that, "By meeting the current and projected demands for natural gas in the area, the Project will support the state's effort to stimulate additional growth and economic activity in the region."

1. Local and Statewide Business Impacts: Jobs, Earnings, and Economic Output

Energy disturbances can result in economic loss to businesses. The Project will provide energy security that will create resiliency and ensure competitiveness for the many businesses on Aquidneck Island.

Conclusion: The Division of Statewide Planning finds that the construction and operation of the Facility will have a positive impact on the number of jobs, earning, or economic output of the State.

2. State Revenue

Although there will be no direct impact on the revenue of the state, both the construction and operations phases of the Project involve an investment in Rhode Island, which economic theory and modeling indicates may lead to a positive effect on businesses through increased spending.

Conclusion: The Division of Statewide Planning finds that the construction and operation of the Facility will have no impact on revenue in the State.

3. Municipal Revenue

Although there will be no direct impact on the revenue of the state, both the construction and operations phases of the Project involve an investment in Rhode Island, which economic theory and modeling indicates may lead to a positive effect on local businesses through increased spending.

Conclusion: The Division of Statewide Planning finds that construction and operation of the Facility will have a no impact on the Portsmouth's municipal revenue.

B. ENERGY RELIABILITY

The socio-economic benefits of a more reliable energy system accrue to both individuals and businesses. A more reliable energy system will lessen interruptions to the region's power supply. At a minimum, disturbances can result in inconveniences to customers, but interruptions can also harm vulnerable populations, cause economic loss to businesses, disrupt quality of life, and lead to more serious consequences such as fatalities. In the long-term, a system that is not reliable may lead to increased cost of service and an inability to respond to emergencies.

C. SOCIAL IMPACT ASSESSMENT

1. Population Change

The Division of Statewide Planning expects no significant change in Portsmouth's population as a result of the Project.

2. Social Equity

In considering the potential impacts of the Project on the socio-economic fabric of the state, the DSP examined whether any Federally protected group of people would bear a "disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies."[13] Federal government statutes and regulations protect the following groups of people, which represent the groups considered in this analysis:

- Minority populations;
- Persons of low-income;
- Children
- The elderly;
- Households with limited English proficiency; and
- Individuals with a disability.

Table 1 presents data relative to the presence of the identified select population groups within the U.S. Census Tract in which the Facility would be located (Tract 401.02), Newport County, and the state of Rhode Island.

Table 1. Presence of Select Population Groups in Proximity to Old Mill Lane Project

	Tract 401.02	Newport County	Rhode Island
	% of total	% of total	% of total
Minority Population	8.0%	15.5%	29.4%
Persons in Poverty	11.7%	17.4%	25.2%
Population under age 5	4.1%	4.3%	5.1%
School-aged Population (ages 5 to 18)	17.7%	15.3%	17.7%
Aging Individuals (age 65+)	23.4%	22.3%	17.3%
Limited English Proficiency households	2.0%	2.51%	8.4%
Individuals with a Disability	8.1%	11.8%	13.5%

Source: U.S. Census Bureau: American Community Survey 5-Year Data (2021).

[13] *Learn About Environmental Justice.* Environmental Protection Agency, March 29, 2016. Web. 11 May 2016.

For the purposes of this assessment, a significant concentration of any single population group is said to exist when the group makes up a greater percentage of the population in the defined area than in the host state as a whole. This methodology was chosen based on the development of the Transportation Equity Benefit Analysis contained in *Moving Forward Rhode Island 2040*, the State of Rhode Island's Long Range Transportation Plan.

As shown in Table 1, in the category of populations over 65 years of age, the concentration of persons within Tract 401.02 is slightly higher than those in Newport County and six percent higher than in Rhode Island. The percentage of school-aged children is the same in the Census Tract as it is in the state. Census Tract 401.02 has lower percentages of minority persons and persons in poverty than are found within the Rhode Island and Newport County.

Overall, the population group data for Census Tract 401.02 indicates that federally protected population groups do not exist in significant concentrations in proximity to where the Facility will be expanded.

Conclusion: The Division of Statewide Planning finds that the construction and operation of the Facility will not unfairly impact Federally protected populations.

3. Housing

The Facility is to be constructed within an existing industrial site. As such, the DSP expects that no existing housing units will be lost as a result of the construction or operation of the Project and, given that the DSP expects no significant change in Portsmouth's population as a result of the Project, it correspondingly does not expect any changes in housing supply or demand.

Conclusion: The Division of Statewide Planning finds that the construction and operation of the Facility will have no significant impacts to housing in Portsmouth.

4. Visual Impacts

TNEC conducted a standard visual resource assessment for the facility, including identifying visually sensitive resources. According to the report, a desktop study was performed to analyze the potential visibility and visual impact of the Project. Within a half-mile radius visual Study Area, visually sensitive resources include historic sites, state-designated scenic areas, state conservation areas, and designated open space. The combined effect of vegetation (forest areas, street trees, and yard vegetation) throughout the Study Area screen (or partially screen) views of the Project.

Conclusion: The Division of Statewide Planning finds that the visual impacts caused by the facility will be limited, mostly impacting residents directly adjacent to the facility and will be mitigated through visual screening.

PART FOUR: ADVISORY OPINION AND RECOMMENDATIONS

The Advisory Opinion and Recommendations are that of the Statewide Planning Program, i.e., the joint efforts of the Division of Statewide Planning and the State Planning Council. As noted in the Introduction, the Program was instructed to provide the Board with an Advisory Opinion on:

1. The socio-economic impact of the proposed Facility, including its construction and operation;
2. The Facility's consistency and compliance with the State Guide Plan; and
3. In coordination with the Rhode Island Office of Energy Resources, a particular examination of the Facility's consistency and compliance with the State Energy Plan or any other applicable and/or relevant statute enacted during this session of the General Assembly that would relate to the project, and state energy policies.

A. STATE GUIDE PLAN CONSISTENCY

The Program finds that the proposed Old Mill Lane is consistent with the State Guide Plan including the State's energy plan, *Energy 2035*, based on the findings:

- The Project is consistent with the State Guide Plan's goals and performance measure targets; and,
- The Project is consistent with the State Guide Plan's policy themes and strategies.

However, this finding of consistency is contingent upon TNEC receiving all necessary State and Federal permits.

B. CONSISTENCY WITH STATE STATUTE

The proposed Project does not advance the emissions reductions mandated through the Act on Climate; therefore, it is inconsistent with the Act on Climate, and the Resilient Rhode Island Act.

C. SOCIO-ECONOMIC IMPACTS

The Statewide Planning Program's socio-economic impact assessment concludes that the Project will have an overall positive socio-economic impact, based on the individual findings identified below.

The Program finds that construction and operation of the Old Mill Lane Project:

- will have no impact on energy costs for Rhode Island consumers;
- will increase energy security for Aquidneck Island;

- will have a positive impact on the state's job creation or revenue;
- will have no impact on the Town of Portsmouth's municipal revenue;
- will not result in any significant population changes within the Town of Portsmouth;
- will not significantly impact Federally protected populations;
- will have no significant impact to the number of housing units that exist within the Town of Portsmouth; and
- visual impacts caused by the construction and operation of the Project will be relatively limited.

Results of the socio-economic impact assessment:

The Division of Statewide Planning, within the Department of Administration, conducted an investigation per the EFSB's Preliminary Decision and Order, Issue 4, and finds the Facility's operation and construction will have no impact on the socio-economic fabric of the state.

D. ADVISORY OPINION RECOMMENDATION

As noted throughout, the DSP limited its assessment to content matters that did not overlap or duplicate that requested of other entities and in several instances defers to the particular expertise solicited by the EFSB through the additional Advisory Opinions that it requested. As such, the DSP recommends that the EFSB in finalizing its perspective as to the socio-economic impact and State Guide Plan consistency of the project, view this opinion in light of the forthcoming information that was not otherwise available to the DSP at the time of this report's production.