

PM4 – Public Meeting in Dallas, Pennsylvania

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1 ATLANTIC SUNRISE PROJECT
2 (DOCKET NO. CP15-138-000)
3
4 PUBLIC COMMENT MEETING ON THE
5 DRAFT ENVIRONMENTAL IMPACT STATEMENT
6 JUNE 16, 2016
7 7:00 p.m.
8
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10 Lake Lehmon High School
11 1128 Old Road 115
12 Dallas, PA 18612
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16 Court Reporter A
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PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

- 1 SPEAKER LIST
- 2
- 3 JOANNE WACHHOLDER
- 4 WADE CHANDLER
- 5 KEVIN LYNN
- 6 VETO BARZILOSKI, JR.
- 7 ED GILLETTE
- 8 TAMMY BONNICE
- 9 TOM SHEPSTONE
- 10 CARL MARRARA
- 11 JERRY GEORGE
- 12 BRANDON OITRA
- 13 ALEX LOTORTO
- 14 ROBYN KOCHAN
- 15 CHUCK CLARKE
- 16 RICH WATEROWSKI
- 17 TERRY LANGLE
- 18 WALT KOCHAN
- 19 DAVID HORN
- 20 WILLIAM EMICK
- 21 THOMAS BYRON
- 22 JOAN BRYON
- 23 DUKE BARRETT
- 24 MARY RODRIGUEZ
- 25 KRISTIN EDWARDS

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- 1 SPEAKER LIST
- 2
- 3 DORINA HIPPAUF
- 4 SCOTT CANNON
- 5 DEIRDRE LALLY
- 6 ALLISON PETRYK
- 7 HERB BONNICE
- 8 DIANE DREIER
- 9 SIERRA SHAMER
- 10 ROBERT WILDS
- 11 JAME TOLOMBELLO
- 12 PETER BUTLER
- 13 JENNIFER LAPOINTE
- 14 BILL COOK
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1 PROCEEDINGS

2 MS. WACHHOLDER: Good evening everyone. On behalf
3 of the Federal Energy Regulatory Commission also known as
4 FERC or the Commission I would like to welcome you here
5 tonight. The primary purpose of this meeting is to give you
6 an opportunity to provide comments on the Draft
7 Environmental Impact Statement or Draft EIS for the Atlantic
8 Sunrise Project.

9 Let the record show that the Draft EIS comment
10 meeting began at 7:10 p.m. on June 16, 2016. My name is
11 Joanne Wachholder and I am an Environmental Project Manager
12 with the FERC's Office of Energy Projects.

13 Eric Howard also with FERC is at the sign-in
14 table. Also assisting FERC are Bart Jensen, Tina Lyons and
15 DeAnn Thyse with ERM and that's an environmental consulting
16 firm assisting us in the production of the EIS for the
17 Project.

18 Here tonight representing the U.S. Army Corps of
19 Engineers are Wade Chandler and Mike Dombroskie who is in
20 the back. The U.S. Army Corps of Engineers is participating
21 as a cooperating agency in the preparation of the EIS.

22 As you can see this meeting is being recorded by
23 a court reporter so that we have an accurate record of
24 tonight's comments. A transcript of this meeting will be
25 placed in the public record so that everyone has access to

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1 the information discussed here tonight. We are also trying
2 something a bit different to allow for further opportunities
3 to provide comments.

4 We are offering access to an additional court
5 reporter and FERC and Corps representative in a private side
6 room which I will explain in a bit. The speaker's list is
7 located at the back table. For this main room we will use
8 that list to call speakers to the podium tonight. If you
9 wish to speak and have not signed up please add your name to
10 that list.

11 In March 2015 the Transcontinental Gas Pipe Line
12 Company, LLC or Transco filed an application under Section
13 7C of the Natural Gas Act to construct and operate natural
14 gas facilities including about 195.2 miles of new natural
15 gas pipeline in Pennsylvania and 2.5 miles of replacement
16 piping in Virginia. The project's above-ground facilities
17 would consist of two new compressor stations in
18 Pennsylvania, additional compression and modifications to
19 three existing compressor stations in Pennsylvania and
20 Maryland, two new meter stations and three new regulator
21 stations in Pennsylvania and it will also include minor
22 modifications at existing above-ground facilities at various
23 locations to allow for bi-directional flow.

24 The primary purpose of this meeting is to give
25 you the opportunity to provide specific environmental

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1 comments on the Draft EIS prepared by FERC staff on this
2 project. It will help us the most if your comments are as
3 specific as possible regarding the proposed project and the
4 Draft EIS.

5 I would like to again clarify that this is a
6 project being proposed by Transco, it is not a project being
7 proposed by the FERC. Rather the FERC is the federal agency
8 responsible for evaluating applications to construct and
9 operate interstate natural gas pipeline facilities. The
10 FERC therefore is not an advocate for the project but rather
11 an advocate for the environmental review process.

12 During our review of the project we assembled
13 information from a variety of sources including the
14 applicant, you the public, other state, local and federal
15 agencies and our own independent analysis and field work.
16 We analyzed this information and prepared the Draft EIS that
17 was distributed to the public for comment.

18 A Notice of Availability of the Draft EIS was
19 issued for this project on May 5, 2016. We are nearing the
20 end of the 45 day comment period on the Draft EIS which is
21 scheduled for Monday, June 27th, 2016.

22 If you have comments but do not wish to speak
23 tonight you may provide written comments on the comment
24 forms provided at the back table. You may drop those off
25 with us or mail them at a later date. Be sure to include

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1 the Project Docket Number which is CP15-138 and your
2 personal information if you want us to place you on the
3 mailing list.

4 Your comments will be considered with equal
5 weight regardless of whether they are provided verbally or
6 submitted in writing. At the end of the Draft EIS comment
7 period FERC staff will prepare a Final EIS that specifically
8 addresses each comment received on the Draft EIS and
9 includes all necessary changes, additions and modifications
10 to conclusions reached in the Draft EIS.

11 Once we have issued the Final EIS currently
12 scheduled for late October it is forwarded to our
13 Commissioners for their consideration. Currently our
14 mailing list for this project is over 4,000 stakeholders.
15 If you received a copy of the Draft EIS in the mail, either
16 the paper or CD copy you are already on the mailing list to
17 receive the final EIS. If you did not get a copy of the
18 Draft and would like to get a copy of the Final, please
19 provide your name and address to the FERC staff at the back
20 of the room and we will make sure that you get a copy of the
21 Final EIS.

22 I would like to state that neither the Draft nor
23 the Final EIS are decision-making documents. In other words
24 once the Final EIS is issued it does not determine whether
25 the project is approved or not. I also want to

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1 differentiate between the roles of two distinct FERC groups,
2 the Commission and the environmental staff.

3 I and other FERC staff present are part of the
4 FERC environmental staff and we will oversee the preparation
5 of the EIS for this project. We do not determine whether or
6 not to approve the project. Instead the FERC Commission
7 consists of up to five Presidentially-appointed
8 Commissioners who are responsible for making a determination
9 on whether to issue a Certificate of Public Convenience and
10 Necessity or Certificate to Transco.

11 The Commission will consider the environmental
12 information from the EIS, public comments, as well as a host
13 of non-environmental issues such as engineering, markets and
14 rates in making its decision to approve or deny Transco's
15 request for a Certificate.

16 Only after taking the environmental and
17 non-environmental factors into consideration, will the
18 Commission make its final decision on whether or not to
19 approve the project. If the Commission votes to approve the
20 project and the Certificate is issued, Transco will be
21 required to meet certain conditions outlined in the
22 Certificate.

23 FERC environmental staff would monitor the
24 project through construction and restoration performing
25 on-site inspections to document environmental compliance

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1 with applicable laws and regulations, the applicant's
2 proposed plans of mitigation and the additional conditions
3 in the FERC certificate.

4 Next Wade Chandler will discuss the role of the
5 U.S. Army Corps of Engineers.

6 MR. CHANDLER: Thank you, good evening my name is
7 Wade Chandler and I am Chief of the Pennsylvania Section for
8 the Regulatory Branch of the Baltimore District U.S. Army
9 Corps of Engineers. Also with me is Michael Dombroskie he
10 is the Corps Project Manager who is in charge of evaluating
11 the permit application for this proposed project.

12 We want to welcome you to this joint U.S. Army
13 Corps of Engineers public hearing and the Federal Energy
14 Regulatory Commission public meeting for the proposed
15 Williams Gas Pipe Line known as the Atlantic Sunrise
16 Project.

17 It is the responsibility of my office to evaluate
18 applications for Department of the Army authorization for
19 work in navigable waters of the United States and waters of
20 the United States including jurisdictional wetlands. Our
21 authority comes from Section 10 of the Rivers and Harbors
22 Act of 1899 and Section 404 of the Clean Water Act. At this
23 time no decision has been made regarding whether or not a
24 Department of the Army permit will be issued for the
25 proposed project.

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1 The purpose of today's hearing is to inform you
2 of this proposed project and to allow you the opportunity to
3 provide comments to be considered in the Corps public
4 interest review for the proposed project. A federal public
5 hearing is a formal process used to gather information that
6 otherwise would not be available during the public notice
7 comment period.

8 Your comments will be included and addressed in
9 the Environmental Impact Statement for the project. Your
10 comments are important in the preparation of this document
11 and our evaluation of the permit application. The subject
12 project is being proposed by Transcontinental Gas Pipeline
13 Company, Williams Gas Pipeline and is referenced as the
14 Atlantic Sunrise Project.

15 The project as proposed is to construct
16 approximately 183.7 miles of new 30 and 42 inch diameter
17 pipelines, 11.5 miles of new 36 inch and 42 inch diameter
18 pipeline loops, construction of two new compressor stations,
19 additional compression installation at two existing
20 compressor stations and construction of two meter stations
21 and three regulator stations in Pennsylvania.

22 The Baltimore District Corps of Engineers is
23 reviewing only the portion of the project in Pennsylvania.
24 2.5 miles of the piping replacement will also occur in
25 Virginia and involve impacts to waters of the United States

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1 and wetlands. Installation of additional compression at
2 existing compressor stations, modifications to existing
3 compressor stations to allow for bi-directional flow and
4 installation of the supplemental odorization, odor detection
5 and odor masking and de-odorization equipment at various
6 meter and valve stations will occur in Maryland, Virginia
7 and North Carolina and South Carolina and do not involve
8 regulated work in the waters of the United States including
9 the wetlands.

10 The proposed project to the navigable waters of
11 the United States are located in the Susquehanna River.
12 Impacts of the waters in the United States including
13 jurisdictional wetlands are located in the Susquehanna River
14 and various waters in Susquehanna, Wyoming, Luzerne,
15 Sullivan, Columbia, Lycoming, Clinton, Northumberland,
16 Schuylkill, Lebanon and Lancaster Counties, Pennsylvania.

17 As proposed, construction of the Atlantic Sunrise
18 Pipeline would result in the following impacts:
19 Approximately 48.23 acres of wetland impact of which 6.52
20 acres will be permanent wetland-type conversion type and
21 41.72 acres would be a temporary impact, 329 total water
22 bodies will be crossed resulting in 22,529 linear feet of
23 temporary stream impact.

24 The decision of whether or not to issue a permit
25 will be based on an evaluation of the probable impacts

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1 including cumulative impacts of the proposed activity on the
2 public interest and compliance with the Clean Water Act
3 Section 404(B-1) guidelines. That decision will reflect the
4 national concern for both protection and utilization of
5 important resources. The benefits which may be reasonably
6 expected to occur from the proposal will be balanced against
7 the reasonable foreseeable detriments -- all factors that
8 may be relevant to the proposal are considered.

9 Among these are conservation, economics,
10 aesthetics, general environmental concerns, wetlands,
11 cultural values, fish and wildlife service values, flood
12 hazards, secretion, recreation, water supply and
13 conservation, water and air quality, threatened and
14 endangered species, energy needs, food and fiber, safety,
15 environmental justice, cumulative impacts and the general
16 needs and welfare of the public.

17 In compliance with the National Environmental
18 Policy Act the Corps is a cooperating agency in the FERC
19 regulatory Commission's preparation of the Environmental
20 Impact Statement for the proposed project. The Corps
21 comment period for this hearing and for public comment
22 extends to June 30, 2016.

23 Comments received tonight and throughout the
24 comment period will be considered by the Corps as we reach
25 our permit decision. Your testimony this evening will be

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1 recorded and we will prepare a verbatim record of today's
2 hearing. If you would like to receive a copy of the
3 transcript of these proceedings please provide us with your
4 information on the attendance record at the registration
5 table.

6 Once we have the verbatim record we will contact
7 you and let you know the associated costs and how we can
8 provide you a copy of the record. All comments made at this
9 proceeding will be made part of the hearing record thank
10 you.

11 MS. WACHHOLDER: Thanks Wade. We are now going
12 to move into the part of the meeting where we will hear
13 comments from the audience members. As I mentioned before
14 if you would rather not speak you may hand in written
15 comments tonight or send them to the Secretary of the
16 Commission by following the procedures outlined in the Draft
17 EIS and comment forms.

18 Whether you verbally provide your comments or
19 mail them in, they will be equally considered by FERC. It
20 is important again that you include the Docket Number in
21 your filings which is CP15-138. The Commission also
22 encourages electronic filing of comments and the forms are
23 at the sign-in desk and provide the web address and
24 instructions.

25 Again this meeting is being recorded by a

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1 transcription service. All of your comments will be
2 transcribed and placed into the public record. For the
3 benefit of all in attendance and for accuracy of the
4 transcript I will set some ground rules. When your name is
5 called please step up to the mic over here and clearly state
6 your name and affiliation if any. You might spell your name
7 for the court reporter to insure accuracy if misspelling is
8 likely. Also please speak directly into the microphone so
9 that you can be clearly heard by the reporter, the panel and
10 the audience. Due to the number of speakers that we have
11 signed up we will have to limit each speaker to 3 minutes so
12 that everyone has an opportunity to provide comments. We
13 will set a timer here for three minutes and then when there
14 is 30 seconds left Bart will raise his hand and then at the
15 end of the three minutes it will make a little beeping
16 sound. And I am not going to cut you off immediately I want
17 you finish your thought but just be considerate that other
18 people are waiting their turn too so try not to go too much
19 over please.

20 And along with that let's see when your time is
21 ended please conclude your comments and we will call the
22 next speaker. We will go until the last speaker or 10:30
23 p.m. whichever comes first. One of the other things to
24 remember when you are speaking is that everybody else -- we
25 all need to be quiet so that the court reporter could

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15

1 adequately get the comments and one of my really big rules
2 is that you have to respect the speaker whether you agree or
3 disagree you have to be quiet. There's no cheering there's
4 no booing.

5 Once they are done and they sit down if you want
6 to cheer or whatever you want to do that's fine but during
7 it it takes time from the person's 3 minutes, 3 minutes
8 isn't very long so even if you are on their side and you
9 cheer for 10 seconds that's 10 seconds they have lost so
10 that is going to be a very important rule for me and if
11 people can't abide by that I have had to have people
12 escorted out and I don't want to do that because I feel that
13 you are going to be very respectful of everybody, so I thank
14 you in advance for that.

15 Again if you have detailed comments
16 that you cannot get through in 3 minutes you can give us
17 your full written comments at the table where you came in.
18 Also if you feel that your comments were previously
19 expressed by somebody else you can simply state your name
20 and your endorsement of those previous comments.

21 Lastly before we start as a courtesy to our
22 speakers and the rest of the audience, please turn off or
23 silence your cell phones. As I mentioned in the beginning
24 we have an additional court reporter with FERC and Corps
25 representatives set up out in the hallway so it is outside

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1 this door and go left.

2 We wanted to try this different format with the
3 extra option for a number of reasons. First we wanted to
4 offer everyone an opportunity to provide verbal comments and
5 this would allow a greater number of people to do so in the
6 allotted time frame.

7 Second we appreciate that you are spending time
8 away from your other responsibilities to participate in this
9 meeting and if you choose this option it would reduce the
10 time that you would have to wait to speak while still
11 getting your comments in the official record.

12 Third people have indicated at other meetings
13 that they are not comfortable speaking in front of a large
14 crowd and we are trying to be sensitive to this as well.
15 Thank you for your consideration we are now ready to call
16 our first speaker. First up is number 1, number 1 is Kevin
17 Lynn.

18 MR. LYNN: Thank you it's nice to be here
19 tonight. My name is Kevin Lynn I live here at Harvey's
20 Lake. Actually I have a big connection here my wife's
21 father's name is on the gym here at Lake Lehman High School.
22 This meeting tonight is really about the future okay. I

PM4-1 23 mean obviously we are here talking about the Atlantic
24 Sunrise Project but it is really about the future.

25 By the way for the record I am in favor of the

PM4-1 Comment noted.

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PM4-1
(cont'd)

1 Atlantic Sunrise Project. But I know there are lots of
2 well-meaning people here who are against the project and I
3 guess I have a question for all of you myself included,
4 here's the question in five years will we need more energy
5 or less?

6 There's almost no one who is thinking or reading
7 who doesn't agree we are going to need vastly more energy.
8 The cloud is suspended by electricity alright. The cloud is
9 an electric pig and we are going to need more electricity --
10 we are going to need more energy to meet the needs of the
11 future.

12 Tonight there are lots of folks here from
13 industry and the unions and that and they are going to tell
14 you that the Williams Project here and Williams is a great
15 company, the company I work for does work for Williams.
16 They are going to tell you that it is going to provide
17 energy and heat for millions of homes and it is going to
18 drive billions of dollars-worth of business and that's all
19 true but for someone like me and for most of you, you have
20 your own personal reasons to be for or against this thing.

21 I'm a greeny, I'm a Liberal Democrat. I'm about
22 to go out and canvass for Hillary Clinton the way I did for
23 Barrack Obama four years ago. I'm ready to go so my list is
24 slightly different. Here's my list. I want cleaner air and
25 natural gas is at least twice as clean as coal. This year

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PM4-1
(cont'd)

1 by the way natural gas overtook coal as the number one
2 producer of electricity in this country alright.

3 Number two -- that the U.S. leads the world in
4 carbon dioxide emission reductions alright admittedly we
5 make a lot but we are also leading the world and the reason
6 is because of natural gas and because we have converted over
7 from the much dirtier coal.

8 Number three -- it's cheaper, it's vastly cheaper
9 than oil most of which comes from other countries and that's
10 number three.

11 Number four -- security -- if we can use
12 domestically harvested natural gas we don't have to rely on
13 foreign energy. And as for renewables I know there are a
14 lot of folks out there that would love to see more
15 renewables I would myself but right now they constitute
16 14.2% of our energy that keeps the lights on only one minute
17 out of 7.

18 I say yes to the Atlantic Sunrise Project but
19 before you say no ask yourself will we need more energy
20 going forward or will we need less. I am sure we will need
21 more and I'm sure most of you are too. I want that energy
22 clean. I want that energy abundant and I want that energy
23 domestic. I want gas. Thank you.

24 MS. WACHHOLDER: Thank you next up is number 2 oh
25 my, Veto Barziloski, Jr. and please spell that.

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1 MR. BARZILOSKI: My name is Veto V-e-t-o
2 Barziloski B-a-r-z-i-l-o-s-k-i it's Jr. Good evening I
3 would like to thank you guys for having these public
4 meetings so we can come and express our opinions. As you
5 know my name is Veto Barziloski and I am the Vice-President
6 of Bennie's Nurseries, Incorporated. Bennie's Nurseries is
7 a family owned and operated nursery and landscaping company
8 located in Tunkhannock.

9 We are now on our third generation as a family
10 business and own several properties in Wyoming and
11 Susquehanna Counties. Some of these properties have been in
12 our family for nearly 100 years. Approximately five years
13 ago we were approached by Williams about leasing ground for
14 a gathering line which would cross one of our older
15 properties.

PM4-2 16 Although hesitant at first and after many
17 discussions with family and with Williams' representatives
18 we felt confident that allowing them to cross our property
19 was the right thing to do. During the whole process
20 Williams was straight-forward with us and abundantly
21 cooperative along with being extremely cognizant of the
22 environment. We were so impressed by Williams that we now
23 host over 1 mile of Williams own pipeline across our
24 properties.

25 While developing a relationship as a land owner

PM4-2 Comment noted.

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PM4-2
(cont'd)

1 with Williams we also saw opportunity to offer our services
2 to them. They, in living up to their commitment to the
3 community were able to use many of our services. After
4 meeting very strict requirements which are demanded by
5 Williams we were able to obtain ambassador service agreement
6 and now serve them in several environmental landscape
7 capacities.

8 This is not only a tremendous boost to our
9 business but it has given us the opportunity to be part of
10 and see how dedicated this company is to insuring a healthy
11 environment before, during and after construction. Having
12 experienced first-hand the environmental diligence that
13 Williams practices we have no doubt that the Atlantic
14 Sunrise Pipeline will in one way or another benefit millions
15 of people in Pennsylvania and with that we would like to
16 encourage the FERC to issue any necessary permits to get
17 this project moving, thank you.

18 MS. WACHHOLDER: Thank you next up is number 3 Ed
19 Gillette.

20 MR. GILLETTE: Thank you for this chance to be
21 heard. My name is Ed Gillette I represent Local 542 of the
22 Operating Engineers. We are the equipment operators that

PM4-3

23 build these pipelines. Pipeline infrastructure is as
24 important as our roadways and railways. It is not possible
25 to meet our country's energy needs without natural gas.

PM4-3 Comment noted.

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PM4-3
(cont'd)

1 The Atlantic Sunrise will support over 2300
2 construction jobs and 6,000 indirect jobs. Well what are
3 the faces of those jobs? We live here in Pennsylvania, our
4 kids go to school here and we shop in the local stores. We
5 benefit from the lower electric and heating costs brought
6 about by abundant natural gas.

7 Every pipeline is different and has its own
8 challenges -- that is why we had over 160 pipeline classes
9 last year besides local classes on safety and environmental
10 issues. Large scale infrastructure projects such as the
11 Atlantic Sunrise play an increasing role in the strength of
12 our economy both now and in future decades.

13 Pennsylvania must continue to upgrade and build
14 the necessary infrastructure to safely and efficiently
15 transport our energy resources. There are those that
16 content the project is not needed and this is certainly not
17 true. Not only me but the membership of Local 542 Operating
18 Engineers respectfully asks your consideration in letting us
19 construct this project, thank you.

20 MS. WACHHOLDER: Thank you. Next up is number 4,
21 number 4 is Tammy Bonnice.

PM4-4

22 MS. BONNICE: Hello my name is Tammy Bonnice and
23 I am in support of the Atlantic Sunrise Project. I am also
24 the current President of the Montrose Chamber on the Board
25 for Susquehanna County for United Way for 9 years, Director

PM4-4 Comment noted.

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PM4-
(cont'd)

1 of Montrose Rotary and born and raised in a small town just
2 a little north of here.

3 As President of the Chamber and an active
4 community member and a lifetime resident in this area I
5 deeply care about our environment, our water supply, our
6 economy growth and our future energy supply. As a lifetime
7 resident of the area I feel natural gas industry has been a
8 blessing for this area. I spent my summer on my
9 grandfather's farm putting in hay milking cows and watching
10 him work very hard every day.

11 The farmers suffered the most in this area with
12 prices of milk going down and their feed bill going up.
13 When the gas companies came in they paid the farmers lease
14 money to their land and start drilling farmers now were able
15 to buy new equipment, take much needed family vacations and
16 much more.

17 I wish my grandfather was here to see this. I
18 will never forget the sadness in his eyes when he had to
19 sell off some of his land to pay taxes. My grandfather
20 would welcome the gas companies and the pipeline companies
21 with open arms. I know he would be excited to know we are
22 using the resources that are coming from under our feet and
23 not overseas somewhere.

24 I will say that again -- we have these resources
25 under our feet to use natural gas. The Marcellus shale

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PM4-4
(cont'd)

1 region is our ticket to a better life it's like our golden
2 child. The wells are drilled, the gas is just waiting to be
3 moved so I ask you please let the Atlantic Sunrise Project
4 go through, give Williams the permits they need to move
5 forward. Let them be able to meet their in-service days.
6 We all know the facts that natural gas is a low-cost, clean
7 burning fuel. Natural gas is American energy it serves as a
8 way of lowering the cost of energy, reducing emissions and
9 creating many jobs.

10 Manufacturing is low in this area. We need
11 manufacturing to be present to make our small real
12 communities survive. With natural gas as an energy source
13 in this area manufacturing will move in giving jobs to our
14 neighbors and to our children in return helping our
15 non-profits grow, our communities grow and our people's
16 lifestyles get that improved.

17 As President of the Montrose Chamber and Board
18 Member of the United Way of Susquehanna County I have seen
19 the Chamber membership almost double in size and our United
20 Way Campaign amounts have gone up which makes it much easier
21 for us to give much more to many organizations. We have
22 benefitted from the natural gas in so many ways I want to
23 see it continue growing.

24 With the Atlantic Sunrise Project going through
25 we will see new businesses move into our towns and old

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(cont'd)

1 businesses will flourish. We all benefit one way or
2 another. There are so many benefits why wouldn't we want
3 the project to go through? Why wouldn't we want to become a
4 nation that could support ourselves? Why wouldn't we want
5 to be in the driver's seat of our energy?

6 Why wouldn't we want to move forward and build
7 the Atlantic Sunrise Project? I support the Atlantic
8 Sunrise Expansion Project and urge FERC to issue a Final
9 Environmental Impact Statement, thank you.

10 MS. WACHHOLDER: Thank you next up is number 5,
11 number 5 is Tom Shepstone.

12 MR. SHEPSTONE: Thank you yes my name is Tom
13 Shepstone I am a consulting planner with 40 years of
14 experience representing businesses in communities in
15 Northeastern Pennsylvania and I also happen to publish a
16 blog supporting natural gas because I see what it has done
17 economically for us.

PM4-5

18 The Atlantic Sunrise should be approved by FERC
19 for the same reason that anti-gas forces oppose it. It will
20 assist natural gas development here while providing clean
21 inexpensive gas to urban areas along the eastern seaboard.
22 The construction impacts of the Atlantic Sunrise Pipeline
23 total 1.6 billion but the real value is the economic
24 development at the rural end and the low stable prices for
25 gas at the urban end. Both made possible by infrastructure

PM4-5

Comment noted.

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PM4-5
(cont'd)

1 to deliver that gas.

2 We see with our own eyes the economic impacts
3 here compared with neighboring counties in New York have not
4 been able to develop their resources. Susquehanna County
5 for example now has a higher medium household income than
6 Sullivan County, New York only 20 miles away despite being
7 9.1% lower in 2000, that's what happened.

8 Bradford County had no employment in the oil and
9 gas industry in 2007 and 983 jobs five years later. These
10 economic impacts can only be sustained with infrastructure
11 to move more gas from these rural counties to urban markets
12 where it is needed and performed an economical miracle of
13 another sort there by lowering energy costs.

14 Federal data from the EIA on residential
15 consumption of natural gas in the states of Maryland,
16 Pennsylvania, New Jersey and Virginia all of which will be
17 served by the Atlantic Sunrise shows consumers saved 3.4
18 billion dollars on gas to heat their homes in 2015 and an
19 incredible 16.5 billion dollars since 2008, the numbers are
20 there you only need to look them up.

21 Applying the same analysis to commercial
22 industrial and electrical generation gas use yields total
23 savings of over 12 billion dollars for 2015 alone, that's
24 what natural gas development here in the rural northeast has
25 done for consumers in the urban northeast and why the

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-5
(cont'd)

1 Atlantic Sunrise Project should be approved post haste,
2 thank you.

3 MS. WACHHOLDER: Thank you next up is number 6,
4 number 6 is Carl Marrara.

5 MR. MARRARA: Hi thank you Carl Marrara, that's
6 M-a-r-r-a-r-a. My name is Carl Marrara and I am the Vice
7 President of Government Affairs for the Pennsylvania
8 Manufacturers Association. We are the state-wide
9 organization representing people who make things here in our
10 Commonwealth generating over 79 billion dollars annually in
11 gross state product and employing 575,000 hard-working
12 Pennsylvanians on plant floors and sustaining millions more
13 through supply distribution and retail networks.

PM4-6

14 I am honored to be here today commenting before
15 FERC to express our support for the Atlantic Sunrise
16 Project. Manufacturers in particular depend on affordable
17 dry and liquid gas to remain globally competitive. Under
18 current market constrictions when there is high demand for
19 gas priority is given to residential and institutional
20 markets leaving industry to find alternative sources, higher
21 pollution and much more expensive. Total natural gas demand
22 is poised to increase by 40% over the next decade according
23 to researchers at IHS Economics and they found that the key
24 drivers of this demand will be in the manufacturing and
25 power generation sectors.

PM4-6 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-6
(cont'd)

1 Therefore projects such as the Atlantic Sunrise
2 Project are so vitally important to the productive sector of
3 our Commonwealth's economy. With 25 to 30% of Marcellus
4 well's drilled to date still not having pipeline takeaway
5 capacity. Projects such as the Atlantic Sunrise open and
6 expand gas markets sustaining and stabilizing the energy
7 industry that is so vitally important to manufacturers in
8 our state.

9 Scholars at Penn State forecast the Atlantic
10 Sunrise Project to directly employ approximately 2,300 and
11 stimulate the local and regional economies in the project
12 area by supporting an additional 6,000 jobs. More
13 importantly the economic impact of this project will have
14 lasting results, far beyond the construction of the pipeline
15 in the manufacturing sector.

16 According to a very recent study that was
17 released within the past month by the National Association
18 of Manufacturers and ISH Economics I quote, "The close
19 proximity of existing clusters of manufacturing
20 establishments to increase natural gas supplies can generate
21 new pipeline related economic development often because of
22 the availability of direct connections to new or expanding
23 gas pipeline."

24 The study continued, "The manufacturing sector
25 will also benefit economically from the capital expenditures

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-6
(cont'd)

1 for new electric generating plants and for facilities used
2 to process and store gas liquids." And pay close attention
3 to this key finding as they found the combination of
4 increased access to shale gas and transmission lines that
5 moved affordable energy to manufacturers across America
6 meant 1.9 million jobs in 2015 alone.

7 Pennsylvania's natural gas revolution is giving
8 our manufacturers new momentum with abundant
9 cost-competitive energy. But to fully realize the potential
10 of the shale gas Pennsylvania needs robust infrastructure
11 transmission. We must connect consumers and customers to
12 supply here in Pennsylvania in the greater Northeast United
13 States and there are opportunities that exist to supply the
14 world if we seize this opportunity correct, thank you for
15 your time and consideration.

16 MS. WACHHOLDER: Thank you, next up is number 7,
17 number 7 is Jerry George.

18 MR. GEORGE: Thank you for letting me speak
PM4-7 19 tonight. My name is Jerry George I am actually a land owner
20 here in Ross Township where the pipeline is going to be
21 coming through and I support the Atlantic Sunrise Project
22 and I believe that the effect of this project on the natural
23 resources such as fish and wildlife habitat, water quality,
24 hydrology and water course and water bodies integrity have
25 been identified and will be migrated -- mitigated sorry.

PM4-7 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-7
(cont'd)

1 The Federal Regulatory Commission underwent an
2 extensive environmental review to determine the
3 environmental impacts of this project will be minimal.
4 Williams has operated pipeline safely across the United
5 States for more than 50 years taking great care to protect
6 the environment. Williams works very hard to minimize
7 impacts to the land owners and the environment.

8 Since the Atlantic Sunrise was introduced in 2014
9 Williams adjusted much of the original project route based
10 on feedback from land owners and other stakeholders. During
11 the analysis of the potential pipeline routes extra effort
12 was taken to identify sensitive areas of historic
13 significance.

14 Teams of scientists, archeologists, biologists,
15 conducted detailed environmental surveys and evaluations of
16 potential study corridors searching for threatened or
17 endangered species, sensitive wildlife and vegetation
18 habitats, wetlands, water bodies and areas of significance.
19 FERC's Draft Environmental Impact Statement positively
20 reflects Williams' efforts to collaborate and other
21 stakeholders to design this project in a manner that will
22 minimize environmental impacts.

23 I understand the proposed route for the Atlantic
24 Sunrise Expansion Project has been modified significantly
25 from its originally proposed path. For this reason I

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-7
(cont'd)

1 support the Atlantic Sunrise Expansion Project and urge FERC
2 to issue the Certificate of Public Convenience and
3 Necessity, thank you for letting me speak this evening.

4 MS. WACHHOLDER: Thank you next up is number 8,
5 number 8 is Brandon Oitra.

6 MR. OITRA: Good evening my name is Brandon Oitra
7 and I'm from Nanticoke which about 20 minutes down the road
8 from here. I'm from Nanticoke, it's about 20 minutes down
9 the road from here I'm a certified welding inspector by the
10 American Welding Society. I also have papers and two
11 certifications that are current for gas companies up here in
12 Susquehanna County.

13 Since 2011 I have been working here in eastern
14 Pennsylvania in the natural gas industry. I got my start
15 from a friend of mine who was working for a small contractor
16 and I was doing work for the gas company and I took a lot of
17 interest in it because my grandfather actually back in the
18 '50's laid a lot of pipeline here when he was working for
19 the Operators Union so I thought that was pretty neat to be
20 able to do something that my grandfather did some years ago.

21 I clawed my way from the bottom, I started as a
22 laborer as a welder's helper, eventually built my own rig
23 and became a welder and when you are working on a pipeline
24 whether you are welding or you are laboring you constantly
25 have people watching over you whether it is a welding

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

1 inspector or a utility inspector, coatings inspector,
2 environmental inspector or safety man you constantly have
3 someone making sure that you are doing the job right and
4 that you are doing it safely and I wanted to be one of those
5 guys.

6 So in 2014 I traveled to Georgia and spent a
7 couple of weeks down there and acquired by CWI in code book
8 1104 to inspect on pipelines and pipeline facilities. And I
9 have my parents here with me today and my girlfriend who
10 they can tell you that I bring my work home with me quite a
11 bit and that's because I am passionate about this this is my
12 life but most importantly it is not my life that I am
13 worried about it is the land owners that were putting the
14 pipelines on their property or the thousands of people that
15 drive over the roads that you know we bore under or that we
16 do our road crossings, it's their lives that matter.

17 The most recent job I have been on I was done in
18 Lancaster County this past fall on 11 mile Rock Springs
19 lateral project for Williams and while working there I got a
20 lot of compliments and a lot of thank you's from land owners
21 and neighbors and people in the community who appreciated
22 how much we respected their property in their community and
23 how good of a job we did.

PM4-8 24 So unfortunately since then I haven't worked. I
25 have been laid off and it has been tough and this project

PM4-8 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-8
(cont'd)

1 and projects like these are going to help guys like me and
2 guys like these guys back here. It is going to employ a lot
3 of people and it is going to help a lot of the small local
4 businesses and it's ultimately going to help boost their
5 local economy and as consumers it is going to help lower our
6 energy costs, I mean it's a no-brainer.

7 I could have sat here and fabricated numbers and
8 went on the internet and found statistics to beat you guys
9 up with but this is real and I'm real and these guys back
10 here are real and I'm sure you can speak to them and say
11 that we need this, thank you.

12 MS. WACHHOLDER: Thank you next up is number 9,
13 number 9 is Alex Lotorto.

14 MR. LOTORTO: Thank you, my name is Alex Lotorto.
15 I am going to be speaking about three topics I will be
16 submitting electronically. I have a large filing I would

PM4-9

17 like to make. The first topic I would like to address is I
18 am disappointed that there is not a hearing being held in
19 Wyoming or Susquehanna County. To get here from the top of
20 the pipeline it can take over an hour. Also that's
21 difficult for working families and people who need child
22 care, farmers got their first cut of hay this week, very
23 busy and I think that it is something that we recommended in
24 the first round of hearings.

25 And the scoping meetings did take place at

PM4-9

See the response to comment PM1-130.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-9
(cont'd)

1 Keystone College and Mountain View High School which is an
2 appropriate location for this so I hope that you schedule a
3 hearing in Susquehanna County or Wyoming County for those
4 land owners. Regarding property rights -- I have been
5 involved forming a coalition of land owners called Concerned
6 Land Owners Along the Atlantic Sunrise.

7 In the summer of 2014 I and some of my colleagues
8 and under-graduate research fellows conducted a survey of
9 land owners from Lennox to Dallas the length of the Central
10 Penn north line. We found 75 land owners interested in
11 joining a coalition and we met regularly for a year and a
12 half in the Tunkhannock Library where land owners expressed
13 many concerns including the use of eminent domain as their
14 biggest concern.

PM4-10

15 My opinion is that Williams' company has access
16 to two gathering lines that leave Susquehanna County and
17 connect to their Transco pipeline in Luzerne County. The
18 first was built by Chief and it was acquired by Williams and
19 the second is PVR it was a pipeline built by PVR -- Penn
20 Virginia Resources that is accessible now because Williams
21 was purchased by Energy Transfer Partners which is also
22 ownership of the Penn Virginia Resources.

23 There are already two pipelines leaving
24 Susquehanna County that connect to the Dallas/Transco
25 Pipeline and the third is owned by UGI which is an industry

PM4-10

The existing pipelines referenced are operating at or near full capacity and would not have the capacity to transport the volumes proposed by Transco. An evaluation of system alternatives is provided in section 3.2 of the EIS.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-10
(cont'd)

1 partner of Williams on a number of projects. But the
2 Central Penn line north is redundant. They don't need a
3 pipeline to come from Susquehanna County to Dallas. They
4 have enough capacity already and for the rest of the
5 pipeline to get it to Lusby, Maryland where there is an
6 export terminal and markets in the Washington, D.C. area the
7 Transco lines connects in Easton, Pennsylvania to the
8 Columbia Pipeline which is a north/south pipeline that
9 delivers to that region.

10 There are already pipelines in place plumbing the
11 gas where they say they need it to go. Eminent domain and a
12 Certificate of Public Convenience and Necessity should only
13 be issued if it is necessary and in my opinion the gas
14 pipelines are already in place to serve the markets that
15 they want to serve.

16 The second concern I would like to relate

PM4-11

17 landowner's have -- Wyoming County, zoning for the county
18 prohibits building occupied structures like homes and office
19 buildings within 100 feet of an existing pipeline
20 right-of-way. The Williams proposal is 100 foot wide
21 right-of-way, 100 feet on either side means every 160 feet
22 of linear pipe takes an acre of buildable land away from
23 land owners in Wyoming County and you will hear from some of
24 the land owners who are here tonight about their issues
25 where their highest and best use for their property is to do

PM4-11

As described in section 4.8.3 of the EIS, in most cases, property owners would be able to use the permanent right-of-way as they did before construction as long as the use does not conflict with project operation and the terms of the landowner's negotiated easement agreement. As described in section 2.2.2 of the EIS, Transco proposes to maintain a 50-foot-wide permanent right-of-way along the non-collocated greenfield segments of CPL North and CPL South, and where CPL North is collocated with Williams Field Service (midstream) pipelines and other existing utility rights-of-way. At mainline valves (MLV), the permanent right-of-way width would be expanded to 92 feet for greenfield segments to allow for access to and around the facility during operations. Transco proposes to maintain an additional 25 feet of permanent right-of-way along the proposed Chapman and Unity Loops, and the portions of CPL North that would be collocated with the Transco Leidy Line system. Also see the response to comment PM1-1.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-11
(cont'd)

1 a building lot it would be significantly higher than the
2 easement offers that Williams is offering.
3 And in my opinion Williams isn't giving them a
4 fair deal and they are using eminent domain threats to
5 threaten land owners to sign sub-par easements that are
6 pitiful for what their land is worth and I don't think union
7 members if their union contract was up for negotiation that
8 Williams would accept an arbitration and a forced deal down
9 their throats, I don't think Williams should be allowed to
10 do that to land owners.

PM4-12

11 And finally I am concerned about Tunkhannock
12 Creek it is a beautiful creek they are proposing to wet
13 ditch cross which I raised the concern -- this is the third
14 time I am raising it to you, they are going to dredge
15 through the creek. I think it is a terrible method for
16 crossing Tunkhannock Creek.
17 They are also going to bore underneath the
18 Susquehanna River. I am going to file copies of the weekly
19 status reports for the last time the Susquehanna River was
20 bored underneath for a pipeline was in 2015 Kinder Morgan
21 attempted a horizontal/directional drill and had a drilling
22 mud spill in a wetland adjacent to the bore.
23 And that happened that summer three times that it was
24 attempted across the Delaware, the Susquehanna and the
25 Weamaconk River in New Jersey and if Kinder Morgan can't do

PM4-12

Transco is proposing to cross Tunkhannock Creek using the dam-and-pump crossing method, which is considered a dry crossing method. Section 2.3.2.2 of the EIS provides a description of this waterbody crossing method. As described in section 4.3.2.6 of the EIS, Transco completed geotechnical borings and feasibility studies to assess the viability of an HDD at the CPL North and South Susquehanna River crossings. The feasibility studies conclude that the HDD crossing method is feasible at these locations based on the currently available data and that the risk of inadvertent drilling returns is low where the HDD profile is in good to excellent rock quality designation bedrock. However, Transco has developed an HDD Contingency Plan that describes how the HDD operations would be monitored to minimize the potential for inadvertent returns. The plan includes general procedures for the containment and cleanup of drilling mud should a release occur at one or more of the HDD sites.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-12
(cont'd) 1 it right Williams is a similar-sized company is going to be
2 hiring similar contractors.

3 I am concerned about our waterways. We have
4 pristine waterway, we will have some other wetland
5 specialists talking about that tonight but in the end I
6 really think that this project shouldn't go through as
7 proposed. There are not enough land owners who have been

PM4-13 8 able to negotiate fairly with this company they have been
9 bullied and the digging across of our streams and wetlands
10 is not acceptable is that my three minutes?

11 MS. WACHHOLDER: Thank you, next up is number 10
12 Robyn Kochan.

13 MS. KOCHAN: My name is Robyn Kochan it is Robyn
14 with a Y and Kochan with a K and I am a directly impacted

PM4-14 15 land owner. The Draft EIS states FERC must consider all
16 factors before authorizing a pipeline yet the risk to human
17 life was not reported. This April a man was burning alive
18 who lives 1500 feet from a natural gas explosion in
19 Pennsylvania. That's five times farther than the intended
20 pipeline near my home. This proves that natural gas blast
21 kill zone data is inaccurate.

22 For FERC and Transco Williams to ignore reality,
23 intentionally not inform land owners and knowingly proceed
24 with untrue data all for corporate profits is democide.
25 Horrific news of numerous natural gas explosions and lack of

PM4-13 Comment noted.

PM4-14 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-14 (cont'd) 1 accountability expose the instant devastation of a pipeline
 2 explosion from 500 feet away.
 3 Do the paid supporters want a pipeline near their
 4 home? If you are not alive you have no job understand? No
 5 life equals no job. The potential impact on life not
 6 dollars must be the number one deciding factor for a
 7 pipeline. Human decency does not knowingly put the public
 8 at risk. Transco consistently disregards land owners and
 PM4-15 9 denies responsibility for potential damages which we have
 10 verified home owners insurance will not cover. The DEIS
 PM4-16 11 states Transco would use toxic herbicides which cause health
 12 risks and water contamination.
 PM4-17 13 And it may take the rest of our lives for forest
 14 vegetation to return to pre-construction levels and that
 15 what remains may not survive Transco's cleared right-of-way.
 PM4-18 16 Most egregious is positioning our home of 28 years,
 17 essentially forcing us to exist in an incineration kill zone
 18 all to avoid empty building lots in Goodly Manor.
 PM4-19 19 Transco's erosion control or blasting plans are
 20 meaningless. We have seen foundation cracks, sinkholes,
 21 water re-routing from ineffective catch basins when Goodly
 22 Manor blasted and the new flooding and road deterioration in
 23 our community from Chief's pipeline erosion control.
 24 Goodly, Chief's insurance took no responsibility
 25 leaving land owners to correct damages at their own expense.

PM4-15 See the response to comment PM1-177.

PM4-16 As described in section 4.5.4 of the EIS, herbicides would be applied in accordance with agency regulations and manufacturer's recommendations and, to protect water resources, no herbicides would be applied within 100 feet of a wetland or waterbody except as allowed by the appropriate state or federal agency.

PM4-17 The cutting of mature trees and forest fragmentation would occur as a result of the Project as described in section 4.5 of the EIS. Forested lands within the maintained right-of-way would be permanently converted to an herbaceous cover type. The indirectly affected lands adjacent to the right-of-way would remain forested; however, they would have reduced habitat value compared to preconstruction conditions. The regrowth of shrubs and trees within the temporary workspaces would reduce the edge effect and provide connectivity between adjacent forested tracts to some extent, but it may take decades before these areas resemble the forest vegetation that was present before construction. Transco attempted to minimize impacts on forested areas by routing the proposed pipelines adjacent to existing right-of-way corridors when possible. In addition, Transco is also proposing to reduce the width of the construction right-of-way in some forested areas to minimize effects.

PM4-18 Comment noted. We have recommended that Transco incorporate the Kochan Alternative 1 alignment into the proposed route. See the revised text in section 3.3.2 of the EIS.

PM4-19 Areas disturbed by construction that are not part of the permanent rights-of-way would be restored to preconstruction contours, stabilized, and vegetated following the completion of construction activities per landowner and applicable agency requests. We have reviewed Transco's Plan and ECP (including the associated Blasting Plan) and find them acceptable. See section 2.5 of the EIS for a description of the environmental inspection and monitoring measures that would be employed during construction of the Project to ensure compliance with the recommended mitigation measures.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-19
(cont'd)

1 We have no reason to believe that any of these plans are
2 effective when reality exposes the truth and Transco shows
3 no integrity. The DEIS is full of erroneous information.

PM4-20

4 It states, "PHMSA insures that people and the environment
5 are protected from pipeline accident risks" yes Pennsylvania
6 had three explosions within the last year.

7 That averages one explosion every 4 months. It
8 states pipeline weld, material or equipment failure causes
9 the most accidents and that Transco would use specified
10 welding protocol yet that was exactly what was faulty in the
11 2016 explosion. Transco's safety record did not disclose
12 the 2015 Lycoming County explosion. It is untrue that
13 Transco will protect people first and then property when
14 their pipeline places us in the blast kill zone.

15 At 500 feet we would be instantly incinerated.
16 That is not making us safe from actual or potential hazards
17 using more rigorous safety requirements for populated areas
18 and stating our rural lives and clean water are of little
19 value. If Transco's public fatalities average 2 per year
20 for 5 years, who in this room will be those 2?

21 The DEIS states the pipeline has incremental risk
22 to the public and the greatest hazard is the fire or
23 explosion after the rupture. Does FERC not view death or the
24 man burning alive at 1500 feet at the greatest hazard? 2.5
25 million miles of pipeline already exist. Transco must

PM4-20

Comment noted. Table 4.12.2-3 of the EIS has been revised to include Transco's 2015 pipeline rupture.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

1 replace its arrogance and rudeness with decency by
2 creatively co-existing their lines, thank you.

3 MS. WACHHOLDER: Thank you next up is number 11,
4 number 11 is Chuck Clarke.

5 MR. CLARKE: Good evening my name is Chuck
6 Clarke, C-l-a-r-k-e. I am a resident of Plains Township,
7 Luzerne County, Pennsylvania. I speak on behalf of my
8 fellow brothers and sisters of Laborer's Local 158 Heavy and

9 Highway. I am in support of the Atlantic Sunrise Project
10 which is an expansion of the Williams Transcontinental
11 Pipeline.

12 Natural gas is widely available and burns cleaner
13 than coal. It is no wonder we get 25% of our electricity
14 from natural gas and that percentage is growing. In
15 addition there is the positive impact natural gas on the
16 economy and the environment. According to the Environmental
17 Protection Agency natural gas is also better than coal
18 because it does not produce ash and other particulates.
19 Pipelines throughout the region transport natural gas in a
20 way that minimizes the effect on the environment. And while
21 all other forms of transportation are possible, pipelines
22 are the safest source available for transporting large
23 quantities of natural gas.

24 Natural gas is an important resource in the U.S.
25 and when managed responsibly it can remain the best clean

PM4-21 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-21
(cont'd)

1 option for energy with the environment and our communities
2 as priority 1. The Laborer's International Union in North
3 America is one of the most diverse and effective unions
4 representing workers in the ever growing construction
5 industry.

6 Laborer's Local 158 members live in every
7 community of northeastern and central Pennsylvania and are
8 at the forefront of providing highly skilled workers for
9 rebuilding and maintaining Pennsylvania's infrastructure
10 highways, bridges and gas pipelines as well as other sectors
11 of the heavy construction industry.

12 Furthermore our members and their families
13 breathe the same air, drink the same water and enjoy the
14 same outdoors, all along the communities of the proposed
15 project. They have a vested interest to provide safe
16 practices in order to maintain the high quality of life we
17 all long for.

18 In closing I request that FERC allow Williams to
19 proceed with the Atlantic Sunrise Project, thank you.

20 MS. WACHHOLDER: Thank you, speaker number 12
21 Rich Waterowski.

22 MR. WATEROWSKI: Good evening. I thank you for
23 the opportunity to speak here tonight. My name is Richie
24 Waterowski and I am a proud member of the Laborers
25 International Union of North America. I speak in support of

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-21
(cont'd)

1 the Atlantic Sunrise Project which is an expansion of the
2 Williams Transcontinental Pipeline which has been in service
3 for over 50 years -- 50 years. By increasing capacity to
4 the Transcontinental Pipeline Williams will increase the
5 amount of natural gas to be reliably available to the
6 mid-Atlantic energy markets. Increasing the amount of
7 natural gas delivered to these markets along with increased
8 service reliability will have a positive impact on the
9 overall supply of clean burning natural gas for heating
10 homes and producing electricity.

11 The United States needs to continue developing
12 natural gas resources. More and more customers are turning
13 to natural gas for heating needs and insuring a reliable gas
14 supply should be a priority concern of our Federal Energy
15 Regulatory Commission.

16 The FERC and the state of Pennsylvania need to
17 continue allowing pipeline infrastructure and compressor
18 facilities to be built in order to keep natural gas prices
19 affordable. Furthermore the economic benefits of the
20 Atlantic Sunrise Project will be significant including
21 expanding opportunities for skilled labor of local unions.
22 Williams consistently contracts with several Pennsylvania
23 based employers that employ union workers.

24 Williams also realizes the quality of work our
25 local unions offer. In closing I support the Atlantic

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-21
(cont'd)

1 Sunrise Project and request that the Federal Energy
2 Regulatory Commission allow Williams to proceed with this
3 project. Again thank you for the opportunity to speak here
4 tonight.

5 MS. WACHHOLDER: Thank you, next up is number 13,
6 Terry Langley.

7 MR. LANGLEY: Good evening thank you for this
8 opportunity to speak this evening. My name is Terry Langley
9 I am a representative of Pipeliners Local 798. I could talk
10 forever about the economic benefits this pipeline will
11 provide people like me and the people who run the hotels, my
12 fellow welders and I stay at are the places we eat or shop
13 during our significant time in each local area. But the
14 economic benefit not to mention the ripple effect benefit we
15 see natural gas bring to manufacturing and low cost consumer
16 goods are all so clear.

PM4-22

17 I want to focus on the main reason I support the
18 Atlantic Sunrise. I am a hunter, I'm a fisherman, I love
19 the outdoors and I would never do or support anything that I
20 thought for one second compromises the very habitat that I
21 love to explore and enjoy. And while I try and think we all
22 should try to use renewable energy whenever possible -- the
23 fact is there are reliability, affordability and land use
24 limitations that prevent renewables from every meeting 100%
25 of American's energy demand.

PM4-22 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-22
(cont'd)

1 To incorporate more renewables into the energy
2 mix our country needs access to a reliable, affordable and
3 environmental responsible that provide utilities, the
4 flexibility and reliability that is necessary for them to do
5 so and that fuel source is natural gas.

6 Even the American Wind Energy Association says as
7 much from its website and I quote, "Reliable and
8 cost-effective operation of the electric grid requires a
9 mixture of three types of resources -- energy, electricity,
10 capacity, ability to generate electricity at a certain point
11 in time and flexibility, ability to turn up or turn down
12 electricity generation as needed natural gas power plants,
13 significant amounts of flexibility and capacity."

14 So when this was written presumably prior to
15 natural gas being seen by utilities as much cost effective
16 than coal up to three boxes the Wind Energy Association says
17 need to be checked it states natural gas checked two of the
18 most important ones, flexibility and capacity. Had this
19 been written today the Wind Association would likely have
20 acknowledged that thanks to what's happened right here in
21 this region natural gas is very affordable and given the
22 cost of pollution control necessary to generate electricity
23 from coal it essentially costs less than coal.

24 Thanks to what happened here natural gas is
25 plentiful and will remain affordable for decades to come

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

44

PM4-22
(cont'd)

1 with electricity utility recognizing this they are
2 increasingly switching to natural gas to meet their
3 customers' around the clock energy demands. This makes
4 natural gas not only fuel that checks all three boxes the
5 U.S. Wind Energy Association states the electric grid
6 requires to operate in a reliable and cost effective manner.

7 So Local 798 supports the Atlantic Sunrise and I
8 ask that FERC approve the permit thank you.

9 MS. WACHHOLDER: Thank you next up is number 14,
10 Walt Kochan.

11 MR. KOCHAN: Good evening everyone my name is
12 Walt Kochan I'm from Dallas, Pennsylvania and I am an
13 impacted land owner in the path of this proposed pipeline.

PM4-23

14 Apologies to FERC and its employees, it must be very
15 grueling having to travel so many days and to so many areas
16 to listen to land owner pleas asking to be treated fairly
17 when the decision to grant a pipeline permit has already
18 been made.

19 We may not want the pipeline and we have been
20 willing to work with Transco Williams to develop a
21 less-intrusive route and not to put us in harm's way. We
22 repeatedly asked to be treated honestly and with respect in
23 that process. Instead Transco chose to intimidate, ignore
24 and deceive us and all other land owners around us while
25 spreading propaganda to the public and using FERC as a guise

PM4-23

FERC recently issued the draft EIS and is now reviewing comments on the draft EIS. The Commission has not made a decision regarding the Project. As described in section 1.2.1, the EIS will be used as an element in the Commission's review of the Project to determine whether a Certificate would be issued. The Commission will also consider non-environmental issues in its review of Transco's application. A Certificate will be granted if the Commission finds that the evidence produced on financing, rates, market demand, gas supply, existing facilities and service, environmental impacts, long-term feasibility, and other issues demonstrates that the Project is required by the public convenience and necessity. Also see the response to comment PM1-22.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

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PM4-23 | 1 for transparency and fairness.

(cont'd)

PM4-24

2 Most supporters of this pipeline hell you guys
3 should be out there campaigning against the Williams company
4 when they are getting their pipe from Turkey, that's where
5 the jobs are being lost. You guys here I see you have your
6 new t-shirts there to show up you probably can't wait to get
7 out and get your six pack after your puppet masters have
8 left. You guys are talking about the jobs that you will
9 have here for a short amount of time -- I'm sure your
10 business agents tell you to get out there and plant the
11 flag, have suck jobs. It's tough without having a paycheck

PM4-25

12 for your family but living next to a bomb on my property
13 should not be the excuse of your lifetime of making bad
14 decisions.

15 I mean learn to do something else instead of
16 putting pipelines which will kill people within 1500 feet.
17 The other thing that all the skills here and supporters of

PM4-26

18 the pipeline aren't talking about is the fact that all of
19 this gas is going to Asia. This stuff is going to Asia it
20 is not for Americans.

21 When the company moves out the gas that you think
22 is cheap today will be more expensive than you are paying
23 today because they are going to sell it to the highest
24 bidder it is just that simple. Learn to pick up a book and
25 you will be able to figure this out guys.

PM4-24 See the responses to comments PM1-2 and PM1-50.

PM4-25 Comment noted.

PM4-26 See the response to comment PM1-32.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

1 MS. WACHHOLDER: Alright everybody remember what
2 I said, no interrupting the speaker even if he is being rude
3 to you which is how you are taking that I understand that.
4 We don't interrupt we don't cheer, we don't boo and he will
5 get more time because I interrupted him and that's not fair
6 either so again that is my rule and I am sticking by it
7 otherwise people have to leave, okay go ahead I'm sorry.

8 MR. KOCHAN: I'm hoping you stopped the clock.

9 MS. WACHHOLDER: Yes.

PM4-27 10 MR. KOCHAN: Thank you. Pipeline destruction of
11 our property for which we can't obtain insurance is not a
12 benefit. Using toxic herbicides on our land is not a
13 benefit but it is a detriment to our well water and our
14 health taking the rest of our lives for the deforestation to
15 regenerate, to return to pre-construction levels and knowing
16 that what remains may not survive after Transco has cleared
17 the right-of-way is not a benefit.

PM4-28 18 Most egregious is that FERC finds empty building
19 lots on an adjacent Goodly Manor more valuable than human
20 lives. We propose several alternate routes -- FERC is
21 suggesting to Williams that they should use Route 10A I'm
22 not sure what should means you know is that a recommendation
23 or is that a demand? FERC doesn't say that in the DEIS and
24 anywhere I have searched on FERC's website or through their
25 offices and phone calls.

PM4-27 Mitigation measures that Transco would employ to minimize impacts on forestland and water supply wells are provided in sections 4.3.1 and 4.5.5 of the EIS. Any herbicides used would be applied in accordance with agency regulations and manufacturer's recommendations, and no herbicides would be applied within 100 feet of a wetland or waterbody except as allowed by the appropriate state or federal agency. Homeowners insurance is discussed in section 4.9.6 of the EIS.

PM4-28 See the response to comment PM4-18.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-28
(cont'd)

1 What we are asking is for FERC to demand that
2 Williams use Alternative Route 10 the proposed Alternate
3 Route 10 rather than Alternate 10A. 10 would pass through
4 less forested land and be a shorter pipeline route in
5 actuality. It would pass through one more empty undeveloped
6 lot in Goodly Manor and prevent the loss of building sites
7 on my 16 acres and more importantly put my bedroom that much
8 further away from the center of the death zone, the blast
9 zone on my property.

PM4-29

10 The DEIS was to identify and assess potential
11 impacts on human environment yet it is not done. It doesn't
12 disclose accurate data in the DEIS regarding the kill zone.
13 Pennsylvania's natural gas explosion in Salem Township on
14 April 29th depicts the true lifetime of devastation of this
15 man burning alive as he ran away from this incident 1500
16 feet from his house -- 1500 feet.

PM4-30

17 A lot different it is three to five times farther
18 than where Transco's Pipeline wants to place the pipe on my
19 land. FERC's websites says that reporting false information
20 to a U.S. agency is a crime and yet FERC allows this
21 industry to do exactly that, it allows industry to post
22 false information or omit critical data.

23 We have already witnessed the ineffective
24 mitigation measures by Chief's Pipeline in our community
25 that resulted in unexpected flooding damages to a wetland

PM4-29 Comment noted. See the response to comment PM1-11.

PM4-30 See the response to comment PM3-18.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

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1 adjacent to our property all to be corrected at landowner's
2 expense. What the misinformed supporters need to know is
3 that the industry is above law --

4 MS. WACHHOLDER: I just need to remind you your
5 time was up so please get to your conclusion.

6 MR. KOCHAN: And that they changed the laws for
7 their sole purpose, thank you.

8 MS. WACHHOLDER: Thank you, next up is number 15
9 David Horn. And again we have to keep the chatter down
10 because it is hard to here then.

11 MR. HORN: Hi my name is David Horn and I
12 represent the Laborers International Union of North American
13 or LIUNA or the skills as we have been referred to recently
14 more specifically Laborer's Local 158 Heavy Highway and
15 Pipeline with members in 29 counties from the northeast
16 through central Pennsylvania.

17 As well trained professionals who have worked on
18 many projects including pipelines I want to clarify one
19 thing. We too care deeply about the environment. We enjoy
20 the outdoors and the beauty that surrounds us. We also care
21 about safely providing energy today and in the future and
22 believe that the Atlantic Sunrise Pipeline can do just that.

23 Local 158 members have been building pipelines
24 for more than 60 years. We build pipelines and the safety
25 of our members and the people that the pipeline affects is

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

1 the cornerstone of all of our training. Each year LIUNA
2 trains about 150,000 workers and invest 100 million dollars
3 in training. This includes pipeline specific instructions
4 and certification.

5 We are committed to keeping workers and the
6 community safe. In the last year LIUNA helped more than 100
7 pipeline operators build and maintain projects and we are
8 enthusiastic supporters of modernizing our existing pipeline
9 infrastructure. Since 2010 pipelines have resulted in over
10 15 million man hours for our members and the pipeline
11 contractors we represent. Depending on the size of the line
12 construction can be from a couple of months to a couple
13 years. Many say that these jobs are temporary you know but
14 all construction jobs are temporary it's a string of
15 temporary construction jobs that helps support our members
16 and their families with good sustaining wages.

17 Growth in the energy industry can create steady,
18 reliable careers for millions of men and women in our
19 country and in this community. More specifically pipeline
20 work is a lifeline for good union jobs with family
21 supporting pay resulting in millions of dollars being
22 reinvested back into the community and local businesses.

23 We work on these projects -- we have seen
24 first-hand the economic benefits but also the rebirth of
PM4-31 | 25 farms and communities here and across the country. To imply

PM4-31 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-31
(cont'd)

1 it's either the environment or natural gas pipelines is
2 wrong on so many levels. With the technological and
3 engineering advances training and quality materials used
4 today we are fortunate. We do not have to make a choice
5 between providing safe, clean affordable and locally
6 produced energy with protecting the environment, we can do
7 both.

8 I absolutely support the Atlantic Sunrise
9 Pipeline Project and I ask FERC to do the same, thank you.

10 MS. WACHHOLDER: Thank you, next is number 16,
11 number 16 is Dale Wilkie going once, oh he did the other
12 court reporter, thank you, thank you for telling me, okay
13 that's great number 17 is William Emick number 17.

14 MR. EMICK: That's William Emick, E-m-i-c-k. I'm
15 a pipeline contractor from Pennsylvania. I'm actually the
16 guy that hires all of these guys and other people throughout
17 Pennsylvania to build the pipelines and compressor stations,

PM4-32

18 metering stations, well sites -- I just have to say that I
19 am for this project, it is going to be a main artery for
20 this state not as far as just jobs but for the whole
21 economic value of it.

22 The environmental regulations I have heard people
23 say well these guys aren't here because there are
24 environmental regulations and they don't know what they are
25 talking about they are just here for their jobs, well I will

PM4-32 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-32
(cont'd)

1 tell you what I am the guy that has to follow the rules and
2 regulations of these guys when I am in there building the
3 pipeline or building the compressor station and my contract
4 that I signed my name on I'm liable for for over a year so
5 if there is anything that happens on one of these projects I
6 have to go back and fix it and take the money out of my
7 pocket to fix it.

8 So my guys that are hired through me they are
9 going to do the best absolute project they can do to keep me
10 employed as an owner and as a contractor in this state.
11 These projects are highly regulated. FERC's out there, DEP
12 we have inspectors on our jobs daily that walk through and
13 make sure we are doing these jobs properly and doing them
14 right.

15 And most of my guys aren't afraid of pipelines
16 blowing up when we are working on them I mean it just
17 doesn't happen. I would be more afraid to come to this
18 gathering and some asshole comes in here and wants to shoot
19 me with an AK for my rant. You know that's what I am afraid
20 of, I'm not afraid of working on jobs and you know you can
21 get killed driving down the road here, a drunk driver can
22 hit you.

23 If you are that scared of a pipeline you have got
24 some problems. They are damn safe, really safe. But anyway
25 I just wanted to come and say that I am for this pipeline

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-32
(cont'd)

1 and I am for Pennsylvania.

2 MS. WACHHOLDER: Thank you, number 18 is Tom
3 Byron and remember quiet in the gallery or else people have
4 to go.

5 MR. BYRON: My name is Thomas Byron, 83
6 Leathertenny Lane, Dallas Township. My wife Joan and I are
7 impacted land owners and interveners of the Atlantic Sunrise
8 Pipeline Project. We occupy land between 23.2 and 24.0
9 miles. My wife and I spent 30 years creating a marriage of
10 private property ownership and public domain use on our 247

PM4-33

11 acre property. We have allowed academic access and study to
12 our undisturbed wetland and old growth forest in close
13 proximity to the Misericordia University Campus.

14 We have an enclosed cross country running course
15 for club, junior high, high school, university level
16 runners, their spectators and hundreds of parents. The
17 Atlantic Sunrise Project will force us to alter our public
18 use of our property. Alternative routes have been proposed
19 and dismissed. We have observed completed pipeline projects
20 on right-of-ways in Wyoming, Bradford and Susquehanna
21 Counties.

22 Several years after completion of the projections
23 the grass cover remains thread bare and sparse. We have
24 observed the head generated by the pipeline's melt surface
25 snow. Our property is considered clean and green by

PM4-33

Comment noted. If the Project is approved, Transco would be required to complete any outstanding environmental surveys to document existing conditions prior to construction. In addition, we have included recommendations in section 3.3.2 of the EIS that Transco should incorporate the Byron Reroute and develop a schedule for construction and restoration activities on the Byron property that minimizes conflict with the planned public use of the property.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-33
(cont'd)

1 Pennsylvania legislation. We follow all directives of that
2 legislative. We will now have a private commercial
3 development, i.e. a pipeline for private gain who will take
4 our private land.

5 If we as private land owners used our property
6 for commercial gain we would lose clean and green
7 designations. I guess the pipeline industry is special.
8 The current EIS, Environmental Impact Statement a 1300 page
9 document states there are no wetlands or water crossings
10 affected by the current route crossing our property. That
11 statement is inaccurate and incomplete.

12 The transit across our 0.6 miles of un-surveyed
13 land impacts a wetland, actually two wetlands, an old growth
14 forest confirmed by personal observation and inspection by a
15 PHD wetland biologist.

16 The Atlantic Sunrise Pipeline will cut a 100 foot
17 swath through old growth forest, sacrificing centuries old
18 trees. It also crosses a large wetland shared with the
19 adjacent property owner. It will have significant and
20 adverse environmental impacts on our property. Dallas
21 Township, Pennsylvania has become the switching yard for the
22 oil, gas and pipeline industry. There are currently
23 multiple pipelines in use with more proposed. The Dallas
24 School District, grade school, junior high, high school has
25 been evacuated twice for transmission natural gas pipeline

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-33
(cont'd)

1 issues 1,000 feet from the campus.

2 The Atlantic Sunrise Project will have
3 significant and adverse environmental effects on our
4 property, our land will be permanently scarred, our
5 undisturbed wetland will be disturbed by dynamite and
6 dredging, we will lose thousands of bored feet of old growth
7 forest, the Atlantic Sunrise Pipeline bisects our property
8 creating an island of unusable and inaccessible land.

9 It permanently changes our present and future use
10 of our private property. We must live forever with the
11 stress of 1.4 billion cubic feet of gas passing through us
12 on a daily basis. Our peace of mind is permanently
13 affected. You will hear and have heard from numerous
14 pro-pipeline individuals. Their rationale is nearly always
15 economic, either their personal business or their union
16 gains.

17 This is a hearing about the environment and the
18 EIS statement. Somehow from their point of view dynamite,
19 bulldozers, dredging and permanent clear cutting are good
20 for the environment. This country was founded on the rights
21 of the individuals and the common man to pursue life,
22 liberty and happiness.

23 Land owners who represent the common man are
24 confronted with bludgeoned contracts, demeaning land values,
25 bait and switch sales pitches, all to the benefit of the

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-33
(cont'd)

1 pipeline company. This entire process meaning the EIS
2 statement, the collection of data, follows a hollow
3 political rhetoric, governmental inefficiencies and
4 incompetence and it is in essence a charade.

5 The common man, his or her rights, his or her
6 property values is dismissed and demeaned. This is a sorry
7 state of affairs.

8 MS. WACHHOLDER: Next is number 19 Joan Byron and
9 for people that are trying to help keep time don't because I
10 have it under control, don't worry about it alright.

PM4-34

11 MS. BYRON: My name is Joan Byron and I am a land
12 owner and wife of Thomas Byron. I would like to say to your
13 oil men here if you put in a pipeline and it blows up you
14 have a problem there's no gas. So when you install the
15 pipeline I hope it doesn't blow up, as he said the gentleman
16 said, pipelines don't blow up when we install them, there
17 are no gas in them you know that.

18 MS. WACHHOLDER: Alright can you just speak to
19 the mic so we can get your comments.

20 MS. BYRON: Okay I'll keep this short. I live on
21 mile 23.2 to 24. I was approached -- my husband and I were
22 approached by phone by Williams in April of 2014. I was
23 told that my land was scary and remote by Mr. Bartley who
24 said, "Your mail box is scary I can't put anything in it."

25 He said we were scary and remote but our home

PM4-34 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

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1 sits in the middle it is Central Park Dallas for thousands
2 of people and it sits in the middle of a community of half
3 million dollar and million dollar homes and yes small homes
4 on crowded roads with many people in the death and
5 destruction zone.

6 I say to you and we were told that, "They don't
7 even have to go through you FERC we will get nothing and
8 they will install the pipeline." That is a quote from one

PM4-35 9 of the higher ups on May 10, 2014. So shame on you FERC for
10 putting in your EIS statement that 23.2 to 24.0 miles there
11 is no environmental impact.

12 We have two streams, 80 acres of wetland, to my
13 knowledge after speaking -- sending FERC an email, an
14 e-comment every 2 to 3 months regarding Williams' inability
15 to work with Tom and I because we would not sign. "You have
16 to sign, we will not do an Environmental Impact Statement,
17 we will not check your property unless you sign."

18 I contacted FERC every 2 to 3 months via an
19 e-comment. Now they are saying that, "You made up page
20 whatever -- 23.2 in your EIS statement is fictitious,
21 someone made it up." Okay the gentlemen said we are
22 crossing 239 water bodies well I have got news for them
23 there are three more that no one counted because no one went
24 on our property, no one has inspected our property.

25 So should you agree to this FERC without now

PM4-35

See the response to comment PM4-33. As described in section 3.0 of the EIS, our analysis is based on information provided by Transco and reviewed by the FERC staff; our review of aerial photographs, U.S. Geological Survey (USGS) topographic maps, and other publicly available information; input from cooperating and other agencies; public input from scoping; and our site visits, including a flyover of the project area.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-36 1 having someone do an Environmental Impact Statement who is
 2 going to be responsible for 1: the contaminated water that
 3 will happen on our property? We have springs and water
 4 bubbling out of the ground, who is going to take care of our
 PM4-37 5 home which is from 1892 when the foundation cracks and the
 6 building crumples? And the blow zone which we are in the
 PM4-38 7 blow zone?
 8 Briar Crest Road down the street from me has
 9 signed a Petition they are probably 30 yards from the blow
 10 zone and the death and destruction zone. We will not be
 PM4-39 11 able to build anything on our green property within 600 feet
 12 of this pipeline on either side because it is solid rock.
 13 And in order to drop a well or put in a septic
 14 system you have to blast and we are not according to
 15 Williams going to be allowed to do that. Our property is
 16 being orphaned because we can't even cross this pipeline.
 PM4-40 17 There is gas leakage, yes it is proven to be 2 to 7% and on
 18 pipelines and environmentally that is not safe.
 PM4-41 19 There are other proposed routes in your EIS
 20 statement that you should look into as well as the state
 21 game lands in Red Rock.
 22 MS. WACHHOLDER: Could you get to your conclusion
 23 your time, the buzzer went off.
 PM4-42 24 MS. BYRON: In conclusion that the homeowners
 25 policy goes up up to 200% and our home cannot be re-sold and

PM4-36 See the responses to comments PM1-174 and PM2-120.

PM4-37 As described in section 4.8.2 of the EIS, an easement agreement between a company and a landowner typically specifies compensation for losses resulting from construction, including damages to property during construction. Compensation would be fully determined through negotiations between Transco and the landowner.

PM4-38 Comment noted.

PM4-39 As described in section 4.8.3 of the EIS, in most cases, property owners would be able to use the permanent right-of-way as they did before construction as long as the use does not conflict with project operation and the terms of the landowner's negotiated easement agreement.

PM4-40 Comment noted.

PM4-41 An evaluation of alternative routes is provided in section 3.3 of the EIS.

PM4-42 See the responses to comments PM1-116 and PM1-177.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-42
(cont'd)

1 the final statement is has FERC heard of the Bill of Rights
2 and the Constitution? I will be presenting you with a
3 folder of articles as well as this statement from our
4 neighbors.

5 MS. WACHHOLDER: Thank you. We will have one
6 more person before we take a short break so number 20 is
7 Duke Barrett, number 20.

8 MR. BARRETT: Good evening. I have been
9 attending these hearings for the past six years ever since
10 the Chief people tried to sneak in a compressor station just
11 before the Christmas season to put next to the Dallas
12 schools in order to have toxic fumes go out to our children.

PM4-43

13 For any of these pipelines to carry any gas for
14 export to our economic rivals like India and China with
15 China likely to be a military threat as well, this pipeline
16 is not in our community's interest or the USA. It is mainly
17 for the benefit of corporate CEO's for the big money and
18 merely chump change for most of the leaser's another
19 minority.

20 What would be in the U.S. interest would be to
21 ban oil and gas exports to lower U.S. oil in ports down to a
22 realistic 15% an amount that could be made up easily and
23 largely by renewable energy for real U.S. energy
24 independence. In these FERC environmental studies about
25 habitats for plants and animals, one species that keeps

PM4-43

See the responses to comments PM1-32 and PM1-53.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

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PM4-44 1 getting short-changed is humans. The ones who get poisoned
2 slowly by polluted air and water and threatened by
3 explosions and fires.

PM4-45 4 The gas may burn cleaner but the extraction is
5 dirtier and dangerous. This pipeline is not in the interest

PM4-46 6 of the vast majority of citizens, especially those who lose
7 their property through the corporate feudalism of eminent
8 domain. And the very fact that this pipeline is even under
9 consideration shows how FERC has betrayed its original
10 purpose especially with eminent domain for private gain,
11 thank you.

12 MS. WACHHOLDER: Thank you. It is now about 8:30
13 so about 8:40 we will come back and finish up the rest of
14 the list at that time, thank you.

15 MS. WACHHOLDER: Alright the next person on our
16 list is number 21, number 21 Mary Rodriguez so please settle
17 down so we can hear. Alright everyone settle down I am
18 going to let her get started now.

19 MS. RODRIGUEZ: Hi Mary Rodriguez,
20 R-o-d-r-i-g-u-e-z and I would like to state that I am a
PM4-47 21 resident of Dallas Township, Pennsylvania. The Tulsa,
22 Oklahoma based Williams Partners is the company asking for
23 approval of this pipeline. It is my belief that this
24 out-of-state corporation does not have the best interests of
25 local land owners in Pennsylvania at heart.

PM4-44 Comment noted.

PM4-45 See the response to comment PM1-36.

PM4-46 The use of eminent domain is discussed in section 4.8.2 of the EIS. Also see the response to comment PM1-1.

PM4-47 The use of eminent domain is discussed in section 4.8.2 of the EIS. Also see the responses to comments PM1-1 and PM1-9.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-47
(cont'd)

1 Each local township and municipality in
2 Pennsylvania has the right to formulate a comprehensive plan
3 for their community. This well-formulated plan is a forward
4 thinking vision by our community representatives for our
5 communities. The unique characteristics of each community
6 are preserved and each new improvement or change in the
7 community is weighed as to its benefit to the community.
8 These comprehensive plans are formulated after
9 multiple public meetings, residential committee meetings,
10 surveys and many man hours of discussion. The comprehensive
11 plans are a plan or a blueprint for the future development
12 of our communities.
13 Now you may ask what relevance does that have
14 here? Well Dallas Township has three Williams' based
15 pipelines already in our community. We have Transco, we
16 have PBR and we have Chief. Now we are talking about
17 Atlantic Sunrise coming in -- another Williams pipeline.
18 We also have Penn East that is trying to get a
19 permit to come into our area, that will be 5 Williams'
20 pipelines in our community. So I ask this question does
21 Williams have a comprehensive plan of forward thinking
22 vision for Pennsylvania and Dallas Township?
23 Does Williams have a comprehensive plan in which
24 the unique attributes of our community will be preserved?
25 Does Williams have a comprehensive plan for clean energy

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-47
(cont'd)

1 development in our community and in Pennsylvania? This
2 project will include 10,000 miles of lines excuse me that
3 will move gas to utilities and power plants. If approved it
4 will cut through portions of 10 central PA counties,
5 Columbia, Lancaster, Lebanon, Luzerne, Northumberland,
6 Schuylkill, Susquehanna, Wyoming, Clinton and Lycoming.

7 In May FERC and the US Army Corps of Engineers
8 issued a Draft Environmental Impact Statement concluding
9 that approval of the project would result in some adverse
10 environmental impacts however that most of these impacts
11 would be reduced to less than significant levels with the
12 implementation of Transco's proposed mitigation and
13 additional measures recommended in the Draft EIS.

14 We, the residents of Pennsylvania do not find
15 these impacts to be insignificant. We, the residents of
16 Pennsylvania took the time and money to formulate
17 comprehensive plans for our communities. We have taken the
18 time to formulate forward thinking plans to protect our
19 community's unique qualities. We the residents of PA do not
20 see the effects of the Atlantic Sunrise as insignificant to
21 us.

22 These impacts will destroy the uniqueness of each
23 and every community they pass. We the residents of
24 Pennsylvania will not benefit from this pipeline. This
25 pipeline is not being built for the common good, it is being

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-47
(cont'd)

1 built for the profits of a Tulsa, Oklahoma based
2 corporation.
3 Eminent domain use in this case is not for the
4 common good. Eminent domain use in this case will trample
5 the rights of our individual land owners. And in the long
6 run will trample the rights of all the communities who have
7 worked so diligently for form comprehensive plans to
8 preserve the uniqueness of their communities, thank you.
9 MS. WACHHOLDER: Thank you, next up is number 22,
10 number 22 is Kristin Edwards.
11 MS. EDWARDS: I have permission to read the
12 statement of Kristin Edwards. Kristin Edwards is a
13 veterinarian it is Dr. Kristin Edwards, DVM. She lives
14 adjacent to the previous pipeline by Chief and lives
15 extremely close to the new proposed Atlantic Sunrise
16 Pipeline and her statement references the wetland damage
17 created by the most recent pipeline of two years ago which
18 is 800 yards from our property.
19 The gas company started drilling under the
20 wetlands adjacent to our property in May. This led to an
21 immediate breach of the wetlands. A gas company employee
22 was able to access who I was and where I worked. He
23 interrupted my morning appointments in order to ask if they
24 could have access to the wetlands through our horse pasture.
25 I told him no.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

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1 I asked him how he found out who I was and where
2 I worked and he told me he was like a head-hunter he could
3 find out anything he needed to about anybody. It was only
4 after I adamantly told him that we would not allow any
5 access that he admitted that he would never be able to
6 restore the pasture or the wetland to what it was before
7 they entered my property.

8 He told me that because we would not allow access
9 it would take much longer to resolve the problem and then he
10 left. Shortly after the breach they set up a large water
11 pump with the generator. These items sat on the edge of our
12 property next to a spring that was always running.

13 They proceeded to pump water up the side of the
14 mountain about 100 feet into a large pillow like receiving
15 bags. The water flowed back out of these bags and down onto
16 our property eroding tree routes, causing trees to fall and
17 creating channels of polluted water on our property which
18 ended up flowing back into the stream.

19 The noise of the generator was unbelievable it
20 ran 24 hours a day for most of their occupation of our land.
21 If it turned off at night usually after dark, they were back
22 at 5 in the morning to start it up again. We could not have
23 a conversation in our kitchen with the windows open, we
24 could not sleep at night with any windows open as the sound
25 was deafening.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

1 There were always several men who we did not know
2 sitting at the edge of our property all summer. The
3 children could not play in the stream and were not allowed
4 to be outside without supervision due to the uneasy feeling
5 of strangers' eyes always observing.

6 The contrived attempt to clean the water created
7 stress and chaos all summer. The filtering process did not
8 improve anything with the water -- a steady stream of muddy
9 water exited the site continuously for the duration that
10 remained. We could see the work of developing U.S. natural
11 resources what we disagree with is the disregard for the
12 community neighbors and individuals surrounding these areas.

PM4-48 13 As we look around our area we see the scars left
14 by this process. Typically those who will allow gas lines
15 to cross want the lines as far from their own residence as
16 possible but without regard for their neighbors who might
17 have to suffer more of an impact because of the process.
18 What is left is properties lessened in values, strained
19 personal relationships and distrust of further development,
20 thank you.

21 MS. WACHHOLDER: Thank you, the next number is 23
22 and he went outside so next is 24 Dorina Hippauf.

23 MS. HIPPAUF: Good evening my name is Dorina
24 Hippauf, I live in Lehman Township and the Atlantic -- the
25 Sunrise Pipeline will be crossing approximately about 3

PM4-48

Comment noted. Property values are discussed in section 4.9.5 of the EIS.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

1 miles from my home. In September, 2014 FERC initially
2 approved the construction of Cove Point export terminal in
3 Maryland. Four months prior to the approval CEO Alan
4 Armstrong of Williams stated in May 2014 in the first
5 quarter financial report and I am going to quote him, "We
6 are excited about the accelerating pace of expansion
7 projects at Transco including the Atlantic Sunrise, Dalton
8 Expansion and our newly announced Gulf Trace Project.

9 The Atlantic Sunrise and Gulf Trace Project will
10 serve as an important infrastructure for future LNG export
11 facilities at Cove Point and Sabine Pass." This is four
12 months prior to the approval of Cove Point that he made this
13 statement.

14 There is a Latin phrase, Que Bono, literally it
PM4-49 15 means who benefits. I ask that now -- who benefits? Do the
16 people in the direct path of this pipeline benefit? No.
17 The pipeline will carry natural gas to Sabine Pass and Cove
18 Point export terminals.

19 Who else benefits? Will the communities where
20 the pipeline will be built benefit? No, the pipeline will
21 carry the natural gas to Sabine Pass and Cove Point export
22 terminals. Will the communities where -- will the
23 Commonwealth of Pennsylvania benefit? No, the gas in these
24 pipelines are headed for export terminals.

25 Will anyone in the United States benefit from

PM4-49

The potential economic benefits of the Project are evaluated in section 4.9.7 of the EIS. Also see the responses to comments PM1-32 and PM1-51.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

66

PM4-49
(cont'd)

1 this pipeline? No, again this pipeline is headed for
2 carrying gas to the export terminals. So who actually
3 benefits? Williams benefits and that's all. One
4 corporation will benefit. Not one person in the communities
5 where this pipeline is going will see a whiff of gas to heat
6 their homes.

7 Not one person in the communities of Columbia,
8 Lancaster, Lebanon, Luzerne, Northumberland, Schuylkill,
9 Susquehanna, Wyoming, Clinton and Lycoming Counties will
10 benefit. Not one person in the Commonwealth of Pennsylvania
11 will benefit, not one person in the United States of America
12 will benefit. The fact that we have reached this stage in
13 the FERC hearings process for the approval of this pipeline
14 is a bit shameful considering that this pipeline is headed
15 for export only and benefits not one person of the public of
16 the United States of America, thank you.

17 MS.WACHHOLDER: Thank you, next up is number 25,
18 number 25 is Scott Canon.

19 MR. CANNON: Scott Cannon from Plymouth, thank
20 you. As reported in the Daily Item newspaper from Sunbury
21 this morning at last night's FERC hearing in Bloomsburg
22 Bradford County Commissioner Doug McLinko stated about
23 pipelines in his county and I quote, "We had zero problems,
24 none."

25 Well I did a quick Google search today and found

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-50 1 some of these Bradford County pipeline problems. Crews work
2 on ruptured natural gas line for hours in north Towanda,
3 voluntary evacuation -- August, 2013. Harrietville gas
4 compressor station fire injures worker in Bradford County --
5 March 2013.
6 PAD DEP finds pipeline company Appalachian
7 Midstream Service operating in Bradford County who violated
8 Pennsylvania's Clean Streams Law in December, 2011 and
9 currently a lawsuit against Chesapeake Energy over royalties
10 and gathering lines conflict of interest continues to this
11 date.
12 This is the same Commissioner who stated in a
13 video on YouTube by Empire Energy Forum and I quote, "There
14 has never been one freshwater supply ever in the decades, I
15 mean 50 years plus of hydro-fracking ever affected. We have
16 had no issues." But the DEP has 72 cases of confirmed water
17 contamination from Bradford County from 2010 to 2015. I was
18 hoping the Commissioner would be here tonight to address
19 those problems but he is not.
20 The union folks I would like to address but they
21 already left. I would encourage the union folks to Google
22 "Is gas cleaner than coal?" You will be surprised what you
23 find. Google "Pipeline accidents, health issues and
24 property rights" because you folks need to know how this
25 pipeline will affect your Pennsylvania neighbors, thank you.

PM4-50 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

1 MS. WACHHOLDER: Thank you next up is 26, number
2 26 is Deirdre Lally.

3 MS. LALLY: Deirdre Lally, Benton, PA. First of
4 all I just want to point out that there has been a lot of
5 time taken up at all four of these hearings where people
6 have talked about jobs and economics but this is
7 environmental and I just would like to point out that
8 perhaps in the future you could have a way to give people
9 space to talk about how this will impact the environment
10 where they live.

11 I have been able to come to some previous
PM4-51 12 hearings this week and talk about the fact that the Atlantic
13 Sunrise is supposed to cross through active and abandoned
14 coal mine fires, which is a disaster waiting to happen. I

PM4-52 15 have already commented on the fact that I live near
16 compressor station 517 but I want to talk about that again.

17 It is already being doubled in size for the
18 Atlantic Sunrise but the Atlantic Sunrise is not permitted
19 and in my -- at my home we have already experienced an air
20 quality violation in February and on top of that the workers
21 who I respect but I just need to talk about what's happening
22 -- have been driving so recklessly down our road that they
23 have hit and killed farm animals in a farming community.

24 And so if the pipeline has not been permitted why
25 is compressor station 517 already under construction and

PM4-51 See the response to comment PM3-96.

PM4-52 Comment noted. We presume that the commentor is referencing the Leidy Southeast Expansion Project, which involved expanding Compressor Station 517. The Leidy Southeast Expansion Project is not the subject of this certificate proceeding or this EIS. See the responses to comments PM2-31 and PM3-41.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

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PM4-52
(cont'd)

1 causing suffering in my community? So I would like to put
2 that question on record and get a real answer and I would
3 also like to ask that construction is halted until if and
4 when the permit comes in for the Atlantic Sunrise.

PM4-53

5 I also live just a few miles from another
6 compression permitted for the Atlantic Sunrise it is called
7 compressor station 610 in Orange Township, Columbia County.
8 I would like to go on record opposing the compressor station
9 up to 1300 gallons of water per minute will be used.
10 Hazardous air pollutants including but not limited to
11 nitrogen oxides, carbon monoxides, greenhouse gas
12 particulate matter, methane, volatile organic compounds will
13 be thrown into our air in Columbia County and people will be
14 living with that who will not experience economic gain
15 whatsoever.

16 And all of those chemicals have proven severe
17 health impacts. To speak to that a little bit the 2013
18 Research and Development study on air pollution damages from
19 shale gas -- air pollution in specific has found that
20 damages are already between 7.2 to 30 million dollars in
21 Pennsylvania alone. 60 to 75% of that is from compressor
22 stations so I would like to understand why in Columbia
23 County where I live you are allowing these compressor
24 stations to happen at all.

25 I want to address the people who have said that

PM4-53

See the response to comment PM2-87 regarding potential impacts associated with emissions from Compressor Station 610. See the response to comment PM3-15 regarding shale gas development. Section 4.3.1.1 of the EIS identifies the existing groundwater resources in the project area. Table 4.3.1-1 identifies the yield from water wells completed in the bedrock aquifer that underlies Compressor Station 610 and does not represent water use at Compressor Station 610.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-54 1 you shouldn't be afraid of pipelines. I recently had the
2 pleasure of meeting the family of James Baker who was
3 critically burned in Westmoreland County. He is still in
4 critical condition. I would like them to go to his family
5 and tell them not to be afraid.

PM4-55 6 Finally just specific to read, "The highest and
7 best use of each property is not used by Williams to
8 determine the amount they offer." For example Bill and Judy
9 Penchak in Susquehanna County who utilized their forested
10 acreage as a timber farm and processed it after a property
11 with a sawmill will be losing up to 5 acres of trees in a
12 linear path.

13 No plans to control beach brush, spread mighty
14 grasses, not weed or other invasive plants have been
15 presented. A proposed route change is not considered by
16 Williams and the monetary offers do not cover the loss of
17 generations of hard-word forestry that property may support.
18 Quarry rights, produce farming, pasturing, watering ponds
19 and other uses for agriculture are also not considered in
20 the offers. So I don't support this pipeline whatsoever and
21 every single permit should be denied.

22 MS. WACHHOLDER: Thank you. I can speak to one
23 of your questions about the compressor station. If there is
24 anything that is being construction at that station now it
25 is for the use of a different project, nothing has been

PM4-54 Comment noted.

PM4-55 Measures to mitigate the introduction and spread of noxious and invasive species are included in section 4.5.4 of the EIS and Transco's Management Plan. Also see the responses to comments PM1-1 and PM1-85.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

1 allowed to start for this one.

PM4-56 2 MS. LALLY: According to the filing at the DEP it
3 is part of the Atlantic Sunrise.

4 MS. WACHHOLDER: She can't hear you on the record
5 but she said --

6 MS. LALLY: Yeah I have done some file reviews at
7 the DEP and it is part of the Williams Transco Atlantic
8 Sunrise Project according --

9 MS. WACHHOLDER: What is proposed will be but
10 nothing that is being done right now except for taking air
11 samples that we required them to do, that's the only thing
12 that they can do right now is to take air samples. Anything
13 that is being constructed or done is based on a different
14 project.

15 MS. LALLY: Well either way it is causing a lot of
16 damage in my community and the Atlantic Sunrise just so
17 happens to be proposed to run right through it and you know
18 what so that's --

19 MS. WACHHOLDER: Thank you I've got it. Okay,
20 thank you I just wanted to address that that's all, number
21 27 is Allison Petryk.

22 MS. PETRYK: My name is Allison Petryk and for
23 the -- I'm a former educator at the Endless Mountains Nature
24 Center in Tunkhannock along the Tunkhannock Creek where I
25 used to teach stream and river ecology and also witnessed

PM4-56 See the response to comment PM3-41.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

1 many people utilizing the creek for recreational purposes
2 such as fishing, swimming, kayaking and camping nearby.

PM4-57

3 The number one lesson is that we should
4 appreciate and protect our rivers and streams. The Atlantic
5 Sunrise Pipeline crosses Tunkhannock Creek twice with
6 proposed method wet ditch crossings. The method is the most
7 destructive to habitat. In Susquehanna River, Delaware
8 River and Montague River all three have horizontal
9 directional drilling and suffered drilling mud blow outs
10 causing a mixture of bentonite clay, barium and other
11 material to sink to the bottom after it blew out.

12 After observing these blow outs I caution that
13 horizontal directional drilling can only be done safely if
14 water samples are taken to prove that bedrock is underneath.
15 Without river containing fluids it is certain that the mud
16 will enter its watershed. Susquehanna means muddy river and
17 it is unlikely to provide the conditions necessary for safe
18 crossing of a river.

19 We raised the objection up at the last hearing in
20 this room and you have failed to address that issue in your
21 EIS. On June 13th, 2013 in a report of the Tennessee Gas
22 Pipeline in Bradford County it stated that drilling
23 activities associated with horizontal directional drilling
24 of the Susquehanna River furnished during the reporting
25 period on June 8th the return was discovered on the western

PM4-57 See the responses to comments PM1-60, PM2-123, and PM4-12.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-57
(cont'd)

1 side of the river and wetland 0.01 possibly 20 feet from the
2 entry.

3 As per the horizontal directional drilling
4 contingency plan drilling activity immediately ceased and
5 containment and clean-up operations were implemented.
6 Timber man drilled a platform, and the vacuum pump was
7 utilized to treat the run underneath the mats.

8 Pipelines at stream crossings can introduce large
9 amounts of sediment in streams both during construction and
10 over long term after the pipeline is in. Stream peaks of
11 high suspended sediment occur during blasting, trench
12 excavation and back filling as sedimentation greatly affects
13 macro-invertebrates and fish and unhealthy aquatic
14 eco-systems to survive.

15 According to the Delaware River Keeper Network
16 there have been documented reductions in vertebrate
17 densities, changes to the structure of the aquatic
18 communities, fish forging, the food and fish mortality.
19 Additionally erodes a bill for construction and stream
20 crossings increase the amount of sediment and erosion to
21 nearby streams.

22 Pipeline construction also results in the loss of
23 repairing vegetation. Loss of vegetation and foliage with
24 clearing stream banks in stream temperatures, increase
25 stream temperatures and can reduce the quality of habitat

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-533
(cont'd)

1 for fish and vertebrates population which are food for fish
2 can also be reduced due to a decrease in cycling of
3 nutrients.

4 Additionally the loss of vegetation reduces the
5 natural barrier along the stream bank making it more
6 susceptible to erosion events further degrading our streams.
7 Hydro seed does not replace the quality of existing habitat.

8 MS. WACHHOLDER: Would you get to your conclusion
9 you are about a minute over.

10 MS. PETRYK: Oh I'm done, thank you.

11 MS. WACHHOLDER: Thank you next up is number 28,
12 number 28 is Herb Bonnice.

13 MR. BONNICE: Good evening thank you for the
14 opportunity to let me speak. My name is Herb Bonnice I am
15 from Tunkhannock. I am a self-employed dairy and beef
16 nutritionist. I worked with local farms for nearly 30
17 years. I realized when the gas business was coming to the
18 farms that I worked with many of my customers would quit
19 milking cows when they started to receive gas royalties.

20 I still had to make a living with a reduced
21 customer base because that's how I make my living. Because
22 I work with many farms on the crop side also with some
23 planning and research I decided to try to sell grass seed
24 line and fertilizer to the pipeline companies. I research
25 the Pennsylvania Oil and Gas Driller's Manual concerning

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

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1 pipeline restoration, erosion and sediment control.

2 Because I grew up on a river fishing since I was
3 a child then fishing with my children and now my
4 grandchildren, I was also very concerned about the river. I
5 wanted the restoration to be done correctly. How I got
6 started with this business is a long story but now I have
7 worked with nearly all of the major pipeline companies to
8 develop seed mixes that are suited to our area and our soil
9 types.

10 I have taken literally hundreds of soil samples
11 to match the lime and fertilizer recommendations based on
12 the lab results we received from Penn State. The pipeline
13 companies are also very good at accommodating land owner and
14 DEP requests for food plot mixes as well as wetland and
15 repairing and buffer mixes which are supplied by a
16 Pennsylvania seed supplier.

17 My observation is that the river is healthier now
18 than it was 50 years ago based on fish that I catch with my
19 children and grandchildren. The north branch of the
20 Susquehanna was named Pennsylvania River of the Year this
21 past year. Last but not least jobs -- when gas cannot flow
22 from the area land owners do not receive royalty payments,
23 much of which is spent in the local businesses such as
24 machinery dealers, gas stations, home improvement, car
25 dealers and so on the list goes on.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-58 1 FERC pipeline construction many, many local jobs
2 are created and local businesses are supported also by the
3 out of town workers. In closing I support the Atlantic
4 Sunrise Project, thank you.

5 MS. WACHHOLDER: Thank you. Next up is number
6 29, 29 is Dianne Dreier.

PM4-59 7 MS. DREIER: My name is Diane Drier, D-r-e-i-e-r.
8 It was reported that the FERC staff concluded that approval
9 of the Atlantic Sunrise Project would result in some adverse
10 environmental impacts. What are the overall adverse
11 environmental impacts of this pipeline project when combined
12 with the many other proposed pipeline projects before FERC?

13 What are the overall adverse environmental
14 impacts of this pipeline project when combined with the much
15 anticipated rush to greatly increase the number of wells
16 producing natural gas that will be shipped to market by
17 these new pipelines? What are the overall adverse

PM4-60 18 environmental impacts of this pipeline project in
19 facilitating greater volumes of fugitive methane emissions
20 from the extraction processing and transportation of natural
21 gas, methane being a much more potent greenhouse gas than
22 carbon dioxide?

23 What are the overall adverse environmental
24 impacts of this pipeline project in a retiring coal energy
25 generation when fugitive methane emissions may actually

PM4-58 Comment noted.

PM4-59 See the response to comment PM1-6.

PM4-60 See the response to comment PM1-36.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-60 (cont'd) 1 render natural gas a greater climate change accelerator than
 PM4-61 2 coal? What are the overall adverse environmental impacts of
 3 this pipeline project as the gas industry expands spewing
 4 not only methane but numerous other hazardous and toxic air
 5 pollutants that present significant cancer and respiratory
 6 health risks?

PM4-62 7 What are the overall adverse environmental
 8 impacts of this pipeline project as this rush towards
 9 pipeline infrastructure over-building commits our state and
 10 our country to the dirty fossil fuels of the past instead of
 11 to a clean energy future? What are the overall adverse
 12 environmental impacts of this pipeline project when the
 13 majority of climate scientists and world leaders warn of the
 14 need to quickly transition to clean, renewable energy?

15 Cornell University Professor Dr. Anthony
 16 Engraffia said it best when he said, "Natural gas is not a
 17 bridge it is a gangplank." How will you as FERC

PM4-63 18 Commissioners answer the questions of your own children and
 19 grandchildren when they ask what you did in your official
 20 capacity to impede climate change the most pressing issue of
 21 mankind?

PM4-64 22 I would like to add on a different note that
 23 Williams must be pretty confident of FERC approval. I read
 24 in the newspaper where they purchased 2000 sections of pipes
 25 from a company in Turkey even though we have four companies

PM4-61 Section 4.11.1.3 of the EIS details the potential air quality impacts associated with the construction and operation of the Project. In the draft EIS we concluded that the operation of the Project would not violate the NAAQS, which are protective of human health and the environment. However, we requested additional information from Transco regarding three compressor stations to ensure that the final EIS presented the full range of potential operational impacts from these compressor stations. See the response to comment FA1-135 regarding the potential health impacts of air emissions. Section 4.11.1.3 of the EIS has been revised to reflect the available information regarding the operational impacts associated with Compressor Station 517 and recommendations to ensure that future operations do not violate the NAAQS.

PM4-62 See the response to comment PM1-53.

PM4-63 The effects of climate change and the Project's potential contribution to these effects are discussed in section 4.13.8.10 of the EIS.

PM4-64 Comment noted. With respect to where pipe is purchased, that is a business decision made by Transco.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

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PM4-64
(cont'd)

1 who can produce those kinds of pipes in the United States to
2 the tune of 55 million dollars.
3 They are now stored near Lebanon. What does FERC know that
4 all of us here don't know -- I'm sorry what does Williams
5 know about what the decision will be? Thank you.

6 MS. WACHHOLDER: Thank you next up is number 30,
7 Sierra Shamer.

8 MS. SHAMER: Alright, hi I'm here for the fourth
9 night in a row to support the land owners and residents
10 along the proposed right-of-way of the Atlantic Sunrise and
11 to state my criticisms of the incomplete and insufficient
12 Draft Environmental Impact Statement.

13 Tonight I am submitting several maps that show
14 the 22 core habitats and 6 supporting habitats that the
15 Atlantic Sunrise Pipeline will impact and that are not
16 addressed in the DEIS. The Central Penn Line north would
17 intersect the Lake Cowanesque in Wyoming County that has PA
18 rare plant species and is already threatened by logging.

19 Perrin's Marsh in Wyoming and Luzerne Counties
20 has PA rare plant and endangered species and rare bird
21 species of concern. Shingle Run natural area in Luzerne
22 County has butterfly species of concern. A full description
23 of all of these areas I will submit tonight. I would like
24 to note that supporters of the project have material
25 interests in its success and are paid to be here.

PM4-65

The PADCNR evaluates projects for potential impacts on plants, terrestrial invertebrates, natural communities, and geologic features. The Pennsylvania Game Commission (PGC) evaluates projects for potential impacts on birds and mammals. The Pennsylvania Fish and Boat Commission (PFBC) evaluates projects for potential impacts on aquatic and amphibian species. Transco completed consultations with these agencies to identify state-listed species survey requirements and mitigation measures to minimize impacts on state-listed species. Section 4.7.3.4 of the EIS evaluates state-listed species.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-66 1 Arguments that this pipeline will increase our
2 energy independence are invalid because the gas in the
3 Atlantic Sunrise will be exported so companies can overcome
4 the current low gas price. This interstate pipeline will
5 not fuel PA residents. This is why the use of eminent
6 domain to secure easement is unlawful. It is not for the
7 public use and it is not a public necessity it is a private
8 desire.

9 Many of the comments made tonight are not valid
PM4-67 10 environmental impacts but about monetary gain. There is a
11 difference between economic impact and economic development
12 which should be long-term and sustainable. Natural gas
13 extraction will have an end but its impacts to environment,
14 public health and safety will last long into the future.

15 The Atlantic Sunrise is destructive an
16 unnecessary and this DEIS fails to prove otherwise, thank
17 you.

18 MS. WACHHOLDER: Thank you. Next up is number
19 31, number 31 is Mark Stragney, outside thank you very much
20 alright then number 32, Robert Wilds, maybe no -- oh there
21 you are I didn't see you.

22 MR. WILDS: Good evening my name is Robert Wilds.
23 I represent the International Union of Operating Engineers.
24 I would like to thank FERC and the Army Corps of Engineers
25 for giving me this opportunity to speak. I have heard a

PM4-66 The use of eminent domain is discussed in section 4.8.2 of the EIS. Also see the responses to comments PM1-1, PM1-51, and PM1-143.

PM4-67 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

1 couple of comments tonight but this is about environment and
2 that's true and that's what I have chosen to speak about
3 tonight.

PM4-68

4 First off I am in support of this pipeline. A
5 pipeline is the most environmental friendly and safe way to
6 transport any product over rail, over truck just the amount
7 of emissions that will be created by the trucks and the
8 trains transporting it on the road way outweigh the
9 emissions from the pipeline, let alone not to count the risk
10 of accidents involving our children that may be on the
11 school bus when there is a truck or train accident.

12 Any environment during the construction -- I have
13 been in this business since 1986 since then I have seen many
14 changes in the industry and every year and every project the
15 rules get more and more stringent. And the workers out
16 there, the gas companies, the contractors, they all take
17 steps to follow these rules. We do things such as
18 installing silt fence, silt saw, water bars to prevent
19 erosion.

20 You know the jobs of those three things are to
21 catch water, slow it down, get it off the right-of-way to
22 minimize erosion and it stops in the streams. The operating
23 engineers we spend about 4 million dollars this year on
24 our pipeline specific training only and two of the things we
25 key on are 1: safety 2: environment. When I say safety I

PM4-68

Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-68
(cont'd)

1 don't only mean safety of the workers on the job I am
2 talking about safety of the general public in the area where
3 these pipelines are installed.

4 We key on protecting the pipe, protecting the
5 coating that is the integrity of the pipeline, the coating,
6 the corrosion to prevent an accident like happened in West
7 Moreland County on a line that was installed in the early
8 1980's over 35 years ago. Today the methods and the
9 techniques are much more advanced.

10 We take steps to protect the wildlife such as
11 here in Pennsylvania I have worked on some Williams'
12 projects. If we bother a rattlesnake on the right-of-way we
13 get fired, we get run off that was it. If you got caught
14 messing with a rattlesnake. I have no problem with
15 rattlesnakes, some people may but in the Mojave desert I
16 worked on a Williams' project we took steps to protect the
17 desert tortoise. We talked about environment I hear about
18 renewables does anybody in here know the amount of
19 environmental damage that is done to the earth to get enough
20 rare earth minerals extracted to make solar panels? Look it
21 up you will be amazed.

22 Exports -- yeah maybe they are going to export
23 some gas, maybe that will help balance our trade deficit,
24 maybe we need to do that, let's make our world economy
25 stronger, our economy make it lead the world. The United

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-68
(cont'd)

1 States economy lead the world like it used to do. The world
2 depended on us now we react to them. Let's lead okay.

3 And I have pipelines on my farm I have no problem
4 with that. I farm it, I have no problem with it I am safe,
5 my children, my grandchildren, my animals I have no problem.

6 And to address the gentleman who said about getting
7 something else to do I am a construction worker, I'm a
8 farmer, I'm a volunteer fireman, such as many of the workers
9 in this -- my brothers and sisters, these people are
10 volunteers they work in the community they go to their
11 churches, they are good family people.

12 They live in this community, they buy houses in
13 this community their children go to school in this community
14 my time is up and I want to thank you.

15 MS. WACHHOLDER: Thank you, next up is number 33,
16 number 33 is Jane Tolomello.

17 MS. TOLOMELLO: My name is Jane Tolomello you did
18 good, T-o-l-o-m-e-l-l-o. I'm from Dallas Township. I don't
19 have a script I never come with a script. I agree with
20 everything that everybody here as says as far as what is
21 happening in Dallas Township and in particular the pipelines
22 the three that we have, the two that are coming they are 700
23 feet from my house.

24 You know you hear a lot about the economics
25 everybody has been going back and forth on that. The

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

1 problem with the economics and the problem with these
2 gentlemen in having jobs and not having jobs is it is
3 temporary. They get to build their pipelines and they get
4 to go home. People like myself and the other people that
5 are being affected we don't get to go home, we don't get to
6 live the American dream, we don't get to have a safe
7 environment we don't get to sleep at night without any
8 thoughts in our mind. We have to worry about kids, we have
9 to worry about our homes, we have to worry about everything
10 we worked for.

11 We have to worry about everything -- everything
12 you never just get to relax. That's something that should
13 be a benefit of every American, every American who has the
14 opportunity to be able to work and buy a home and work they
15 should be able to do that without fear of constantly
16 worrying about your house shaking at 2 o'clock in the
17 morning and you call the EMA and wake him up at 2 A.M. and
18 he doesn't know why your house is shaking and he has to get
19 up in the middle of the night and go over to the pipelines
20 because you know why Williams doesn't have to tell you.

21 They don't have to tell you because the Transco
22 -- my mind is just blank right now, but thank you Scott it's

PM4-69 23 a public utility so they don't need to tell us. So when
24 your house is shaking at 2 in the morning and it sounds like
25 a jet engine you don't know what they are going to blow up

PM4-69 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-69
(cont'd)

1 anymore and neither does the man who is on the other end of
2 the phone.
3 He can't tell you that you are safe because he
4 doesn't know either. That prompted a humungous township
5 meeting because no one was notified at that particular time
6 but you are talking about going back to 2011. We are in
7 2016 and we are still having these issues.

PM4-70

8 Another main point is right down the road is
9 3,000 children at a Dallas school district campus, there's 2
10 elementary schools, there's a middle school and a
11 multi-million dollar high school. That school has yet to
12 have an evacuation plan, those kids are constantly in
13 danger, that's not your problem that's their problem I
14 understand but these are the things that are not happening
15 and these are the things that are happening and these are
16 the things that we see every day.

17 We don't get to live in a bubble. We don't get
18 to live thinking that all of this propoganda that you hear
19 and all of these wonderful things and all of the butterflies
20 and rainbows we don't get to enjoy that because we know the
21 truth because we live it every day.

22 So it would be really nice if we could believe in
23 that propoganda. It would be really nice if we could live
24 with that but unfortunately we go to township meetings, we
25 see disasters, we are in touch with people all over the

PM4-70 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

1 country and we hear and see the same things so it can't now
2 be just a little portion of Pennsylvania or a little portion
3 of Oklahoma, you are talking about everybody complaining and
4 everybody having the same effects.

PM4-71 5 As far as the three pipelines that there as Mary
6 mentioned you have Penn East that already has an application
7 with you and now you have Atlantic Sunrise, you can't just
8 keep adding pipelines. You know you can't say oh well he
9 got one so he has to have one and if we approve him then how
10 many pipelines are you going to put by our homes?

11 How many pipelines? Then you have to fill those
12 pipelines so now you not only have the interstate lines but
13 now you are going to have all of the gathering lines to come
14 in. How much is too much? How much is enough? Before we
15 could have to really -- you know I left, I'm selling my
16 house I can't live it anymore. You people have destroyed my
17 life personally fighting, I'm exhausted, you mentally have
18 broken me and do you know what is the most disappointing
19 thing at all is that our government is allowing this, that
20 is the most disheartening thing out of everything.

21 If somebody says what's the one thing that
22 bothers you the most -- the one thing that bothers me the
PM4-72 23 most is I thought our government was here to protect us not
24 to embellish the profits of an industry instead of the
25 quality of life of the citizens who put those people into

PM4-71 See the response to comment PM1-6. As described in the response to comment PM1-51, following the completion of the final EIS, the Commission will complete its review concerning the need for the Project and will grant a Certificate if it finds that the evidence produced on financing, rates, market demand, gas supply, existing facilities and service, environmental impacts, long-term feasibility, and other issues demonstrates that the Project is or will be required by the public convenience and necessity.

PM4-72 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-72
(cont'd) 1 office so thank you.

2 MS. WACHHOLDER: Thank you next up is number 34,
3 34 is Peter Butler.

4 MR. BUTLER: Hi my name is Pete Butler I live in
5 Wyoming County. I am a retired manufacturing manager. I
6 just came because I care about our community and I wanted to
7 make a couple of comments. I am kind of struck tonight all
8 the concerns around the pipeline and I understand those, it
9 is a complex business and there is a lot of safety issues to
10 worry about and there is a lot of things that have to be
11 done to do it right.

PM4-73 12 But it also strikes me that folks seem okay with
13 getting their energy from some other country and let other
14 folks take those risks but when we talk about bringing it
15 here we are willing to use the energy but we are not willing
16 to do the hard work to figure out how to do it safely and I
17 do believe we know how to do it safely.

18 I have worked with pipelines and natural gas in
19 our manufacturing facility for 37 years. We never had an
20 accident. It is very complex you need to know your business
21 but it can be done safely. I am also -- I just want to
22 share that I live about a quarter of a mile from a
23 compressor station it is not particularly noisy it is not
24 particularly onerous. I live near some right-of-ways where
25 pipelines go and they are grassed over, it actually seems to

PM4-73 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-73
(cont'd)

1 me like the deer come out of the woods and enjoy the grass
2 in the right-of-way so in a way it compliments what we have.

3 I just want to say about Williams in our
4 community. I know a lot of farmers and a lot of folks that
5 have pipelines on their property. Williams seems to operate
6 with integrity. They have a good reputation in our
7 community and I believe they know how to do things safely.

8 I do think it is very important -- I was in the
9 military for four years, spent four years overseas. I think
10 we have a lot of young men that are overseas because we get
11 our energy overseas to protect that. If you want to talk
12 about safety take a trip down to the VA Hospital and see
13 those young men that were injured getting energy for us. So
14 I think we need to take a little risk so that we can bring
15 them home and use our own energy.

16 MS. WACHHOLDER: Thank you. The last speaker I
17 have for tonight on my list is number 35 Jennifer LaPointe.

18 MS. LAPOINTE: I'm Jennifer LaPointe and the
19 rebuttal would be that why would we want to export this
20 precious commodity that we have. Part of our economic
21 problem why we have no money and we have to shut down all
22 the arts programs is because we left all the jobs and
23 everything go to other countries for the product that is
24 being made.

PM4-74 25 If we have this wonderful thing we have to take a

PM4-74 See the responses to comments PM1-32, PM1-51, and PM1-53.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-74
(cont'd)

1 chance on poisoning our water why would we ship it out to
2 another part of the world? Why won't we use it here? Can't
3 we comprehend that? Don't we have a brain to think for the
4 big picture? Is Williams the only one that could figure
5 anything out?

6 We can't see the big picture -- connect the dots,
7 why not? We are so worried about the little teeny tiny
8 details we need to think about the big picture and the whole
9 thing and when we are using fossil fuels we are suppressing
10 the new things that are available.

11 And lots of times things are being suppressed and
12 the only way they will not be suppressed is if we demand
13 them we have to demand them. What is available? We can't
14 let them shut it down because less time we are lied to and
15 you have to go out and you have to hold them up, hold them
16 accountable point it out. That's it.

17 MS. WACHHOLDER: Thank you. Like I said I don't
18 have anyone else signed up so anyone who would like a second
19 turn I have a hard time seeing so who wants to go first, I
20 see a hand right there okay and again please re-state your
21 name. And again when you come up restate your name for the
22 court reporter or he won't have it accurate otherwise.

23 MS. BYRON: It's Joan Byron, B-y-r-o-n. A couple
PM4-75 24 of comments I have a friend who is a farmer. Williams put a
25 pipeline in his yard and two years later they have not

PM4-75

As described in section 2.3.1.10 and throughout section 4 of the EIS, Transco would conduct cleanup and restoration activities in accordance with state and municipal permit requirements, its Plan and Procedures, other project-specific plans provided in its ECP, and landowner-specific requirements. Additionally, Transco would monitor revegetation after construction to evaluate and correct areas requiring remediation.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

89

PM4-75
(cont'd)

1 restored the land and he can't run his tractor the rocks are
2 so big he can't even farm his land. He is older and has
3 contacted them time and time and time again and they do not
4 respond because you know what -- Williams doesn't respond to
5 anyone.

6 You can ask them over and over to work with you
7 and they do not. They have not worked with us. I don't
8 think we did ask any of these pipeline installers how many
9 of them have pipelines in their yard but I can tell you they
10 would refuse. The head of the watershed in Luzerne County
11 who I spoke to said, "I don't want one of these pipelines in
12 my yard."

13 I was explaining about the Kunkle wetlands being
14 compromised which he sort of knew about but felt that there
15 were only two chemicals left after 18 months and they were
16 doing a little better but he said, "I can tell you one thing
17 I don't want a pipe line in my yard."

18 We had one well put in the Greater Dallas Area,
19 it was a fracking well 10 million dollars and 2 years later
20 it is only leaking 2 of the 32 or 30 toxic chemicals left.
21 They have spent 10 million which company was that --
22 Chesapeake -- the Chesapeake Company after 2 years and 10
23 million dollars have stopped 30 of the chemicals but 2
24 chemicals are left which are a secret. No one know what
25 these chemicals are because if we give them our secret

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

1 formula they will be able to frack.

2 Well this is wrong because yes as this gentleman
3 said we humans do matter and we do count and we will have to
4 sell as Tolomello, Mrs. Tolomello is selling her home and my
5 husband and I after thinking as American citizens who have
6 yes represented our country for years for free for our
7 people all over the world are now being persecuted to a
8 point by our government and yes FERC that we will have to
9 sell our home.

PM4-76

10 And I would agree with the statements of why are
11 they working on the compressor station now? Why have they
12 ordered pipelines? I was given word by several people they
13 know they have approval and that all we are doing here is
14 just really just getting upset and growing old and miserable
15 as you pointed out, it is just devastating that we don't
16 have any rights and that Constitution means nothing and the
17 Bill of Rights is garbage.

18 MS. WACHHOLDER: Thank you.

19 MR. LOTORTO: Again my name is Alex Lotorto and I
20 didn't get a chance to really make a personal statement
21 about why I said what I said. In working with land owners
22 in Susquehanna and Wyoming County for a number of years now
23 and the economic circumstances that bring us to this point
24 include a company named Procter & Gamble. I just want to
25 tell a story about Bill Pensick who is a land owner on the

PM4-76 See the responses to comments PM1-50 and PM3-41.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

1 right-of-way, has not signed an easement, is facing eminent
2 domain.

3 He was a forester for Procter & Gamble when they
4 sourced their hard wood for their paper mill locally and he
5 was laid off because Procter & Gamble decided to outsource
6 their raw material to Southeast Asia for eucalyptus which
7 they said is more pure than our hard woods. For generations
8 and I am originally from Pike County, where Gifford Pinchot
9 is from he was the governor during the Great Depression
10 brought the Civilian Conservation Court where rural
11 communities paved roads, he was the father of American
12 forestry and conservation.

13 So we shouldn't exploit the environment more than
PM4-77 14 we can sustain over generations to come and Bill is an
15 example of a modern day forester and a practice of
16 conservation and when Williams promised that he would
17 benefit from this they were originally proposing it across a
18 field on his property.

19 This is on Station Hill Road, I don't know the
20 mile marker in Susquehanna County and then without telling
21 him after he allowed the survey, they moved the survey
22 stakes into the forested acreage and it is going to ruin --
23 it's a lot that he wanted to build the cabin on for his kids
24 for guests and things like that. It's just a real
25 heartbreak because he has worked his life -- I mean his

PM4-77 See the response to comment PM1-1.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-77
(cont'd)

1 livelihood off of caretaking the land and not exploiting it
2 and it breaks my heart because he was union and Procter &
3 Gamble and some of the workers here you know sound like they
4 had worked with him alongside.

5 You know and they are calling for him to lose his
6 property for a pipeline that he would never want in the
7 first place and I find that time and time again and I guess
8 the other example is that in Susquehanna County recently

PM4-78

9 Williams led a company called Constitution Pipeline Company
10 where they were using eminent domain to access the people's
11 properties.

12 And I watched this company take the Holland
13 family who I have been working with since 2012 advising them
14 -- to federal court for a contempt charge against their
15 eminent domain order and Judge Mannion who is an Obama
16 appointee ordered a dozen U.S. federal marshals on to their
17 property with assault rifles. Walked on to their property
18 with the tree crews while we stood and took pictures. When
19 I asked the U.S. Marshals why are you here with those guns
20 can you put them away is really the fact of the company that
21 you want to show and I said that to the Williams
22 representative too and they said this is for the safety of
23 the pipeline.

24 I said nobody here -- we are just standing here
25 taking pictures and monitoring the tree cutting, there are a

PM4-78

See the response to comment PM1-8.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

93

PM4-78
(cont'd)

1 handful of us. I was surprise to see that in my own country
2 it was on Super Tuesday and I said to myself you know these
3 land owners said everything they could within their rights
4 to oppose this pipeline.

5 They went through the courts, they came to every
6 public hearing it was like these land owners were -- and
7 democracy was alive and well in all the states voting that
8 day it was dead in Pennsylvania. And I'm tired of
9 Pennsylvanians being stepped all over by these companies
10 when they have existing pipelines to pipe their gas and move
11 it where they need to go. Haven't we given enough?

12 Why do rural Pennsylvanians -- we gave for coal,
13 we gave when we clear cut 98% of our forest and Gifford
14 Pinchot said to stop you know now we are here with gas and
15 haven't we given enough? If Washington, D.C. wants this gas
16 for their homes maybe they should you know support those
17 politicians should support off-shore wind and other
18 opportunities for themselves -- stop coming to Pennsylvania
19 and asking us to sacrifice our quality of life to benefit
20 others.

21 MS. WACHHOLDER: Thank you. Next I see you sir
22 come on up and then you will be after him, so 1 - 2.

23 MR. CANNON: Again my name is Scott Cannon. I
24 have a study here that I found online a little while ago
25 that disturbs me very much. As U.S. Russia is to build gas

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-79 1 lines, failure rates of new pipes has spiked and according
2 to this study and it is from the Pipeline Safety Trust, a
3 federal data, "New pipelines are failing at a rate on par
4 with gas transmission lines installed before 1940's."
5 According to this pipelines built in the last 10 years are
6 having higher failure rates of pipelines that were built 50
7 years ago. That's a very disturbing fact, thank you.

8 MS LAPOINTE: I guess that collateral damage can
9 be James Baker and sometimes things are so horrible that our
10 mind blocks them. We are so used to watching TV sometimes
11 we can't tell the difference anymore between reality and

PM4-80 12 fiction and the kids that are at the Dallas school that are
13 close to these large amounts of natural gas we can't even
14 comprehend.

15 As soon as you would even starting thinking of a
16 fireball over there you shut your brain down, you will not
17 think of it, that is your human brain if you have a normal
18 brain that's what you do and the risk is there and is it
19 worth it? And it is not just this year or anything like
20 that it is for a long time.

21 Like the guy said in the newspaper article that
22 got burnt on 75% of his body he is still in critical
23 condition and they might not be taking care of him. I would
24 like everybody to watch what's going on with this person,
25 keep a close eye on it because I did hear that they were

PM4-79 As stated in section 4.12.1 of the EIS, Transco would design, construct, operate, and maintain the pipeline in accordance with or in exceedance of the DOT's Minimum Safety Standards in 49 CFR 192.

PM4-80 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-80
(cont'd)

1 having fundraisers to try to help with the medical bills, or
2 whatever with the family.
3 Wouldn't you think that would be covered by
4 whoever owned that gas line? Wouldn't you think that he
5 should have no problem? What are people doing under these
6 situations you know.

7 MS. WACHHOLDER: Okay who else would like to go
8 raise your hand oh I see someone coming, come on down.

9 MR. COOK: Good evening my name is Bill Cook I
10 live in Kingston, Pennsylvania and I have enjoyed the
11 opportunity to listen to both sides of the conversation

PM4-81

12 regarding this issue. I would just pose one question in
13 general regarding the safety of the pipelines. I have to
14 wonder how comfortable the folks in California felt before
15 the recent pipeline explosion and compression station
16 explosion that has affected the environment of California
17 significantly in the last few months. The last I heard they
18 haven't even figured out how to shut that off yet.

19 This is modern technology being used in probably
20 the most legislative and environmentally aware state in our
21 nation. The rules and the laws that are in place in
22 California to protect the environment I have to think are
23 better than what we have here in Pennsylvania and when they
24 see an opportunity or situation like this occur and they
25 have no recourse and the governor says you know we just have

PM4-81 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-81
(cont'd) 1 to figure out a way to work through this, that's nice except
2 for all of the people who are being affected and the
3 environment that is being affected short-term and long-term.

PM4-82 4 I just hope that you will take into account the
5 comments that have been made this evening both for and
6 against and at the end of the day realize that you have the
7 responsibility to look beyond just the current needs and to
8 look towards the future and my hope is that you will find
9 the common sense to regulate this situation as best you can
10 and I hope that the ultimate decision is that the pipeline
11 is not approved so thank you very much.

12 MS. WACHHOLDER: Anybody else? Do I see any
13 other hands? Come on up.

14 MS. LALLY: I am going to talk about compressor
15 station 517, Dierdre Lally, I'm going to talk about
16 compressor station 517 a little more. I know you said it is
17 part of a different project. I can you know try to find the
18 DEP files and send them to you but I do feel that you are
19 probably paid more to do that than I am so it might be in
20 your best interest also.

PM4-83 21 Because it is like hours and hours of work -- but
22 there have been 42 inch pipes being trucked to that station
23 for many, many months now. Residents who are friends of
24 mine who live right next to the station who moved last month
25 moved because all during the February when there was

PM4-82 Comment noted.

PM4-83 See the response to comment PM3-41.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-83
(cont'd)

1 construction going on and the air violation having their
2 home smell like gas all the time and they had colds that
3 they couldn't kick -- when they are constructing I got
4 outside of my house and one side of my house I can't see the
5 stars anymore because of all the lights and I live in the
6 middle of nowhere.

7 So I do believe the construction is premature and
8 it is part of the Atlantic Sunrise Pipeline.

9 MS. WACHHOLDER: Okay thank you. Alright anybody
10 else? One more opportunity here before we call it a night,
11 all right going once, going twice seeing none alright. With
12 that in mind on behalf of the Federal Energy Regulatory
13 Commission I want to thank you all for coming tonight.
14 Within the FERC website www.ferc.gov there is a link called
15 the e-library if you type in the Docket Number CP15-138 you
16 can use e-library to gain access to everything on the record
17 concerning this project as well as all the filings and
18 information submitted by Transco.

19 On behalf of the Federal Energy Regulatory
20 Commission I want to thank you for coming tonight. Let the
21 record show that the Atlantic Sunrise DEIS Public Comment
22 meeting concluded at 9:50 P.M. Thank you very much.

23 (Whereupon at 9:50 p.m., the meeting was
24 adjourned.)

25

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding

4 before the FEDERAL ENERGY REGULATORY COMMISSION in the

5 Matter of:

6 Name of Proceeding:

7 ATLANTIC SUNRISE PROJECT

8

9

10

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14

15 Docket No.: CP15-138-000

16 Place: Dallas, PA

17 Date: 6/16/16

18 were held as herein appears, and that this is the original

19 transcript thereof for the file of the Federal Energy

20 Regulatory Commission, and is a full correct transcript of

21 the proceedings.

22

23

24 Larry Flowers

25 Official Reporter

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

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PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

100

1 ATLANTIC SUNRISE PROJECT
2 (DOCKET NO. CP15-138-000)
3
4 PUBLIC COMMENT MEETING ON THE
5 DRAFT ENVIRONMENTAL IMPACT STATEMENT
6 JUNE 16, 2016
7 7:00 p.m.

8
9
10 Lake Lehmon High School
11 1128 Old Road 115
12 Dallas, PA 18612
13

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17 Court Reporter B
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PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

- 1 SPEAKER LIST
- 2
- 3 DALE WILKIE
- 4 RICHARD STERN
- 5 SCOTT KUCHARSKI
- 6 DR. BARRY BERNSTEIN
- 7 WILLIAM BERNOSKI
- 8 LORRIE BERNOSKI
- 9 TOM WILLIAMS
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PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

102

1 P R O C E E D I N G S
2 COURT REPORTER WILLIAMS: Yes sir your name?
3 MR. WILKIE: My name is Dale Wilkie and I live in
4 Dallas, Pennsylvania and I have approximately an 80 acre
5 farm and the reason why I am here of course is because the
6 pipeline wants to go through my property. I was inside of
7 the meeting and I was told to come out here if you want to
8 get in and out I like that option.
9 They also said it is an Environmental Impact
10 Statement which is really what I want to talk about and I
11 know it is important it is one of the most important things
12 but there should be also an economic impact statement on the
13 land owner. And just for the record I support the gas
14 industry and the oil industry and it is obvious America
15 needs the energy, the world needs energy.
16 I also take a position of free market economics
17 and this is the problem I am having is that this pipeline is
18 not a fair market framework process it is really crony
19 capitalism we all know what that is it is the mutually
20 advantageous relationship between a business and the
21 government and the gas industry is going to take our land,
22 our land owners take advantage of us for their business and
23 the government of course is going to get their tax money out
24 of this, that's obvious what it is.
25 I applaud our neighbors to the north of us and

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

1 the countries they were very hard working people, farmers.
2 Most of them have been scratching their whole lives up there
3 and they made a lot of money up in there and good for them.
4 The gas pipelines need to make their money too it is very
5 important everybody needs to profit I see there is a bunch
6 of union people here and pipeline people and I spoke to many
7 of them and they are very nice people and they need to make
8 their money as well.

9 The government is going to get its tax profits
PM4-84 10 but here is the issue it is going to have to go through my
11 land, pay me hardly nothing, really in comparison, trinkets
12 and beads compared to what all of these other industries are
13 making and I invested a lot in my farm my whole life,
14 everything I have in that and it is going to be taken away
15 from me and that's a problem I really do think it's a
16 problem.

17 They have to transport their commodity to
18 markets, that's obvious but there is no reason why we can't
19 all work together on this. I mean I hope everyone sees the
20 insanity of this. FERC should not with the government grant
21 these pipeline companies and gas companies the right to
22 eminent domain, you threatened land owners with that. They
23 should negotiate directly with us.

24 Most people are reasonable and if they can't --
25 if a land owner doesn't want it to go through their property

PM4-84 See the response to comment PM1-1.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-S4
(cont'd)

1 re-route it, if you can't re-route it buy them out it is as
2 simple as that. And not buying out at these ridiculous
3 prices I am seeing. What they want to say what is their
4 fair market value from their appraisers, real fair market
5 value.

6 Lastly the lack of transparency you know on the
7 gas industry and FERC for that matter it seems you can't get
8 answers and it has caused unnecessary expenses and delays of
9 this project. If everyone worked honestly with each other
10 this pipeline probably would have already been built and we
11 would all be making money.

12 And you know there should be a benefit to all
13 Americans. So do you want me to run this project I can get
14 it done in a year for you. That's my last statement, I just
15 threw that in, that's all I have to say.

16 Okay Dale Wilkie is still on record here. I
17 forgot one important thing from my farm I can see the
18 pipeline the Chief had put in and they did it pretty rapidly
19 they didn't have the power of eminent domain, they worked
20 with the land owners and it seemed to work very well. That
21 is what we should be doing right now is just don't threaten
22 it just gets so much bad blood and bad taste with people.
23 You can negotiate these things and that's really all I have
24 to say, that's it.

25 I mean how does that pipeline get on and we can't

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-84
(cont'd)

1 get this pipeline to be easy. I mean I don't understand why
2 there is so much resistance and problems with this and
3 really it gets to these land men that come in and it really
4 -- I mean I have been through a whole --

5 COURT REPORTER WILLIAMS: Your name?

6 MR. STERN: Richard Stern, S-t-e-r-n and I am
7 with the Teamster's National Pipeline Labor Management
8 Cooperation Trust or LMCT. I wanted to reiterate something
9 about the people working. There's a misnomer especially
10 with the anti-pipeline people who keep saying that they
11 bring in all outsiders and that might be true if they do the
12 work non-union but Williams has promised that this job will
13 be 100% union and our collective bargaining agreements
14 stipulates at least half the people have to be from the
15 local union, at least half.

16 So that's not correct what they say. What they
17 do they see the license plates of the equipment and a lot of
18 the contractors are domiciled in other states and they are
19 bringing their equipment here but it is who is driving and
20 operating the equipment is what matters and it is local
21 people and I have a steward report that our stewards give us
22 and there's a job here by Contractors Rentals, out of 9
23 people 8 are local Pennsylvania people so I just wanted to
24 bring that up again.

PM4-85

25 Now the other issue is the anti-pipeline people

PM4-85 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-85
(cont'd)

1 have been bringing up about the pipe coming from Turkey and
2 that is true and that was brought about by the Steelworker's
3 representative because he wanted this pipe to be built in a
4 U.S. Steelworker's Representative steel mill and we support
5 that.

6 We would rather have it done by a union brother
7 than sent from Turkey. However, I have been in this
8 business 32 years not once has the Steelworkers ever come to
9 me or any other unions and asked us for our help in getting
10 the pipe done at one of their mills. And if they would have
11 came to us at any time we would have tried to help them and
12 assist them in any way possible because we support that.

13 The other thing is we get these reports on jobs.
14 You can't ask two three weeks before the job that you want
15 union pipe because there is a long lead period so this
16 project here is by Dunberry Resources and it is in another
17 state that is going to be in Colorado but they have lead
18 time. The job is not going to kick off until June of 2021
19 so you have basically a five year lead time, now is the time
20 for them to get involved to try to get the pipe made
21 domestically with one of their mills and they should invest
22 in this data base it is a little over \$10,000 a year and it
23 follows all of the pipeline work from the planning stages
24 from the very beginning all through until it is completed.

25 The other thing is the lead time on the

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

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PM4-85
(cont'd)

1 manufacturing of and the quantity of pipe for the Williams
2 job is enormous and it has got to be milled long before they
3 even get FERC approval because once you get FERC approval on
4 the permits they want you to start.

5 So they have to put out the money in advance and
6 a long time to order the pipe. Orders like this have to be
7 placed well in advance of a year or more. There are only
8 about four mills in the U.S. capable of producing an order
9 of this size. Again, our preference is domestic and
10 union-made pipe.

11 Unfortunately the union mills couldn't handle it
12 they have such a back log. There's a lot of pipeline going
13 on in this country especially in Texas so the mills are
14 really booked up with back log and they couldn't accommodate
15 Williams at that time. So that's why a lot of it is coming
16 overseas but a lot of the work on the pipe is so it can be
17 domestically done, the coating and so forth I believe will
18 be done domestically.

19 So again Williams I think did all they can and
20 the Steelworkers should do -- ask for our help in advance,
21 get a data base if you want so you have lead time and I
22 appreciate the opportunity to give my view thank you.

23 COURT REPORTER WILLIAMS: Your name?

24 MR. KUCHARSKI: Scott Kucharski,
25 K-u-c-h-a-r-s-k-i and I am President and Business Agent of

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-86

1 Teamster's Local 401 in Wilkes-Barre, Pennsylvania and I
2 would like to take this opportunity to affirm my support for
3 the construction of the Atlantic Sunrise Project. This
4 project is projected to drive more than 1.6 billion in
5 regional economic activity.

6 It will directly employ approximately 2300 people
7 during the construction phase. I feel this is an incredible
8 opportunity for the state and our Teamster members who live
9 in the areas where the project will be built. To that point
10 I would like to clarify a myth that most if not all of the
11 workers on these projects are from out-of-state and bring
12 nothing to the local economy and have no regard for the
13 local environment.

14 This is simply not true. As union members the
15 National Pipeline Agreement guarantees at least 50% of all
16 employees will be local hands. On many larger jobs the
17 number in favor of local hands are much greater than the
18 50%. In addition most sub-contractors used are usually the
19 local union-recommended companies that have signed on to the
20 National Pipeline Agreement.

21 Detractors will often point to out of state
22 license plates on equipment and assume that drivers and
23 operators are from in fact other states. This is also a
24 myth in that although the company brings equipment from and
25 registers vehicles in its home state, at least half of the

PM4-86

Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-86
(cont'd)

1 drivers and operators are guaranteed contractually to be
2 local residents.

3 The jobs created by this project will pay high
4 wages, offer ample overtime opportunities and provide high
5 quality health insurance to all employees. Workers, both
6 local and travelers will spend a good portion of those wages
7 in the local businesses in the area of the project --
8 businesses such as restaurants, grocery stores, hotels and
9 construction suppliers to name a few will directly benefit
10 economically.

11 Union workers are highly trained in their
12 respective fields. The IBT provides ongoing training
13 courses and certifications throughout the year to ensure the
14 highest trained safest employees of the industry. Many
15 local union employees who I represent have worked in
16 construction in the pipeline industry in excess of 20 years
17 and since they are local residents they have a vested
18 interest in being as safe and economically conscious as
19 possible since they will be living here long after the
20 project is complete and that's all I have.

21 I would like to thank everyone for the
22 opportunity to express my thoughts.

23 COURT REPORTER WILLIAMS: Your name?

24 MR. BERNSTEIN: Dr. Barry Bernstein of 63 I Town
25 Road and this is in Dallas, Pennsylvania 18612. I am a

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

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1 land owner.

2 COURT REPORTER WILLIAMS: Barry I want to make
3 sure that I know how you spell your name.

4 MR. BERNSTEIN: Oh I do apologize, B-a-r-r-y
5 B-e-r-n-s-t-e-i-n, like the conductor. So I think I split
6 the difference when I was first approached the comments from
7 the land people were actually one of the most friendly nice
8 people to the people, the man. I looked at him working and
9 exhibiting of course a function of employment and we spoke
10 to that actually they said we are the friendliest people in
11 the whole line.

12 A couple of months ago the tide changed. They
13 have never responded, they kept on telling me the check is
14 in the mail and stuff -- not figuratively the check but the
15 response of the lawyers getting back to us. We were just
16 asking what are you guys going to do and from the get-go I
17 asked him for one thing -- it's fair and equal.

PM4-87 18 I don't want the pipeline through my property.
19 Why? No one can say it is not going to affect our land and
20 no one is going to say that it is not going to limit my
21 ability to use the land as an investment. Nobody buys a
22 large property land if you are not considering it as an
23 investment or possible investment.

24 I am a physican, I'm a surgeon I lose my hands
25 I'm worthless, there's not much you can do with what I do

PM4-87 See the response to comment PM1-1.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-57
(cont'd)

1 and the problem comes in we don't know what's going to
2 happen. My uncle died and I inherited property. The
3 property has been in our family since the early 1800's. Our
4 family we exist back to the Wyoming Massacre and we are sons
5 of the Revolution. Since then we have pretty much
6 contributed to almost every military conflict.

7 We have always been an acting kind of person. My
8 first beer was I think when I was in my third year of
9 medical school. I'm not the most cool guy but I'm a very
10 compliant, nerdy type guy and I'm very in to the environment
11 and stuff. I'm not like what you would say a tree hugger
12 type but I really do appreciate it.

13 So I split the difference because I understand
14 commerce. Man I would love to see every one of those guys
15 employed there. I would love to see them shitting excuse my
16 profanity three times the amount of money but this is my
17 home and there might be a ton of them in there and only a
18 few of us land owners left.

19 Because this is what is going on is tons of the
20 land owners have been paid off with small property, 100 foot
21 variance et cetera like this and they were giving us a
22 litany of different reasons why land should be considered
23 different as the comment is apples and oranges.

24 All someone has to do is walk on our property and
25 the two neighbors that actually are sandwiched between a

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-87
(cont'd)

1 section of my land and look at my land. And there is no way
2 unless you are plausibly drink all of Kool-Aid possible to
3 see that there is a comparison of the equitable wealth of
4 the property hence they are sandwiched between a section of
5 my land. We have taken care to maintain this land for a
6 long time. It means a lot. My uncle died, he was like a
7 father growing up, he taught me how to shoot, hunt, wood
8 work, metal work, just all the crazy things you could
9 imagine.

10 My grandmother existed before that and she was
11 there when I was a kid. We spent every summer there. We
12 were very sort of clean cut my dad is an accountant so you
13 can't get more boring and clean cut than that. He had a
14 large firm of about I think 62 people he employed and he
15 never had a lawsuit. Myself, amazingly enough I just
16 actually won an award for the 98% of physicians of my
17 specialty in the whole country.

18 I am not a bad guy, pretty boring -- I think my
19 most radical thing is when I decide to use wet flies or
20 streamers rather than dry flies you know. But we are
21 actually very clean cut people, we are very pro-American and
22 patriotic and I get the thing, definitely.

23 Everybody's job every FERC and everybody else has
24 a job via this thing but don't let them railroad the very
25 few of us left and what they are doing and they have

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-87
(cont'd)

1 announced and they have actually been bragging about this to
2 us in front of my lawyer and everything that they are going
3 to railroad me, they have been saying it for months, they
4 have been saying it actually for a year.

5 And again I was considered one of the friendliest
6 people to these people coming in asking them to come down
7 and sit down, being away from home down south and have a
8 beer in the back lawn and hunt some wood chucks and hang out
9 because I feel like these guys were away alone.

10 There are other things I did for some of the guys
11 that went way above just to be a friendly nice guy. But
12 when I actually found out where we are at here is that they
13 have actually bragged that they are going to get FERC and
14 basically railroad what we are going to be given for our par
15 value. This isn't so much about money. I'm a weird guy. I
16 just like respect and I know that doesn't mean anything
17 anymore and obviously I see how things are going politically
18 as well as this venue in here. It is all these paid people
19 who are all making money via this project.

20 But lowly me the only people who are sacrificing
21 in this project is the land owner because there are very few
22 of us left. All of the small properties were given a large
23 good solvent amounts and they actually are red bagged, they
24 get them cheap and they give them out in large amounts to
25 get the numbers out so they can appeal to FERC to give them

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-57
(cont'd)

1 the numbers to give them legitimacy about everybody
2 accepting this pipeline.
3 They have actually directly stated that what they
4 are going to do with the larger land owners and most of the
5 people left are larger land owners they have substantial
6 nicer properties. And of course they don't want to pay for
7 that so what they are going to do is take it, get eminent
8 domain, take the properties and they have directly said
9 this, "They have this bogus amounts of monies from these
10 guys and my dad just researched the three properties around
11 me and said what the equitable wealth of my property is on
12 just the sales of the other properties, weren't even close
13 to my property they are three of those properties that equal
14 mine, I am 100 plus acres.
15 And their guy from Texas they never sent us to
16 tell us they were going to arrive to do an assessment on our
17 property and it was hundreds of thousands, well away from
18 what they gave to our property. They are offering me almost
19 \$5,000 less than a guy who has 100 feet of property. I'm
20 around 2100 linear feet let along the full width plus they
21 are taking about a 30 acre field for storage as well.
22 And they are saying that I am equal to that
23 amount and that it is apples and oranges we can't consider
24 the properties next to them as an equivalent base value for
25 our property. And it sounds greedy and money and that's why

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

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PM4-87
(cont'd)

1 my dad told me not to speak because he says they will think
2 it sounds like money.

3 I understand the project and I understand there
4 are good Americans in there and they want money but we are a
5 minority and we are not being represented. We are getting
6 railroaded because everybody else took cash. All the guys
7 that were land owners that said it was great well of course
8 they are getting paid. These guys give them a little side
9 contract, made their business profitable because like they
10 actually offered -- I know they offered I just had two guys
11 call me -- they have offered monies as well as them to speak
12 to say how much they like it if they sign off on it, will
13 you speak for us and say how great we are.

14 But there is a lot more underhanded stuff. I
15 could actually say things but I just don't want to screw
16 somebody but offers to go along with a project and it is
17 just not right and the railroading, the use of FERC as a
18 tool against us to railroad us and say we are going to take
19 you to court and ram more money -- and the comment is all
20 you are going to go to is lawyers and spend a ton of money,
21 we are going to give you the amount anyway you are going to
22 get FERC to condemn your property, all you are going to do
23 is waste money and this is the threat.

24 I thought we are in a capitalist society all of
25 those union guys all those guys get to bid in numbers and

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-8
(cont'd)

1 bid for the numbers and fight for their numbers like this.
2 I have nobody. I have to buy an attorney I am at 15 to
3 20,000 dollars in lawyer fees right now okay and they are
4 not going to remunerate me but I didn't ask for this attack.
5 I didn't have to ask and if I didn't go to a lawyer I'd be a
6 God-damn moron and they have not addressed certain issues, I
7 have not seen any representation of what they are going to
8 do with the streams.
9 I am actually very cognizant of the environment.
10 I'm not an average person. I'm a complete nerd, I'm really
11 an environment -- I mean ask me I can bore anybody believe
12 me I am not the most entertaining person in the world unless
13 you are a complete bio-nerd you know. But I mean I love the
14 environment. I love the property.
15 My grandmother -- she taught me to paint there,
16 my great grandmother we go back to the early 1800's and it
17 is not like I'm a greedy guy -- I'm not against the idea of
18 for the people but what I have understood is that this gas
19 is actually not really going for the community. I have
20 heard rumors that it is going outside of the country and
21 everything so the greater good I really fail to see that,
22 you know.
23 Helping these other guys have jobs our neighbors
24 upstream, my uncle gave land because somebody screwed up on
25 the development of the property and they couldn't pump fuel

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-87
(cont'd)

1 upstream or next to the stream fuel -- septic lines so he
2 gave up property to them because basically somebody really
3 did a crap job on the development made everything too close
4 together.

5 Right now the cemetery found out that a big
6 section had a bunch of indigent poor people buried in these
7 areas that they were selling off as lots. They dug down
8 they knew they were there now this thing is going to be
9 bankrupt so that they can reclaim that land and so I am
10 donating a couple of acres. I'm not a greedy guy but what
11 is insulting isn't so much the money -- I actually do well.

12 I'm not a very flashy person so I don't need a
13 ton of money but when you are railroaded and threatened and
14 pushed and you are told that you are going to get a lesser
15 amount it is really with me and I get mocked because I guess
16 people think I'm stupid because what bothers me is that I
17 can get railroaded from the government, being used as a tool
18 against me.

19 To have that jammed down my through it is out of
20 honor, it is really important. I mean 39 years of martial
21 arts, I'm not just a standard type, a quite intense school
22 honor is a very important thing to me and it is really
23 irritating and it is very disturbing about this thing.

24 I see the photos where the guys with the AR15's
25 with that place up in the maple syrup plant this is my

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-S7
(cont'd)

1 freaking home. And if it has to come to that I find offense
2 and a very large conflict of a guy who is a very quiet,
3 nerdy, pretty boring damn guy but I comply, I've never had a
4 speeding ticket in my whole life and this is how boring I
5 am.

6 You probably want to slap a beer in my mouth and
7 have me go out drinking and loosen me up but the truth is I
8 believe in following the law so I am conflicted where I am a
9 very law-abiding person and I am getting housed and bullied.

10 And PERC just says hey give them the same
11 equivalent but of course they are going to re-evaluate the
12 lands but say listen you know, treat them fairly. Not use
13 this game, we can't even see what the other people are
14 getting for the land. Nobody knows everything is mysterious
15 they are using it as a tool.

16 So if we are going to have a federal agency,
17 anoint them this power there is nothing on our end to
18 restrict their bully-ism and what they are able to use the
19 strict capitalist and business tool against it. I see a
20 conflict there it doesn't make sense you know and that's the
21 problem.

22 Getting bullied is a very disturbing thing.
23 Being a very clean cut person and standing by this is the
24 difficulty. My parents gave me this land, I inherited it, I
25 didn't even have 8 months I didn't even unpack my underwear

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-8
(cont'd)

1 okay and then they were telling us that the par value of --
2 par value of the land okay and they indicated well you are
3 doing this and this with the land so it is only worth this
4 much.

5 I didn't even unpack my underwear before I even
6 had a chance to know where it was going to land and they are
7 on my doorstep saying we are going to do this project. You
8 know besides an investment in your land you don't know what
9 you are going to do with it but now we are going to have a
10 complete restriction on my land.

11 I didn't even have a chance to know what to do,
12 my uncle died of cancer -- people came in and robbed our
13 property before I even had the chance to get in there and
14 smash our property. No one did anything, I took over the
15 property, I am battling other entity problems all around my
16 perimeter of large building and things that are going to
17 endanger and damage the watershed and it found a few out.

18 I have been overwhelmed, I feel bullied and I am
19 angry but it is difficult for somebody who is really a
20 boring, clean cut guy to get angry. And what do you do,
21 hire a lawyer spend a ton of money, basically they say they
22 are not going to remunerate you even when you are settled
23 because I didn't have to go to a lawyer but what did I do.

24 Because I am attacked, it is nothing I asked for
25 to jam this down but I am not supposed to hire an attorney

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

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PM4-87
(cont'd)

1 and I am supposed to eat it this is just ridiculous. It's a
2 bullying. It's really hard for me to understand. I would
3 never do this to someone. I'm boring so I probably should
4 be more exciting I probably should screw more people and
5 play the game, I'm not that good at it and unfortunately
6 people like me are going to get hurt in this and I am
7 probably going to lose my faith in America and I know this
8 sounds like nothing and I'm a nobody but this is where I am
9 at and it's a very big conflict.

10 If you knew were our heritage goes, John Captain
11 Deitrich Hewitt fighting a massacre. My mom's maiden name
12 was Hewitt that's how far we go back and pre that as well.
13 To have one of our family members have a very break of faith
14 and what we feel about this is a significant thing for our
15 family.

16 Most people think it's nothing. Most people
17 don't even care about paying taxes and would screw the
18 government. My dad they just walk by, makes me pay probably
19 more than my share in taxes because he never wanted us to
20 ever be caught doing anything wrong. You are taking an
21 American that is very faithful and it is being broken right
22 now. I don't feel well about this and I don't know if this
23 matters and I do apologize for wasting your guys times but
24 we are outnumbered in there.

25 They paid off all the small properties, the

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-87
(cont'd)

1 majority of the people are stacked against us and they are
2 going to take the big properties and railroad us it is a
3 very slick game so maybe they are good and they are going to
4 win and they are better than me obviously. I don't have the
5 resources to beat them.

6 My wife and I are just trying to save up for
7 infertility so we can go in vitro because we have been
8 trying. We are in our 40's and we are people with limited
9 resources against a big company and huge people with large
10 numbers of money. They are all for them and why because
11 they are making a ton of money. The only people that are
12 sacrificing is us.

13 Everybody else is making money on this so of
14 course they are for it, holy hell you know. I would like to
15 see somebody not making money up there that is actually for
16 the project and tell me if you see that you know, so.

17 I apologize for wasting your time and it's a
18 minority we are going to lose and I know what they are going
19 to do. I know what my lawyer is going to eventually tell me
20 and that's where it is at. It is not about money so much
21 for me it is very difficult to be -- and you know where the
22 money is going to go if I do get anything try to work on
23 this restoration I'm working with a consulting group I'm
24 trying to get what used to be native brown trout that's a
25 brook trout that were down there.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-S7
(cont'd)

1 My grandmother had pictures in the back of her
2 old Scottish bible that's originally from Scotland
3 pre-revolution. To everybody else normal bible, even if
4 they have pictures in there like this we have five fishing
5 people and my grandmother with her skirt where the hem clips
6 up catching brook trout in the back of there. That's what I
7 want to do if they are going to dirty up half of my property
8 then the other section that was salvaged actually that is
9 what was my dream so it wasn't like I am just going to go
10 spend it.

11 I'm a very conservative guy. I get a new
12 woodworking tool I get all excited so I am not like the
13 typical doctor that you see. I'm driving a 1989 old truck
14 out there and I restored it because I actually like
15 restoring trucks. I'm not this snooty-floitty doctor you
16 typically see. I am actually very against that type of life
17 and I give a lot of charity more than people realize.

18 So you are probably not looking at the typical
19 means of why and what. I truly want to see this -- I am
20 taking care of this property for the next couple of
21 generations and to see it just repetitively scarred -- the
22 tree line that it is actually going through was actually
23 planted to have a varied color change of multiple different
24 trees, a lot of them are older like this and now I am going
25 to look at this giant patch through it you know and

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-87
(cont'd)

1 permanent just scarred for its life because you can't
2 rebuild like this.

3 And if anybody went out to our property to take a
4 look a lot of it was deliberately done that was for my
5 great-grandfather for hunting reasons, everything that was
6 planted was for a reason and this is going to be a permanent
7 swath.

8 You know and I'm not against it I would love to
9 see these guys employed. I would like to see everybody just
10 doing well hell yeah and infrastructure of the United States
11 if somebody endangered us I would die for the United States
12 although right now I am questioning because I feel like a
13 fool, that's what I feel like. I feel like I have been
14 taken advantage of I feel like a fool.

15 It's difficult for me you know, it's not the
16 money screw the money just treat me with respect and that's
17 the problem. I don't do well getting railroaded it's a
18 really difficult thing. And that land means a little more
19 than people realize it goes back a long way you know.

20 So whatever you guys can do at least maybe
21 control them but a mandate against them and say fine let it
22 go through and employ those guys have them a good life it is
23 better for the economy great, I have nothing against that.
24 I'm probably more of a unique guy straddling both sides but
25 put a mandate you cannot use it against them for the money

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-87
(cont'd)

1 and using it as a bully tool and that is what they are
2 doing. They are laughing about using you guys as a tool,
3 I'd be insulted. I'd be pissed if I were you guys and it
4 has been directly said in multiple ways in front of my
5 attorney, myself on multiple occasions and that I can't
6 believe you guys would stand for it.

7 I think to best honest I think you guys would be
8 pissed and I am sure my attorney could qualify those
9 statements you know but I'm sure he is also going to bill me
10 so he is actually sitting today in the audience so I will
11 tell my wife we will have to forego a baby for another
12 couple of months so that's it, I'm sorry for wasting your
13 time.

14 COURT REPORTER WILLIAMS: Alright.

15 MR. BERNOSKI: William Bernoski, B-e-r-n-o-s-k-i.

16 MS. BERNOSKI: Lorrie, L-o-r-r-i-e Bernoski,
17 B-e-r-n-o-s-k-i. Well we would lie to start by saying that

PM4-88

18 we are not totally against the pipeline. We are for the
19 energy in the future however as it pertains to the pipeline
20 going directly through our property we are opposed to that.
21 We never wanted it, we still don't want it, we don't want it
22 in the future, we have tried to work with the land man.
23 Williams' people are strong-arming us and we don't
24 appreciate that. We just want to do anything to get the
25 pipeline off of our property.

PM4-88

See the response to comment PM1-1.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-88
(cont'd)

1 We don't care where it goes if it has to be here
2 that's fine, for everyone's future but we don't want to have
3 anybody lose their jobs, we want people to obtain jobs in
4 the future but we want something in the future too. We have
5 a child who is 30 years-old going to be getting married,
6 starting a family.

7 We only have 12.64 acres -- Williams is proposing
8 to take 20% of that and the money is -- we can't put a price
9 on our lives if there is a problem, a fault with the
10 pipeline. Paying the taxes as you know all of the pros and
11 cons and I see nothing but cons because it pertains to my
12 property.

13 We never asked for this. We saved our money all
14 of our life to get this little bit of heaven that we live at
15 right now. I thought that we were going to turn it over
16 generation to generation this is our haven and we are not
17 going to be able to even afford it. We have to get
18 attorneys because we are going all the way -- so I don't
19 know where we are going to come up with finances, the
20 burden, the stress that this has caused us the past couple
21 of years.

22 I mean I could just go -- everything is negative
23 for us. Other people in our neighborhood might be for it.
24 A contractor is our neighbor he has 100 feet of the
25 pipeline, he wants it because it is his job. He wants the

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-88 (cont'd) 1 money that the pipeline is going to pay him but the pipeline
2 is 150 feet from my home. How am I going to sleep at night
3 if something happens.

4 MR. BERNOSKI: And that's scary.

5 MS. BERNOSKI: It's very scary.

6 MR. BERNOSKI: After just what happened in the
7 last year with the two pipelines in Pittsburgh and Muncy and
8 not to say they are going to be taking about 200 trees plus
9 down, exposing our whole property.

PM4-89 10 MS. BERNOSKI: Yes I didn't get into that the
11 privacy. I -- we were raised very private people. We don't
12 talk about our finances to other people, we don't talk about
13 what we have, what we don't have, we found this property and
14 we put our house right in the middle of the 12.64 acres
15 because we like the privacy. We don't want anybody to come
16 and see us.

17 The pipeline will be going through directly in
18 front of the front porch length or width of 150 feet and
19 taking down all of the trees exposing us to everybody
20 underneath us, anybody driving up and down the road will now
21 see us.

22 MR. BERNOSKI: There's only 43 feet of a boundary
23 of trees between our neighbor and I, 43 feet.

PM4-90 24 MS. BERNOSKI: Another issue that we have is a
25 sand mount. I'm sure you know what a sand mount is the

PM4-89 Comment noted.

PM4-90 See the response to comment PM1-61.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-90
(cont'd)

1 elevated -- okay we have a how many gallon?

2 MR. BERNOSKI: Well we have 1,000 gallon tank
3 down there.

4 MS. BERNOSKI: The pipe proposed is going about
5 20 feet from that sand bound.

6 MR. BERNOSKI: And around it.

7 MS. BERNOSKI: And around it. Now if something
8 faults on that, now we paid \$15,000 to put this in and we
9 had it inspected and we did it the right way. If something
10 faults on this and we are on a 70% grade my neighbor has a
11 pond, anything is going to go right into his pond from our
12 sand mound. I don't want to be liable for that. I didn't
13 ask for this.

14 We just want to be left alone. We just want to
15 work all day, go home and sit on our porch and be by
16 ourselves. Now when people were trying to come and do
17 surveys again I'm in my yard, I'm thinking that I am all
18 alone in the middle of these woods, I'm playing with the
19 pond, I'm doing yard work and there's people walking through
20 my property. I don't want that. I don't want anybody
21 bothering us.

PM4-91

22 MR. BERNOSKI: Right but now getting back to the
23 survey the land man came to our home when I was at work and
24 told her that they were going to do a one shot deal from a
25 satellite survey, nobody would be coming on our property.

PM4-91 See the response to comment PM1-1.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

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PM4-91
(cont'd) 1 Well she came them authorization to do it and they were
2 there every week, every week until we had to seize it. We
3 filled out a paper saying that you know we don't want
4 anybody up there anymore.
5 MS. BERNOSKI: And that's when I said they
6 strong-armed us. The man came into the driveway and he told
7 us right out that we don't have enough money to fight
8 Williams because they have bigger and better lawyers than we
9 could ever get. So they, they were two, they more or less
10 called us country bumpkins, we are uneducated and we don't
11 have money and this insults us.

PM4-92 12 MR. BERNOSKI: And again we are not against this
13 project just like my wife said in the beginning. All we are
14 asking and we have been asking since March of '15 is if they
15 can try to go around us, move the pipeline away from us I
16 don't want it down 150 feet from my home. I want to be able
17 to sleep at night. In our home -- we are in our 50's our
18 home is our investment for our retirement. What is our home
PM4-93 19 going to be worth? Will anybody want to buy it?
20 You know right now it is worth a fortune the way
21 it is set up. I wouldn't want to buy it you know and
22 honestly to me it seems like -- and my wife talked about
23 this they wanted to do the bat studies, they wanted to do
24 the artifact -- Indian artifact studies, you know, they
25 wanted to do the deciduous plants, they are not worried

PM4-92 Comment noted. The proposed pipeline is sited along the eastern property boundary of the Bernoski tract. Moving the pipeline alignment off of the Bernoski property would transfer impacts to neighboring residential properties. In general, shifting impacts from one landowner to another is not, in and of itself, a justified reason for rerouting a pipeline.

PM4-93 See the response to comment PM1-116.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-94

1 about our life, they are not worried about like if there is
2 an explosion do you know what I mean? I know they are
3 saying in there that it is safe and it probably is but like
4 that lady says there are probably two people -- who are the
5 next two people that are going to die. I mean that's scary.

6 To us that's scary a 32 inch pipeline with I
7 don't know how many cubic billions or millions of natural
8 gas going through there it's just not right that they could
9 do this to people like us you know. Like she said my
10 daughter she would want to maybe build a house up there we
11 have enough land, and is not going to be able to now ever.
12 I don't know it's just not right. We don't think it's right
13 and again all we are asking is just to move the project
14 somewhere else there has to be another way around you know.

15 Like that lady down there she's saying 500 feet
16 she is away from it, we are 150 my God we don't stand a
17 chance you know and then my wife shows me on the satellite
18 when she comes home because I'm not a computer guy and she
19 shows me what is the fire zone.

20 MS. BERNOSKI: Hazard zone.

21 MR. BERNOSKI: The hazard zone, our house is
22 right smack in the middle of it.

23 MS. BERNOSKI: Our house will be gone.

24 MR. BERNOSKI: Who is going to want to buy it you
25 know, it is just ruining our life, it really is and all the

PM4-94 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

1 money in the world doesn't matter because we just don't want
2 it. The trees are irreplaceable you know. We looked, like
3 she said, we looked for this piece of property -- we owned a
4 house about 20 miles away for 17 years we were there and we
5 looked for a little piece of land like she said a little
6 piece of heaven you know for us to build a house some day
7 you know our dream home and we finally found land which we
8 got lucky and we built a house in the middle of it and
9 everything worked out perfect and now we are dealing with
10 this at this point in our life you know.

PM4-95 11 It's done to us -- we are always fighting it's
12 terrible, it is just a terrible situation and all we are
13 asking for is if they would reconsider moving it somewhere,
14 there's lots of fields out there by us.

15 MS. BERNOSKI: I've written letters, I am on the
16 e-website on the e-file. I read those every day. I don't
17 know how much of an impact that's going to have with the
18 decision on canned letters that people are sending in that
19 are for it versus individuals who are opposed who have to
20 take time out of their work schedule and their family life
21 to write a letter.

22 And on another subject with that EIS what is it
23 the Environmental -- I haven't had time to get a tenth
PM4-96 24 through it. I tried to get to the section where Wyoming
25 County where we are. I don't know how true that report is

PM4-95 See the response to comment PM4-92.

PM4-96 As described in section 4.7.2.2 of the EIS, roost locations were approximated in areas where survey access had not been obtained.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

131

PM4-96
(cont'd) 1 unless I'm reading it wrong. It is showing that there was a
2 bat study done on our property right around our -- and I
3 know that we wouldn't let anybody in so unless I'm reading
4 the map wrong but it clearly has a picture of bats.

5 MR. BERNOSKI: Also one thing that our neighbor
PM4-97 6 is very concerned about is like Lorrie said our property is
7 at a 70% grade from our sand mound to the edge of our
8 property there's the 43 feet that they want to leave the
9 trees and then they are well beyond the sand mound and they
10 are going around it because they supposedly need room to
11 work.

12 And he has a pond a nice size 1 acre pond down
13 there a beautiful pond that is just naturally fed from our
14 property and he is concerned about that being damaged you
15 know who is going to be responsible.

16 MS. BERNOSKI: So the spring is on our property
17 feed our neighbor's one acre pond. If the pipeline goes
18 where it is proposed right now on our property the spring
19 will definitely be affected and Williams told us that they
20 will fix it. I don't know how I'm not an environmental but
21 --

22 MR. BERNOSKI: And they have attempted several
23 times to try to contact us to give them permission to go
24 back in there and survey that because they want to bring
25 maybe several engineers, whoever because in my mind or in

PM4-97

As described in section 4.2.2.1 of the EIS, Transco would implement the measures specified in its Plan and Procedures to avoid or minimize the effects of soil erosion and sedimentation. As outlined in the Plan and Procedures, Transco would have an environmental inspector monitoring all phases of construction to ensure project plans are followed and would use erosion control devices and construction practices to minimize erosion during and after construction. At the end of construction, Transco would return surface contours and drainage patterns to as close to original conditions as practicable and would reestablish vegetation as soon as possible following final grading. Transco would inspect the right-of-way and maintain erosion and sediment controls as necessary until final stabilization is achieved. Once revegetation is satisfactory, temporary erosion control measures would be removed. Significant soil erosion is not expected during construction or operation of the Project. Also see the response to comment PM1-61.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-97
(cont'd) 1 our mind they are not sure about it now because of how tight
2 it is between the sand mound and his pond and we haven't
3 given him any permission to come back.

PM4-98 4 MS. BERNOSKI: Even the trees -- Williams says
5 you know we can sell the trees. We cleared one acre of our
6 property of trees for our home, ourselves. I learned how to
7 work a chain saw with him and cut down trees every single
8 day after work, every Saturday he was at work and I was up
9 there by myself clearing this property. If we wanted more
10 trees down to sell the trees we would have done it but we
11 don't want it.

12 We left them all virgin woods for our privacy and
13 now they just want to -- again we just have to keep
14 stressing privacy, the amount of money that they want to pay
15 us, there's no paycheck that is going to make us satisfied.
16 We didn't ask for it, we will never be for it.

17 MR. BERNOSKI: Those trees to like when we first
18 bought the land most of those trees it was infested with
19 like grapevines and this and that and I spent literally
20 hours and hours every single summer just going through them
21 and cutting grapevines so that the trees wouldn't die, hours
22 and I can't tell you how much time that I have invested in
23 doing that and to try to save them and now they are just
24 going to go anyway it just breaks our heart you know, it
25 really does.

PM4-98 Comment noted.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-98
(cont'd)

1 MS. BERNOSKI: They say they will replant we will
2 never see a 100 foot tree in our lifetime. They could
3 replant all they want and that privacy is never going to
4 come back. We just had the Emerald Ash Board come through
5 and we had to pay to take a couple of dangerous trees down.
6 We didn't want to do it, we left them around the house on
7 purpose when we built the home.

8 And we had to pick and choose these only because
9 they were infected. We don't want any more down.

10 MR. BERNOSKI: And we are trying to save the
11 trees because we have a lot of ash around our house and we
12 are trying to save the ones there even though it is probably
13 an exercise in futility but we are trying. That's how much
14 we like the trees.

15 MS. BERNOSKI: So I hope we hit everything. I
16 hope that you know our concerns are valid for FERC to take
17 into consideration our plea.

PM4-99

18 MR. BERNOSKI: Again like Lorrie said they are
19 just trying to strong-arm the land owners they really are
20 and it is really not right because they are doing a good job
21 of it. You know the guy that came to our house, the land
22 man was an older guy you know she will tell you what I would
23 have done to him in my kitchen because it is terrible how he
24 treated me and disrespected me in my home and told me what
25 they are going to do regardless of what we decide. We have

PM4-99 See the response to comment PM1-1.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-99
(cont'd)

1 no decision and basically they are saying, "You take this
2 money".

3 Okay actually by today's date or you are going to
4 get this amount, you are hardly going to get anything and
5 again there is not enough money to buy us out of that we
6 just don't want it. That's not what we saved our money for
7 you know to do this you know this is our dream and they are
8 trying to take it away from us and it is honestly making us
9 mad.

10 It is making me so mad it is stressing me right
11 out that you know that they should be allowed to do that to
12 us as a land owner. I'm a taxpayer this is my property you
13 know and for them to just come in and take it, it is just
14 not right and it is not right.

15 Thank you for your time, those are our concerns and like I
16 said we are very concerned and like I said my wife is always
17 after me to come to the meetings and then I never really
18 want to come to the meetings because I think the meetings
19 are a waste of time okay because I feel in my mind that the
20 decision was already made and you know we are trying to make
21 a difference and here I am but hopefully it will have some
22 kind of an impact.

23 Like I said if they could just find another way
24 around this, that's all -- we've tried to even get some
25 people you know everybody is against it up around us but

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-99
(cont'd)

1 trying to get people to come out and support the cause you
2 know like with the group that we used to go to every month
3 up in Tunkhannock you just can't get people to come and
4 support it because of like their work schedules or whatever
5 you know, so. Thank you so much.

6 MS. BERNOSKI: Thank you.

7 COURT REPORTER WILLIAMS: Alright you can start
8 your name please.

9 MR. WILLIAMS: My name is Tom Williams. I have
10 property in Dallas Township it's approximately 1200 linear
11 feet of pipeline. I am not opposed to a pipeline I grew up

PM4-100

12 with a pipeline in my back yard. I don't have a problem
13 with the pipeline I do have a problem with being treated
14 fairly and that's why I am here.

15 There are just some things that have happened
16 throughout this process that have not left a real great
17 taste in my mouth. As I said I grew up with a pipeline in
18 my backyard it was the Williams pipeline and it is actually
19 -- the portion of the pipeline in Ross Township where they
20 are adding to the existing like okay -- so they are adding
21 another pipe.

22 My first experience with this current situation
23 is with my mother who still lives on our property in Ross
24 Township. They came to her looking for and she's in her
25 70's looking for the additional footage to add the

PM4-100 See the response to comment PM1-1.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-100
(cont'd)

1 additional pipe and they made an offer to her and at one
2 point they pulled out an agreement that was signed in the
3 late 1950's by my uncles, my mom's uncles rather and they
4 said, "Here we can only pay you this amount but out of the
5 goodness of our hearts we are going to pay you 20-some
6 thousand dollars" which my mom -- a little old lady was
7 happy to take that offer but the one thing she requested was
8 a new agreement.

9 Why not? Everybody else along the pipeline
10 especially the new section is going to have 2016 agreements
11 and they said, "No take the 20-some thousand there is no new
12 agreements being negotiated here." Which that was kind of
13 bothersome to me because I have 1200 linear feet on my
14 property in Dallas Township -- someday I am going to have
15 the property in Ross Township and now I am going to have two
16 different agreements that I am going to be dealing with with
17 the same pipeline company.

18 So the whole idea was to try to bring her
19 property up to a 2016 agreement so that when her heirs end
20 up with the property it would be the same agreement. So
21 that was my first experience obviously they did not
22 entertain any thoughts of basically they told her, "Well if
23 you don't like this money and you want a new agreement we
24 are just going to go and enforce the old agreement," and it
25 was like a dollar per something or other.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-100
(cont'd)

1 It was rates from the 1950's so that was not
2 good. So then I started dealing with them on my property
3 and they did an appraisal on my property and the appraised
4 amount of damages so to speak was worth \$60,000 in their
5 estimation. They offered me \$69,000 as my offer.

6 So I have an attorney and the attorney has other
7 clients and he said, "Oh that's funny one of my other
8 clients was appraised at \$6,000 and was offered \$60,000 for
9 much less linear footage." Ten times -- so that's where I
10 am coming from is like let's be fair here and I don't expect
11 ten times what my appraisal was, I don't expect that but at
12 least don't insult me.

13 And so then they sent a letter around to my
14 attorney basically saying that I needed to take the \$69,000
15 otherwise if it went to condemnation all I was going to get
16 was \$60,000 which that's not true. It goes to -- from what
17 I understand, it goes to a county board of review I present
18 my appraised value, they present their appraised value, the
19 County Board of Review picks and creates so don't lie to me.

20 And I mean I have the letter it is very
21 misleading it says that if you don't take this then when the
22 FERC approval is granted you are only going to get \$60,000.
23 They are crossing 6 acres of commercial property that I have
24 right on a highway and in reading through their appraisal
25 there are a lot of things that are very, very misleading.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-100
(cont'd)

1 As a matter of fact and they are crossing 6 acres
2 of commercial as well as about 11 acres of residential land
3 that I have. So one thing that I found extremely
4 inappropriate I think was in the appraisal they attached a
5 study to the appraisal that was done on the effects of a
6 pipeline passing through a residential development on real
7 estate values.

8 And they cited a place in Dallas Township the
9 name of it is escaping me now but it was another Williams
10 Pipeline that was put in and they cited this study that they
11 did on the property values and as I was ready the study I
12 noticed the author's name and I was like wait that name
13 seems familiar and I looked at the front of my appraisal and
14 the author of the study was one of the two gentlemen who did
15 my appraisal.

16 Now you guys deal with this all the time is that
17 appropriate for them to cite my real estate value is not
18 going to be harmed based on this study when the guy who did
19 the study is the one who is creating the real estate value
20 in the first place on my property?

21 So like I said I'm not opposed to a pipeline, I
22 want to negotiate in good faith with them. They gave me
23 this number, they said well give us a number and so I gave
24 them \$400,000 they said, "Oh we are not even going to talk
25 to you anymore". And my attorney became irate and said,

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-100
(cont'd)

1 "Well then don't talk to me about any of my other clients
2 either."

3 So then they came back and said, "Well okay our
4 new number is \$70,000" they went up by one thousand dollars
5 I mean are you kidding me? Let's negotiate just be fair and
6 I don't -- and they are holding the FERC approval over my
7 head that once this goes through then they are going to get
8 their way. You know they are saying take the 69 or once we
9 get FERC you are only going to get 60 which I find that --
10 you know they are basically using FERC to be the heavy for
11 them in creating an attitude to try to get me to sign.

12 So I find that very distressing that you know
13 they are assuming they are going to get FERC approval and
14 they are then trying to threaten me that if I don't take
15 what they are offering now and I think they are trying to
16 low ball I mean what about those who have larger tracts of
17 land -- they've settled with a lot of smaller land owners in
18 our area with decent -- I know another one 100 feet they got
19 \$40,000. I know another one was offered their appraisal was
20 \$17,000 they got \$70,000 so don't throw 60 at me.

21 Oh and then they went to my attorney and they
22 wanted me to sign the papers because they need basically my
23 property looks like this, then there is another triangle
24 here and then so there's a road here, there's a road here
25 and there's a road here. Okay when they originally showed

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-100
(cont'd)

1 me the drawings in the beginning they were going to cross
2 over here, they were going to cross this property here and
3 then by the way my land then is over here as well.

4 So right now the line is going to go across here
5 and then it is going to go along this edge here and then it
6 is going to cross onto me again. Okay so they came to my
7 attorney and said, "This is a state highway right here, this
8 is a state highway right here." They wanted me to sign
9 papers because they now need occupancy permits or driveway
10 permits or something so that they can exit the state highway
11 on to this land, exit this land on to this highway and then
12 exit this road on to my land.

13 So they need three state highway permits and they
14 wanted me to sign because I as the land owner have to sign
15 the application. Well I think they are starting to realize
16 that it is going to take a while to deal with Penn-Dot it's
17 not you know, even if they applied now they may not have
18 those permits until well after FERC renders their decision
19 in October or whenever it happens.

20 So my attorney and I said I'm not signing
21 anything until we have an agreement in place, so let's work
22 this stuff out and then you know if I have any leverage --
23 they need my signatures so they tried to -- went back to the
24 attorney and tried to get him to have me sign them without
25 having the agreement.

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-100
(cont'd)

1 Which again it is the deception that I really
2 didn't like -- they basically said, "Oh it's no big deal you
3 just need to have your client sign these papers there so
4 that we can get the highway permits going and then we can
5 work out the rest of the details" -- well again if you are
6 an up and up company then be up front.

7 And this piece of property here this is
8 commercial it is on the Harvey's Lake Highway, this is a
9 commercial acre here and there's a business right in front
10 here and so in their appraisal this property here is 1 acre
11 and it is land-locking this piece of land right here between
12 the pipeline and this boundary there is nothing that can be
13 done with that -- that sliver.

14 So you take that sliver plus you take the
15 right-of-way it leaves me with about .4 acre left that I
16 could do something with but I have also got a set-back here
17 and I have got a set-back here so they are basically
18 rendering this 1 acre piece of commercial land.

19 Well has anyone tried to buy an acre of
20 commercial land in the Back Mountain? They are offering me
21 this for all of this when they are virtually rendering that
22 piece completely unusable which I was okay with it when it
23 first came through when they were going to go this way you
24 know but for some reason and again -- I am not opposed like
25 I just if this land isn't going to be useable for anything

PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

PM4-100
(cont'd)

1 other than maybe like a used car lot or something above
2 where they don't have to put a basement in or anything like
3 that then at least compensate, that's all.

4 So I don't know that's my thoughts.

5 (Whereupon at 9:50 p.m., the meeting was
6 adjourned.)

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PM4 – Public Meeting in Dallas, Pennsylvania (cont'd)

143

1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding

4 before the FEDERAL ENERGY REGULATORY COMMISSION in the

5 Matter of:

6 Name of Proceeding:

7 ATLANTIC SUNRISE PROJECT

8

9

10

11

12

13

14

15 Docket No.: CP15-138-000

16 Place: Dallas, PA

17 Date: 6/16/16

18 were held as herein appears, and that this is the original

19 transcript thereof for the file of the Federal Energy

20 Regulatory Commission, and is a full correct transcript of

21 the proceedings.

22

23

24 Mike Williams

25 Official Reporter

FEDERAL AGENCIES

FA1 – U.S. Environmental Protection Agency



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

JUN 27 2016

Re: Atlantic Sunrise Project Draft Environmental Impact Statement; Pennsylvania, Maryland, Virginia, North Carolina and South Carolina; May 2016 (FERC Docket No. CP15-138; CEQ# 2016-11223)

Dear Deputy Secretary Davis:

In accordance with the National Environmental Policy Act (NEPA) of 1969, Section 309 of the Clean Air Act and the Council on Environmental Quality (CEQ) regulations implementing NEPA (40 CFR 1500-1508), the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) for Transcontinental Gas Pipe Line Company, LLC's (Transco or the applicant) Atlantic Sunrise Project. The DEIS has been prepared by the Federal Energy Regulatory Commission (FERC) tasked with approving certificates for interstate natural gas pipeline facilities. Additionally, EPA is concurrently reviewing the Clean Water Act Section 404 Public Notice (PN) issued by the U.S. Army Corps of Engineers (Corps or USACE) Baltimore District, a cooperating agency on the DEIS, and will also be providing comments on the proposed project in response to the PN.

FA1-1 Transco proposes to construct and operate an expansion of its existing natural gas transmission system in Pennsylvania, Virginia, Maryland, North Carolina, and South Carolina. Transco's project purpose is to provide an incremental 1.7 million dekatherms per day (MMDth/d) of year-round firm transportation capacity from the Marcellus Shale production area in northern PA to Transco's existing market areas, extending to the Station 85 Pooling Point in Choctaw County, Alabama. The EIS will not determine whether the need for the Project exists, as this will be determined by the Commission later; however the purpose of NEPA is informed decision making, using relevant information and public engagement in the process, which could be compromised by deferring this analysis.

The Atlantic Sunrise project, in the alignment of Transco's preferred alternative, includes the construction and operation of 197.7 miles of pipeline to provide ability to transport 1.7 MMDth/d natural gas. Atlantic Sunrise is proposed to be collocated for 54.6 miles (28 percent) with or adjacent to existing pipelines and/or electric transmission utility rights-of-way. The

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FA1-1

See the response to comment PM1-113.

FA1 – U.S. Environmental Protection Agency (cont'd)

majority of the line is new 30 inch and 42 inch natural gas pipeline. Atlantic Sunrise also proposes the construction and operation of two new compressor stations in Wyoming and Columbia Counties, PA, and modification to three existing compressor stations in Columbia and Lycoming Counties, PA and Howard County, MD. Minor modifications at existing aboveground facilities at various locations in Pennsylvania, North Carolina, South Carolina, and Virginia to allow for bi-directional flow and the installation of supplemental odorization, odor detection, and/or odor masking/deodorization equipment are also proposed.

The DEIS presented alternatives beyond the applicant's preferred alternative, including the no-action alternative, two system alternatives, three major route alternatives, other minor route modifications and variations, and aboveground facility site alternatives. FERC has recommended that several minor modifications be incorporated beyond those that were FA1-2 incorporated by Transco. Beyond these minor modifications, all other system and major route alternatives were dismissed. Only the applicant's preferred alternative was carried forward for detailed analysis in the DEIS. It is not clear if there are additional route modifications that could be made to the applicant's alternative which may reduce adverse environmental impacts.

The alternatives analysis presented in the DEIS seems to include reasonable alternatives which were not carried forward for detailed consideration. Based on the information provided in the study, EPA recommends two system alternatives be retained for further detailed study, including the Transco system alternative, which is collocated for 91% of its route, and the expanded PennEast alternative, which would expand the 111 mile PennEast pipeline by 80 miles and eliminate the need for the Atlantic Sunrise pipeline. EPA recommends FERC fully consider these two alternatives and include the analysis in the EIS. These two alternatives appear to have the potential to meet the project purpose and need while minimizing adverse environmental impacts. Without additional analysis of alternatives, it is not clear that the preferred alternative is the only one to meet the stated purpose and need.

EPA is concerned by the statement in the EIS that project need will not be vetted in the FA1-3 EIS, but outside of the NEPA process by FERC. The purpose and need is the basis for the alternatives analysis and is the foundation for the analysis under NEPA. Assessing the need and a full suite of alternatives is a critical component of the NEPA process, and a component in which the public has shown great interest as well as concern. We recommend FERC provide transparency in the decision-making process and include as much of this information within the NEPA document for full disclosure to the public and afford the public the opportunity to provide comment.

EPA is concerned about the amount of detailed information that has yet to be filed and is FA1-4 not evaluated in the DEIS. This includes surveys for land, rare species, historic resources, water supplies, air modeling, mitigation measures to manage and dispose of contaminated groundwater, proposed mitigation measures for source water protection areas, geotechnical feasibility studies for HDD crossing locations and mitigation measures to minimize drilling risks, and a detailed aquatic resource compensatory mitigation plan. This information is relevant and critical to evaluation of potential impacts. EPA is concerned that a fully informed decision may not be made without this information. EPA is interested in discussing with FERC when and how this information will be assessed and disclosed to the public.

FA1-2 We disagree. We believe that our conclusion regarding the environmental impacts of the Transco System Alternative is sufficient and does not warrant further consideration. See the revised text in section 3.3.2 of the EIS for our evaluation of the PennEast System Alternative.

FA1-3 See the response to comment PM1-113.

FA1-4 See the response to comment PM1-70.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-5 | <p>EPA is concerned about direct, secondary and cumulative impacts to aquatic resources, groundwater, and water quality. Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdraws for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value (EV) and trout streams. The full assessment of these simultaneously occurring impacts to resources needs to be conducted. With the potential for complex impacts to occur, such as changes in recharge patterns and flow status, additional avoidance and minimization measures may be necessary to protect the aquatic ecosystem. Additional comments on aquatic resources can be found within the enclosures to this document.</p> |
| FA1-6 | <p>The EIS reports that a total of 50.4 acres of wetlands would be either crossed by the Project, affected by temporary extra workspaces, or located within the construction right-of-way. The Project would involve 331 waterbody crossings. EPA believes additional information on aquatic resources should be included in the EIS, including impact breakdowns and compensatory mitigation concepts, which are provided in the Corps' PN, detailed stream and wetland assessment data on the quality or functions of the systems, and detailed, or at a minimum conceptual, compensatory mitigation plans. Additionally, as part of the Section 404, CWA permit process, a detailed compensatory mitigation needs to be prepared and submitted. Without more detailed information it is uncertain if the proposed mitigation will compensate for the functions lost.</p> |
| FA1-7 | <p>Large impacts to terrestrial resources, including forest and forest interior dwelling species (FIDS) habitat, are also of concern to EPA. Construction of the Project would disturb about 3,905.8 acres of land, including pipeline facilities, aboveground facilities, pipe yards, contractor yards, and staging areas, temporary and permanent construction access roads, and right of way. Permanent operations would require about 1,208.3 acres of the 3,905.8 acres of construction lands. The Project would cross 45 interior forests along CPL North and South and would affect 270.4 acres of interior forest habitat during construction. About 118.9 acres of the affected interior forest would be permanently eliminated due to Transco's maintenance of the right-of-way during operation of the pipeline facilities. Using the distance of 30 feet from the edges of newly created edge habitat into interior forest, the DEIS estimates that 1,993.8 acres of interior forest would be indirectly impacted. This may be an underestimation of indirect interior forest impacts, as the use of only a 30 foot buffer is not supported or documented in the EIS. Mitigation should address the loss of mature forest and FIDS, which may take decades to replace.</p> |
| FA1-8 | <p>EPA acknowledges that the DEIS cumulative impact analysis included natural gas infrastructure, including gathering lines, FERC-jurisdictional natural gas transmission projects, and natural gas wells. Consideration of natural gas production, transmission and use could be expanded in the analysis to provide a more comprehensive understanding of impacts. It is recommended that FERC actively seek to unravel and describe the highly complicated, inter-related network of pipelines. This is important for public understanding and also a step toward identifying cumulative impacts from combinations of past, present and reasonably foreseeable infrastructure and non-infrastructure activities. Please consider our detailed comments regarding cumulative impacts presented in enclosure to this document.</p> |

FA1-5 See the response to comment PM1-6 and the revised text in section 4.13.8.2 of the EIS.

FA1-6 An EIS is meant to be a summary document, and the same level of detail provided in permit applications is typically not also included in an EIS. Our EIS for the Project incorporates by reference all of the material filed in support of the permits and other regulatory clearances required to construct the facilities, should the Commission issue a Certificate for the Project. As such, the presentation of potential impacts provided in the EIS is sufficient for the public and decision makers to assess the potential impacts of the Project. Transco's permit applications and Permittee-Responsible Mitigation Master Plan for the Atlantic Sunrise Project (PRM Plan) are submitted to the appropriate agencies (including FERC) for review and comment prior to construction.

FA1-7 Note that section 4.5.3 of the EIS has been updated based on several minor route variations incorporated into the Project. As a result, the total length of interior forest that would be crossed by CPL North, CPL South, and Chapman Loop has decreased from 19.3 to 19.2 miles. The potential indirect effects on interior forest were previously reported as 1,993.8 acres (now estimated to be about 1,307.7 acres). The text should have read that the indirect impacts were calculated using the acreage extending 300 feet laterally from the edges of the construction workspaces into the interior forests. The text in section 4.5.3 of the final EIS has been corrected. The impacts on forest interior dwelling species are described in section 4.6.1 of the EIS and Transco's Migratory Bird Plan (included as appendix M of the EIS).

FA1-8 Comment noted. See the response to comment PM1-6.

FA1 – U.S. Environmental Protection Agency (cont'd)

FA1-9 EPA is concerned that the selection of the current preferred alternative may result in significant adverse environmental impacts. EPA recommends that available systems alternatives be retained for detailed study. EPA also recommends that the information not currently included in the DEIS be disseminated and appropriately evaluated with the resource agencies and public stakeholder participation prior to the issuance of any certificates by FERC. EPA is interested in discussing with FERC the most appropriate way for system alternatives and other information to be considered and included for public information and agency consideration, which may possibly be accomplished through the use of a revised DEIS.

FA1-9 See the response to comment PM1-70.

FA1-10 Based on our review of the DEIS and the amount of detailed information which has not been included or completed, EPA has rated the environmental impacts associated with all of the action alternative corridors as Environmental Concerns ("EC") and the adequacy of the impact statement as "2" (Insufficient Information). This rating is due to the direct, indirect and cumulative impacts of the proposed corridors on terrestrial resources, including interior forests, aquatic resources, rare, threatened and endangered species. EPA recommends additional alternatives be explored to help further reduce impacts to resources resulting from the proposed action. Details on the basis for this rating are contained in the remainder of this letter. A description of our rating system can be found at: www.epa.gov/compliance/nepa/comments/ratings.html.

FA1-10 See the response to comment PM1-70.

Please consider the issues, questions and comments included in this letter and enclosure. We recognize the complexity of the analysis needed and difficulty in balancing impacts to natural resources, farmland and communities for any build alternative. We would appreciate the opportunity to discuss the comments provided here, at your convenience. Thank you for allowing EPA with the opportunity to review and comment on the Atlantic Sunrise DEIS. If you have questions regarding these comments, the contact for this project is Ms. Alaina McCurdy; she can be reached at (215) 814-2741 or mccurdy.alaina@epa.gov.

Sincerely,


Jeffrey D. Lapp
Associate Director
Office of Environmental Programs

Enclosure (1) Narrative Technical Comments
(2) Detailed Technical Comments

FA1 – U.S. Environmental Protection Agency (cont'd)

Enclosure 1 – Narrative Technical Comments
Atlantic Sunrise DEIS

Enclosure 1 includes Narrative Technical Comments on the following topics:

- 1) Purpose and Need
- 2) Alternatives
- 3) Geology
- 4) Streams and Wetlands
- 5) Vegetation
- 6) Rare, Threatened and Endangered Species
- 7) Land Use, Recreation and Public Lands
- 8) Conservation and Visual
- 9) Cumulative Impacts
- 10) Climate Change

Detailed Technical comments on these and other topics are provided in Enclosure 2.

1) Purpose and Need

FA1-11 EPA is concerned that the need is not part of the calculus in combination with the stated purpose to provide transport ability of 1.7 MMDth/d natural gas. The purpose alone may narrow and limit the range of available alternatives to need a prescribed need. As stated in the above letter, establishing a project need is critical to help determine alternatives that should be studied and the degree to which the proposed action or other alternatives may meet the stated purpose and need. Specific dekatherm capacities are provided, although it is unclear how these units were determined or generated. In the absence of this type of supporting documentation (markets, etc), it is unclear if the stated purpose and need is too narrow thereby limiting the available range of alternatives. We suggest that a broader purpose and need statement be developed which would allow for a broader range of alternatives to be considered in the EIS. For example alternatives which include a lesser diameter pipe, or a different capacity level could meet needs.

FA1-11 See the response to comment PM1-113.

FA1-12 The EIS notes that there are precedent agreements for 1.7 MMDth/d of capacity, which are able to be terminated under certain conditions are not met, including regulatory approvals. Additional information on these agreements should be provided, and clarification provided to identify if these agreements are duplicative of other agreements entered into by the applicant for other pipeline projects in this region. Table 1.1 provides the shippers and contract quantities. Information on the receipt points and gas receivers has not been provided, which is essential to understanding the purpose and need of the proposed project.

FA1-12 See the response to comment PM1-113. Section 1.1 of the EIS has been revised to include additional information regarding precedent agreements and the Commission’s process for deciding whether to authorize the construction of major new pipeline facilities. FERC’s Certificate Policy Statement provides guidance as to how the Commission evaluates proposals for new construction and establishes criteria for determining whether there is a need for a proposed project and whether it would serve the public interest. Neither the FERC environmental staff nor a FERC NEPA document makes that determination.

2) Alternatives

FA1-13 EPA is concerned that there may be alternatives to the applicant’s preferred alternative that may meet the project objectives which were not considered in detail in the DEIS. Some alternatives which at the screening level would have similar impact may need to be considered further for detailed study. A higher level of study would allow for complex resources and

FA1-13 See the response to comment FA1-2. Section 3.4 of the EIS has been revised to provide additional information regarding how aboveground facility sites are selected and assessed.

FA1 – U.S. Environmental Protection Agency (cont'd)

FA1-13
(conf'd) project impacts to be fully evaluated and considered. The alternatives analysis should describe alternatives that were dismissed from further study as well as the rationale for their dismissal. Alternative locations for project beginning and end points should also be evaluated.

We believe FERC should consider in greater detail available system alternatives, including PennEast and the Transco system alternative. Based on the limited information provided, it appears that the system alternative has potential to meet the stated purpose and need/objectives of the applicant's preferred alternative and could be a reasonable alternative which should be considered in the DEIS. We encourage FERC to consider this system alternative in greater detail alongside of the proposed project in the EIS. Upon detailed evaluation it is possible that there are environmental advantages or that there are less damaging practicable alternatives to the applicant's preferred alternative.

The Transco system alternative included several of the same components as the applicant's proposal (the Unity and Chapman loops, portions of CPL North, compression at CS 517 and 520, and pipe replacement) as well as additional compression and 10 pipeline loops. The Transco system Alternative would be co-located for about 91% of its length. The total amount of compression estimated for this system alternative would be 183,000hp, which is approximately a 25% increase above the compression for the preferred alternative. It is concluded that the Transco system alternative has environmental disadvantages that outweigh the environmental advantages and is not considered to be preferable to the proposed project. It may be beneficial to note that these estimates have not included efforts to avoid and minimize adverse impacts, as was done for the preferred alternative, which could identify additional potential to reduce adverse impacts of the system alternative. Table 3.2.3-1 shows that the Transco system alternative has greater mileage and construction ROW than the preferred alternative; a more detailed analysis could reveal that the collocated project minimizes impacts. It appears that the system alternative has potential to meet the stated purpose and need/objectives of the applicant's preferred alternative. We encourage FERC to consider this system alternative in greater detail alongside of the proposed project in the EIS. Upon detailed evaluation it is possible that there are environmental advantages or that there are less damaging practicable alternatives. EPA is uncomfortable dismissing this alternative without additional information.

An expanded PennEast Project was briefly discussed in Section 3.2.2. The expanded PennEast Project would require 80 additional miles of pipeline to the currently proposed PennEast Project, which is 111 miles and would also connect to the Transco Pipeline. As the Atlantic Sunrise pipeline is 198 miles long, if the expanded PennEast project moved forward and Atlantic Sunrise did not, it appears that PennEast would result in approximately the same mileage as Atlantic Sunrise. It is not clear why this alternative has been dismissed as it appears to have the potential to eliminate the construction and operation of 110+ miles. Considering an expanded PennEast route may have the potential to meet the project purpose and need as well as potentially reduce adverse impacts. EPA recommends FERC consider this system alternative in further detail.

We recommend that an alternatives analysis for above-ground facilities, including all compressor stations, be conducted and included in the EIS to potentially minimize impacts to forest and FIDS habitat, aquatic resources, RTE species and air quality. Alternate locations for

FA1 – U.S. Environmental Protection Agency (cont'd)

FA1-13
(cont'd) compressor stations beyond those included in the proposed action should be considered and included in the EIS. Rationales for why alternative sites were dismissed from further consideration should also be included. Additional detail on the siting criteria used should also be provided. Further comments on alternatives, including system alternatives, major route alternatives and aboveground facility alternatives can be found in Enclosure 2.

3) Geology

FA1-14 Challenging geologic conditions are likely to be encountered during project construction. Steep slopes (15% or greater) or side slopes cross or comprise about 58.1 miles of the proposed route. The EIS notes that there is significant karst topography along portions of Atlantic Sunrise, with approximately 28 miles of CPL. South crossing karst topography and one HDD location proposed in karst areas. Sinkholes, subsidence and caves are also noted as common. Rock removal is anticipated as 138 miles (about 70%) of PA pipeline facilities will encounter shallow bedrock. Of these, about 120 miles potentially could require blasting and could require blasting in 55 streams. Twenty-two mine pool drainages were identified close proximity to the workspace; twelve of these are within the workspace.

Blasting, in combination with steep slopes, karst topography, Abandoned Mine Land (AML) and mine pools, has the potential to result in adverse impacts that were not considered or fully evaluated in the EIS. We recommend that the EIS describe the nature, extent, frequency of potential blasting impacts water wells, springs, wetlands, nearby aboveground facilities, and adjacent pipelines and utility lines. It is unclear if there are resources of special concern that may be impacted by blasting, as it does not appear that detailed analysis was conducted. Changes to geology resulting from blasting may directly and indirectly affect wildlife and local residents, which should also be considered within the scope of the EIS. The potential effects of these geologic hazards, including AML related subsidence, landslides and flash flooding, on pipeline construction and operation should also be evaluated. We recommend that impacts, especially in high risk areas, be evaluated specific to this project. Further avoidance and minimization of impacts to effected lands might be appropriate; contingencies should be made clear in the NEPA analysis. Further comments on geology can be found in Enclosure 2.

4) Streams and Wetlands

FA1-15 Avoidance and minimization of adverse impacts to wetlands and streams have been detailed in the Section 404 public notice (PN). The DEIS did not include the same level of detail as the PN, therefore the DEIS should clearly describe the avoidance and minimization efforts are being incorporated into the project design and construction. For analysis in the EIS avoidance and minimization measures not only apply to direct impacts, such as the discharge of fill material or crossings, but also indirect impacts (e.g. potential increased downstream sedimentation), as well as by the proposed water withdrawal. Water withdrawal can affect recreational and biological uses, stream flow, and result in impacts to stream and wetland habitat. EPA recommends that FERC conduct further detailed analysis of specific streams and wetlands of concern or high sensitivity and work with the resource agencies to determine if additional avoidance and minimization efforts may be necessary to reduce impacts to these important resources.

FA1-14 We disagree. Blasting, steep slopes, karst topography, abandoned mine lands (AML) and mine pools, landslides, and flash flooding, including minimization measures to mitigate potential impacts, are described in sections 4.1.3, 4.1.5.4, 4.1.5.5, 4.1.5.6, 4.1.7, 4.3.1.4, 4.3.1.7, and 4.3.2.6 of the EIS. To further minimize potential impacts, Transco would implement the measures in its ECP (and associated plans), Plan and Procedures, and *Karst Investigation and Mitigation Plan*. We believe that the evaluation of the potential effects of these geologic hazards and the proposed mitigation measures to minimize impacts are sufficient.

FA1-15 The U.S. Army Corps of Engineers (USACE) and the PADEP are responsible for regulating the discharge of dredge and fill material under sections 404 and 401 of the Clean Water Act. The Susquehanna River Basin Commission is responsible for issuing water allocation permits and overseeing the conservation, development, and administration of the Susquehanna River Basin. Transco would be required to adhere to any avoidance and minimization measures included in the permits issued by these agencies. The EIS is meant to be a summary document, and the same level of detail provided in permit applications is typically not also included in the EIS. The EIS for the Project incorporates by reference all of the material filed in support of the permits and other regulatory clearances required to construct the facilities, should the Commission issue a Certificate for the Project. As such, the presentation of potential impacts and avoidance and minimization measures provided in the EIS is sufficient for the public and decision makers to assess the potential impacts of the Project. Indirect effects of water withdrawal are discussed in the appropriate resource sections of the EIS, including sections 4.3.2.6, 4.4.4, 4.6.1.4, and 4.6.2.2.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FAI-16 | <p>Page 4-101 states that a detailed site-specific blasting plan will be prepared for each location requiring blasting in or near a stream. We suggest that these plans be approved by both FERC and the USACE, and if appropriate, other regulatory agencies, in advance of blasting. Site specific plans should identify special resource considerations during blasting to determine if a pre-blasting, and post blasting monitoring plan is appropriate, including the need for secondary impacts including effects to stream base flow. A map with the waterbody locations that may require blasting, including karst topography, wetlands and water withdrawal locations should be include.</p> |
| FAI-17 | <p>At this time the entire proposed project corridor has not been surveyed. Remote sensing of wetlands was used for areas that were not surveyed in the field. It is stated that about 29% of the surface waters were identified via remote sensing. Please clarify how much of the proposed project was field surveyed. EPA recommends that these surveys be completed and verified prior to the issuance of a CWA Section 404 permit or the FERC certificate. The applicant should use an appropriate functional assessment to evaluate the impacts, both temporary and secondary, to the aquatic ecosystem. Using an appropriate assessment will ensure that functions and values are accounted for in the impact assessment and that the proposed compensation plan is adequate to offset the loss, including temporary loss, of aquatic resource functions. Without completed surveys and a functional assessment of the aquatic resources, it is unclear if sufficient wetland and stream information has been collected to support informed decision-making.</p> |
| FAI-18 | <p>Transco is proposing off-site permittee-responsible compensatory mitigation for palustrine forested wetlands disturbed by construction and operation of the Project. The DEIS indicates an impact ratio of 2:1 is proposed for palustrine forested conversions and exceptional value palustrine forested wetlands would be mitigated at a ratio of 2.5:1. Additional conceptual mitigation information was provided in the PN which was not incorporated into the EIS. A detailed compensatory mitigation plan (CMP) has not been included as part of the EIS or the PN. EPA requests an opportunity to review and comment on the CMP. We suggest that additional detailed information included in the PN be incorporated in the EIS. It is unknown if the proposed mitigation to address the conversion and temporal loss of wetlands and aquatic resources will be adequate. Information is not provided on how the success of these proposed mitigation sites will be determined. The CMP should include appropriate success criteria as well as a monitoring plan of the converted wetlands to assure that they remain waters. FERC may wish to consider whether additional mitigation to address impacts to aquatic resources beyond the CWA Section 404 context may be appropriate.</p> |
| | <p>5) <u>Vegetation</u></p> |
| FAI-19 | <p>Transco determined it would cross 45 interior forests along CPL North and South and Chapman Loop would affect 270.4 acres of interior forest habitat during construction. About 118.9 acres of the affected interior forest would be permanently eliminated and converted to forest edge habitat due to Transco's maintenance of the right-of-way during operation of the pipeline facilities. Approximately 28% of the forests impacted during construction are interior forests. Newly created edge habitats would be established by maintenance of the permanent right-of-way, and the indirect impacts could extend for 300 feet on each side (600 feet total) of</p> |

- FA1-16 As described in section 4.3.2.6 of the EIS, Transco proposes to develop site-specific blasting plans for each waterbody crossing where blasting is determined to be necessary. Transco would obtain blasting permits from appropriate agencies and would conduct any mitigation or required in-stream work during the appropriate timing window for warmwater and coldwater fisheries. In addition, we have recommended that prior to construction Transco should file with the Secretary, and provide to other applicable agencies, a schedule identifying when trenching or blasting would occur within each waterbody greater than 10 feet wide, or within any coldwater fishery. Transco should revise the schedule as necessary to provide at least 14 days advance notice. Changes within this last 14-day period must provide for at least 48 hours advance notice. Table K-4 in appendix K provides a list of waterbodies with shallow depth to bedrock crossed by the Project. The table includes the county, facility or pipeline route, milepost, waterbody ID, and waterbody name for each crossing. We believe this table provides sufficient locational information for the waterbodies that may require blasting, and no additional figures or map sets are necessary for the EIS.
- FA1-17 See the response to comment PM2-102. The USACE is responsible for ensuring compensatory mitigation is adequate.
- FA1-18 See the response to comment FA1-6. Section 4.4.7 of the EIS concludes that while minor adverse and long-term effects on wetlands would occur, with adherence to Transco's ECP and Procedures, we conclude that construction and operation of the Project would result in minor effects on wetlands that would be appropriately mitigated and reduced to less than significant levels. In addition, impacts on wetlands, including exceptional value wetlands, would be further mitigated through Transco's implementation of an agency-approved PRM Plan.
- FA1-19 See the response to comment FA1-7.
- As described in section 4.5.3 of the EIS, CPL North, CPL South, and Chapman Loop are the only project facilities that cross interior forests. All of these facilities are located in Pennsylvania, which does not have a state-specific definition of interior forest. The Project does not cross any interior forests in Virginia, Maryland, North Carolina, or South Carolina. Therefore, Maryland's definition of interior forest does not apply to the Project. State-specific impacts on public lands and other special interest areas, including forests, are described in section 4.8.6.

FA1 – U.S. Environmental Protection Agency (cont'd)

FAI-19
(cont'd) the new corridor into the remaining interior forest blocks. Transco calculated indirect impacts as a measurement of the acreage 30 feet laterally from the edges of the construction workspaces into interior forests. The Project would indirectly affect 1,993.8 acres of interior forest in this manner. It is unclear how this method of calculating indirect impacts to interior forest was determined. Although the EIS states that indirect impacts could extend 300 feet, a distance of only 30 feet was selected. EPA is concerned that the indirect impacts to interior forests may have been underestimated.

The EIS should consider any state specific vegetation/tree laws and requirements as well as any state specific definitions of interior forest. For example, interior forests that are habitat for forest interior dwelling species are protected under the Maryland Critical Area law, which defines forest tracts which are greater than 50 acres in size. Maryland defines interior forest habitat as forest greater than 300 feet from the nearest forest edge. How would using this definition compare with the method used in the EIS?

6) Rare, Threatened and Endangered Species

FAI-20 Several surveys were incomplete and survey reports for RTE species were not available for the DEIS, including Indiana bat and the Allegheny wood rat. However, in some cases, FERC has recommended that this information be filed prior to the end of the DEIS comment period. We further recommend that this report and all associated data be reviewed and incorporated as appropriate into the Final EIS. It is not clear what specific avoidance and minimization efforts or route and construction changes have been incorporated with regard to RTE species, including the Indiana bat and northern long-eared bat. Please update the status of consultation with US FWS, and include all correspondence relating to ESA requirements in the EIS. If any avoidance and minimization measures are committed to, please be sure to capture those in the Record of Decision. The EIS doesn't not conclude whether impacts to RTE species will be significant.

Bog turtles are present, however not all areas have been surveyed, partially due to access restrictions. It appears that some surveys would be completed in 2016. The phase 2/3 report has not been submitted for FWS/FERC review. The DEIS states that Bog turtles are not using the portion of the wetland that will be impacted by the project. What avoidance and minimization measures were taken in order to reduce the potential impact to wetland habitat being used by the bog turtle? Are any ATWS or ROW width being requested for this particular wetland? It is not clear how the conclusion that the project may affect, but not likely to adversely affect the bog turtle was reached.

EPA is concerned that as a result of the many incomplete surveys, there may not be sufficient information for FERC to make a fully informed decision as to the projects effect on RTE species. It is unclear if this information will be available prior to FERCs decision and how survey information once available will be reviewed and incorporated into the decision-making process. Information on the potential impact to RTE species, including the Indiana bat, northern long-eared bat, bog turtle and Allegheny wood rat, should be available to the public, other stakeholders and regulatory agencies for consideration and comment during the NEPA process. This information should be considered, in consultation with FWS and other agencies, and factored into any decisions made by FERC on this project.

FAI-20

Comment noted. Additional information has been incorporated into the EIS based on the supplemental filings provided by Transco since the issuance of the draft EIS. Additionally, Transco has provided an updated Biological Assessment for the Project and additional information on bog turtles and other federally listed species.

FA1 – U.S. Environmental Protection Agency (cont'd)

7) Land use, Recreation and Public lands

FAI-21 The Project would cross a total of 4.0 miles of state game land (SGL) and forest, and would temporarily affect 80.9 acres of SGL and forestland. In four of the five areas, the pipeline route would follow three existing pipelines and one existing electric transmission line rights-of-way; the new permanent right-of-way would abut the existing rights-of-way in these areas. The project would also cross the Appalachian Trail within SGL 211. Ricketts Glen State Park would be crossed in two locations by the proposed project; this entire length will be collocated with Transco's existing Leidy Line system, resulting in an additional 1.7 acres to be maintained as permanent ROW adjacent to the existing ROW. The Glens Natural Area, a National Natural Landmark, is located 0.4 miles from the proposed route.

Limited discussion of impacts and concerns from PGC and DCNR have been included, although it appears that concern has been voiced regarding the affected state game lands (SGL) and Sproul State Forest. It does not appear that any avoidance and minimization has been considered. Clarify if any of the potential blasting areas are within this pipeline segment. EPA is concerned that pipeline construction may alter ground or surface water flow conditions, which may impact the park resources. It is unclear that appropriate compensatory mitigation has been developed for impacts occurring on these lands. Site specific crossing plans are not available for Ricketts Glen, SGL 206, and others. Please update this information and consider the potential impacts from crossings in the EIS.

8) Conservation and Visual

FAI-22 The proposed action would cross several lands that are part of conservation programs. An unknown amount of lands are enrolled in the CRP and CREP programs which are in the process of being identified. Page 4-153 makes the conclusion that construction across herbaceous CRP and CREP lands will not negatively affect enrollment and that forested lands on the permanent ROW would be permanently affected. Unknown restoration measures would be implemented to ensure that properties remain eligible. It is unclear how many lands enrolled in these programs will be affected, if herbaceous lands within the permanent ROW will remain eligible, and what restoration measures are being proposed. We recommend considering all of this information prior to making the determination that impacts on these conserved lands will not be significantly impacted.

9) Cumulative Impacts

FAI-23 EPA is concerned that the temporal and geographic scope of the study is narrow, which has led to a limited analysis of cumulative impacts. Defining the geographic and temporal framework is the starting point of a cumulative impacts analysis. Establishing appropriate spatial and temporal boundaries is at the very core of the study, the selection of inappropriate boundaries leads to subsequent fundamentally flawed analysis and documentation. It is critical to assess past and future impacts. We suggest defining the geographic and temporal scope (or the region of influence) of the analysis early in cumulative impact section, which can vary depending on the resource being evaluated. For example it appears that 0.5 miles for minor

FAI-21 Section 4.8.6 of the EIS has been updated to include Transco's responses to our recommendation in the draft EIS that Transco provide additional information regarding site-specific crossing plans for the recreation and special interest areas, including Sproul State Forest. Transco filed several site-specific crossing plans with its supplemental filing on June 24, 2016. The remainder of the site-specific crossing plans would be filed with Transco's Implementation Plan for the Project, after consultations with appropriate permitting agencies are complete and any associated mitigation measures are finalized. Areas requiring blasting and potential impacts on waterbodies are discussed in sections 4.1.3 and 4.3.2.6 of the EIS.

FAI-22 Section 4.8.6.2 of the EIS has been revised to include updated information regarding the conservation easements crossed by the Project. As described in the EIS, restoration of the workspace would be tailored in these specific areas to meet the long-term objectives for the land enrolled in these programs. These areas would be seeded with mixes in the property's original conservation plan if the species and cultivars are available. Transco would develop restoration measures to ensure enrolled properties remain eligible to participate in the programs. We believe that implementation of these mitigation measures would effectively minimize impacts on the conservation program properties.

FAI-23 As described in section 4.13 of the EIS, many of the impacts of the proposed Project would be temporary and their contribution to cumulative impacts would also be temporary. In these instances, we acknowledged past projects and development to the extent information was available but focused our assessment on other activities occurring at or around the same timeframe as the proposed Project and when there would be a potential for cumulative impacts based on resource-specific regions of influence or geographic scope of analysis. The Project's longer term impacts would include air emissions associated with operation of the proposed facilities and upland and wetland forest impacts where long term or permanent conversion of forested habitat to shrub and emergent habitats would occur. We have attempted to quantify the impacts of other projects within the geographic scope of cumulative impacts of the Project.

FA1 – U.S. Environmental Protection Agency (cont'd)

FAI-23) actions, 10 miles for major actions (including gas wells), within watersheds for major actions (cont'd) that would be crossed by the Project, and within the AQCR crossed by the project for actions with potential to result in longer-term impacts on air quality (for example, natural gas pipeline compressor stations).

Some of the resources included in the cumulative impact analysis appears to only consider impacts that occur during construction of Atlantic Sunrise as the temporal boundary and within the project footprint as the geographic boundary. However, cumulative impacts can occur to resources even if impacts do not occur concurrently. Though construction impacts can be short-termed, there are likely prolonged impacts for instance associated with forest fragmentation, invasive species, etc. Even projects that do not overlap geographically can contribute to cumulative impacts to streams, wetlands, forests, habitat, and other resources. We recommend FERC consider expanding the cumulative impact study beyond what is currently considered in the DEIS. Cumulative impacts temporal boundaries are often set a few decades into past and future to include appropriate trend and facility life expectancy. It is typical to use a baseline time frame of 30 to 50 years past, prior to sprawl and extensive highway networks. It is important to analyze the trends in resources, to identify if there have been repeated impacts or degradation of the resources. A thorough analysis of impacts could help guide the selection or placement of appropriate mitigation for Atlantic Sunrise impacts or highlight areas where additional avoidance and minimization may be warranted. EPA would be interested in discussing the selection of a more appropriate and inclusive boundary with FERC.

FAI-24) EPA is concerned about cumulative impacts to aquatic resources, groundwater, and water quality. We recommend that the cumulative impact analysis of surface and groundwater be expanded, including cumulative impacts to water quality, headwater streams, high quality and/or sensitive aquatic resources. Aquatic resources have the potential to be cumulatively impacted by many factors, including waterbody crossings, change in recharge patterns, clearing, blasting, and water withdraws for hydrostatic testing. It may be prudent to consider these impacts in combination with other past, present and reasonably foreseeable actions at the watershed scale.

FAI-25) The cumulative impact analysis of the DEIS considered natural gas wells, gathering lines, and other FERC jurisdictional and non-jurisdiction projects. It was estimated that 1,135 gas wells were permitted in Pennsylvania counties within 10 miles of the project between 2011 and 2015. The DEIS assumes the same rate of permit issuance, which is approximately 260 per year, and projects that between 700 and 800 new wells could be drilled by the time the Atlantic Sunrise Project is scheduled to be completed. Please include the rationale for selecting this timeframe and distance. EPA appreciates that efforts were made to include a more comprehensive cumulative effects analysis of past, present and reasonably foreseeable natural gas related actions.

FAI-26) EPA is concerned by the potential cumulative impact which could result from the preferred alternative, Marcellus Shale development, and other FERC-regulated and non-jurisdictional actions. The DEIS estimated about 340 gas wells will be needed to supply the Atlantic Sunrise Project, using median production rates for wells. It also noted that production over time goes down, so more wells would likely be necessary to maintain supply. Most wells are located in Susquehanna and Wyoming Counties. There are many of the other natural gas transmission

- FAI-24 See the response to comment FAI-5. As mentioned in that response, the effects of most of the project impacts would be temporary including the one-time use of water for hydrostatic testing, blasting, and the effects of wetland and waterbody crossings.
- FAI-25 As described in section 4.13 of the EIS, 10 miles was selected as the geographic scope of our analysis because the majority of impacts associated with the Project would be temporary and limited geographically. Thus the potential for the Project to contribute to cumulative impacts on most resources is also limited to a relatively narrow timeframe and area. We believe our review of past projects and our selection of a 10-mile distance adequately encompasses the geographic scope of cumulative impacts associated with the Project with the exceptions noted in our analysis.
- FAI-26 Comment noted. See the responses to comments PM1-6 and IND114-65.

FA1 – U.S. Environmental Protection Agency (cont'd)

FA1-26
(cont'd) projects which cross or are nearby to the proposed action. The DEIS concludes that in areas of rapid development like Susquehanna County moderate cumulative impacts on vegetation and wildlife would occur. In areas like Susquehanna County which have the potential for cumulative impacts occur, EPA recommends that a more detailed cumulative impact analysis in this area be conducted. A more detailed consideration of cumulative impacts may include a more detailed breakdown of past, present, and reasonably foreseeable actions, consideration of additional avoidance and minimization efforts, as well as looking for additional opportunities to collocate. Presenting the collocation rate by county or watershed may be a useful way to begin considering avoidance and minimization efforts in areas with cumulative impact potential.

The cumulative impact analysis relies on possible state and federal measures, restrictions and requirements for other past, present and reasonably foreseeable actions to minimize the potential for long-term resource losses, such as for fisheries, aquatic resources, RTE, and land use. The EIS also relies on the Atlantic Sunrise ECP and Plans and Procedures to minimize and mitigate for resource-specific cumulative impacts. We recommend that the cumulative impact analysis consider potential cumulative impacts regardless of the various prepared or required plans to be implemented by the project or other actions, or permits or regulatory thresholds. While it may be appropriate to recognize or consider the relation to these, please keep in mind that this is not sufficient to determine potential effects of past, current and reasonably foreseeable future activities to resources or if/ how project impacts can be mitigated.

FA1-27 **10) Climate Change**

The climate change section is within the cumulative impact portion of the EIS, which concludes that the project would not significantly contribute to GHG cumulative effects or climate change. EPA is concerned that this conclusion is not well supported and that the discussion presented could be improved by considering in further detail the potential impacts of the project contributing to climate change as well as the potential impact of climate change on the proposed action.

The EIS describes and compares the magnitude of Pennsylvania statewide GHG emissions, concluding that the project would have minor emissions when compared to the PA GHG emission inventory (less than 0.1 percent of the 2005 PA total). We do not recommend comparing project level GHG emissions to total state or U.S. emissions because these comparisons obscure rather than explain how to consider GHG emissions under NEPA and do not provide meaningful information for a project level analysis. We recommend using estimated direct and indirect GHG emissions levels as a general proxy to compare emissions levels from the proposal, alternatives, and potential mitigation.

The DEIS does not contain estimates of methane leakage during operation of the proposal. We recommend that FERC estimate expected GHG emissions from leakage and consider potential BMPs to reduce leakage of methane associated with operation of the expansion facilities. EPA has compiled useful information on technologies and practices that can help reduce methane emissions from natural gas systems, including specific information regarding emission reduction options for natural gas transmission operations. This information may be found at <http://www3.epa.gov/gasstar/mehtaneemissions/index.html>.

FA1-27

Section 4.13.8.10 of the EIS provided a comparison of the Project's GHG emissions to the Pennsylvania GHG emission inventory to provide context regarding the scale of GHG emissions associated with the Project. As stated in section 3.1 of the EIS, we did not consider alternatives related to other energy sources, such as renewable energy, because they would not meet the purpose and need of the Project. While the system and route alternatives presented in sections 3.2 and 3.3 of the EIS would likely result in greater GHG emissions as compared to the Project due to their longer length, the overall GHG emissions generated would not be significantly different from the Project's estimated GHG emissions. Therefore, we do not believe that a comparison of GHG emissions from the Project and alternatives would meaningfully contribute to our analysis. Sections 4.11.1.2 and 4.13.8.10 of the EIS have been updated to include current and potential future methane emission mitigation requirements applicable to the Project and the overall natural gas production and delivery system. Table 4.11.1-16 of the final EIS has been updated to include methane leakage from pipeline operation. Section 4.13.8.10 of the EIS has been updated to include potential climate change effects from construction and operation of the Project.

FA1 – U.S. Environmental Protection Agency (cont'd)

FA1-27 | The discussion on climate change in the DEIS generally states what constitutes climate change, summarizes the IPCC and USGCRP and some of their associated findings and reports. Some general observations of environmental impacts to the northeast region were described. The EIS should describe potential changes to the affected environment that may result from climate change. Including future climate scenarios in the EIS would help decision makers and the public consider whether the environmental impacts of the alternatives would be exacerbated by climate change. If impacts may be exacerbated by climate change, additional mitigation measures may be warranted.

The EIS further states that other major projects considered in the cumulative impact analysis would have air permits and that these permits would minimize GHG emissions in accordance with air permitting requirements. Although not specifically mentioned in Section 4.13.8.10 Climate Change, other activities such as development and production of natural gas were included in the cumulative impact analysis and could be better represented in the discussion of climate change. We recommend the EIS also estimate GHG emissions from the development and production of natural gas being transported through the proposed pipeline, as well as estimate the GHG emissions associated with the end use of the gas due to the reasonably close causal relationship of this activity to the project. In Section 4.13.8.10, FERC states that "Natural gas is a lower CO2 emitting fuel when compared to other fuel sources." While combustion of natural gas results in lower amounts of GHG emissions than combustion of coal or fuel oil, lower relative levels of impacts do not exempt consideration of the indirect impacts of the proposal and measures to avoid, reduce, or compensate for those effects. Section 4.13.3.1 Wells estimates the number of wells permitted within 10 miles of the project, the rate that new wells could be added, and the number of wells required to provide quantities of gas to supply the project. We recommend that the GHG emissions be estimated the wells, gathering systems, and other natural gas pipeline projects that are included in the cumulative impact analysis.

EPA has recommended that FERC consider additional alternatives beyond the applicant's preferred alternative. Should additional alternatives be retained for detailed study, we recommend that the EIS estimate the GHG emissions potentially caused by these alternatives. These emissions levels can serve as a basis for comparison of the alternatives with respect to GHG impacts. There are a considerable resources, tools and methodologies to estimate project contribution to climate change. We strongly recommend that these be utilized in the EIS. Example tools for estimating and quantifying GHG emissions can be found on CEQ's NEPA.gov website.[1]

Climate adaptation measures based on how future climate scenarios may impact the project in the EIS should be considered. The National Climate Assessment (NCA), released by the U.S. Global Change Resource Program, contains scenarios for regions and sectors, including energy and transportation. Use of NCA or other peer reviewed climate scenarios can inform alternatives analysis and possible changes to the proposal which may improve resilience and preparedness for climate change.

FA1 – U.S. Environmental Protection Agency (cont'd)

Enclosure 2- Detailed Technical Comments
Atlantic Sunrise DEIS

EPA would like to provide the detailed technical comments on the following topics:

- 1) Alternatives – General
- 2) System and Major Route Alternatives
- 3) Aboveground Facility Alternatives
- 4) Construction, Testing and Restoration
- 5) Hazardous Geology and Soils
- 6) Groundwater, Wellhead Protection Areas, and Surface Waters
- 7) Streams and Wetlands
- 8) Vegetation
- 9) Wildlife and Aquatic Resources
- 10) Rare, Threatened, and Endangered Species
- 11) Land Use, Recreation and Public Lands
- 12) Conservation, Historic and Visual
- 13) Socioeconomics
- 14) Air
- 15) Noise
- 16) Reliability and Safety
- 17) Cumulative Impacts

FA1-28 1) Alternatives – General

- Some of the criteria used to compare alternatives appears to be limiting the range of reasonable alternatives. The third listed criterion is “Does the alternative offer a significant advantage over the Project?” It is unclear what is meant by significant advantage, or how much information is used to make this determination. EPA believes the EIS should carry reasonable alternatives forward for detailed study and that reasonable alternatives should not be dismissed prior to detailed analysis. The use of this criterion seems to imply that alternatives deemed to be of similar or equivalent adverse impact would be discarded. Even if it can be determined at a screening level that alternatives would have similar impacts, it would be unlikely that this low level of detail would consider the function, value, or quality of a resource. EPA reminds FERC and the applicant that resources have varying degrees of function, value or quality, which should also be taken into consideration in addition to estimated impact totals (acreage, miles, etc).
- Page 3-1 notes that not all conceivable alternatives are technically feasible or practical, giving limitations as to why alternatives may be incapable or impractical. While this may be correct, it is still necessary for the alternatives analysis to present the alternatives

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FA1-28

As described in section 3.0 of the EIS, the third criterion we evaluated for each alternative is: “Does the alternative offer a significant environmental advantage over the Project?” We believe that our analysis of reasonable alternatives provides sufficient detail regarding our conclusion to dismiss alternatives from further review. Section 3.0 of the EIS includes an environmental evaluation of the various alternatives to the proposed action that were considered but dismissed from further consideration. Section 1.1 of the EIS identifies the proposed receipt and delivery points. We do not believe that evaluating system alternatives that utilize different receipt and end points is warranted because it would not meet the Project’s objectives described in section 1.1 of the EIS.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-28 (cont'd) | <p>considered as well as the rationale for dismissal from further consideration. Please include the various alternatives to the proposed action that may have been considered but were dismissed from further consideration. The potential to provide a significant environmental advantage over the project is also mentioned on pg 3-1. Please clarify how this potential is determined and if this determination is made within the context of the NEPA document. State why it is assumed that significant environmental advantages over the proposed action do not occur. The differences in impacts between alternatives, particularly for alternatives that may have similar impacts, would best be evaluated in NEPA alongside of the applicant's preferred alternative. EPA suggests that the alternatives analysis be expanded to include additional alternatives that may have been dismissed from consideration.</p> <ul style="list-style-type: none"> • Please clarify how the start and end point locations for the proposed project were determined. Consider if system alternatives that utilize different start or end points may meet the project purpose and need. Receipt and delivery points were briefly mentioned over page 3-7 to 3-8, as well as determinations on the optimum location to aggregate the 1.7 MMDth/d and optimum point to tie CPL South into Transco's Mainline system. This discussion should be expanded upon as it provides insight into the rationale for the selected locations of the proposed action. |
| FA1-29 | <p>2) System and Major Route Alternatives</p> <ul style="list-style-type: none"> • System alternatives would need to provide additional 1.7 MMDth/d of natural gas to the delivery points required by the precedent agreements and provide services within a similar timeframe in order to be considered viable. Please clarify why these things are needed in order to be a viable system alternative. • Although Table 3.2.3-1 presents impact amount which in some cases are greater than the proposed alternative, FERC should also consider that the impacts to these resources are not the same. For example, a greenfield alternative which impacts forests has a different impact on forest/habitat fragmentation than collocating a pipeline which would likely effect forest edge habitat as opposed to uninterrupted interior forest habitat. Please consider these types of differences as it may be preferable in some instances to have a greater edge effect than a lesser interior forest effect. Without considering the resource in greater detail it should not be assumed it is always preferable to impact fewer resources. Quality of resources should also be considered. • It is not clear that the presented system alternative considered upgrading/expanding components of the existing pipeline diameter. This may have the potential to reduce ROW widths and impact amounts presented in Table 3.2.3-1. • Many of the above comments and systems alternatives comments provided in Enclosure 1 also applies to the evaluation of major route alternatives. |
| FA1-30 | <p>3) Aboveground Facility Alternatives</p> <ul style="list-style-type: none"> • Please provide the siting criteria used for aboveground facilities, including compressor stations. Please provide a map of the alternate aboveground facility locations that were considered. It is stated in section 3.4 that FERC evaluated locations for proposed aboveground facilities, which involved desktop review and site visits, however it is not |

FA1-29 System alternatives that would not be able to provide an additional 1.7 MMDth/day at the contracted volumes from the production areas of northern Pennsylvania to the delivery points required by the precedent agreements within a similar timeframe would not meet the purpose of the Project. We agree that collocation has the benefits of reducing forest fragmentation and interior forest impacts. However, as described in section 3.2.3, collocation would not be feasible along certain sections of the Transco System Alternative due to the amount of commercial, industrial, and residential development that has occurred adjacent to Transco's existing right-of-way. As a result, greenfield alignments would need to be developed along the Transco System Alternative. We were unable to identify alternative alignments to avoid developed areas along the Transco System Alternative that would not significantly increase the length of the pipeline and the overall construction footprint. Replacing Transco's existing pipelines with larger diameter pipelines would not be feasible due to requirements to provide firm transportation service to existing shippers. Replacing the existing pipelines would require interrupting natural gas transportation service to existing customers throughout the duration of construction.

FA1-30 See the response to comment FA1-13.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-30 (cont'd) | <p>clear how this evaluation informed the above-ground facility alternatives analysis. Please provide additional information on the evaluation process, as this appears to conflict with the statement in paragraph two of this section that “we did not identify or evaluate alternative locations for the new compressor station facilities.”</p> <ul style="list-style-type: none"> • Please describe how the amount of horsepower needed at each compressor station was determined, as well as how the spacing and distribution of stations along the proposed route was determined. • It is stated on page 3-51 that the locations of the 605 and 610 CSs were being carried forward due to the lack of comments requesting for the stations to be relocated. The lack of comments or concerns about station locations during pre-filing does not eliminate the separate need for a fair alternatives analysis for above-ground facilities to take place. We recommend that an alternatives analysis for above-ground facilities, including compressor stations 605 and 610, be conducted and included in the EIS. |
| 4) Construction, Testing and Restoration | |
| FA1-31 | <ul style="list-style-type: none"> • It is stated that 2,697.5 acres of land disturbed during construction would be restored and allowed to revert to its former use. Please clarify if there will be active work and replanting in these temporary workspaces. What does ‘allowed to revert’ mean? It seems to imply that it will be abandoned in place. |
| FA1-32 | <ul style="list-style-type: none"> • Construction Right of Way (ROW) widths are given in section 2.2.2. Please clarify if the proposed construction ROW widths are equal to or greater than the standard FERC allowed width. Appendix C lists the locations where additional construction ROW has been requested. It appears that for large portions of the construction ROW additional/extra workspace is requested. For what portion of the ROW is Transco requesting additional workspace? As it seems that additional workspace has been requested for much of the ROW, please clarify how this does not represent the typical construction condition. It seems disingenuous to provide construction ROW widths in Section 2.2.2 although these widths do not appear to be applicable to the majority of the ROW. |
| FA1-33 | <ul style="list-style-type: none"> • Evaluate impacts related to modifications to existing roads including tree, brush, or structure removal; widening; grading; installation or replacement of culverts; and addition of gravel. |
| FA1-34 | <ul style="list-style-type: none"> • Table 2.3-1 – for the request modification to procedure: <ul style="list-style-type: none"> ○ V.B.3.c- clarify if the request is to decrease the 15 foot buffer to waterbodies or eliminate the buffer entirely. In these locations, were modifications to the pipeline considered as opposed to modifying this procedure? Please specify how Transco would ensure each waterbody is adequately protected. ○ VI.A.3 – it is unclear why soil storage must occur in wetlands. Clarify if upland locations were considered, and if why those locations were not utilized. |
| FA1-35 | <ul style="list-style-type: none"> • We recommend minimizing the use of heavy equipment in environmentally sensitive areas, including wetlands. Hand clearing of vegetation should be considered as one way to reduce the use of heavy equipment in these areas. |
| FA1-36 | <ul style="list-style-type: none"> • It is stated that wood chips may be spread across the ROW in a manner that does not inhibit vegetation growth. Please clarify if this is referring to a possible maximum depth of wood chips to be spread. |

FA1-31 Land not maintained for operation of the Project would be restored and allowed to return to preconstruction conditions/uses (i.e., allowed to revert to its former use). Transco would conduct cleanup and restoration activities in accordance with state and municipal permit requirements, its Plan and Procedures, and other project-specific plans provided in its ECP. Soils that supported vegetation prior to construction would be revegetated using seed mixes, application rates, and timing windows recommended by local soil conservation authorities or other duly authorized agencies, landowner requests, and in accordance with Transco’s ECP. After restoration is complete, the land would not be used by Transco during operation of the Project.

FA1-32 The actual right-of-way configurations and widths required to safely install a pipeline vary based on the diameter of the pipeline, site-specific conditions including road and railroad crossings, waterbodies, wetland crossings, the need for additional spoil storage, steep topography, the presence or absence of an existing right-of-way, and proximity to adjacent utilities. We have reviewed the right-of-way configurations submitted in Transco’s application and supplemental filings and agree that they are appropriate for the pipe diameter and site conditions. We have also reviewed Transco’s requests for additional temporary workspace and, in some instances, have requested additional justification for their use (see our recommendations in sections 4.3.2.6 and 4.4.5 of the EIS and appendices K [table K-5] and L [table L-2] of the draft EIS).

FA1-33 The types of improvements required for use of each of the temporary and permanent access roads are described in the access road table in appendix D. As described in sections 2.2.6 and 4.8.1.5 of the EIS, of the 157 access roads that would be used for the Project, 115 would be restored to previous preconstruction conditions following completion of the Project. The remaining 42 roads would be permanently maintained for operation of the Project. The permanent access roads would affect 25.1 acres of land, primarily comprised of existing transportation, commercial/industrial, and open land (15.7 acres); about 6.2 acres of forested and 3.2 acres of agricultural land would also be affected. No wetlands or open water areas would be affected by use of the temporary or permanent access roads.

FA1-34 We reviewed the locations where Transco has requested site-specific modifications to the FERC Procedures. Our recommendations are included in appendices K (table K-5) and L (table L-2) of the EIS. Also see the response to comment FA1-32.

FA1-35 If standing water or saturated soils are present, or if construction equipment causes ruts or mixing of the topsoil and subsoil in wetlands, Transco would use low-ground-weight construction equipment, or operate normal equipment on timber riprap, prefabricated equipment mats, or terra mats in compliance with Transco’s Procedures (included as appendix E of the EIS).

FA1-36 In compliance with Transco’s Plan (included as appendix E of the EIS), if wood chips are to be used as mulch in upland areas, Transco would not use more than 1 ton per acre.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-37 | <ul style="list-style-type: none"> Section 2.3.1.4 states that where necessary, the entire width of the ROW and ATWL would be graded. Please include information on how much of the ATWS will be graded. |
| FA1-38 | <ul style="list-style-type: none"> Is anything contained in the protective coating that could be considered hazardous? |
| FA1-39 | <ul style="list-style-type: none"> During backfilling is it anticipated that all excavated material will be placed back into the trench? If not, please state where this material will be placed. Where will rock and other items deemed not suitable for backfill be placed? |
| FA1-40 | <ul style="list-style-type: none"> It is stated that hydrostatic test water withdrawal location and rates would be in accordance with applicable permits. Although the locations, rates, sequence and timing of withdraws and testing may not be finalized, the currently proposed information is relevant to the EIS and should be included in order for potential adverse impacts to be fully analyzed and available to the public. Will test water be recycled from one segment to another? It would also be beneficial to add the flow rates of each water body to better understand if hydrostatic testing will impact water flow in streams and creeks. Please specify if test water will enter and exit the pipeline at the same locations or if different locations. |
| FA1-41 | <ul style="list-style-type: none"> It is not clear what will happen with the water after the drilling mud is separated. Will water be discharged back into the waterbody? How much water will be recovered or lost? |
| FA1-42 | <ul style="list-style-type: none"> It is stated that areas would be revegetated and would be monitored, evaluated and correct areas requiring remediation, however few specific details are provided. EPA suggests that a detailed revegetation plan, which includes monitoring, performance standards, plans, and an adaptive management plan, be prepared and finalized prior to the start of construction. |
| FA1-43 | <ul style="list-style-type: none"> What process or criteria was used in order to identify sensitive resources? Was it determined that all aquatic resources were to be considered sensitive? |

FA1-37 Where necessary, the entire width of the construction right-of-way, including the temporary construction workspace, would be rough graded with bulldozers to allow for safe passage of equipment and to prepare the work surface for pipeline installation activities. Grading would be limited in wetland areas to the extent practicable.

FA1-38 The most common coating compound for welded pipe joints is fusion bond epoxy. Once hardened, epoxy is typically pretty inert. According to its material safety data sheet, fusion bond epoxy typically contains epoxide resin (part A) and poly-amine mixture trade, titanium dioxide, and siloxanes (part B). None of these compounds contain toxic chemicals subject to the reporting requirements of the major federal lists of toxic chemicals (section 313 of Title III and 40 CFR 372).

FA1-39 Excess material would be disposed of in accordance with Transco’s Plan (included as appendix E of the EIS) and applicable permit requirements, with landowner or land management agency approval.

FA1-40 Table 4.3.2-7 in section 4.3.2.5 of the EIS provides the proposed hydrostatic test water sources and discharge locations for the Project. This table includes the water source, specific withdrawal and discharge locations, anticipated rate of discharge, estimated volume of water required, and any specific use restrictions. This information was included in the draft EIS. In accordance with section VII.C.3 of Transco’s Procedures (included as appendix E of the draft EIS), Transco would ensure that adequate waterbody flow rates are maintained to protect aquatic life, provide for all waterbody uses, and provide for downstream withdrawals of water by existing users.

FA1-41 Drilling mud is a slurry of naturally occurring, non-toxic/non-hazardous, bentonite clay mixed with water. It is pressurized and used to lubricate the HDD drill bit, remove drill cuttings, and hold the hole open. As described in section 4.3.2.5 of the EIS, after completion of the HDD, the recovered drilling mud (the mix of bentonite clay and water) would be recycled or disposed of at an approved upland location or disposal facility.

FA1-42 Transco would conduct revegetation and post-construction monitoring in accordance with its ECP, Plan and Procedures, and Management Plan. We believe these plans contain sufficiently detailed information regarding revegetation, monitoring, and remediation. The ECP and Management Plan can be viewed on the FERC website at <http://www.ferc.gov> (using the “eLibrary” link under Documents & Filings, select “Advanced Search” from the eLibrary menu and enter 20150331-5153 in the “Numbers: Accession Number” field). Transco’s Plan and Procedures are provided in appendix E of the EIS.

FA1-43 Sensitive resource areas are typically defined by FERC as wetlands, waterbodies, cultural resource sites, or sensitive species habitats.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-44 | <ul style="list-style-type: none"> • Post-construction monitoring is addressed in section 2.5.5. EPA suggests that a specific monitoring plan, which details monitoring frequency, content, methodologies, performance standards and report contents, be prepared and finalized prior to the start of construction. |
| FA1-45 | <ul style="list-style-type: none"> • Page 2-38 states that if restoration activities are not adequate at the end of the respective timeframes, the post-monitoring program would be extended. In the event that restoration is not adequate, we recommend that additional restoration or compensatory mitigation be required. The temporal loss of resources should also be considered. |
| FA1-46 | <ul style="list-style-type: none"> • Page 4-67 states that chemical may be added to test waters to eradicate non-native aquatic species. However it is unclear what specifically chemicals may be added to the water and what they are targeting. It is also unclear if these chemicals have the potential to affect native species as well as non-native species. Will biocides be used before water enters the pipeline or as it exits the pipeline and expelled into surface waterways. Biocides would have a great impact on the environment if used especially into surface waters. |
| FA1-47 | <ul style="list-style-type: none"> • Page 4-67 states that test waters would be discharged into well-vegetated, upland areas or to receiving waters using energy dissipation devices to minimize the potential for stream scour. We encourage energy dissipation devices to be used both for upland and instream discharges. The discharge of water into uplands may create erosional features contributing sediment into nearby waterway, affect habitat, and become a source of erosion in the future if left unrestored. How will this be monitored, identified and restored if found? After water is used for testing, will it be immediately discharged? |

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| FA1-44 | Post-construction monitoring is discussed in section 2.5.5 of the EIS. |
| FA1-45 | Transco would conduct post-construction monitoring of restoration status in accordance with section VII.A of its Plan, sections V.D and VI.D of its Procedures, and sections 10 and 10.5 of its Agricultural Plan. These plans contain recommendations for both duration and possible extension of post-construction monitoring, additional restoration/revegetation efforts to be implemented, and the resolution process for identified issues of incomplete restoration. We believe these plans contain sufficiently detailed information regarding restoration, monitoring, and remediation. The ECP and Agricultural Plan can be viewed on the FERC website at http://www.ferc.gov (using the “eLibrary” link under Documents & Filings, select “Advanced Search” from the eLibrary menu and enter 20150331-5153 in the “Numbers: Accession Number” field). Transco’s Plan and Procedures are provided in appendix E of the EIS. |
| FA1-46 | Section 4.3.2.6 has been revised to indicate that Transco does not plan to add any chemicals or biocides to the hydrostatic test water. |
| FA1-47 | Transco would regulate discharge rates, use energy dissipation devices, and install sediment barriers as needed to prevent erosion, streambed scour, suspension of sediments, or excessive streamflow in accordance with its Plan (for upland locations) and Procedures (for wetlands and waterbodies), which are based on FERC’s standard Plan and Procedures. We find these measures to be adequate. Transco’s Plan and Procedures are provided in appendix E. |

FA1 – U.S. Environmental Protection Agency (cont'd)

FA1-48 | Please explain if the testing process will result in higher water temperatures; if so, consider the potential impact of discharging warmer waters into receiving streams.

5) Hazardous Geology and Soils

FA1-49 | • Please evaluate the potential impacts of HDD frack out. The last bullet on pg 4-25 seems to describe a construction monitoring and adaptive management plan. These should be developed and finalized in advance of any construction.

FA1-50 | • Active mines and AML were identified. We recommend that a table of all the mines, quarries, and wells and their proximity to the project be provided in the EIS, which can be easily found without having to search for another document in FERC's eLibrary.

FA1-51 | • We also recommend identifying UST that may be within the ROW. Unanticipated UST may be encountered during construction and we recommend that the *Unanticipated Discovery of Contamination Plan* include USTs.

FA1-48 | The PADEP's Bureau of Water Quality Protection regulates hydrostatic test water discharges through the issuance of a section 402 National Pollutant Discharge Elimination System hydrostatic test water discharge permit. Transco would conduct hydrostatic test water discharges, including any associated water testing or temperature monitoring requirements, in accordance with the requirements of the PADEP's discharge permit.

FA1-49 | Transco's HDD Contingency Plan, included as attachment 3 of its ECP, describes the procedures for addressing potential impacts associated with a release of drilling fluid. The plan describes procedures for the identification, containment, and cleanup of drilling fluids that have ponded on the ground surface or within a waterbody in response to an inadvertent release of drilling fluid during HDD operations.

FA1-50 | Appendix I of the EIS lists the mineral resources (i.e., mines, quarries, and oil/gas wells) within 0.25 mile of the project facilities. Table 4.3.1-2 in section 4.3.1.4 of the EIS provides a list of wells and springs within 150 feet of the construction work areas, including their distance from the project work areas.

FA1-51 | Soil and groundwater contamination are described in sections 4.2.2.6 and 4.3.1.6 of the EIS. Transco's database search of potential contaminated sites within 0.25 mile of the Project included the Underground Storage Tank database (UST), Leaking Underground Storage Tank Incident Reports (LUST), and cases of unregulated leaking storage tanks (UNREG LTANKS database). In the event that contamination from any source is encountered during construction, Transco would implement its Unanticipated Discovery of Contamination Plan (attachment 8 of its ECP, FERC Accession No. 20150331-5153).

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-52 | <ul style="list-style-type: none"> • Could the discharge or drainage of mine pool water be affected by blasting or other construction related operations? Is there potential for unanticipated new or shifting discharge or drainage locations to develop? |
| FA1-53 | <ul style="list-style-type: none"> • Please clarify the term “susceptibility moderate” and its difference to “moderate” as used in Table 4.1.5-2. |
| FA1-54 | <ul style="list-style-type: none"> • Please describe the areas along the pipeline route (construction or operation) that will be impacted by flash flooding, include the distance from the mile markers that the flood area is closest, if there incidences of flash flooding in the past, and a figure showing where flooding occurs. |

FA1-52 Transco developed an *Abandoned Mine Investigation and Mitigation Plan* to minimize the potential for adverse effects in areas where AMLs are crossed. Construction activities (including blasting) could affect the discharge or drainage of mine pool water. In order to minimize impacts, Transco would develop specific blasting procedures with its licensed blasting contractor or implement alternative bedrock removal methods, such as the use of expansive grout, to limit disturbance. In addition, Transco would implement measures to manage mine pool discharges if encountered during construction. These measures would include sealing openings or diverting larger discharges by using diversion berms or flumes. Because investigations to assess AMLs are pending for some properties and secondary investigations are necessary to further characterize potential mine-related features and identify site-specific mitigation measures, we are recommending that Transco file its final *Abandoned Mine Investigation and Mitigation Plan*, including site-specific mitigation and monitoring measures to be implemented when crossing AML lands.

FA1-53 Both “moderate” and “susceptibly moderate” are defined in the footnotes at the bottom of table 4.1.5-2.

FA1-54 As described in section 4.1.5.5 of the EIS, flash flooding is possible on the waterbodies crossed by the Project. The waterbodies crossed by the Project are listed in appendix K of the EIS. USGS topographic maps of the pipeline route are included in appendix B of the EIS. The occurrence of flash flooding would be based on a number of factors, including precipitation amount and intensity and the size and land use of the contributing watershed. As described in section 4.1.7 of the EIS, Transco has designed waterbody crossings to minimize potential impacts from flash flooding, scouring, and high flow velocities during pipeline construction and operation. High flow mitigation measures during construction include providing equipment to handle increased flow such as standby pumps at dam-and-pump locations and sizing flume pipes to be able to accommodate storm level flows. Additionally, a concrete coating would be applied to the pipeline where installed beneath waterbodies to reduce the buoyancy of the pipe and prevent surfacing of the pipeline during a flooding event. Flash flood events in areas cleared of vegetation could cause sedimentation and erosion. Transco’s Plan requires the inspection and maintenance of temporary erosion control measures on at least a daily basis in areas of active construction or equipment operation, on a weekly basis in areas with no construction or equipment operation, and within 24 hours of each 0.5-inch rainfall event. At waterbody crossings, the pipeline would be buried to a greater depth allowing for a minimum of 60 inches of soil cover or 24 inches of cover in consolidated rock.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-55 | <ul style="list-style-type: none"> • Please include a figure of areas along the pipeline project with the potential of landslides. Steep slopes are considered to be 30 percent or greater, however it is unclear how this was determined. |
| FA1-56 | <ul style="list-style-type: none"> • Pg 4-44 states that “Dewatering of trenches may result in temporary fluctuations in local groundwater levels. Trench water would be discharged into well-vegetated upland areas to allow infiltration and to minimize effects on the water table.” Consider if the fluctuations in GW levels noted may affect any nearby wells, seeps, streams or wetlands. The discharge of water into uplands may create erosional features contributing sediment into nearby waterway, affect habitat, and become a source of erosion in the future if left unrestored. How will this be monitored, identified and restored if found? |
| FA1-57 | <ul style="list-style-type: none"> • Testing of wells within 150ft is noted and expected to mitigate any damages caused by construction. EPA recommends that well testing and mitigation should be formalized in an appropriate plan and finalized in advance of construction. |

FA1-55 Table 4.1.5-2 identifies the milepost range of the landslide incidence and susceptibility, which can be referenced to the project location maps included in appendix B. The footnote in table 4.1.5-3 identifies how steep slopes were determined.

FA1-56 As noted in Transco’s Plan and Procedures (see appendix E), Transco would dewater the trench (either on or off the construction right-of-way) in a manner that does not cause erosion and does not result in silt-laden water flowing into any waterbody and would remove the dewatering structures as soon as practicable after the completion of dewatering activities. During hydrostatic testing, Transco would regulate discharge rate, use energy dissipation device(s), and install sediment barriers, as necessary, to prevent erosion, streambed scour, suspension of sediments, or excessive streamflow. In addition, Transco would not discharge into state-designated exceptional value waters, waterbodies that provide habitat for federally listed threatened or endangered species, or waterbodies designated as public water supplies, unless appropriate federal, state, and local permitting agencies grant written permission. Transco would further minimize the effects of dewatering on the water table through implementation of the construction techniques described in Transco’s ECP. Section 2.5 of the EIS describes the environmental inspection and mitigation monitoring that would occur during and after construction of the Project. Environmental inspectors would be on site during construction to ensure the Project is being constructed in compliance with all mitigation measures and regulatory requirements. Additionally, Transco has committed to funding a FERC third-party compliance monitoring program during the construction phase of the Project.

FA1-57 As described in section 4.3.1.7 of the EIS, Transco has agreed to perform pre- and post-construction monitoring for well yield and water quality for private wells and springs within 150 feet of the construction workspace, subject to landowner approval. In order to ensure that impacts on wells are minimized and given the number of private wells and springs within 150 feet of the construction workspace associated with the project facilities, we are further recommending that Transco file with the Secretary a report describing any complaints it received regarding water well yield or quality, the results of any water quality or yield testing that was performed, and how each complaint was resolved within 30 days of placing the project facilities in service. We believe the pre- and post-construction monitoring of well yield and water quality and implementation of our recommendation would adequately protect the private wells and springs within 150 feet of the construction workspace and no additional formalized plan would be necessary.

FA1 – U.S. Environmental Protection Agency (cont'd)

- FA1-58 • Vibration associated with blasting does not appear to have been considered, although it is stated that blasts would not be expected to adverse effect pipelines greater than 12ft away from the blast site. Vibration should be clearly addressed in the EIS.
- FA1-59 • How will geophysical features in high risk areas be identified? A detailed long term monitoring plan is needed (mentioned on page 4-24). We recommend that a monitoring plan be developed and finalized in advance of construction.
- FA1-60 • There are several maps and tables within Appendix J for areas of karst and concerns for karst seems to be missing (examples, Table 1-1 and Figure 1-1). These maps and tables are pertinent that they are included with the DEIS as there are a necessary portion of the

FA1-58 Section 4.1.7 of the EIS has been revised to include additional information on vibration associated with blasting activities.

FA1-59 Transco prepared a *Karst Investigation and Mitigation Plan* that identifies the methods used to identify geophysical anomalies. A copy of the plan is included in appendix J of the EIS. As described in the plan, the information used to identify karst features includes a review of published literature, geologic maps, aerial photography, LiDAR imagery, ground reconnaissance surveys, as well as karst features obtained from the PADCNR's digital data set of mapped karst features in southcentral and southeastern Pennsylvania. In addition, geophysical surveys using the multichannel analysis of surface waves method and geotechnical borings were completed to characterize the bedrock and identify the locations of potential geophysical anomalies (i.e., voids, solution enlarged joints, etc.) within the karst areas crossed by the Project.

FA1-60 As described in appendix J, the attachments are too voluminous to include in the EIS. A reference to the accession number (20150729-5077) is provided for those interested in viewing the maps and other attachments. Regarding survey access, see the response to comment PM2-102.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-60 (cont'd) | evaluation. Additionally, the DEIS should discuss how and when Transco will obtain access to survey the 12.3 miles to complete the MASW survey. |
| FA1-61 | <ul style="list-style-type: none"> The DEIS mentions in Table 4.1.2-2 that “Compressor Station 155 would require limited or no subsurface disturbance and are, therefore, excluded from this table.” On the other hand in Table 2.2-1 “the Summary of Land Requirements”, mentioned that Compressor Station 155 will affect 17.7 acres during construction. The FEIS should clarify and explain this information. |
| FA1-62 | <ul style="list-style-type: none"> General: A map that includes the Prime farmland of the Commonwealth should be included in the DEIS. |
| FA1-63 | <ul style="list-style-type: none"> A figure should be included of the areas of the project that have highly erodible soils. The figure should include the range of highly sloped areas within the project construction area to help the reader understand where the most hazardous places would be. With almost half to the project determined to be highly water erodible, the DEIS should discuss the impacts soil erosion should have on the environment from construction and operation such impacts to water quality, pipeline structure, vegetation, and habitat. If this information is in the construction manual, it should be put into the DEIS. The DEIS should pull the examples from the appendixes of the different mitigation measures used to prevent erosion in construction/operation areas of high gradient and/or highly erodible areas. Because of the safety concerns of construction, the DEIS should also list where these BMP’s will be used in conjunction with the high slope and erodible areas. Additionally, the DEIS should discuss what was done to avoid the most highly sloped areas. |
| 6) Groundwater, Wellhead Protection Areas, and Surface Waters | |
| FA1-64 | <ul style="list-style-type: none"> Preventing negative impacts to aquifers during construction and other pipeline related activities should be among the highest priorities. While the DEIS identifies five principal aquifer systems, as well as minor systems, it does not specify if these aquifers are Underground Sources of Drinking Water (USDW) under the Safe Drinking Water Act. All groundwater with TDS (total dissolved solids) of less than or equal to 10,000 mg/L is presumed to be a USDW. We recommend including which aquifers are used for what purposes, and the water quality and yield information available for each aquifer. Describe the recharge and discharge zones for each aquifer and depict on a map, if possible. |

FA1-61 As described in section 2.1.2 of the EIS, Compressor Station 155 is an existing facility that occupies 17.7 acres. Transco is proposing to add odor masking/deodorization equipment at this facility and would not require additional workspace beyond the existing 17.7-acre footprint.

FA1-62 Comment noted. We believe sections 4.2.1.1 and 4.2.2.2 (including table 4.2.1-1) of the EIS effectively describe the potential impacts of the Project on prime farmland, including the proposed measures to mitigate effects. Because of the scale required to produce a one-page map of prime farmland crossed by the pipeline facilities in Pennsylvania, we do not believe the resulting figure would provide any added benefit to the analysis.

FA1-63 Comment noted. Table 4.2.1-1 in section 4.2.1.1 of the EIS identifies the amount of highly erodible soils along the current pipeline route (about 14 percent of the total pipeline route and not almost half of the pipeline route). Also see the responses to comments PM1-60, PM1-83, and CO9-21. Because of the scale required to produce a one-page map of highly erodible soils crossed by the pipeline route in Pennsylvania, we do not believe the resulting figure would provide any added benefit to the analysis.

FA1-64 Table 4.3.1-1 has been updated to indicate that the aquifers are considered underground sources of drinking water under the Safe Drinking Water Act. Section 4.3.1.1 of the EIS describes the water use, water quality, and well yield information for each of the aquifers. Section 4.3.1.1 has been revised to include information on recharge and discharge areas of the surficial and bedrock aquifers. The EIS is a summary of the information in the record. A map of bedrock aquifers associated with the project facilities in Pennsylvania was included as appendix 2A to Transco’s March 31, 2015 application. This document is available on the FERC’s website (FERC accession number 20150331-5153).

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-65 | • We recommend including water quality data for the groundwater. Summarize the data and provide references for each aquifer (e.g., USGS, State agency reports, or state geological survey reports.) |
| FA1-66 | • There are 90 identified private wells or springs within 150 feet of the proposed route, and in Pennsylvania 8 of the wells are located in areas of known karst. Please provide a map of these private supplies. |
| FA1-67 | • The propose construction will cross 9 Zone II Wellhead Protection Areas (WHPA) in Pennsylvania, with crossing lengths of 0.3 mile to 1.2 mile. As such, the project has the potential to impact private well drinking water supplies. The DEIS states that Transco has committed to testing water supply wells and springs within 150' of construction, subject to landowner permission. EPA also advises that in-depth hydrogeological impact |

FA1-65 Section 4.3.1.1 of the EIS has been revised to include a summary of ground water quality.

FA1-66 Table 4.3.1-2 provides a list of the private wells and springs within 150 feet of the construction work area for the Project. The table also lists the location (county, township, milepost) of each well/spring and indicates which wells/springs are located in areas of known karst (see table footnote b). We believe the table sufficiently indicates which wells are in areas of known karst and no additional figure is necessary.

FA1-67 See the response to comment FA1-57.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-67 (cont'd) | studies may be required to assess potential contamination impacts, in addition to the proposed monitoring plan. |
| FA1-68 | <ul style="list-style-type: none"> Groundwater in shallow aquifers and karst terrain is also present in areas along the pipeline route, including in the area of 8 known private water supplies. Due to its connection with surface water through sinkholes, caves and swallets, groundwater in karst geologic terrains is especially vulnerable to contamination. EPA recommends that to prevent impacts on public and private water supplies, the pipeline should avoid karst terrain, and consider route alternatives. |
| FA1-69 | <ul style="list-style-type: none"> It is noted in the DEIS that "If possible, Transco would locate trench spoil piles on the downhill side of the karst feature to prevent direct runoff into uncovered features." EPA recommends that spoil piles be located downhill of the karst feature, or removed from the site if that placement is not possible. It is not recommended that spoils be placed uphill of these features. |
| FA1-70 | <ul style="list-style-type: none"> EPA anticipates that impacts to wells may occur where Transco has not conducted this pre-monitoring and Transco should be prepared to fairly address these situations should they occur. The EIS should communicate how those impacts may be mitigated |
| FA1-71 | <ul style="list-style-type: none"> It is noted in the DEIS that blasting along the proposed route may potentially impact yields and/or increase turbidity. Groundwater flow impacts should also be considered. EPA recommends that alternatives to blasting be fully explored. We also recommend that blasting within close proximity to bedrock wells and in karst terrain be avoided and/or should not be conducted. |

FA1-68 Karst terrain is prevalent in Pennsylvania. There are no alignments between the receipt and delivery points of the Project that would avoid karst terrain. Transco would implement the measures in its ECP (and associated plans), Plan and Procedures, Spill Plan, and *Karst Investigation and Mitigation Plan* to minimize the potential for impacts on groundwater and water resources associated with construction and operation of the Project. As described in sections 4.1.3 and 4.3.1.7 of the EIS, Transco would, with landowner permission, complete pre- and post-construction testing of water quality and quantity of wells and springs within 150 feet of the construction workspaces. In addition, we included a recommendation that, within 30 days of placing the project facilities in service, Transco should file a report describing any complaints it received regarding water well yield or quality, the results of any water quality or yield testing that was performed, and how each complaint was resolved. Lastly, we are including a recommendation that Transco develop and implement an environmental complaint resolution procedure that provides landowners with clear and simple directions for identifying and resolving their environmental mitigation problems/concerns during construction of the Project and restoration of the right-of-way. We believe these measures would mitigate the potential impacts on water resources.

FA1-69 Comment noted.

FA1-70 Comment noted. Transco would perform pre-and post-construction monitoring for all wells and springs located within 150 feet of the construction work area, including those not currently identified. Also see the responses to comments PM1-174 and FA1-57.

FA1-71 As described in section 4.3.1.7 of the EIS, blasting could affect groundwater quality by temporarily affecting yields of springs and/or wells in close proximity to the blast area and/or increasing groundwater turbidity near the construction right-of-way; however, rock particles and sedimentation would be expected to settle out quickly. Transco would use specialized excavation methods where practicable, including ripping or the use of hydraulic hammers or rock saws to minimize the amount of blasting that may be required. If these methods prove to be ineffective or inefficient, and blasting is necessary to achieve the required trench depth, Transco would minimize impacts, including impacts on groundwater, through implementation of its Blasting Plan. As stated in the Blasting Plan, Transco would obtain all the necessary permits and would employ licensed blasting contractors to conduct the blasting activities in accordance with applicable federal, state, and local regulations. We believe that these measures would adequately minimize effects on groundwater from blasting activities associated with the Project.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-72 | <ul style="list-style-type: none"> Preventing negative impacts to surface waters during construction and other pipeline related activities should be among Transco's highest priorities. The pipeline facilities would cross 9 watersheds or drainage basins. These are properly identified by name, HUC-8, drainage area and location. The 8 watersheds crossed in Pennsylvania are identified as discharging into the Chesapeake Bay. |
| FA1-73 | <ul style="list-style-type: none"> The DEIS includes information on the CWA section 303(d) listings for Pennsylvania and Virginia. This information does not appear for other impacted areas. The DEIS identifies four potable surface water intakes within 3 miles downstream of waterbody crossings impacted by this project. These intakes are identified by facility, waterbody ID, waterbody name, milepost location, distance to intake structure, water intake operator and the primary use of the four surface water intakes. |
| FA1-74 | <ul style="list-style-type: none"> EPA recommends that maps of the source water protection zones be included in the EIS. |
| FA1-75 | <ul style="list-style-type: none"> EPA does not recommend that projects pass through any identified Source Water Protection Area, and alternative routing should be considered. For crossings in major waterbodies and SWPAs where route alternatives are not possible, sediment modeling can be conducted to indicate the predicted fate and transport of excavated or dredged sediments. The EIS should also include descriptions of site-specific BMPs that will be employed within each SWPA and WHPA to mitigate any construction or stormwater runoff related impacts. |
| | <p>7) Streams and Wetlands</p> |
| FA1-76 | <ul style="list-style-type: none"> It is not clear that the determination that the effects on surface water from hydrostatic testing would be minimized and not significant. It does not appear that any minimization efforts or practices have been included to address the withdrawal of large volumes of |

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| FA1-72 | Comment noted. |
| FA1-73 | There are no waterbodies within the project workspace in Maryland, North Carolina, or South Carolina; therefore, Clean Water Act section 303(d) is not applicable to the Project for those states. |
| FA1-74 | Comment noted. As previously mentioned, the EIS is meant to be a summary document. As such, the presentation of potential impacts and avoidance and minimization measures provided in the EIS is sufficient for the public and decision makers to assess the potential impacts of the Project. |
| FA1-75 | Transco proposes to cross major waterbodies using trenchless construction methods or dry crossing techniques to avoid or minimize sediment transport. BMPs to minimize stormwater runoff and inadvertent spills of hazardous materials are described in Transco's ECP, Plan and Procedures, and Spill Plan. Also see the response to comment PM1-92. |
| FA1-76 | We disagree. As described in section 4.3.2.6 of the EIS, Transco would adhere to the measures contained in its Procedures. During water appropriation, Transco would screen the intake hose to minimize the potential for entrainment of fish, maintain adequate flow rates to protect aquatic life, provide for all waterbody uses, and provide for downstream withdrawals of water by existing users. During hydrostatic test water discharges, Transco would regulate the discharge rate, use energy dissipation devices, and install sediment barriers, as necessary, to prevent erosion, streambed scour, suspension of sediments, or excessive stream flow. In addition, Transco would obtain the necessary authorizations from the Susquehanna River Basin Commission and PADEP to appropriate and discharge test water. As part of their permitting process, these agencies could include additional conditions regarding appropriation and discharge rates, water testing requirements, or other BMPs. |

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FAI-76 (cont'd) | <p>water from streams leading to effects of recreational and biological use, especially when diversions constitute a large percentage of the source's total flow or volume. It does not appear that effects to minimize or avoid loss of habitat, change in water temperature and dissolved oxygen levels, and entrainment or impingement of fish or other aquatic organisms have been considered or included. Without further analysis to specific streams of concern, it should not be assumed that impacts have been minimized and are not significant. EPA is particularly concerned about Fishing Creek, which is a high quality water and fishery. Fishing Creek could face complex impacts resulting from a combination of activities, including water withdrawals, blasting, vegetation removal. The combination of impacts from these activities should be considered, especially for sensitive resources like Fishing Creek.</p> |
| FAI-77 | <ul style="list-style-type: none"> • Table K-3 in appendix K identifies the waterbody/floodplain locations that would be crossed by the proposed pipeline, however it does not appear that the effects of removing floodplain vegetation have been considered. It is not clear if construction or operation of the pipeline in floodplains will result in increased flooding on adjacent properties. EPA recommends this be evaluated prior to construction, especially as the alternatives analysis states that route variations were specifically included due to placement of the pipeline in a floodplain and flooding concerns associated with vegetation removal. |
| FAI-78 | <ul style="list-style-type: none"> • Would revegetation along waterbodies be limited to shrub/scrub vegetation or would areas that were previously forested be reforested? |
| FAI-79 | <ul style="list-style-type: none"> • Please clarify if, where, and the amount of water that will be discharged from stormwater, dewatering structures, or hydrostatic testing. What efforts or practices have been incorporated to reduce potential adverse effects to water quality from these discharges? |

FAI-77 As described in greater detail in section 4.3.2.6 of the EIS, floodplains that would be crossed by the pipeline could be temporarily affected by trenching and spoil piles. The removal of vegetation within a floodplain would be temporary and itself would not result in increased flooding on adjacent properties. Transco would implement several mitigation measures within floodplains to minimize the potential effects from flood events, including installing and maintaining erosion and sediment control structures; restoring floodplain contours and waterbody banks to their preconstruction condition, and conducting post-construction monitoring to ensure successful revegetation.

FAI-78 In accordance with Transco's Procedures, section V.C.7, Transco would "revegetate disturbed riparian areas with native species of conservation grasses, legumes, and woody species, similar in density to adjacent undisturbed lands."

FAI-79 Table 4.3.2-7 of the EIS details the proposed hydrostatic test water sources and discharge locations. Additional details on stormwater and dewatering structures can be found in the appropriate section 401 permit applications. Trench water would be discharged into well-vegetated upland areas to allow infiltration and to minimize effects on the water table. These potential effects would be avoided or further minimized by use of the construction techniques described in Transco's ECP, such as the use of temporary and permanent trench plugs. After installation of the pipeline and aboveground facilities, the ground surface would be restored as close as practicable to original contours, and any exposed soils would be revegetated to ensure restoration of preconstruction overland flow and recharge patterns. Following testing, hydrostatic test water would be discharged into well-vegetated upland locations or into receiving waters using energy dissipation devices. Also see the response to comment FAI-56.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FAI-80 | <ul style="list-style-type: none"> The Public Notice briefly states that additional temporary workspace maybe needed. Table K-5 in Appendix K lists additional temporary workspace requests within 50ft of a waterbody and provides a justification for this modification. These locations should be identified within the CWA Section 404 application so that the impacts can be accounted for and the locations monitored for successful restoration after the project's completion. |
| FAI-81 | <ul style="list-style-type: none"> Transco has made more than 190 requests for additional temporary workspace within 50ft of waterbodies. This constitutes a request for additional temporary workspace for greater than 50 percent of the crossings proposed by Transco. Although Table K-5 includes Transco's justification, in many cases it does not appear that this modification request is fully supported. Many requests state that there would be less impact than transporting material to be stockpiled elsewhere. What other locations were considered? Include material placement as part of the alternatives analysis. |
| FAI-82 | <ul style="list-style-type: none"> Robust success criteria for successful wetland restoration after construction is needed. There are a few limited measures included but they are limited to vegetative success. We suggest that successful wetland restoration also be tied to the CWA Section 404 permit. In the event that wetland restoration is unsuccessful within an appropriate timeframe, we suggest that additional compensatory mitigation be required or evaluated if appropriate |
| FAI-83 | <ul style="list-style-type: none"> The EIS states that the primary impact on wetlands from pipeline construction and right-of-way maintenance activities would be the temporary alteration of wetland vegetation and permanent conversion of forested wetland to scrub shrub or emergent wetlands. The EIS also noted that soil compaction may alter hydrology and soil conditions. We recommend the EIS include how these impacts would be minimized, or mitigated, which appears to have been part of the information provided in the PN. Please consider how to |

- FAI-80 The USACE is responsible for regulating the discharge of dredge and fill material under section 404 of the Clean Water Act. FERC does not have any jurisdiction over the types of material to be included in Transco's section 404 application to the USACE.
- FAI-81 As noted in sections 4.3.2.6 and 4.4.5 of the EIS, we reviewed the site-specific conditions at each of the requested additional temporary workspaces in tables K-5 and L-2. Where we noted that use of the additional temporary workspace appears justified, we agree with Transco's justification for the additional temporary workspace based on the site-specific conditions present. In the draft EIS, we requested more information or additional justification for the use of 58 (32 percent) of the additional temporary workspaces requested by Transco in table K-5 and 36 (20 percent) of the additional temporary workspaces requested in table L-2; in many cases, Transco either removed or modified these additional temporary workspaces.
- FAI-82 Comment noted. See the responses to comments PM1-84, FA1-6, and FA1-80.
- FAI-83 Transco would mitigate for unavoidable wetland impacts by implementing the procedures specified in its ECP and by complying with the conditions of its section 404 and 401 permits. Specific measures Transco would implement in addition to limiting vegetation maintenance practices in wetlands are presented in section 4.4.4 of the EIS. Also see the responses to comments FA1-6 and FA1-15.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-83 (cont'd) | restore preconstruction wetland hydrology. EPA is concerned that impacts have not been accurately characterized within the EIS. |
| FA1-84 | The EIS suggests that plowing could be conducted to de-compact soils affected during construction. We suggest that additional information on the proposed plowing, including depth of plow. In areas where compaction is of concern, pre and post construction testing can be conducted in order to measure changes in compaction rate. |
| FA1-85 | Fifty-one of the 251 total wetlands crossed by the proposed pipelines in Pennsylvania are classified as exceptional value (EV), with 15 of these containing a forest component. The acreage of EV wetlands impacted or crossed by the proposed project has not been provided. It isn't clear what avoidance and minimization measures have been taken with respect to these resources. Were any route alternatives evaluated to reduce impacts to EV waters? It is unclear that the CMP sufficiently addresses EV wetland impacts. It is unclear if CMP includes streams. |
| FA1-86 | No maps have been provided. EPA recommends that maps of EV areas be provided as they would be particularly helpful. |
| FA1-87 | Approximately 41.22 acres of wetlands will be temporarily impacted. The applicant should evaluate the temporal functional loss for all wetland types, including PEM, and provide mitigation for these losses. |
| FA1-88 | The mitigation plan needs to address how the applicant will monitor and control the threat of invasive vegetation within the project boundaries. Disturbed soils offer an excellent opportunity for invasive species to take hold of a sensitive area and can quickly impact the natural flora of the ecosystem. |

FA1-84 Sections 2.3.2 and 4.4.3 of the EIS and Transco's Procedures (appendix E) describe special construction procedures in wetlands. As described in section 4.4.4 of the EIS, heavy equipment operating in wetlands during construction could result in soil compaction or rutting that would alter natural hydrologic and soil conditions, potentially inhibiting germination of native seeds and the ability of plants to establish healthy root systems. Transco would minimize wetland soil compaction by segregating the top 12 inches of topsoil from the trenchline, except in areas where standing water is present or soils are saturated or frozen, and using low ground weight equipment or operating equipment on timber mats in saturated soils to prevent rutting. Transco would minimize compaction in wetlands by complying with the measures described in its Procedures and the conditions of other federal or state permits.

FA1-85 Table L-1 (Wetlands Crossed by the Atlantic Sunrise Project) in appendix L indicates which wetlands are designated under Chapter 93 as exceptional value wetlands and provides, in acres, the wetland impact by type (palustrine emergent [PEM], palustrine forested [PFO], or palustrine scrub-shrub[PSS]) for each of these wetlands. As described in section 3.3.2 of the EIS, many route alternatives were considered to reduce impacts on wetlands and waterbodies (see summaries of alternatives evaluated during pre-filing and after application submittal provided in tables 3.3.2-1 and 3.3.2-2). Transco's PRM Plan (equivalent to a compensatory mitigation plan) was submitted to the appropriate agencies for review as part of the permitting process. Also see the responses to comments FA1-6 and FA1-15.

FA1-86 As previously noted, the EIS is intended to be a summary document. Transco provided wetland maps as part of the wetland delineation reports included as appendices 2J and 2K to Transco's March 31, 2015 application. These documents are available on the FERC's website (FERC accession number 20150331-5153).

FA1-87 Comment noted. See the responses to comments FA1-6 and FA1-15.

FA1-88 See the response to comment PMI-85.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-89 | <ul style="list-style-type: none"> Page 13 of the Public Notice states that wetlands will be seeded with annual rye grass. We recommend the disturbed wetland areas be replanted with a wetland seed mix that is appropriate for the location of the impacts, as well as annual rye grass. The rye grass will provide quick stabilization, and the wetland mix will provide seed source for the successful restoration of the impacted area. Additionally, mitigation should discuss seeding will include native pollinator vegetation that will forward the cause for pollinator species such as bees. |
| FA1-90 | <ul style="list-style-type: none"> Clearly state when remaining surveys will be completed? Please describe how discrepancies between the remote sensing and field verification will be shared in the event that surveys are not completed prior to the FEIS. Page 4-69 states that the remote sensing methodology was tested for accuracy on field-delineated land area. The EIS does not describe the results of this comparison and testing. |
| 8) Vegetation | |
| FA1-91 | <ul style="list-style-type: none"> We recommend including a figure of the different types of vegetation communities in a map with an overlay of the pipeline project. This will help the reader better understand the range effect the project will have on the different vegetation types and the variety of vegetation that will be covered by the area of the project. |
| FA1-92 | <ul style="list-style-type: none"> Page 4-76 states that modifications to existing compressor stations would have limited effects on vegetation communities. Modifications at CS 517 will impact a total of 32 acres during construction. Modifications at CS 520 will impact a total of 36.1 acres during construction. Modifications at CS 190 will impact a total of 30 acres during construction. Considering that these 3 stations will impact greater than 90 acres |

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| FA1-89 | <p>Comment noted. Transco would restore wetlands in accordance with its Procedures and federal and state permit authorizations (including Transco’s PRM Plan). Per Transco’s PRM Plan, impacts on PEM and PSS wetlands would be temporary. PEM wetlands would be returned to grade and reseeded following construction. PSS wetlands would be seeded with a native seed mix and would naturally revert back to PSS. A 10-foot-wide operational right-of-way would be maintained in PSS wetlands no more frequently than on an annual basis and the native shrub layer would be allowed to re-sprout between maintenance events. All PFO construction impacts are proposed to be mitigated for at the proposed PRM sites. PFO wetlands within the construction right-of-way would be seeded; however, woody vegetation or wetland replacement species would not be planted within the construction easement because the PRM sites would provide greater functional replacement and ensure the long-term success of mitigation for these temporary impacts. We have revised our recommendation in section 4.4.6 of the EIS to request that Transco’s PRM Plan designate wetland seed mixes to be used and which agency recommended them.</p> |
| FA1-90 | <p>See the response to comment PM2-102 and the revised text in section 4.4.1 of the EIS.</p> |
| FA1-91 | <p>We disagree. Appendix N provides a table listing the different vegetation communities associated with each project facility and the acreages that would be disturbed during construction and operation. This helps the reader better understand the range of effects the Project facilities would have and the acreage of vegetation that occurs in each portion of the project area.</p> |
| FA1-92 | <p>As described in section 4.8.1.3 of the EIS, the majority of land use affected by construction of the modifications is industrial/commercial land (123.9 acres), with lesser amounts of open land (40.7 acres) and upland forest (6.3 acres). Operation of Compressor Station 517 would permanently convert about 0.8 acre of upland forest to industrial use. Operation of Compressor Stations 520 and 190 would convert about 15.5 and 3.5 acres of open land, respectively, to industrial use. Also see table O-1 in appendix O.</p> |

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-92 (cont'd) | combined, we suggest that vegetative impacts to these areas be considered and described in the EIS. |
| FA1-93 | • Page 4-80 references figure B-2 from the Draft Migratory Bird Plan found in Appendix M. However this figure is located in Appendix B of the Draft Migratory Bird Plan. The appendices for the plan have not been included in the EIS. |
| FA1-94 | • Please include a map of the interior forests that will be affected by the project. The DEIS should include an explanation of the method used to identify interior forest patches. Additionally, this section of the DEIS should list species that will be affected by the destruction of interior forests habitat and if any of those species are on Federal or state endangered species lists. If this is mentioned in another section in the DEIS, it should be referenced in this section. |
| FA1-95 | • Agricultural lands including specialty crops (orchard and tree farms) and organic and no-till farms were mentioned earlier in the document, however they were not addressed in the vegetation section although impacts to agricultural lands are determined to be temporary to short-term. |
| FA1-96 | • Please formalize the revegetation plan(s), which should include adaptive management. The DEIS does not include Transco Project-specific Noxious and Invasive Plant Management Plan. This plan should be included in the appendices. This section should include a brief discussion on how the project will reduce the spread of invasive species along edge habitat. |
| FA1-97 | • Some portions of the EIS indicate that forest impacts may take decades to recover to pre-construction conditions. It appears that impacts to forests would be long term if not permanent. Minimization efforts and mitigation for these impacts are not presented, and should be included in the EIS. Despite this, it is concluded that the permanent conversion of forested lands would not result in significant impacts. It is not clear what this conclusion is supported by. We suggest that FERC consider if significant impacts to interior forests may occur as a result of the proposed project. |
| | 9) Wildlife and Aquatic Resources |
| | • 171 waterbodies have been identified by PFBC as containing sensitive fisheries in PA. All but 4 of these special concern waterbodies will be crossed using a dry crossing method. While direct instream work for crossings would have the potential to impact fisheries, there are other construction related activities that may impact fisheries and aquatic resources that should be considered. Vegetation clearing adjacent to streams and in the riparian corridor has the potential to reduce shade over stream, increase stream temperature, reduce carbon inputs to stream, etc. Shading impacts mentioned as temporary, earlier stated that forested areas could take decades to be restored. It is unclear that any active planting is planned. |
| FA1-98 | • Unclear if the construction timing windows in fisheries of concern in PA are focused on fish spawning or recreational fishing. |
| FA1-99 | • The aquatic resources considered only included fisheries. This is a limited consideration of aquatic resources, which can also include benthic macroinvertebrates, salamanders, and other species. No discussion on freshwater mussels was included in the EIS. |
| FA1-100 | |

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| FA1-93 | The EIS is a summary of the information in the record. Because the Migratory Bird Plan (appendix M) is so voluminous, the draft EIS directed readers to the FERC website to view the attachments to the plan (FERC accession number 20151218-5234). However, the Migratory Bird Plan attachments are included in appendix M of the final EIS. |
| FA1-94 | As described in section 4.5.3 of the EIS, Transco delineated interior forests using aerial photography. Forest patches were delineated by their non-forested edges using a minimum 225-acre size. Edges were defined as the “interface between forested and non-forested ecosystems or between two forests of contrasting composition or structure.” Section 3.2.5.2 of Transco’s Migratory Bird Plan provides a more detailed description of the methods used to delineate interior forests (see appendix M). Sections 4.6.1.2 through 4.6.1.5 of the EIS and Transco’s Migratory Bird Plan describe the potential effects of interior forest fragmentation on specific species; section 4.5.3 has been revised to include cross-references to these sections and the Migratory Bird Plan. Map sets showing the interior forests crossed by the Project are included as an attachment to the Migratory Bird Plan. Because the plan is so voluminous, the map set attachments were removed from appendix M for the draft EIS and a reference to FERC accession number 20151218-5234 was included. However, the map set attachments are included as an attachment to the Migratory Bird Plan in appendix M of the final EIS. |
| FA1-95 | Agricultural areas, including specialty crops and organic and no-till farms, are described in section 4.8.4 of the EIS. |
| FA1-96 | See the response to comment FA1-42. |
| FA1-97 | The text in sections 4.5.3 (Interior Forests) and 4.5.6 (Conclusion) has been revised to include additional information regarding minimization efforts and mitigation for impacts on forested areas. |
| FA1-98 | See the response to comment PM2-123. |
| FA1-99 | The purpose of the PFBC’s recommended construction windows (in table 4.6.2-1 of the EIS) is to facilitate avoidance of impacts on fish spawning and recreational angling. |
| FA1-100 | Federally and state-listed mussel species are included in section 4.7 of the EIS and a description of potential impacts on non-federally listed mussel species is included in section 4.7.3.4. Salamander species are included in table 4.6.1-1 of the EIS, and potential impacts are considered within the wildlife impact section. |

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-101 | <ul style="list-style-type: none"> Please be sure that all references noted in the EIS are included in Appendix Q References. Page 4-100 references Beschta and Taylor, 1988, however it does not appear to be included in Appendix Q References. |
| | 10) Rare, Threatened, and Endangered Species |
| FA1-102 | <ul style="list-style-type: none"> The FWS Pennsylvania Field Office has noted that the Project is within 5 miles of five known Northern Long-eared bat hibernacula in Schuylkill, Northumberland, and either Lancaster or York Counties (Shellenberger, 2015a). Two of the hibernacula are within 0.25 mile of the Project in Northumberland County between CPL South MPs 84.9 and 85.5. FERC has recommended that complete Northern long-eared bat survey data be filed prior to the end of the DEIS comment period. Mist net surveys conducted resulted in the capture of 70 northern long-eared bats. More than 1,000 acres of northern long-eared bat habitat would be impacted by the proposed project. It is not clear what specific avoidance and minimization efforts or route changes have been incorporated with regard to the northern long-eared bat. FERC has determined that the proposed project is likely to adversely affect the northern long-eared bat. Will any additional surveys be completed for this bat, considering that not all parcels were available for survey? Is FWS comfortable moving forward with not all areas surveyed? |
| FA1-103 | <ul style="list-style-type: none"> Please clarify if the recommended frequency, duration, and timing of all ESA surveys were followed. Have any of the recommended surveys not been conducted? |
| FA1-104 | <ul style="list-style-type: none"> Page 4-113 states that Transco will conduct wetland delineations on all parcels without survey access with potential northeastern bulrush habitat once they become accessible in 2016. Route was modified to avoid impacts to northern bulrush. Please clarify why the FWS recommended 300ft set back will not be attained. |
| FA1-105 | <ul style="list-style-type: none"> Incomplete surveys for Alleghany wood rat; the surveys should be finalized prior to decision-making and shared with public and agencies. |
| FA1-106 | <ul style="list-style-type: none"> While Transco anticipates avoiding impacts at the Susquehanna River due to the use of the HDD crossing method at the two crossing locations, Transco is considering conducting baseline mussel surveys in case an alternative crossing method becomes necessary or other unanticipated impacts could occur. Please explain how impacts will be assessed and provided to the public. Will further NEPA assessment be made public? |
| FA1-107 | <ul style="list-style-type: none"> Concern with how to address changes in crossing methods and unanticipated impacts in the event that a different unevaluated crossing type was necessary. |
| FA1-108 | <ul style="list-style-type: none"> No main conclusions were drawn about the impacts to RTE species. It is critical that potential impacts be identified, presented, and acceptable avoidance and mitigation determined. |
| | 11) Land Use, Recreation and Public Lands |
| FA1-109 | <ul style="list-style-type: none"> The proposed action crosses the Appalachian Trail at MP M-200 0.1 on SGL 211. The permanent right-of-way would create a new corridor although a forested buffer may be maintained along the right-of-way on either side of the Appalachian Trail, pending further evaluation of crossing methods and consultation with the PGC. Concern with crossing AT, and lack of certainty about buffer and veg along trail. Please clarify what the technical limitations of the conventional bore. Although the crossing will use a bore |

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| FA1-101 | This reference has been added to appendix R |
| FA1-102 | Transco must complete all remaining field surveys for agency permitting prior to FERC consideration of authorizing construction. Typically, 100 percent complete survey access is not obtained prior to certification for linear projects of this magnitude. Since the issuance of the draft EIS, additional survey data and agency consultation have been made available and the appropriate sections of the EIS has been updated. |
| FA1-103 | Transco followed FWS-recommended protocols for all sensitive species surveys. |
| FA1-104 | Following surveys on previously inaccessible tracts, appropriate measures would be developed to address sensitive species presence, as necessary. |
| FA1-105 | Since the issuance of the draft EIS, additional survey data for the Alleghany wood rat have been made available, and the appropriate section of the EIS has been updated. |
| FA1-106 | See the response to comment PM4-12. As discussed in section 4.3.2.6 of the EIS, there is a high likelihood of success with the proposed HDD. If the HDDs are not successful, Transco would be required to identify a new location for the crossing or new methodology, and request approval for the new location or methodology with all applicable agencies. |
| FA1-107 | See the response to comment FA1-106. |
| FA1-108 | Conclusions for threatened and endangered species are included within each subsection by species within the EIS. Since the issuance of the draft EIS, additional survey information and agency consultations have been made available. The appropriate sections of the EIS have been updated accordingly. |
| FA1-109 | In response to our recommendation in the draft EIS that Transco file site-specific crossing plans for the recreational areas crossed by the Project, Transco provided a site-specific crossing plan for State Game Land 211, including the Appalachian National Scenic Trail (Appalachian Trail). The site-specific crossing plan includes avoidance and mitigation measures developed in consultation with the PGC's Board of Game Commissioners. Section 4.8.6.1 of the EIS has been revised to include the updated information from the site-specific crossing plan. Also see the revised text in section 3.3.2 of the EIS regarding CPL South Alternatives 16, 16A, and 16B for the crossing of the Appalachian Trail. |

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-109 (cont'd) | method, it does not appear that impacts from construction on trail use and user experience has been considered. |
| FA1-110 | <ul style="list-style-type: none"> It is stated that Transco will develop a site-specific crossing plan, clarify which of the streams within Ricketts Glen State Park will be crossed and provide any available data about stream characteristics and quality. It is not clear that the user experience has been considered. Is the proposed crossing near any trails, trailheads, or other recreational locations? How will construction impact park users? |
| FA1-111 | <ul style="list-style-type: none"> PGC requested no work within October 1- December 30, which has not yet been agreed to. EPA encourages FERC and the applicant to incorporate and comply with the TOY restrictions suggested by PGC for each of the requested SGLs. If work is conducted during this period, please consider and address worker and user safety as appropriate. |
| FA1-112 | <ul style="list-style-type: none"> Lebanon Valley Rail – Trail states that since the crossing will be in agricultural land use and would therefore not affect the surrounding landscape. It is not clear why this has been assumed. The proposed action would preclude these areas from becoming forested in the future. |
| FA1-113 | <ul style="list-style-type: none"> The Chapman loop would cross Sproul State Forest at four locations, additionally the installation of a new MLV and communication tower is proposed in the SF. Although portions of the loop would be collocated, it is unclear if other avoidance and minimization measures have been considered in order to reduce impacts to the SF. A site specific crossing plan is not available. The EIS states that the looping was sited away from active recreational areas, however no maps or detailed information was presented. It is unclear if recreation within the SF will be impacted. |
| FA1-114 | <ul style="list-style-type: none"> Page 4-135 notes that concern from commenters about possible effects on septic systems/drain fields during construction. The EIS concludes that consultation by Transco with landowners to identify and avoid systems as well as compensate or damage that occurs during construction that impacts would be less than significant. Linear projects have the potential to impact these systems. Pipeline construction or maintenance may result in the need for systems to be relocated, or result in systems becoming unviable if it isn't possible for them to be relocated. EPA recommends that an evaluation of these types of impacts to systems be included in the EIS. This could be particularly important where systems are can no longer operate and result in additional displacements. |
| | 12) Conservation, Historic and Visual |
| FA1-115 | <ul style="list-style-type: none"> It is stated that there is one known WRP is near the construction area and one known FRPP easement is crossed by it. Please clarify if all lands within the construction area have been evaluated for WRP and FRPP easements. Please provide the restoration measures relating to the FRPP crossing. |
| FA1-116 | <ul style="list-style-type: none"> The DEIS mentioned that Transco contacted every SHPO's office and that: <i>"Transco submitted a revised plan for unanticipated discoveries during construction. To date, Transco has not filed the North Carolina SHPO response regarding this plan."</i> It seems that this statement is the same for each state affected in the DEIS. We recommend including the final concurrence statement from each SHPO office regarding the appropriateness of these plans. |

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| FA1-110 | Based on our recommendation in the draft EIS that Transco file site-specific crossing plans for the recreational areas crossed by the Project, Transco indicated that the remainder of the site-specific crossing plans, including the one for the Ricketts Glen State Park, would be filed with Transco's Implementation Plan for the Project after consultations with the PGC are completed and any associated avoidance or mitigation measures are finalized. |
| FA1-111 | Confirmation of the no work timing restriction would be included in the site-specific crossing plans developed in consultation with the PGC for the recreational areas crossed by the Project, the remainder of which Transco indicated would be filed with Transco's Implementation Plan for the Project after consultations with the PGC are completed and any associated avoidance or mitigation measures are finalized. |
| FA1-112 | Any future land use change at the site of the Lebanon Valley Rail-Trail crossing would be speculative and is not a reasonably foreseeable action. Therefore, it is reasonable to base any conclusion regarding the permanent effect of the Project on the surrounding landscape on the current land use at the site. We conclude that there would be no permanent effect on the surrounding landscape because the current land use at the site is agricultural. |
| FA1-113 | One hundred percent of the Chapman Loop route is collocated with the existing Transco Leidy Line System right-of-way, which minimizes new impacts to the existing land uses to the greatest extent possible. Based on our recommendation in the draft EIS that Transco file site-specific crossing plans for the recreational areas crossed by the Project, Transco indicated that the remainder of the site-specific crossing plans, including the one for the Sproul State Forest, would be filed with Transco's Implementation Plan for the Project after consultations with the managing agency are completed and any associated avoidance or mitigation measures are finalized. |
| FA1-114 | As stated in section 4.8.3.1 of the EIS, Transco would continue to consult with landowners to identify and avoid septic systems. However, if an existing septic system is affected during construction, Transco would compensate the landowner for its repair, replacement, or relocation. We believe this is sufficient mitigation to ensure that effects on the septic systems are minimized or mitigated. |
| FA1-115 | Section 4.8.6.2 of the EIS has been revised to include updated information regarding areas enrolled in a variety of conservation programs based on consultations with land-managing agencies. See also the response to comment FA1-22. |
| FA1-116 | Comment noted. |

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FAI-117 | <ul style="list-style-type: none"> • Please clarify why it was not feasible to use the conventional bore method to cross Tucquan Creek, a State designated Wild and Scenic River. What were the results of the geotechnical investigations that limited this method? |
| FAI-118 | <ul style="list-style-type: none"> • Please describe the methodology used to identify and evaluate impacts to visual resources. It is unclear if a consistent approach was used to assess visual impacts. Specify if the same method was used for pipeline and aboveground facilities. |
| FAI-119 | <ul style="list-style-type: none"> • Height information is only provided for communication towers, which will range from 40-190 feet in height. Do communication towers represent a hazard for birds and bats? Are guy wires necessary for communication towers? |
| FAI-120 | <ul style="list-style-type: none"> • What will be the maximum height of facilities at above-ground facilities, including compressor stations? From what distance will compressor stations be visible? Clarify if compressor stations will be visible from residences, recreational areas, or other key viewpoints. It may be useful to develop a table for compressor stations that is similar to Table 4.8.8-1. |

FAI-117 As described in section 4.8.6.3 of the EIS, Transco investigated crossing Tucquan Creek using the conventional bore method; however, geotechnical testing results indicated that the method was not feasible. As currently proposed, Transco would cross Tucquan Creek using the dam-and-pump crossing method but would reduce the construction right-of-way width to 75 feet.

FAI-118 Land cover data collected during field surveys and a review of USGS topographic maps and aerial photography were used to identify the existing land uses and vegetation cover. These resources were used to assess the general visual impacts that would be expected during construction and operation of the Project.

Transco conducted a visual assessment of the Project to determine where the new permanent right-of-way may be visible from the Captain John Smith Chesapeake National Historic Trail due to tree clearing and post-construction vegetation maintenance. Sections 4.10.2 and 4.13.8.6 of the EIS have been revised to include detailed descriptions of the Project’s potential impacts on evocative landscapes associated with the trail.

FAI-119 Comment noted. As described in Transco’s Migratory Bird Plan (see appendix M), all communication towers would be free-standing and would not require the use of guy wires. Transco would follow the guidelines set forth in the FWS’s 2000 Memorandum *Service Guidance on the Siting, Construction, Operation and Decommissioning of Communications Towers* to reduce the potential for communication towers to represent a hazard to birds and bats. These guidelines include the following:

- Communication towers would not exceed 199 feet above ground level.
- No lighting would be used on communication towers.
- Communication towers would be free standing without the support of guy wires.
- Communication towers would be constructed in areas collocated with other project facilities (e.g., compressor and regulator stations).
- Any security lighting would be down-shielded.

FAI-120 Section 4.8.8.2 of the EIS evaluates visual resources in the vicinity of the aboveground facilities. The communication towers at the aboveground facility sites would be between 40 and 190 feet tall and would represent the maximum height of aboveground facilities. The compressor and ancillary buildings would typically be between 15 to 30 feet in height. No visually sensitive recreational areas were identified within 0.25 mile of the new aboveground facilities. In addition, we evaluated the residences that would be within the viewshed of the new compressor station sites and the mitigation measures that would be implemented to minimize visual impacts.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-121 | <ul style="list-style-type: none"> • Please clarify if the vegetation that is stated to provide visual screening will provide screening in all seasons or just through the spring and summer months. Please describe facilities that will be visible above the existing tree line or vegetation height. The EIS notes that additional visual screening will be provided by the applicant, however it is not clear what is proposed and what amount of screening it will provide. |
| FA1-122 | <ul style="list-style-type: none"> • Maps, visual representations, site plans or figures, and/or photos of example aboveground facilities should be included in the EIS. These would be incredibly useful for the public and other stakeholders to have a better understand of that the actual facilities proposed will look like. |
| FA1-123 | <ul style="list-style-type: none"> • Please consider potential impacts from lights or beacons that may be on communication towers and other aboveground facilities. |
| 13) Socioeconomics | |
| FA1-124 | <ul style="list-style-type: none"> • Page 4-168 concludes that “given the study area population (totaling 12,281,054) and the distribution of the construction workforce, the addition of 6,490 people would not be a significant change.” Please clarify where this total study area population was derived from. Table 4.9.1-1 provides the 2013 populations for each of the counties in PA affected by the project; the total population for those 10 counties is 1,517,537. |
| FA1-125 | <ul style="list-style-type: none"> • Please provide estimated workforce totals for Counties that are affected by more than one project facility. For example, construction for CPL North, CPL South, CS 610, and the West Diamond Regulator Station will take place in Columbia County. It is unclear if the impacts from these combined construction/workforce have been considered. It be beneficial to consider workforce impacts by spread. |
| FA1-126 | <ul style="list-style-type: none"> • Several studies relating to property values and mortgages are referenced in Section 4.9.5. It may be useful to include information about the size of pipelines (pipe diameter) in order to more fully understand how these relate to the proposed project. |

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| FA1-121 | <p>Transco is proposing to plant evergreens along the southern portion of the Compressor Station 610 site to minimize the visibility of the compressor station during all seasons. Section 4.8.8.2 of the EIS has been revised to include information on facilities that would be visible from the compressor station site.</p> |
| FA1-122 | <p>We believe the level of detail provided in section 4.8.8.2 of the EIS is sufficient for the public and decision makers to assess the potential visual effects of the Project. The aboveground facility plot/site plans are considered Critical Energy Infrastructure Information in accordance with the Commission’s regulations at 18 CFR 388.113. Transco provided an example visual screening/planting plan as attachment 3 of its September 19, 2016 supplemental filing, which can be accessed on our website at https://www.ferc.gov (FERC accession number 20160920-5019).</p> |
| FA1-123 | <p>As described in section 4.8.8.2 of the EIS, outdoor lighting would be limited to the minimum amount required for security during unmanned nighttime operation, while maintaining Occupational Safety and Health Administration safety standards for lighting. The main gates, yards, and all building entry and exit doors would have lighting for security; however, these lights would have directional control or would be directed in a downward position to minimize their visibility in the direction of local residences. This section has been revised to state that the new communication towers would not have lighting (consistent with the information provided in Transco’s Migratory Bird Plan). Also see the response to comment FA1-119.</p> |
| FA1-124 | <p>The draft EIS listed the population for the entire Commonwealth of Pennsylvania. We agree that this should be revised to reflect the project area (i.e., affected counties). The text in section 4.9.1 of the EIS has been revised to include only the total population for the affected counties (1,517,537).</p> |
| FA1-125 | <p>The estimated workforce is the total for all project components. For example, the total estimated workforce needed for Columbia County is 431 to 513 individuals, which includes an estimated 145 to 164 individuals for CPL North, 162 to 197 individuals for CPL South, 66 to 88 individuals at Compressor Station 610, and 58 to 64 individuals at the West Diamond Regulator Station.</p> |
| FA1-126 | <p>For the property values studies referenced in section 4.9.5 of the EIS, the pipeline diameters varied from 6 to 42 inches. Studies have determined that “neither the size of a pipeline (diameter) nor the product carried by a pipeline has any significant impact on sales price” (INGAA, 2001).</p> |

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-127 | • Table 4.9.8-1 and 4.9.8-2 should also include data specific to Pennsylvania. |
| FA1-128 | • No maps relating to EJ were provided. |
| FA1-129 | • It would have been preferable for the minority and low-income assessments to have been conducted using the minority and low-income population percentages of the study area as a whole as basis for evaluation. Comparisons of minority and low income populations for the county is appropriate in some cases, but in others may represent too large an area for |

FA1-127 Tables 4.9.8-1 and 4.9.8-2 have been revised to include the racial/ethnic and economic statistics for Pennsylvania.

FA1-128 Project maps are provided in appendix B.

FA1-129 As described in section 4.9.8 of the EIS, the Project would have negligible to minor negative impacts and minor to moderate positive impacts on socioeconomic characteristics and economies within the region of influence. As described throughout this EIS, potentially negative environmental effects associated with the Project would be minimized and/or mitigated, as applicable. Although the racial and economic composition of the counties that would be traversed by the Project shows some minor deviations from state-level statistics, there is no evidence that the Project would cause a disproportionate share of adverse environmental or socioeconomic impacts on any racial, ethnic, or socioeconomic group. Because pipeline construction in any one area would be short in duration, we conclude that assessing the potential socioeconomic impacts of the Project at the countywide level is appropriate. Project impacts on population, employment, housing, public services, economy, and taxes would not necessarily be limited to the immediate vicinity of the Project. Impacts on transportation and traffic would likely be more localized; however, the effects would be short term and Transco would implement the measures in its ECP and Traffic and Transportation Management Plan to mitigate impacts.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-129 (cont'd) | <p>meaningful comparisons to be made. Comparison of the demographics of the study area to state, county and local benchmarks made provide more meaningful and insightful information as to the localization of minority and low-income populations of concern. Additionally, Environmental Justice concerns are local, occurring at specific points in communities, rarely are they impacting vast areas at a given time. We encourage FERC to attempt to focus on places where adverse impacts are more likely to occur and assess these impacts more comprehensively.</p> |
| FA1-130 | <ul style="list-style-type: none"> As noted above, in some instances it may be more appropriate and informative to consider minority and low income populations at a more refined level of study. Please consider conducting a more detailed study for areas surrounding CSs and other aboveground facilities perhaps using block group of census tract level data. |
| FA1-131 | <ul style="list-style-type: none"> Please clarify the location of the 11 open houses and how open house information was disseminated to environmental justice communities within the project area (construction and operation). |

FA1-130 We disagree. As noted in table 4.9.1-2 in section 4.9.1 of the EIS, construction at each of the compressor stations would last about 12 months with an estimated workforce between 66 to 88 people per station. Construction at each of the meter stations would last about 6 months with an estimated workforce between 58 to 64 people per station. Although the duration of construction in these areas would typically be longer than at a specific site along any of the pipeline routes, the number of workers needed is small in number compared to the local population. Therefore, we do not believe that construction of the aboveground facilities would cause a disproportionate share of adverse environmental or socioeconomic impacts on any racial, ethnic, or socioeconomic group and we conclude that assessing the potential socioeconomic impacts of the Project at the countywide level is appropriate. Also see the response to comment FA1-129.

FA1-131 Transco notified landowners and project stakeholders of the public open houses in letters dated May 5 and May 19, 2014. Transco also notified the public of the open houses by running advertisements in the local newspapers. Open houses were held at Lake-Lehman High School in Luzerne County, Hughesville Fire Department in Lycoming County, Chapman Township Volunteer Fire Department in Clinton County, Mountain View School District in Susquehanna County, Keystone College in Wyoming County, Wayside Inn in Northumberland County, Bloomsburg Fire Department Social Hall in Columbia County, Tremont Fire Co. No. 1 in Schuylkill County, Annville-Cleona High School in Lebanon County, Millersville University in Lancaster County, and Acorn Farms Reception & Conference Center in Mount Joy Township, Lancaster County. Also see the response to comment PM1-130.

FA1-132 As stated in section 4.9.8 and shown in table 4.9.8-1 of the EIS, CEQ guidance states that “minority populations should be identified where either: (a) the minority population of the affected area exceeds 50 percent or (b) the minority population percentage of the affected area is meaningfully greater than the minority population percentage in the general population or other appropriate unit of geographic analysis” (CEQ, 1997a). In Pennsylvania, minorities comprise an estimated 18.1 percent of the total population. The percentage of minorities in the Pennsylvania counties that would be crossed by the Project ranges from 2.0 to 11.6 percent. Therefore, none of the counties that would be affected by the Project in Pennsylvania have the potential to be an Environmental Justice community based on race. Therefore, accommodations such as interpreters or foreign-language materials were not provided for scoping or comment meetings.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-133 | <ul style="list-style-type: none">• The DEIS states that “none of the counties that would be affected by the Project in Pennsylvania have the potential to be in environmental justice community based on race.” In the following paragraph, the DEIS states that three counties within the project area have populations larger than the state average, therefore considered an environmental justice community. This discrepancy should be clarified. |
| FA1-134 | <ul style="list-style-type: none">• The EJ analysis does not consider construction and displacement impacts on environmental justice communities. The DEIS should analyze if a disproportionate amount of environmental justice communities have construction related displacements, as well as construction truck traffic or water turbidity to areas that are used for subsistence fishing. |

FA1-133 As described in section 4.9.8 of the EIS, the minority population as a whole in Pennsylvania is 18.1 percent, and no counties affected by the Project have minority populations that exceed this amount. Persons of Hispanic or Latino origin constitute 6.1 percent of the population of Pennsylvania. In three counties, the proportion of individuals who identified themselves as being Hispanic or Latino exceeds this amount by 1.9, 3.2, and 4.3 percent; therefore, the minority population is not “meaningfully greater than the minority population in the general population” (CEQ, 1997a) and does not meet the definition of an Environmental Justice community.

FA1-134 As stated in section 4.9.8 of the EIS, none of the counties that would be affected by the Project in Pennsylvania have the potential to be an Environmental Justice community based on race (also see the responses to comments FA1-132 and FA1-133). Five of the counties that would be crossed have poverty rates higher than the respective state level (Luzerne, Lycoming, Clinton, Columbia, and Northumberland Counties); however, the county levels are only slightly higher than their respective state levels. Therefore, we do not anticipate that Environmental Justice communities would experience any construction-related displacements or disproportionately high impacts on traffic or water turbidity impacts at areas used for subsistence fishing.

FA1 – U.S. Environmental Protection Agency (cont'd)

FA1-135]

FA1-136

- Children's health was not considered.
- EPA sees this project as a great opportunity to implement Health Impact Assessments (HIA). HIAs from the communities surrounding the new electric compressors and the communities surrounding the traditional gas compressors. The results of these assessments would help to define the services or interventions required to help to prevent or mitigate health problems associated to this type of projects if any. Additionally, the HIAs will ensure considerations of environmental justice (EJ - EO12898), children's health (EO - 13045) and human health as called by the NEPA process. We are providing some resources below. Also, you might contact EPA for guidance on this matter.
<http://www.humanimpact.org/new-to-hia/faq/>

FA1-137

- EPA assumed that the facilities would be equipped with emergency generator(s). EPA wants to make you aware that there are two specific rules for new source engines. One of these rules would apply to a generator for this facility. In order to learn and comply with these rules please visit: <http://www.epa.gov/region1/ricel>.

FA1-135

As described in section 4.9.8 of the EIS, emissions associated with the new compressor stations (Compressor Stations 605 and 610), which have been an issue on other projects, would not be a concern for this Project because electric motor-driven compressors would be used. Modifications to Compressor Stations 517, 520, and 190 would include the installation of new natural gas-fired compression. Potential health impacts associated with the emissions at Compressor Stations 517, 520, and 190 are further detailed in section 4.11.1.3. Other potential health issues related to the Project would be the risk associated with an unanticipated pipeline or compressor station failure. Section 4.12 describes the localized risks to public safety that could result from a pipeline failure and how applicable safety regulations and standards would minimize the potential for these risks. In addition, as described in section 4.11.1.3 of the EIS, Transco performed an assessment of potential ambient air quality impacts from the proposed modifications (new components) associated with the Project at Compressor Stations 517, 520, and 190 using the most recent version of the EPA regulatory air dispersion model AERSCREEN. The analysis includes modeled concentrations of emissions associated with the Project, as well as background ambient air quality concentrations taken from EPA regional air quality monitoring stations, and a comparison to the NAAQS. The results of the AERSCREEN analyses presented in table 4.11.1-13 demonstrate that proposed modifications to Compressor Stations 517, 520, and 190, when combined with background air quality concentrations, would be below the NAAQS. See the response to FA1-150 for additional information regarding a supplemental modeling analysis completed by FERC staff. Because the NAAQS were established by the EPA to be protective of human health, including that of children, the elderly, and sensitive populations, we conclude that Health Impact Assessments for the communities surrounding the new compressors would not be necessary. We have also found that the risk of exposure to radon is not significant and section 4.11.1.4 of the EIS provides a full analysis of potential impacts on public safety and the measures to reduce those risks.

FA1-136

We disagree. See the response to comment FA1-135.

FA1-137

As detailed in section 4.11.1.2 of the EIS, the emergency generators proposed by Transco would be subject to New Source Performance Standard (NSPS) JJJJ and National Emission Standards for Hazardous Air Pollutants (NESHAP) ZZZZ.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FAI-138 | <ul style="list-style-type: none"> EPA has issued three final rules that together will curb emissions of methane, smog-forming volatile organic compounds (VOCs) and toxic air pollutants such as benzene from new, reconstructed and modified oil and gas sources, while providing greater certainty about Clean Air Act permitting requirements for the industry. To comply with these rules please go to: https://www3.epa.gov/airquality/oilandgas/actions.html |
| FAI-139 | <ul style="list-style-type: none"> EPA recommends that for new equipment utilize contract specifications requiring advanced pollution controls and clean fuels: http://www.northeastdiesel.org/pdf/NEDC-Construction-Contract-Spec.pdf and http://www.epa.gov/cleandiesel/technologies/index.htm Implement diesel controls, cleaner fuel, and cleaner construction practices for on-road and off-road equipment used for transportation, soil movement, or other construction activities, including: <ul style="list-style-type: none"> ✓ Strategies and technologies that reduce unnecessary idling, including auxiliary power units, the use of electric equipment, and strict enforcement of idling limits; and ✓ Use of clean diesel through add-on control technologies like diesel particulate filters and diesel oxidation catalysts, repowers, or newer, cleaner equipment. |
| FAI-140 | <ul style="list-style-type: none"> EPA recommends the use of low maintenance trees at the project sites (reduces pollutants emissions from maintenance activities) and the construction of Rain Gardens for erosion and runoff mitigation while decreasing impervious surfaces to improve ground water quality. By adopting these low-cost easy to achieve suggestions, extra enhancements will be achieved such as noise reduction and aesthetics improvement. |
| 14) Air | |
| FAI-141 | <ul style="list-style-type: none"> Background air quality monitoring data for PA and MD from 2013 was presenting using EPA AirData website as the source in Table 4.11.1-1. Please provide a map of the locations selecting showing their spatial relationship to the proposed CSs. County level data may not provide sufficient detail to analyze site level air quality conditions. No data was presented for Virginia, South Carolina and North Carolina, please explain why sources in these states were 'not considered to be significant'. |
| FAI-142 | <ul style="list-style-type: none"> Construction emissions of CO2 (not CO2e) are estimated to be 163,535.5 tpy. Does reporting construction emissions in CO2 not CO2e effect the analysis? Should it be reported as CO2e to be consistent with other emissions data? |
| FAI-143 | <ul style="list-style-type: none"> Please include operational emissions for CS 605 and 610. No operational emissions were given for CS 605 and 610. These CSs will be electric-driven, and it is stated that minor methane emissions would not have a significant impact on local air quality. |
| FAI-144 | <ul style="list-style-type: none"> Emissions data should clearly include estimated emissions related to fugitive emissions, venting, blowdowns, gas-fired emergency shutdowns and gas heaters. The combined CO2e emissions for existing and modifications at CS 517 and 520 are estimated to be |

FAI-138

Section 4.11.1.2 of the EIS has been updated to reflect the potential applicability of NSPS Subpart OOOOa.

FAI-139

Section 4.11.1.3 of the EIS details mitigation measures to which Transco has committed to reduce emissions from on- and off-road construction activities, including minimizing engine idling times and operating engines in a manner consistent with manufacturers' specifications and EPA standards. We have included a recommendation in the final EIS requesting that Transco evaluate the feasibility of the Northeast Diesel Collaborative Construction Contract Specifications and provide an update in its Implementation Plan.

FAI-140

Transco would conduct cleanup and restoration activities in accordance with state and municipal permit requirements, its Plan and Procedures, and other project-specific plans provided in its ECP. Soils that supported vegetation prior to construction would be revegetated using seed mixes, application rates, and timing windows recommended by local soil conservation authorities or other duly authorized agencies (e.g., Natural Resources Conservation Service [NRCS]), landowner requests, and in accordance with Transco's ECP. Stormwater and sediment control BMPs would be implemented in accordance with the requirements of the PADEP's Bureau of Land and Water Conservation, Division of Stormwater Management and Sediment Control Chapter 102 permit.

FAI-141

Comment noted. We believe the information provided in sections 4.11.1.1 and 4.11.1.3 of the EIS provides sufficient detail for the scope of our analysis. We do not believe a map detailing the spatial relationship between the compressor stations and the monitoring locations would further inform our analysis. As detailed in section 4.11.1.2 of the EIS, no significant new operational emission sources are proposed for Virginia, North Carolina, and South Carolina. In sections 4.11.1.1 and 4.11.1.2 of the EIS, we evaluate the attainment status of all counties crossed by the Project and determined that the Project construction emissions in Virginia, North Carolina, and South Carolina would not trigger a General Conformity analysis.

FAI-142

Construction emissions were generated using EPA's MOVES 2014 emission model, which estimates CO₂ emissions from construction, but does not provide emission estimates for other GHGs. Because the construction activities would generate mainly CO₂ emissions and only minor amounts of other GHGs, we believe that presenting the construction emissions of CO₂ adequately evaluates the potential GHG emissions from construction activities.

FAI-143

Table 4.11.1.8, which quantifies emissions from Compressor Stations 605 and 610, has been added to the final EIS.

FAI-144

Table 4.11.1-9 in the EIS lists the emission sources summarized in the emission estimates, which includes heaters, if applicable, and fugitive emissions. GHG emissions for existing and proposed modifications to Compressor Stations 517 and 520 including venting, blowdown, and other combustion sources. Other operational fugitive emissions generated by the pipeline are summarized in table 4.11.1-16.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FAI-144 (cont'd) | 296,841 tons and 224,792 tons, respectively. It is unclear if venting, blowdowns, and other sources are included in these totals. |
| FAI-145 | <ul style="list-style-type: none"> Emissions data for all CSs included in the proposed project should be provided, including CSs 605, 610, 517, 520, 190. |
| FAI-146 | <ul style="list-style-type: none"> The emissions for CS 517 and 520 are based on the operating condition of 0 °F. Does the temperature of the operating condition effect the emissions estimated? Why was zero degrees F chosen? Was zero selected for all estimations made? It is unclear if estimates made at zero are conservative estimates or if estimates accurately represent anticipated working conditions. |
| FAI-147 | <ul style="list-style-type: none"> Please clarify if the emissions reductions and pollution controls, including low NOx combustor to control NOx emissions, being used at CS 190 will also be implemented at other stations. As it appears that the reductions and controls can be effective, in instances they are not proposed, please clarify why. |
| FAI-148 | <ul style="list-style-type: none"> Modifications at several stations is proposed, which will include the installation of gas turbines. Please clarify the rationale for not using electric powered turbines at these locations. The use of electric turbines may result in fewer local emissions at compressor stations. |
| FAI-149 | <ul style="list-style-type: none"> The DEIS should clearly explain the methodology used for considering operational emissions to local air quality. |
| FAI-150 | <ul style="list-style-type: none"> EPA is concerned by the lack of air modeling analysis provided as well as by the apparent lack of responsiveness by the applicant to FERC's requests for this critical data. According to the DEIS several compressor stations have potential to be significant, however appropriate air modeling has not been conducted and included in the DEIS. Not only will this modeling likely be a required component of any future air permits being sought, it would provide essential information for consideration in this EIS. FERC has recommended that the modeling be completed and filed prior to the end of the DEIS comment period, which EPA strongly supports. We recommend that this modeling data be made available for the public and other stakeholders within the NEPA process. |

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| FAI-145 | See the response to comment FAI-143. |
| FAI-146 | Potential operational emissions for Compressor Stations 517 and 520 are presented in table 4.11.1-9. The EIS is intended to disclose potential impacts resulting from the Project, but is not intended to replace the air permitting process. Emission calculation methodology is established with the air permitting authority, which, in the case of Compressor Stations 517 and 520, is the PADEP. We believe that our analysis appropriately disclosed potential impacts associated with operational emissions from Compressor Stations 517 and 520. |
| FAI-147 | As stated in table 4.11.1-6 of the EIS, Compressor Stations 517 and 520 would be equipped with SoLoNO _x Dry Low NO _x Combustors. |
| FAI-148 | Section 4.11.1.3 of the EIS includes the rationale for installing gas-fired turbines in lieu of electric compressors at Compressor Stations 517, 520, and 190. |
| FAI-149 | Section 4.11.1.3 of the EIS presents potential impacts associated with operational emissions from the Project, including methodologies used to estimate impacts. In the draft EIS, we requested additional information from Transco regarding Compressor Stations 517, 520, and 190 to further the operational emission impact analysis in the final EIS. Section 4.11.1.3 has been updated to include this information. |
| FAI-150 | As noted in section 4.11.1.3 of the draft EIS, the data provided by Transco including air quality modeling data, were sufficient for us to determine that the compressor station modifications would not lead to a violation of the NAAQS. We note that an air quality modeling analysis was not required by PADEP and the Maryland Department of the Environment for the air permit modifications associated with Compressor Stations 517, 520, and 190. To further assess potential impacts associated with the operation of the existing sources at Compressor Stations 517, 520, and 190, as well as the new proposed emission sources at these stations, we completed an additional modeling analysis. The results of this modeling analysis are summarized in section 4.11.1.3 of the final EIS. Our modeling analysis concluded that the potential exists for existing sources at Compressor Stations 517 and 520 to exceed the one-hour NO ₂ NAAQS at local receptors during some operating scenarios and meteorological conditions. However, the new emission sources associated with the Project would not incrementally contribute to the potential exceedance of the one-hour NO ₂ standard. We recommend that Transco continue to operate the air quality monitors at Compressor Stations 517, 520, and 190 for a period of three years following commissioning to ensure that the operation of the compressor stations does not result in violations of the NAAQS and recommend measures to be implemented in the event that air quality monitoring shows a violation of the NAAQS. |

FA1 – U.S. Environmental Protection Agency (cont'd)

- FA1-151 • Six months of air quality monitoring collected near the stations was available for DEIS. Transco has agreed to gather air data for three years post construction. Please clarify what will be done with the data collected during this time and how it will be shared with the public and other stakeholders. Clarify the steps that will be taken should the data show air impacts are occurring, and how impacts will be mitigated, and how future impacts will be prevented.
- FA1-152 • Please include a map of selected air monitoring locations. Selected locations were varying distance from the nearest structure, please clarify if the same siting criteria were used for each stations (CS 517, 520, and 190).
- FA1-153 • The data presented was collected CS 520 and 517 was collected while stations were not running at full capacity, which appears to underestimate emissions expected for the project. DEIS states "Compressor Stations 517 and 520 were not operating at the full station loads during air quality monitoring. Therefore, the potential exists for higher impacts from existing sources when Compressor Stations 517 and 520 are operating at full load."
- FA1-154 • Additionally, it is not clear if CS 517 was fully operational during the monitoring period, as the EIS states that this location won't be finished by July. So it isn't clear what this data informs. Please more clearly explain what the data collected is meant to inform and

FA1-151 See the response to comment FA1-150.

FA1-152 Comment noted. Section 4.11.1.3 describes the location of the air quality monitoring stations operated by Transco at Compressor Stations 517, 520, and 190, including the distance and direction from the nearest structure. We believe that this information provides sufficient detail for the scope of our analysis. Transco identified the location of the air quality monitoring stations in a filing dated February 8, 2016 (FERC Accession number 20160308-5249). As described in section 4.11.1.3, the location for each of the air quality monitoring stations was determined by analyzing local wind patterns and topography.

FA1-153 See the response to comment FA1-150.

FA1-154 See the response to comment FA1-150.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FA1-154 (cont'd) | how data collected at less than full capacity is useful for the EIS. EPA is unclear that this information is useful within the DEIS as it may obscure the public's understanding of operational emissions. |
| FA1-155 | <ul style="list-style-type: none"> Monitoring data provided for CS 520 doesn't include the full dataset for SO2, by excluding data collected during a system failure. The DEIS states that the failure was corrected and subsequent values were included. Please clarify why data collected during the system failure wasn't this included. The DEIS should consider possibilities of similar system failure to occur in the future and potential impacts. |
| FA1-156 | <ul style="list-style-type: none"> The DEIS mentioned: "<i>Activated carbon filtration would be installed for deodorization at Compressor Station 155. An activated-carbon filter cartridge, housed in carbon-steel filter housing, would be designed to remove mercaptan from the odorized natural gas.</i>" Please clarify and explain this information. Why will mercaptan be removed at this location? Please explain. |
| 15) Noise | |
| FA1-157 | <ul style="list-style-type: none"> The DEIS should describe the hours the HDD will be used, specifically if construction will be 24 hours until the pipeline is crossed and the estimated days the HDD will be used (example: days or hours). Also, if the HDD fails, how long will this extend the construction? These descriptions could clarify the impacts to NSA's. |
| FA1-158 | <ul style="list-style-type: none"> There are several residences north of the Susquehanna River HDD sites that are not considered NSA's (see Figures 4.11.2-7 and 4.11.2-8). The DEIS should consider these as NSA's as they are under ½ miles from the HDD entry/exit site and should be assessed for impacts from noise construction. In some cases, they seem of equal distance to some other NSA's. |
| FA1-159 | <ul style="list-style-type: none"> Figures on operational noise should be included in demonstrating the location of NSA's for the new 605 and 610 compressor stations. |
| FA1-160 | <ul style="list-style-type: none"> Current noise levels are provided for CS 605, however they are not provided for any of the other proposed CSs. Please provide equivalent information for each of CSs included in the proposed action. |

FA1-155 As noted in table 4.11.1-11 of the EIS, a portion of the data was not collected due to a system failure. As such, any data collected during this period was not representative of ambient air quality and would not be appropriate for inclusion in the data set. Transco corrected the system failure and all subsequent sulfur dioxide monitoring data have been accurately corrected and reported.

FA1-156 The project facilities would be subject to PHMSA's combustible gas odorization standards outlined in 49 CFR 192.625.

FA1-157 As described in sections 4.11.2.2 and 4.11.2.3 (Horizontal Directional Drill Locations) of the EIS, HDD activities at the three drill sites are estimated to be completed over a 3- to 6-month period, depending on actual drilling conditions encountered and would be "continuous and extend through the night" (i.e., run 24 hours per day). In the event that the HDD fails, Transco would implement the measures in its HDD Contingency Plan (attachment 3 of Transco's ECP), which would include reviewing the site for an alternate crossing profile or location, or assessing the possibility of using a different crossing method. Either option would require a second attempt at completing the crossing (i.e., a second HDD attempt would likely take another 3- to 6-month period to complete).

FA1-158 All of the residences within 0.5 mile of the HDD entry and exit sites are considered noise-sensitive areas (NSA), including the residences north of the Susquehanna River that are within the 0.5-mile buffer zone. However, it is standard practice to use the closest NSA to each HDD entry and exit site for noise analysis assuming that, if the noise level at the closest NSA is within the FERC's 55 decibels on the A-weighted scale (dBA) day-night average sound level (L_{dn}) threshold (either with or without additional noise mitigation measures), the noise levels at the sites at a greater distance would also be within the threshold.

FA1-159 Figures 4.11.2-4 and 4.11.2-5 depict the locations of the NSAs associated with Compressor Stations 605 and 610 (see section 4.11.2.2 of the EIS).

FA1-160 Ambient noise levels at the closest NSAs are provided for all of the compressor stations in section 4.11.2.2 of the EIS. For Compressor Stations 605 and 610, see tables 4.11.2-11 and 4.11.2-12. As described in section 4.11.2.2, the ambient noise levels for the NSAs near Compressor Stations 517, 520, and 190 were estimated based on calculations that assumed the compressor stations were operating at full load. These values are provided in the text of section 4.11.2.2 and not in separate tables.

FA1 – U.S. Environmental Protection Agency (cont'd)

FA1-161 • The DEIS states that “although the noise of a unit blowdown event could be audible at the nearby NSAs, it would not be a substantial noise impact. Moreover, any unit blowdown events would be infrequent and would last for only a short period of time (1- to 5-minute period).” Please clarify or give an example of what a substantial noise impact would be. We also suggest including why blowdown events occur and how often they are expected to occur within certain timeframes (days, month, year, etc).

FA1-162 • The proposed action includes modifying some existing CSs by increasing horsepower. Please clarify if changes in operational noise will be monitored and reported to FERC for any period of time after modifications are made.

FA1-163 • The noise surveys should be made available to the public via appendixes. These appendixes should be referenced in the DEIS.

16) Reliability and Safety

FA1-164 • Page 4-246 states that Transco has committed to several safety measures that exceed requirements. One measure includes hydrostatic testing of the entire pipeline at a higher

FA1-161 As described in section 4.11.2.3, the noise of a unit blowdown event at any of the Project’s compressor stations would not be considered a significant noise impact because: 1) the sound level of the unit blowdown event would not exceed FERC’s 55-dBA L_{dn} threshold, and 2) the blowdown event would be short in duration (1 to 5 minutes long). A noise impact that exceeds the FERC’s 55-dBA L_{dn} threshold for an extended period of time may be considered a significant noise impact depending on specific circumstances. A description of “blowdown event” has been added in a footnote in section 4.11.2.3 of the EIS.

FA1-162 As described in our recommendations in section 4.11.2.3 of the EIS, for each of the modified compressor stations, Transco would be required to file a noise survey with the Secretary no later than 60 days after placing the authorized units in service. If a full load condition noise survey is not possible, Transco should provide an interim survey at the maximum possible horsepower load and provide the full load survey within 6 months. If the noise attributable to the operation of all of the equipment at each of the compressor stations under interim or full horsepower load conditions exceeds an L_{dn} of 55 dBA at any nearby NSAs, Transco should file a report on what changes are needed and should install the additional noise controls to meet the level within 1 year of the in-service date. Transco would be required to confirm compliance with the above requirement by filing a second noise survey with the Secretary no later than 60 days after it installs the additional noise controls.

FA1-163 As noted before (see the response to comment PM1-70), the EIS is a summary document intended to disclose the potential impacts of a proposed action. Our analysis considered and summarized in the body of the EIS the content of the noise surveys, including any supplemental noise information filed by Transco. The document incorporates by reference all of the material filed in support of the permits and other regulatory clearances required to construct the facilities.

FA1-164 Section 4.12.1 of the EIS has been updated to include the different levels of hydrostatic testing requirements based on class locations. Hydrostatic testing of the entire pipeline at higher maximum allowable operating pressures (MAOP) will not result in environmental impacts and there are no water use requirements directly related to testing at a higher MAOP. Hydrostatically testing the pipeline allows the operator to verify the integrity of the pipeline and ensure it is safe to operate.

FA1 – U.S. Environmental Protection Agency (cont'd)

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| FAI-164 (cont'd) | level suitable for Class 3 locations. Please clarify if there are different levels of hydrostatic testing requirements based on the Class designation and include this information in the EIS. Will hydrostatic testing of the entire pipeline at a higher level result in different potential environmental impacts? Or are there different water use requirements? While we understand the need to ensure safety, it is not clear if there are alternatives related to these measures that could result in fewer adverse impacts. What level of safety is to be attained? |
| 17) Cumulative impacts | |
| FAI-165 | <ul style="list-style-type: none"> The mineral facilities/resources included in Appendix I should be included in the CIA. |
| FAI-166 | <ul style="list-style-type: none"> Leidy Line system should be included. Crosses Ricketts Glen, and SGL 206. Why are upgrades to this line not viable? Have they been considered? When was this line put in service? Transco's Leidy Southeast Expansion Project33 (discussed briefly in section 4.13.1) was approved by FERC in December 2014 and placed into service on January 5, 2016. At its closest points in Luzerne, Lycoming, and Columbia Counties, facilities associated with the Leidy Southeast Expansion Project are between 0.0 and 8.4 miles from the Atlantic Sunrise Project. The project was built using a 105-foot-wide construction right-of-way with a 50-foot-wide permanent right-of-way retained for operation, although, due to overlap, most of this comprises existing permanent right-of-way associated with existing Transco pipelines. |
| FAI-167 | <ul style="list-style-type: none"> What is the status of the restoration associated with the various projects given, as many are stated to be in service? Have additional plantings been necessary, or even additional mitigation. How ere these impacts mitigated? What mitigation was completed? Are they good actors? Do we believe efforts will be successful? Did work have to be stopped, how did those other projects go? Any lessons learned? |
| FAI-168 | <ul style="list-style-type: none"> ROW widths for other projects are given, is any estimation of veg, ROW impact provided? |
| FAI-169 | <ul style="list-style-type: none"> Please include a map(s) to show the various spatial/geographic boundaries used for the cumulative impact assessment. |
| FAI-170 | <ul style="list-style-type: none"> We recommend that the analysis consider potential cumulative impacts to wildlife and FIDS. |
| FAI-171 | <ul style="list-style-type: none"> It is unclear what geographic or temporal scope is being used for certain resources, including vegetation and wildlife. We suggest that these be more clearly defined in the EIS. |
| FAI-172 | <ul style="list-style-type: none"> It is not clear that past and present actions were included in the cumulative impact analysis for land use or wetlands. The DEIS states "The Atlantic Sunrise Project in combination with other foreseeable future actions listed in the table in appendix P would result in temporary and permanent changes to current land uses." |
| FAI-173 | <ul style="list-style-type: none"> The DEIS states regarding cumulative impacts on recreational areas, "At present, we are not aware of recreational areas that would be cumulatively affected by the Atlantic Sunrise Project and other potential actions. As a result, although the Project would impact recreation and special interest areas, we do not anticipate significant cumulative impacts on these areas." Earlier in the EIS it is stated that Atlantic Sunrise will be collocated (or partially collocated) through recreational areas like Ricketts Glen. The lines that the project is being collocated with should be considered as past, present and reasonably |

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| FAI-165 | Mining resources within the geographic scope of the cumulative impact assessment have been incorporated into the cumulative impact assessment. |
| FAI-166 | The potential to use the Leidy Southeast Expansion Project as a system alternative is discussed in section 3.2.3 of the EIS. |
| FAI-167 | The status of all the existing projects listed in appendix Q is unknown. The FERC-regulated projects have been restored in accordance with the FERC's and other agency (e.g., USACE and PADEP) requirements. FERC does not allow facilities to be placed into service until it has determined restoration and revegetation are progressing satisfactorily. Applicants must employ environmental inspectors during construction and restoration and conduct post-construction inspection to evaluate restoration and revegetation. In addition, FERC staff or FERC's third-party contractors conduct environmental inspections of projects during and after construction to ensure restoration of disturbed areas. |
| FAI-168 | The precise vegetation impacts of many of the actions listed in the table in appendix Q are unknown, but information is available that allows us to estimate the cumulative impacts of several of the projects (see the revised text in section 4.13.8.3 of the EIS). Also see the response to comment FAI-32. |
| FAI-169 | A map has been included in the EIS to identify the natural gas development near the Project in Susquehanna County. Maps showing the locations of the remaining projects listed in appendix Q can be accessed on FERC's eLibrary website (accession number 20150729-5077). |
| FAI-170 | Cumulative impacts on wildlife are assessed in section 4.13.8.3 of the EIS. |
| FAI-171 | Section 4.13 of the EIS has been revised to clarify the temporal scope of the analysis of various resources. |
| FAI-172 | Section 4.13.8.2 of the EIS has been revised to clarify the other projects considered in the analysis of wetlands. |
| FAI-173 | Section 4.13.8.6 of the EIS has been expanded to include a more detailed discussion of recreation areas like Ricketts Glen State Park. |

FA1 – U.S. Environmental Protection Agency (cont'd)

| | |
|---------------------|---|
| FAI-173 (cont'd) | foreseeable actions. We suggest that cumulative disruption to the parks and reduction of resources be considered in the EIS. |
| FAI-174 | <ul style="list-style-type: none"> • Cumulative impacts to visual resources are presented. This section briefly notes compressor and meter stations but it doesn't consider other CSs from other projects. What CSs are near the proposed CSs associated with Atlantic Sunrise? |
| FAI-175 | <ul style="list-style-type: none"> • The DEIS concludes that FERC-jurisdictional and non-jurisdictional projects could contribute to cumulative impacts, however these cumulative effects are not expected to be significant. Please clarify if this statement address potential cumulative impacts on all resources? |
| FAI-176 | <ul style="list-style-type: none"> • Please clarify if CS 517 and 520 are being constructed as part of the Leidy Southeast Expansion project, or if the horsepower included as part of Leidy Southeast represent an expansion to a previously existing station. It is not clear that cumulative impacts from CS operation considers other CSs nearby, or valve releases, leaks or blowdowns. Please clarify if the emissions associated with the Leidy Southeast project are accounted for in the EIS. |
| FAI-177 | <ul style="list-style-type: none"> • The EIS does not appear to include a discussion on potential cumulative impacts on residences, although commercial/residential and mixed development projects were included as past, present and reasonably foreseeable actions. Atlantic Sunrise crosses numerous residential properties and passes within 50 feet of about 90 residential structures, including 68 houses or townhomes and 22 garages or sheds. 73.7 acres of residential land will be affected by construction, of these 20.4 acres would be within the permanent ROW. FERC should consider the cumulative impact on residences and the community. |
| FAI-178 | <ul style="list-style-type: none"> • Surface water withdraws are discussed on page 4-274, and present withdraw information for the project and for Marcellus Shale compared to state totals, which is contradictory to the cumulative study area for waterbodies and wetlands, which are stated to be at the watershed level. Please revise this data to more accurately compare, or at a minimum include WS scale data. Are any of other withdraws from the same streams proposed to be used by Atlantic Sunrise? |
| FAI-179 | <ul style="list-style-type: none"> • Although the EIS concludes that some loss of wetland function could occur from cumulative impacts, no discussion of wetland functions and values was included. |
| FAI-180 | <ul style="list-style-type: none"> • Page 4-275 states that "Although construction of the Atlantic Sunrise Project along with the other actions in the ROI would result in the conversion or reduction in the amount of forested and woody wetlands in the vicinity, the creation of new wetlands and restoration or enhancement of existing wetlands as may be required by the USACE and individual states would appropriately mitigate for these impacts and minimize any cumulative wetland effects." The analysis includes very little consideration of conversion, and does not provide an estimate of what the cumulative impact of conversion is. As previously state in our comments, mitigation should not be relied upon to prevent cumulative impacts. When considering wetlands we recommend looking at resource trends and considering historic wetlands. |
| FAI-181 | <ul style="list-style-type: none"> • Vegetation and Wildlife—Page 4-275 states "The effect of clearing would be greatest during and immediately following construction and would diminish when the disturbed areas are restored and revegetated and the wildlife that were displaced during construction return." This does not acknowledge that it could take decades for forest to recover, potential change in community, permanent loss of interior forest, possible |

| | |
|---------|--|
| FAI-174 | Section 4.13.8.6 of the EIS has been revised to clarify what other compressor stations are near and could contribute to the cumulative visual impacts of the Project's proposed compressor stations. |
| FAI-175 | The potential significance of cumulative impacts is assessed within the subsections of section 4.13 of the EIS. |
| FAI-176 | Both Compressor Station 517 and 520 were existing stations prior to Transco's Leidy Southeast Expansion Project. As part of the Leidy Southeast Expansion Project, Transco proposed the following facilities at Compressor Station 517: installation of one additional 30,000-horsepower (hp) compressor unit; replacement of one 12,600-hp compressor unit with a new 16,000-hp compressor unit; and modification of existing compressor units and yard piping/valving. At Compressor Station 520, Transco proposed to install one additional 20,500-hp compressor unit and modify existing compressor units and yard piping/valving. Table 4.11.1-9 of the EIS summarizes potential annual emissions from Compressor Stations 517 and 520, which includes potential emissions associated with the project modifications at these facilities, as well as existing emissions, including modifications associated with the Leidy Southeast Expansion Project and other existing facility sources. |
| FAI-177 | Section 4.13.8.6 of the EIS has been expanded to include a discussion of potential cumulative residential impacts. |
| FAI-178 | Section 4.13.8.2 of the EIS has been expanded to include a discussion of potential cumulative water withdrawal impacts. |
| FAI-179 | We do not have information regarding the functions and values of affected wetlands associated with other projects. |
| FAI-180 | Section 4.13.8.2 of the EIS has been revised to include a discussion of potential cumulative wetland conversion impacts. |
| FAI-181 | We are not aware of the specific restoration and invasive species plans for other projects but have assumed based on federal and state permitting requirements that disturbed soils would be seeded. We have also assumed that no other plantings would be conducted. Temporary workspaces would not be maintained and we have assumed these areas would return to their previous open or forested state. Areas within operational footprints would be maintained in an herbaceous state. As such corridors that cross interior forest would contribute to the cumulative impact of forest fragmentation either by creating new openings in interior forest or by widening existing openings/corridors. Section 4.13.8.3 of the EIS has been expanded to include a discussion of potential restoration and cumulative forest fragmentation associated with other projects. |

FA1 – U.S. Environmental Protection Agency (cont'd)

FA1-181
(cont'd)

introduction of invasive species, etc. Since it is not clear that an active vegetation restoration plan has been developed, it should not be assumed that the area would be revegetated and wildlife would return. Please address the potential for cumulative impacts to interior forest.

FA1-182

- Page 4-277 states “Transco has reduced the potential for cumulative impacts associated with the Atlantic Sunrise Project by collocating the pipeline and aboveground facilities where possible with existing rights-of-way and existing aboveground facilities. Following construction, Transco would revegetate disturbed areas and monitor these areas to ensure revegetation is successful. Previously forested areas occupying the temporary right-of-way and other temporary workspaces would be allowed to regrow, and vegetation maintenance on the permanent right-of-way would be restricted.” Limited detail about the restoration plan has been provided in the EIS. We urge FERC to develop a detailed restoration plan that goes beyond allowing vegetation to regrow.

FA1-182

Transco’s restoration plans for the Project are described throughout sections 2 and 4 of the EIS as well as in Transco’s ECP, Plan and Procedures, PRM Plan, and other associated project-specific plans. In addition, Transco is working with the FWS to develop a memorandum of understanding that would specify the voluntary conservation measures that would be provided to offset the removal of upland forest and indirect impacts on interior forest.

FA2 – U.S. Department of the Interior

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IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904

July 8, 2016

9043.1
ER 16/0249

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Subject: Draft Environmental Impact Statement (DEIS) for the Proposed Atlantic Sunrise Project (Pennsylvania, Maryland, Virginia, North Carolina, South Carolina) (FERC Docket No. CP15-138-000)

Dear Secretary Bose,

The U.S. Department of the Interior (Department) has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Atlantic Sunrise Project in Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina. Transcontinental Gas Pipe Line Company, LLC (Transco) has requested authorization to expand its existing pipeline system from the Marcellus Shale production area in northern Pennsylvania to deliver an incremental 1.7 million dekatherms per day of year-round firm transportation capacity to its existing southeastern market areas. The Department offers the following comments for your consideration.

The Appalachian National Scenic Trail

The Appalachian National Scenic Trail (AT) is a 2,189-mile-long continuous footpath that traverses scenic, wooded, pastoral, wild, and culturally resonant lands of the Appalachian Mountains between Katahdin in Maine and Springer Mountain in Georgia. It was conceived in 1921 and built by a consortium of agencies and private citizens. Congress designated the AT a National Scenic Trail in 1968, as one of two initial components of the National Trails System. The NPS is charged under the National Trails System Act (16 U.S.C. 1241, 1244(a)) with administration of the AT as a unit of the NPS. Management of the AT is carried out through a Cooperative Management System as defined in the 1981 Appalachian Trail Comprehensive Plan. The Appalachian Trail Conservancy (ATC), Trail Clubs, government and non-profit partners, and countless volunteers work together to protect and maintain the AT.

FA2 – U.S. Department of the Interior (cont'd)

20160708-5084 FERC PDF (Unofficial) 7/8/2016 11:32:31 AM

In addition to recognition of the AT as a nationally significant recreational resource, the AT has been determined eligible for listing in the National Register of Historic Places (NRHP) in Pennsylvania and the NPS is in the process of evaluating the entire Appalachian National Scenic Trail for formal listing in the NRHP. The NPS has completed a draft Multiple Property Documentation Form (MPDF). The MPDF will guide nominations for trail segment listings by state and the Pennsylvania registration form has been drafted. Contributing resources include the Trail itself, AT side trails, bridges, viewpoints and vistas, look out towers and overnight use areas. Cultural landscapes the Trail passes through and the Trail setting are vital elements of its national significance as a recreational resource and to its NRHP eligibility.

Proposed Route

FA2-1 As proposed, the project would cross the Appalachian National Scenic Trail in Lebanon County, Pennsylvania within a forested portion of Pennsylvania State Game Land Number 211 (PGC 211). This AT crossing is located along the Central Penn Line (CPL) South Primary Route. The PGC 211 is located north of Swatara State Park and NPS Tracts 352-05 and 352-06.

The proposed route will cross the AT in a forested area, requiring removal of trees along the new right-of-way. Transco proposes to cross the AT using the conventional horizontal bore method, maintaining trees between the entry and exit sites, and restoring the trees cleared from workspaces to minimize effects. The conventional bore method will not be able to cross the entire 400-foot-wide AT management area on SGL 211. The NPS is aware of and supports the conditions requested by the Pennsylvania Game Commission for avoiding surface disturbance as much as possible within the AT management area and reforesting the entire 400 foot area to reduce visual impacts.

Page ES-10 states, "To further minimize effects on other recreation and special interest areas, we are recommending that Transco file an update on the status of the site-specific crossing plans for each of the recreation and special interest areas listed as being crossed or otherwise affected by the Project, including site-specific timing restrictions, proposed closure details and notifications, specific safety measures, and other mitigation to be implemented." The NPS recommends that these plans be made available in the final EIS for public review since they provide information regarding how impacts to recreational resources will be avoided, minimized, and/or mitigated.

Alternatives

FA2-2 Page ES-15 states that three major route alternatives were considered and dismissed and that FERC recommends, "that Transco incorporate four of the twenty-two minor route alternatives considered into the proposed route and provide additional information on four route deviations currently under review *prior to the end of the draft EIS comment period*" (emphasis added). It is unclear if this was ever completed. The NPS recommends that this information be made available in the draft EIS in order to give reviewers an opportunity to be fully informed regarding what is proposed and the impact analyses conducted. We request release of a supplemental EIS

FA2-1

Comment noted. Section 4.8.6 of the EIS has been revised to include Transco's responses to our recommendation in the draft EIS to provide additional information regarding site-specific crossing plans for the recreation and special interest areas, including the Appalachian Trail crossing. Transco indicated that the remainder of the site-specific crossing plans would be filed with Transco's Implementation Plan for the Project, after consultations with appropriate permitting agencies are complete and any associated mitigation measures are finalized. In addition, we are recommending that Transco continue to consult with the PGC and PADCNr and provide any avoidance or mitigation measures developed with these agencies prior to construction.

FA2-2

Sections 3.3.2 and 3.3.3 of the EIS have been updated with additional analyses of these alternatives. See the response to comment PM1-70.

FA2 – U.S. Department of the Interior (cont'd)

20160708-5084 FERC PDF (Unofficial) 7/8/2016 11:32:31 AM

FA2-2
(cont'd) and opportunity for public review and comment once this additional information is available and incorporated.

Table 3.3.2-1 on pages 3-17 through 3-18 summarizes minor route alternatives evaluated during pre-filing. Two CPL South minor alternatives were considered in the vicinity of the proposed Appalachian National Scenic Trail crossing. Alternative 1 near milepost 52.1-70.4 is listed as having been evaluated to cross the AT at an alternative location and was dismissed because it crosses more forestland, waterbodies, and wetlands. We could not find any further information in the DEIS regarding this alternative beyond what is presented in the table. At a minimum, we request a map be provided in the DEIS of the alternative so reviewers are given an opportunity to analyze the alternative and provide informed comments regarding resources potentially impacted either beneficially or adversely. Without this information, the NPS is unable to determine what benefit the alternative crossing of the AT may provide.

After Transco filed their application with FERC, a minor route alternative (CPL South Alternative 16) was developed at the request of the Pennsylvania Game Commission (PGC) to change the location of the proposed Appalachian National Scenic Trail crossing in SGL 211. Under this alternative, the AT would be crossed within Swatara State Park, approximately 0.5 miles south of the CPL South Primary Route AT crossing. FERC does not appear to have incorporated CPL South Alternative 16 into the proposed route. The NPS has not identified any significant reduction in potential impacts to the AT at this alternative crossing compared to the proposed route unless it could be further refined to co-align with the existing road crossings of the AT.

We request evaluation of co-location along Pennsylvania State Route 443, either within or adjacent to the existing road right-of-way. An alternative alignment following on the south side of Route 443 appears comparable in length to the proposed route, would reduce impacts to the AT, and would likely reduce forestland impacts since it moves disturbance away from more sensitive interior areas to border areas.

The Western CPLS Alternative would have crossed the AT further to the west near DeHart Reservoir and also in a forested area, but has been dismissed. The NPS does not see any significant reduction in impacts to the AT from this alternative compared to the proposed route.

The Captain John Smith Chesapeake National Historic Trail

FA2-3 Within the proposed Atlantic Sunrise Pipeline Project area, there are significant National Register listed and/or eligible archaeological sites of the Susquehannock people, whom Captain John Smith met and described in detail in his journal. In addition to potential impacts to these archeological sites, NPS has concerns about potential impacts on evocative landscapes associated with the Captain John Smith Chesapeake National Historic Trail (NHT), as well as recreational access to the trail within the proposed project area.

FA2-3

See the response to comment FA1-118.

FA2 – U.S. Department of the Interior (cont'd)

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FA2-3] Specifically, the DEIS does not include a discussion of the impact on the viewshed from the
(cont'd) Captain John Smith Chesapeake NHT and adjoining landscape. Even though the CPL South route in Lancaster County in some places has been moved further away from the Susquehanna River, there is still the possibility that this large scale removal of trees will be seen from the river and iconic overlooks important to the Captain John Smith Chesapeake NHT and impact the visitor experience. We also continue to remain concerned about the impact from an evocative landscape and cultural resources perspective regarding impacts on sites owned by our partners along the trail, particularly those owned by Lancaster County Conservancy.

FA2-4] The DEIS should also consider the short- and long-term impact of pipeline related water withdrawals from rivers and streams that feed the Susquehanna River from both a recreational and habitat perspective. The Captain John Smith Chesapeake NHT is located in several counties

FA2-5] in Pennsylvania that are experiencing multiple pipeline projects. The DEIS should consider the cumulative impacts of the Atlantic Sunrise project and other pipelines crossing the Captain John Smith Chesapeake NHT on the Susquehanna River.

FERC Hydro Settlement Lands

FA2-6] The Department supports a route that avoids in large part lands recently protected through the FERC license issued in the Holtwood Project¹ and associated settlement agreement. The Department through its bureaus the U.S. Fish and Wildlife Service (USFWS) and the NPS were active participants in that proceeding, and supported the protection of those lands².

Although they do not contain any specific USFWS or NPS units, these lands do possess important characteristics associated with preserving the landscape evocative of the time of Captain John Smith's voyages of discovery and their protection was an integral part of accomplishing the Administration's America's Great Outdoors (AGO) initiative and the Commonwealth of Pennsylvania's Conservation Landscape Initiative. Recent discoveries also

FA2-7] indicate the potential for additional discovery of cultural resources associated with the Captain John Smith Trail in the area of the proposed pipeline. The Department again presents a map of contact period landscapes in the Lower Susquehanna River area that may prove useful in FERC's assessment of the potential impacts of the pipeline project. Since the DEIS only lists archeological sites in the immediate APE, it is not clear whether or not FERC or Transco considered the impact of PHMC registered sites located near the pipeline's current route.

FA2-8] Because the pipeline route continues to be evaluated and revised, the NPS requests to be kept apprised of any further changes to the proposed route or other project changes.

¹ FERC Order 141 FERC 62,226 for PPL Holtwood, LLC, Project No. 1881-066: Order Amending Project Boundary, issued December 21, 2012.

² US DOI letter to Kimberly Bose, Secretary – FERC. COMMENTS: Notice of Applications for Amendment of License for the Holtwood Hydroelectric Project, FERC No. 1881-066; Lancaster and York Counties, Pennsylvania, April 18, 2012.

FA2-4 See the response to comment FA2-3.

FA2-5 As discussed in the response to comment PM1-6, our analysis of cumulative impacts is based on a geographic scope within which we believe there is a potential for cumulative impacts on specific resources. We do not believe that analyzing potential impacts on the trails beyond this distance would provide meaningful information regarding the potential for cumulative impacts associated with the Project. Additional discussion of the impacts on the Captain John Smith Chesapeake National Historic Trail is included in sections 4.10.2 and 4.13.8.6.

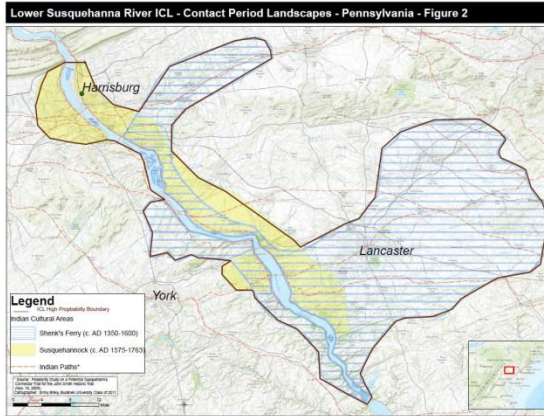
FA2-6 Comment noted. Section 3.3.2 of the EIS has been revised to incorporate this comment.

FA2-7 Comment noted. See the response to comment FA2-3.

FA2-8 Comment noted.

FA2 – U.S. Department of the Interior (cont'd)

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FA2-9 Section 106 Consultation

NPS requests to be a consulting party under Section 106 of the National Historic Preservation Act (NHPA). Pages 4-185 through 4-187 acknowledge that the AT will be directly and indirectly affected by the undertaking and that the AT was one of the primary cultural resources issues in Pennsylvania raised during the scoping period. In addition, the Captain John Smith Chesapeake National Historic Trail was identified as a concern during scoping. Our comments on potential impacts to this Trail are described above. The proposed Project also “intersects the Second Battle of Manassas in Virginia” (DEIS, pg. 4-182). NPS raised concerns about potential impacts here as far back as 2014.

NPS has not been contacted by the Pennsylvania Game Commission for consultation on impacts to the Appalachian National Scenic Trail under Section 106 as the DEIS states would occur (DEIS, pg. 4-183). Nor has FERC or Transco contacted NPS regarding Section 106 consultation on the Trail or the other NPS resources described above. The NPS requests that FERC provide the NPS information regarding the Section 106 consultation process that has already occurred for

FA2-9

Transco proposes to realign the Appalachian Trail crossing through a wooded area on PGC lands. As described in section 4.8.6.1 of the EIS, Transco met with the PGC on January 29, 2015, to discuss the crossing of State Game Land 211 and the Appalachian Trail. The PGC stated that it would be responsible for coordinating with the National Park Service and the Appalachian Trail Conservancy regarding the trail crossing and requested that Transco participate in this coordination. To minimize viewshed and direct impacts on the trail, Transco proposes to use the traditional bore method to avoid the trail and the trees lining the trail. After construction, about 0.9 acre of the permanent right-of-way and temporary workspace at the trail crossing would be replanted with a variety of native vegetation that would be monitored for a period of 10 years after construction to ensure the plants become established. On July 19, 2016, the PGC’s Board of Game Commissioners approved Transco’s proposed mitigation for the crossing of the Appalachian Trail and is in the process of executing a right-of-way license agreement.

Section 4.10.1.1 of the EIS states that, although the Project intersects the Second Battle of Manassas, the Virginia SHPO commented in the March 13, 2015 letter that the battlefield is unlikely to be adversely affected. Transco would consult with the National Park Service and the PGC regarding the Appalachian Trail crossing and file the documentation with FERC.

FA2 – U.S. Department of the Interior (cont'd)

20160708-5084 FERC PDF (Unofficial) 7/8/2016 11:32:31 AM

FA2-9
(cont'd) these resources under our administration, and to be contacted directly in order to become an official consulting party as the project moves forward.

FA2-10 **Cumulative Impacts Analysis**

The DEIS fails to assess the cumulative impacts, “the incremental effects of a proposed action when added to impacts associated with past, present, or reasonably foreseeable future projects, regardless of what agency or person undertakes such other actions” (DEIS, pg. 4-258) for the Appalachian National Scenic Trail, despite its identification as a long, linear recreational and special interest resource of national significance that would be impacted by the proposed project, and by many of the projects listed in Appendix P. Cumulative impacts to the Captain John Smith Chesapeake NHT are also missing from the analysis of cumulative impacts despite the similar attributes it shares with the AT, specifically a long, linear recreational and special interest resource of national significance. Many of the projects listed in Appendix P are known or proposed to cross each of these trails.

The DEIS includes the statement, “At present, we are not aware of recreational areas that would be cumulatively affected by the Atlantic Sunrise Project and other potential actions. As a result, although the Project would impact recreation and special interest areas, we do not anticipate significant cumulative impacts on these areas.” (DEIS, pg. 4-280.) This statement fails to account for cumulative impacts to the Appalachian National Scenic Trail and the Captain John Smith Chesapeake NHT. The list of projects in Appendix P should be cross referenced with these two trails as a first step in understanding the significance of impacts. The cumulative impacts analysis should be significantly revised in order to adequately disclose the cumulative impacts to these important national resources. NPS can provide assistance in this endeavor.

The discussion of cumulative cultural resource impacts on pg. 4-283 of the DEIS also fails to account for the cumulative impacts of the Atlantic Sunrise Project on the Appalachian National Scenic Trail and the Captain John Smith Chesapeake NHT. The DEIS states, “Cumulative impacts on cultural resources could only occur if other actions were to affect the same historic properties affected by the Atlantic Sunrise Project. Impacts could include direct effects associated with ground disturbance and indirect effects on the viewshed that encompasses the areas adjacent to the Atlantic Sunrise Project” (DEIS, pg. 4-283). Both trails contain significant cultural resources and viewsheds that could be impacted by the Atlantic Sunrise Project and the myriad other past, present and reasonably foreseeable projects, starting with those listed in Appendix P. NPS argues that the “same historic properties” must be considered in the sense of the trails and their cultural resource properties as a whole and not in effects to single resources within historic districts and along discrete segments of the trails. The impact of the multitude of threats to the cultural resources of each trail must be analyzed and disclosed in order to assess the potential cumulative impacts to these important historic and cultural resources.

6

FA2-10 See the response to comment FA2-5.

FA2 – U.S. Department of the Interior (cont'd)

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Thank you for the opportunity to comment. If you have any questions regarding these comments, please contact Mary Krueger, Energy Specialist for the National Park Service at 617-223-5066 or mary_c_krueger@nps.gov.

Sincerely,



Lindy Nelson
Regional Environmental Officer

cc:
Mr. Ron Tipton, Executive Director/CEO, ATC
Karen L. Lutz, Mid-Atlantic Regional Director, ATC

NATIVE AMERICAN TRIBES

NA1 – The Nanticoke Leni-Lenape Tribal Nation

20160627-0054 FERC PDF (Unofficial) 06/27/2016



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Romaine Street, Sr.
Harry Jackson, Jr.

June 22, 2016

Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

 ORIGINAL

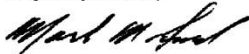
RE: Proposed gas line project (Atlantic Sunrise Project) CP 15-138.

NA1-1 This is a letter of concern regarding the Atlantic Sunrise Gas Line Project (CP 15-138). The project is proposed to tear right through sacred Native American land along the Conestoga River, potentially desecrating a Native American historical site which is an area of land granted to the Conestoga Indians (of the Susquehannock people) by William Penn in the late 1600s. By the early 1700s, the land had been pared down to 414 acres, and was officially known as "Conestoga Indiantown." In 1763, a vigilante gang of Scots-Irish Indian killers known as the Paxton Boys massacred the last remaining Conestoga Indians in a two-part killing: the first part took place in Conestoga Indiantown & the other just a few miles to the north, in Lancaster City, where Conestoga Indians were held in the city prison.

This land, rich in indigenous history, should not be disrespected by commercial interest that may also put the overall environment at risk. Information from historians and archaeologists indicates that, in order for this commercial venture to not desecrate sacred Native sites in the area, it simply must avoid Conestoga Township altogether.

As the indigenous government closest to the site, our tribal government requests that it be informed of plans to mitigate the potential negative environmental impact and disruption of historic sites, in addition to the uncovering of any indigenous artifacts or cultural remains in the project area.

Respectfully Submitted,


Chief Mark Quiet Hawk Gould
Tribal Chairman

FILED
SECRETARY OF THE
COMMISSION
2016 JUN 27 P 2:58
FEDERAL ENERGY
REGULATORY COMMISSION

NA1-1

Transco would avoid sites 36LA0001, 36LA1532, 36LA1540, and 36LA1541 using the HDD method to cross the Conestoga River. Site 36LA0001 is listed on the National Register of Historic Places (NRHP), site 36LA1532 is not eligible, site 36LA1540 has not been evaluated for eligibility by the Pennsylvania SHPO, and site 36LA1541 is potentially eligible for the NRHP.

STATE AGENCIES

SA1 – Pennsylvania State Senator Mike Folmer

20160601-0007 FERC PDF (Unofficial) 05/31/2016

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MIKE FOLMER



Senate of Pennsylvania
48TH SENATORIAL DISTRICT

May 26, 2016

Kimberly D. Bose, Secretary
Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Dear Honorable Bose and Mr. Davis:

SA1-1 Many of my Lebanon County constituents have valid concerns regarding the proposed Atlantic Sunrise Pipeline Project. You are in the process of reviewing the Environmental Impact Statement for this project, FERC Docket No. CP15-138-000.

The Draft Environmental Impact Statement is over 1,300 pages long. As recent as last week, Atlantic Sunrise was adding supplemental information to the Statement. The sheer amount of information makes it next to impossible to fully study the Statement in the time allotted for comments. On behalf of my constituents, I am requesting an extension for public comment to at least 90 days. This is a huge project for Lebanon County. Everyone with questions and comments should be given the opportunity to voice them.

Thank you for the important work you do every day. I look forward to your prompt response.

Sincerely,

MIKE FOLMER

MJF/mtt

OFFICE OF
EXTERNAL AFFAIRS
2016 MAY 31 P 4 32
FEDERAL ENERGY
REGULATORY COMMISSION

COMMITTEES

EDUCATION, CHAIR
LABOR & INDUSTRY, VICE CHAIR
COMMUNICATIONS & TECHNOLOGY
INTER-GOVERNMENTAL OPERATIONS
RULES & EXECUTIVE NOMINATIONS
STATE GOVERNMENT
URBAN AFFAIRS & HOUSING

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WEB SITE: senatorfolmer.com

SA1-1

See the response to comment PM1-130.

SA2 – Pennsylvania Representative Bryan Cutler

20160608-5072 FERC PDF (Unofficial) 6/8/2016 12:10:06 PM

Rep. Bryan Cutler, Quarryville, PA.

June 3, 2016

Federal Regulatory Energy Commission
888 First Street NE
Washington, DC 20426

Dear Commission Members:

SA2-1 Over the last few years residents of the legislative district I represent have contacted me with concerns about the installation of the Atlantic Sunrise Pipeline (CP15-138-000) through our local community. One item of great concern is the possible threat of Eminent Domain use, to potentially take personal property for another company's private use when at the current time the pipeline is only going through our region and not being directly utilized for the region.

SA2-2 Many of the concerned citizens of Southern Lancaster County, myself included, feel that there is a potential benefit for the local community if future expansions for residents and businesses could be included in the planning stages now. It seems to me that planning for laterals off of the existing line would be easier to include now rather than after the pipeline is operational. If there were some kind collaborative planning and explanation of how this pipeline will also benefit the local communities, their frustration with the process may be lessened.

I respectfully request that during this approval process that some foresight into potential future local uses also be included in the planning and conditional approval process.

If I can be of assistance to you on any matter or could forward the residents ideas to you, please feel free to contact me at 717-284-1965.

Sincerely,

Bryan Cutler
Pennsylvania House of Representatives
100th Legislative District

BC/rjt

- SA2-1 The use of eminent domain is discussed in section 4.8.2 of the EIS. Also see the response to comment PM1-1.
- SA2-2 Economic benefits to the community are described in section 4.9.7 of the EIS.

SA3 – Pennsylvania Representative Brett Miller

20160623-0007 FERC PDF (Unofficial) 06/22/2016

BRETT R. MILLER, MEMBER
41ST LEGISLATIVE DISTRICT

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FAX: (717) 705-1946

DISTRICT OFFICE:
2938 COLUMBIA AVE.
SUITE 501
LANCASTER, PA 17603
PHONE: (717) 295-5050
FAX: (717) 295-5053



House of Representatives
Commonwealth of Pennsylvania
Harrisburg

COMMITTEES

STATE GOVERNMENT
CHILDREN & YOUTH
LOCAL GOVERNMENT
GAME AND FISHERIES,
SECRETARY

EMAIL: btmiller@pahousegop.com
www.RepMiller.com

June 14, 2016

Federal Regulatory Energy Commission
888 First Street NE
Washington, DC 20426

Dear Commission Members:

I am writing to you concerning the installation of the Atlantic Sunrise Pipeline (SP15-138-0008), which will cross 36.5 miles of Lancaster County, including a large portion of the legislative district I represent. I have heard several concerns from the residents impacted by this project and have visited with several of the residents to see their respective properties and how the proposed pipeline will impact them. A major concern these individuals have raised is the threat of a private company using Eminent Domain to take away the beauty, the usefulness, and the present or future value of their land by the installation of a pipeline through their properties. These residents also accurately cite the fact that though a pipeline will go through many properties in this district, there is no corresponding direct benefit to their local community.

Currently the pipeline is proposed to only carry gas through this region to be used for the benefit of other regions. The principle behind the use of Eminent Domain has always been that the property owners and the community at large being subjected to an Eminent Domain decision would receive a benefit from the "taking." However, it is difficult to see how the affected areas of the 41st district will receive any tangible benefit from the use of Eminent Domain that allows a pipeline to simply pass through this district. Many of these concerned citizens and I believe that if this pipeline could potentially benefit the local residents and businesses then there would at least be a stronger justification for the use of Eminent Domain. This could be accomplished by including future lateral expansions in the current planning stage to prepare for and expedite a benefit to local residents and businesses. Furthermore, including lateral expansions now in the planning stage will save time and money compared to doing so later if the pipeline does eventually get constructed.

I respectfully request that as part of the planning and conditional approval process that strong consideration be given to potential future uses that would benefit the local community.

Sincerely,

Brett R. Miller
Member, 41st Legislative District
Pennsylvania House of Representative

cc: Selby Bush, Governmental Affairs for Williams

OFFICE OF
EXTERNAL AFFAIRS
JUN 22 P 12:50
FEDERAL ENERGY
REGULATORY COMMISSION
CP15-138-0008


SA3-1

The use of eminent domain and economic benefits to the community are described in sections 4.8.2 and 4.9.7 of the EIS. Also see the response to comment PM1-1.

SA4 – Virginia Department of Conservation and Recreation's Division of Natural Heritage

Molly Joseph Ward
Secretary of Natural Resources

Clyde E. Cristman
Director



COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

Rochelle Altholz
Deputy Director of
Administration and Finance

David C. Dowling
Deputy Director of
Soil and Water Conservation
and Dam Safety

Thomas L. Smith
Deputy Director of Operations

June 24, 2016

Kimberly Bose
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Re: Atlantic Sunrise Project Draft EIS

Dear Ms. Bose:

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

Station 170

Biotics documents the presence of natural heritage resources in the project area. However, due to the scope of the activity and the distance to the resources, we do not anticipate that this project will adversely impact these natural heritage resources.

SA4-1 | **Station 185**

According to the information currently in our files, the Manassas stonefly (*Acronuria flinti*, GH/SH/NF/NL) has been historically documented downstream from the project site in Bull Run. The Manassas stonefly, a globally rare aquatic invertebrate, has been documented from a single specimen at a single location in Fairfax County. Very little information is available regarding this species' biology due to limited observations. A single adult female was collected beside Bull Run, a low gradient, often turbid, third order stream (Kondratieff & Kirchner, 1991). Adult stoneflies possess pleated or folded wings which lie flat against the abdomen when at rest. Stonefly nymphs are aquatic, preferring pristine, cold, running waters. They may be carnivorous, herbivorous, or both. Stoneflies are good indicators of water quality (Kondratieff & Kirchner, 1991). Due to current land practices in the Bull Run watershed, the stream is subject to both organic and inorganic enrichment and heavy sedimentation which may adversely affect this species (Kondratieff & Kirchner, 1991).

SA4-2 | **Virginia Loops**

According to the information currently in our files, the Broad Run Stream Conservation Unit (SCU) is within the project site. SCUs identify stream reaches that contain aquatic natural heritage resources, including 2 miles upstream and 1 mile downstream of documented occurrences, and all tributaries within this reach. SCUs are also given a biodiversity significance ranking based on the rarity, quality, and number of element occurrences they contain. The Broad Run SCU has been given a biodiversity significance ranking of B3, which represents a site of high significance. The natural heritage resources of concern associated with this SCU are:

600 East Main Street, 24th Floor | Richmond, Virginia 23219 | 804-786-6124

State Parks • Soil and Water Conservation • Outdoor Recreation Planning
Natural Heritage • Dam Safety and Floodplain Management • Land Conservation

SA4-1 The modifications at Compressor Station 185 would be completed within the existing compressor station footprint. Transco would implement the BMPs contained in its ECP to prevent erosion and sedimentation and would restore disturbed areas following construction.

SA4-2 The brook floater is discussed in section 4.7.3.5 of the EIS and additional information on consultation with the Virginia Department of Game and Inland Fisheries has been added to this section. See the response to comment PM1-60.

**SA4 – Virginia Department of Conservation and Recreation's
Division of Natural Heritage (cont'd)**

| | | | |
|-------------------|--|---------------|------------------|
| | <i>Alasmodonta varicosa</i> | Brook floater | G3/S1/NL/LE |
| | <i>Elliptio lanceolata</i> | Yellow lance | G2G3/S2S3/SOC/NL |
| SA4-2 (cont'd) | <p>The Brook floater, a small freshwater mussel species, is known from the northeastern United States primarily in the Atlantic Slope drainages (NatureServe, 2009). In Virginia, it is recorded from the Potomac River basin with a possible record from the James River. Of 14 documented records in Virginia, only two are thought to be viable. Population declines have been documented throughout its range (NatureServe, 2009). The Brook floater typically inhabits flowing-water habitats in and near riffles and rapids of smaller creeks with rocky or gravelly substrates (Nedeau et al., 2000 per NatureServe, 2009). Many facets of its life history are unknown including its fish host. Threats for the Brook floater in particular include poor water quality as this species does not tolerate silt or nutrient pollution well (Stevenson and Bruenderman, 1995). Please note that this species is currently listed as endangered by the Virginia Department of Game and Inland Fisheries (VDGIF).</p> <p>The Yellow lance occurs in mid-sized rivers and second and third order streams. To survive, it needs a silt-free, stable streambed and well-oxygenated water that is free of pollutants. This species has been the subject of taxonomic debate in recent years (NatureServe, 2009). Currently in Virginia, the Yellow lance is recognized from populations in the Chowan, James, York, and Rappahannock drainages. Its range also extends into Neuse-Tar river system in North Carolina. In recent years, significant population declines have been noted across its range (NatureServe, 2009). The Yellow lance may be particularly sensitive to chemical pollutants and exposure to fine sediments from erosion (NatureServe, 2009). Please note that this species is currently classified as a species of concern by the United States Fish and Wildlife Service (USFWS); however, this designation has no official legal status.</p> <p>Considered good indicators of the health of aquatic ecosystems, freshwater mussels are dependent on good water quality, good physical habitat conditions, and an environment that will support populations of host fish species (Williams et al., 1993). Because mussels are sedentary organisms, they are sensitive to water quality degradation related to increased sedimentation and pollution. They are also sensitive to habitat destruction through dam construction, channelization, and dredging, and the invasion of exotic mollusk species.</p> <p>In addition, Broad Run has been designated by the VDGIF as a "Threatened and Endangered Species Water" for the Brook floater.</p> <p>To minimize adverse impacts to the aquatic ecosystem as a result of the proposed activities, DCR recommends the implementation of and strict adherence to applicable state and local erosion and sediment control/storm water management laws and regulations. Due to the legal status of the Brook floater, DCR also recommends coordination with Virginia's regulatory authority for the management and protection of this species, the VDGIF, to ensure compliance with the Virginia Endangered Species Act (VA ST §§ 29.1-563 – 570).</p> | | |
| SA4-3 | <p>There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.</p> | | |
| SA4-4 | <p>Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Virginia Department of Conservation and Recreation (DCR), DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.</p> <p>New and updated information is continually added to Biotics. Please re-submit project information and map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.</p> <p>The Virginia Department of Game and Inland Fisheries (VDGIF) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain</p> | | |

SA4-3 Comment noted.

SA4-4 Comment noted.

**SA4 – Virginia Department of Conservation and Recreation's
Division of Natural Heritage (cont'd)**

information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Ernie Aschenbach at 804-367-2733 or Ernie.Aschenbach@dgif.virginia.gov.

Should you have any questions or concerns, feel free to contact me at 804-692-0984. Thank you for the opportunity to comment on this project.

Sincerely,



Alli Baird, L.A. ASLA
Coastal Zone Locality Liaison

Cc : Amy Ewing, VDGIF
Troy Andersen, USFWS

**SA4 – Virginia Department of Conservation and Recreation's
Division of Natural Heritage (cont'd)**

Literature Cited

Kondratieff, B.C. and R.F. Kirchner. 1991. Stoneflies. In Virginia's Endangered Species: Proceedings of a Symposium. K. Terwilliger ed. The McDonald and Woodward Publishing Company, Blacksburg, Virginia. pp. 214-221.

NatureServe. 2009. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Available <http://www.natureserve.org/explorer>. (Accessed: March 16, 2010 and April 5, 2010).

Nedau, E.J., M.A. McCollough, and B.I. Swartz. 2000. The freshwater mussels of Maine. Maine Department of Inland Fisheries and Wildlife, Augusta, Maine. 118 pp.

Stevenson, Phillip H. and Sue A. Bruenderman 1995. A Guide to Endangered and Threatened Species of Virginia. K. Terwilliger ed. The McDonald and Woodward Publishing Company, Blacksburg, Virginia. p. 74.

Williams, J.D., M.L. Warren, Jr., K.S. Cummings, J.L. Harris, and R.J. Neves. 1993. Conservation status of freshwater mussels of the United States and Canada. Fisheries 18: 6-9.

SA5 – Pennsylvania Representative Bryan Cutler

20160707-0006 FERC PDF (Unofficial) 07/05/2016

BRYAN CUTLER
MAJORITY CAUCUS WHIP
100th LEGISLATIVE DISTRICT

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RepCutler.com
Twitter.com/RepBryanCutler
Facebook.com/RepBryanCutler

June 27, 2016

Federal Regulatory Energy Commission
888 First Street NE
Washington, DC 20426

Dear Commission Members:

RE: Atlantic Sunrise Project (FERC Docket No. CP15-138-000)
As the release of the Draft Environmental Impact Statement (DEIS) for the proposed Atlantic Sunrise Pipeline Project by Williams Transcontinental Gas Pipe Line Company, my constituents feel there is a need for an extension to the public comment period.

With the DEIS being over 1,300 pages as well as being unfamiliar for many residents, I would request an extension to the comment period from the current sixty (60) days to ninety (90) days. This extension will give the public more time to digest and understand the scope of the project.

If I can be of assistance to you on any matter or could forward the residents ideas to you, please feel free to contact me at 717-284-1965.

Sincerely,

Bryan Cutler
Pennsylvania House of Representatives
100th Legislative District

BC/rjt

OFFICE OF
EXTERNAL AFFAIRS
2016 JUL - 5 P 5: 02
FEDERAL ENERGY
REGULATORY COMMISSION

SA5-1

See the response to comment PM1-130.

SA6 – Pennsylvania Department of Environmental Protection

20160628-5159 FERC PDF (Unofficial) 6/28/2016 1:33:17 PM



June 27, 2016

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, D.C. 20426

RE: Transcontinental Gas Pipeline Company
Atlantic Sunrise Project
Comments on May 5, 2016 Draft Environmental Impact Statement
Docket No. CP-15-138-000
OEP/DG2E/Gas2

Dear Secretary Bose:

The Pennsylvania Department of Environmental Protection (PADEP) has reviewed and is providing comments on the Federal Energy Regulatory Commission's (FERC) draft Environmental Impact Statement (EIS) for the Transcontinental Gas Pipeline Company (Transco) Atlantic Sunrise Project issued on May 5, 2016. PADEP's primary concern with the draft EIS is that it does not fully acknowledge the State law requirements that Transco must fulfill to meet its obligations under Section 401 of the Clean Water Act (33 U.S.C. § 1341).

As you know, Transco is required under the Section 401 of the Clean Water Act to obtain a certification from Pennsylvania that discharges from its proposed project within the State will comply with State law requirements necessary to ensure compliance with applicable provisions of the Clean Water Act.¹ Pennsylvania is rich in water resources, which PADEP protects pursuant to State law authority to fulfill both State and Federal law. Specifically, Pennsylvania has a long history of regulating discharges to its waters through the Pennsylvania Clean Streams Law enacted in 1937, and of regulating stream and wetland crossings and encroachments through the Pennsylvania Dam Safety and Encroachments Act, enacted in 1978. PADEP is the agency responsible for ensuring the quality of Pennsylvania's water resources through regulatory permitting programs that implement these statutes.

PADEP issued its State Water Quality Certification for the Atlantic Sunrise Project on April 5, 2016, and published notice of this certification in the *Pennsylvania Bulletin* on April 23, 2016 (46 Pa. B. 2132; copy enclosed). PADEP's State Water Quality Certification for this project is

¹ Specifically, the discharge must achieve applicable State law requirements related to the following sections of the Clean Water Act: the effluent limitations in Section 301 (33 U.S.C. § 1311), the water quality related effluent limitations in Section 302 (33 U.S.C. § 1312), the water quality standards and implementation plans in Section 303 (33 U.S.C. § 1313), the national standards of performance in Section 306 (33 U.S.C. § 1316), and the toxic and pretreatment effluent standards in Section 307 (U.S.C. § 1317).

SA6-1

See the response to comment FA1-6. As described in section 1.5 of the EIS, Transco would be responsible for obtaining all permits and approvals required to implement the Project prior to construction regardless of whether they appear in table 1.5-1.

SA6 – Pennsylvania Department of Environmental Protection (cont'd)

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Ms. Kimberly D. Bose, Secretary

- 2 -

SA6-1 | conditioned upon Transco obtaining and complying with State permits necessary to ensure that
(cont'd) | Pennsylvania's water quality standards are achieved. Specifically, Transco is required to obtain:

- State permits for erosion and sediment control required by State regulations at 25 Pa. Code Chapter 102;
- State permits for water obstruction and encroachments required by State regulations at 25 Pa. Code Chapter 105; and
- State permits for the discharge of hydrostatic test water under State regulations at 25 Pa. Code Chapter 92a.

Table 1.5-1 of the draft EIS acknowledges that Transco has obtained a State Water Quality Certification from PADEP and identifies State law permits that must be obtained from PADEP for this project. FERC includes the State law authorizations as part of its draft EIS to support its conclusion that the Atlantic Sunrise Project will not result in any significant adverse environmental impacts.

While these State law authorizations are identified in the draft EIS, FERC does not expressly require Transco to obtain these State law authorizations prior to construction. For example, Section 5.2 of the draft EIS identifies the "FERC Staff Recommended Mitigation" for inclusion in the FERC Order granting the Certificate of Public Convenience and Necessity for the project. None of FERC's conditions expressly require Transco to obtain the State law authorizations identified by and required under Pennsylvania's State Water Quality Certification prior to the commencement of construction in Pennsylvania. PADEP requests that FERC include in Section 5.2 of the final EIS a condition requiring Transco to obtain these State law authorizations pursuant to Pennsylvania's State Water Quality Certification.

PADEP also requests that FERC clarify the role of Pennsylvania's State law permitting programs in other relevant discussion when it finalizes the EIS. For example, the water obstruction and encroachments permits issued pursuant to 25 Pa. Code Chapter 105 will include wetland mitigation requirements. The draft EIS incorrectly identifies these and other State law permits required under Pennsylvania's State Water Quality Certification as permits issued under Section 401 of the Clean Water Act (*e.g.*, page ES-6 describing mitigation of construction and operation-related impacts on wetlands). That characterization is incorrect.

As noted above, the Section 401 of the Clean Water Act imposes an obligation on Transco to obtain a certification from Pennsylvania that the discharges from the project will protect the quality of Pennsylvania's water resources. In Pennsylvania, that protection is assured through State law permits that PADEP has identified as conditions of the State Water Quality Certification. FERC's short-hand method of describing Pennsylvania's State Water Quality Certification and its State law permits required thereunder as permits issued under Section 401 of the Clean Water Act is misleading and should be corrected to accurately describe these requirements as applicable State law authorizations.

**SA6 – Pennsylvania Department of Environmental Protection
(cont'd)**

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Ms. Kimberly D. Bose, Secretary

- 3 -

SA6-2 | Finally, Section 5.2 of the draft EIS identifies numerous instances in which Transco needs to provide additional information to FERC prior to the end of the draft EIS comment period or prior to construction. PADEP requests that FERC direct Transco to ensure that all pending applications for State permits and authorizations be updated with the current project data and information to ensure actions taken by PADEP are consistent with the project as authorized by FERC, including the State Water Quality Certification. PADEP also requests that FERC require Transco to provide copies of its weekly status reports required under condition 8 concurrently to PADEP.

PADEP appreciates the opportunity to comment on the draft EIS. Should you have any questions or need additional information regarding the comments and recommendations on the draft EIS, please contact Alexandra Chiaruttini, PADEP Chief Counsel by e-mail at achiarutti@pa.gov or by telephone at 717.787.4449.

Sincerely,



Dana K. Aunkst
Deputy Secretary

Enclosure

cc: Alexandra Chiaruttini

SA6-2

Recommendation no. 8 in section 5.2 of the EIS has been updated to require Transco to submit copies of the weekly status reports to the PADEP and to include updates on efforts to obtain state authorizations in the status reports. It is not within FERC's purview to direct the contents of state or other permit applications.

SA6 – Pennsylvania Department of Environmental Protection (cont'd)

20160628-5159 FERC PDF (Unofficial) 6/28/2016 1:33:17 PM

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NOTICES

treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department during such inspections of the Project.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the completion and transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to: Department of Environmental Protection, Northeast Regional Office, Mr. David W. Garg, P.E., Environmental Program Manager, Waterways and Wetlands, 201 West Third Street, Suite 101, Williamsport, PA 17701.

9. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. The Department may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

11. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Prior to issuance of the final state water quality certification, the Department will consider all relevant and timely comments, suggestions or objections submitted to the Department within 30 days of this notice. Comments should be directed to Mr. David W. Garg, P.E., Environmental Program Manager, Waterways and Wetlands at the above address or through the Pennsylvania AT&T Relay Service at (800) 654-6964 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted.

Water Quality Certification under Section 401 of the Federal Clean Water Act for the Atlantic Sunrise Pipeline Project

Natural Gas Pipeline Project and Related Mitigation FERC Docket No. CP16-138-000; PADEP File No. WQ02-001

Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18711, Joseph Buczynski, Program Manager 670-826-2511

On April 5, 2016, the DEP issued Section 401 Water Quality Certification to Transcontinental Gas Pipe Line Company, LLC for the Atlantic Sunrise Pipeline Project. The Pennsylvania Department of Environmental Protection (Department) certifies that the construction, operation and maintenance of the Project complies with the applicable provisions of sections 301–303, 306 and 307 of the Federal Clean Water Act (33 U.S.C.A. §§ 1311–1313, 1316 and 1317). The Department further certifies that the construction, operation and maintenance of the projects complies with Commonwealth water quality standards and that the construction, operation and maintenance of the projects does not violate applicable Commonwealth water quality standards provided that the construction, operation and maintenance of the projects complies with the conditions for this certification, including the criteria and conditions of the following permits:

1. *Discharge Permit*—Transcontinental Gas Pipe Line Company, LLC shall obtain and comply with a Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1–691.1001) and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Transcontinental Gas Pipe Line Company, LLC shall obtain and comply with the Department's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1–680.17) and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Transcontinental Gas Pipe Line Company, LLC shall obtain and comply with a Department Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 678.1–693.27), and Flood Plain Management Act (32 P.S. §§ 679.101–679.601) and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Transcontinental Gas Pipe Line Company, LLC.

5. *Operation*—For each Project under this certification, Transcontinental Gas Pipe Line Company, LLC shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related

PENNSYLVANIA BULLETIN, VOL. 46, NO. 17, APRIL 23, 2016

SA6 – Pennsylvania Department of Environmental Protection (cont'd)

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opportunities) which are installed to achieve compliance with the terms and conditions of this Certification and all required permits. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Transcontinental Gas Pipe Line Company, LLC.

6. *Inspection*—The Projects, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this Certification, including all required permits required, and Pennsylvania's Water Quality Standards. A copy of this Certification shall be available for inspection by the Department during such inspections of the Projects.

7. *Transfer of Projects*—If Transcontinental Gas Pipe Line Company, LLC intends to transfer any legal or equitable interest in the Projects which is affected by this Certification, Transcontinental Gas Pipe Line Company, LLC shall serve a copy of this Certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of Certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submissions to the Department concerning this Certification shall be addressed to the Department of Environmental Protection, Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1815.

9. *Reservation of Rights*—The Department may suspend or revoke this Certification if it determines that Transcontinental Gas Pipe Line Company, LLC has not complied with the terms and conditions of this Certification. The Department may require additional measures to achieve compliance with applicable law, subject to Transcontinental Gas Pipe Line Company, LLC's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this Certification shall be construed to preclude the institution of any legal action or relieve Transcontinental Gas Pipe Line Company, LLC from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

11. *Severability*—The provisions of this Certification are severable and should any provision of this Certification be declared invalid or unenforceable, the remainder of the Certification shall not be affected thereby.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7614, and the Administrative Agency Law, 2 Pa.C.S. Chapter 6A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8467, Harrisburg, PA 17105-8467, 717-787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, 800-654-6984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a

different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the board within 30 days. You do not need a lawyer to file an appeal with the board.

Important legal rights are at stake, however, so you should show this document to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro bono representation. Call the secretary to the board (717-787-3483) for more information.

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

D61-012, East Park Reservoir Dam, Azamank Tower, 2nd Floor, 1101 Market Street, Philadelphia, PA 19108. Permit issued to modify, operate, and maintain East Park Reservoir Dam within Schuylkill River Watershed, for the purpose of meeting the Commonwealth's regulations (Philadelphia, PA Quadrangle Latitude: 35.866833; Longitude: -76.188333) in Philadelphia City, Philadelphia County.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501-508 and 701-704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8467, Harrisburg, PA 17105-8467, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-6984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.


For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4746.

SA7 – Pennsylvania Department of Conservation and Natural Resources

20160711-0015 FERC PDF (Unofficial) 07/11/2016

 **pennsylvania**
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES

ORIGINAL

**FILED
SECRETARY OF THE
COMMISSION
2016 JUL 11 P 2 41
FEDERAL ENERGY
REGULATORY COMMISSION**

July 1, 2016

Mr. Nathaniel J. Davis, Sr.
Deputy Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

RE: **Atlantic Sunrise Project, OEP/DG2E/Gas 2, Transcontinental Gas Pipe Line Company, LLC, Docket No. CP15-138-000, FERC/EIS-0269D**

Dear Mr. Davis:

SAT-1 The Pennsylvania Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation has reviewed the Draft Environmental Impact Statement for the referenced Atlantic Sunrise Project that is proposed to be constructed through state-funded local park property, along with properties previously funded with Federal Land and Water Conservation Fund (LWCF). As Pennsylvania's lead agency on LWCF the DCNR, Bureau of Recreation and Conservation, is responsible for coordinating LWCF conversions with the National Park Service.

As a result of our review it appears there may be potential impacts to various State Gamelands (SGL) previously funded with LWCF. Those include:

- SGL 84 – Northumberland and Schuylkill Counties;
- SGL 206 – Luzerne County;
- SGL 211 – Lebanon County; and
- SGL 229 – Schuylkill County.

LWCF funds were also used to fund portions of the Appalachian National Scenic Trail in Lebanon County. We are also aware of potential impacts to the Sproul State Forest, Clinton County (*Chapman Loop*) and the Ricketts Glen State Park, Luzerne County (*Central Penn Line North*) that received LWCF funds. These are DCNR administrative lands that the FERC's Interagency Coordinator for the *Atlantic Sunrise Project*, Joanne Wachholder, has oversight within the Office of Energy Projects. The DCNR's Bureau of Forestry and Bureau of State Parks are actively working with the professional engineers and construction engineering team within the Williams Companies in terms of the project's proposed land use related matters.

Potential impacts have also been identified to the Mekeel/Walace Tracts, Luzerne County, which received state grant funding from the Keystone Recreation, Park and Conservation Fund Act (i.e., Keystone). Additional Keystone funding has been provided for segments of the Enola Low Grade Trail, Lebanon Valley Rail Trail, and the Anthracite Outdoor Adventure Area, which received Snowmobile/ATV funds in addition to Keystone Funds.

Office of the Secretary
Rachel Carson State Office Building | P.O. Box 8767 | Harrisburg, PA 17105 | 717.772.9084 | 717.772.9106 | www.dcnr.state.pa.us

SA7-1

Section 4.8.6.1 of the EIS has been updated to include a recommendation that, with the filing of its Implementation Plan, Transco provide copies of correspondence with the PADCNr confirming all PADCNr-funded properties crossed by the Project have been identified and any change in use or transfer of rights for the PADCNr-funded properties is in compliance with PADCNr's conversion policies.

SA7 – Pennsylvania Department of Conservation and Natural Resources (cont'd)

20160711-0015 FERC PDF (Unofficial) 07/11/2016

Mr. Nathaniel J. Davis

-2-

July 1, 2016

SA7-1
(cont'd) As noted in the Bureau's Conversion Policies (see enclosures), any change in use or transfer of rights (including, but not limited to, pipeline easements/right-of-way agreements) of any DCNR funded property (via state grants or federal grants) may constitute a conversion. Therefore, prior to executing any permanent lease agreement, right-of-way agreement, easements, etc. that may impact these properties please coordinate with Alex Tatanish by phone at 717.783.4735 or by email at atatanish@pa.gov or Ashley Rebert by phone at 717.772.3322 or by email at arebert@pa.gov.

Sincerely,



Cindy Adams Dunn
Secretary
Department of Conservation & Natural Resources

Enclosures

cc: Sara Nicholas, Director of Policy and Planning, DCNR
John Norbeck, Deputy Secretary for Parks and Forestry, DCNR
Audrey Miner, Chief Counsel, DCNR
Nate Flood, Deputy Secretary for Conservation and Technical Services, DCNR
Dan Devlin, Director, Bureau of Forestry, DCNR
Lauren Imgrund, Director, Bureau of Recreation and Conservation, DCNR
Dave Mong, Forest Program Specialist, DCNR
Ashley Rebert, Chief, Land Conservation & Stewardship Section, DCNR
Alex Tatanish, Land Stewardship & Conversion Program Specialist, DCNR
Josh Zimmerman, Legislative Liaison, Pennsylvania Game Commission


SA7 – Pennsylvania Department of Conservation and Natural Resources (cont'd)

The attachments to this letter are too voluminous to include in this environmental impact statement. They are available for viewing on the Federal Energy Regulatory Commission's (FERC) website at <http://www.ferc.gov>. Using the "eLibrary" link, select "General Search" from the eLibrary menu, enter the selected date range and "Docket No." excluding the last three digits (i.e., CP15-138, PF14-8), and follow the instructions. For assistance please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, contact 202-502-8659. The Category/Accession number for this submittal is 20160711-0015.

LOCAL AGENCIES

LA1 – Lebanon County Commissioners

20160531-0078 FERC PDF (Unofficial) 05/31/2016



Lebanon County Commissioners

Room 207, Municipal Building • 400 South Eighth Street • Lebanon, Pennsylvania 17042-6794
Phone: 717-228-4427 • Fax: 717-374-8094 • Website: www.lebcounty.org

Robert J. Phillips
William E. Ames
Jo Ellen Litz
County Commissioners

ORIGINAL May 19, 2016

Jamie A. Woigemuth
Chief Clerk/County Administrator
David R. Warner, Jr.
County Solicitor

**FILED
SECRETARY OF THE
COMMISSION**
2016 MAY 31 P 2:35
FEDERAL ENERGY REGULATORY COMMISSION

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Dear Secretary Bose:

Re: Atlantic Sunrise Project (FERC Docket No. CP15-138-000)


LA1-1 In light of the recent release of the Draft Environmental Impact Statement (DEIS) for the proposed Atlantic Sunrise Pipeline project by Williams Transcontinental Gas Pipe Line Company, we are writing to request an extension to the available public comment period.


The document, at over 1,300 pages, is voluminous and time consuming to review. With that in mind, we ask that the Federal Energy Regulatory Commission extend the comment period for DEIS from sixty (60) day to ninety (90) days, giving the public more time to prepare comments.


Thank you for your consideration.

Sincerely,

Board of Lebanon County Commissioners


Robert J. Phillips


William E. Ames



Jo Ellen Litz

LA1-1

See the response to comment PM1-130.

LA2 – Lebanon County Commissioners

20160603-0026 FERC PDF (Unofficial) 06/03/2016



Lebanon County Commissioner
 Room 207, Municipal Building • 400 South Eighth Street • Lebanon, Pennsylvania 17042-8794
 717-274-2801 Extension: 2202 • Fax: 717-274-8084
 Website: WWW.LEBANONCOUNTY.ORG
 Email: Litz@nbcomp.com

Jo Ellen Litz
 County Commissioner

May 31, 2016

Kimberly D Bose, Secretary
 Nathaniel J Davis, Sr., Deputy Secretary
 Federal Energy Regulatory Commission
 888 First Street, NE
 Washington DC 20426

FILED
 SECRETARY OF THE
 COMMISSION
 2016 JUN -3 P 4:13
 FEDERAL ENERGY
 REGULATORY COMMISSION

ORIGINAL

Dear Sir: **Re: E38-195 (Lebanon County)
 FERC Docket # CP15-138-000**

Thank you for the opportunity to provide comments concerning the Williams Atlantic Sunrise pipeline project. In short, I believe that pipeline companies should be held to strict standards allowing zero discharge of sediment into a waterway that is the source of drinking water for communities, is designated a State and National Water Trail, is a navigable waterway, and supports endangered and/or protected species like bald eagles. Further, I believe that pipelines should follow existing routes.

Because I see overlap of issues that speak to the overall health of the Swatara Creek and between FERCs Environmental Impact Statement and DEPs review of wetlands and waterways, FERCs Statement will be referenced. "We evaluated the potential impacts of construction and operation of the Project on geology; soils; water resources; wetlands; vegetation; wildlife and aquatic resources; threatened, endangered, and special status species; land use, recreation, and visual resources; socioeconomic; cultural resources; air quality and noise; reliability and safety; and cumulative impacts."

Further, along with the Swatara Watershed Association SWA, I have been canoeing and organizing trips and cleaning up the Swatara Creek for at least 28 years. Video of our most recent efforts can be viewed at:
 Incorporating Drone Footage <https://www.youtube.com/watch?v=gZk3lkvvMY>
 Secrets of the Swatara <https://www.youtube.com/watch?v=as3wdUGSKCw>

In terms of overall health of the Swatara Creek, wildlife is one measure. Never before have I witnessed over 100 turtles sunning themselves on logs and rocks, a Bald Eagle sitting in a tree 50' above me as I floated by, an active Great Blue Heron rookery, frogs, salamanders.... It was an awesome trip in other respects too. For example, in past years, it was not uncommon for SWA to pull over 100 tires and tons and tons of trash from the Swatara, but not this year. To the new observer, removal of debris in the amount collected may seem like a lot, but for someone who has done this for 28 years, I truly believe that we made remarkable progress.

1

LA2-1

The USACE and the PADEP are responsible for regulating the discharge of dredge and fill material under sections 404 and 401 of the Clean Water Act. Transco would be required to adhere to the requirements and mitigation measures included in the section 404 and 401 permits issued by the USACE and PADEP. As noted in section 4.7.3.1 of the EIS, the Project would be constructed in compliance with the Bald and Golden Eagle Protection Act. Also see the responses to comments PM1-60 and PM1-71.

LA2-2

Comment noted.

LA2 – Lebanon County Commissioners (cont'd)

20160603-0026 FERC PDF (Unofficial) 06/03/2016

The number of tires was down to about 12; most of the trash was recycled; and little was left for disposal. This is huge!

SOURCE OF DRINKING WATER

LA2-3 This means that we could and should turn our attention to making other improvements to a source of our drinking water for the Lebanon Water Authority, American Water Company, United Water Company, and the Chesapeake Bay where sediment is the biggest polluter. The proposed pipeline is (upstream) of a "potable water intake (within 3.0 miles)...." One firsthand observation involves erosion of banks at utility crossings. I firmly believe there should be more stabilization of banks where riparian buffers have been removed (sea walls, annual inspections and repairs, for example), and any new pipelines should be required to use "horizontal directional drill (HDD)" to drill under the Swatara and its tributaries in order that we don't go backwards in terms of sediment pollution. Otherwise, farmers will be blamed and required to install more BMPs when they have already been making huge improvements while supplying food for our nation. Likewise, municipalities have been fined tens of thousands of dollars for not sweeping their streets to help prevent cigarette butts and other debris from entering our streams.

WATER TRAIL:

The 60-mile long **Swatara Water Trail** was established with the State of PA's Fish and Boat Commission and Department of Conservation and Natural Resources. This partnership led to the annual sojourns to get people onto our waterways for the purposes of education and stewardship. In addition, the Swatara is recognized nationally on **Captain John Smith Water Trail** maps. Finally, **PennDOT** goes the extra mile to notify the SWA when bridges are being repaired or replaced so that we can notify users via our Facebook Page <https://www.facebook.com/Swatara-Water-Trail-86311524094/?ref=ts> and plan accordingly for float trips that we organize. Bridges are established transportation arteries that are traveled by hundreds or thousands of cars daily.

NAVIGABLE RIVER:

Native Americans traveled and camped along the Swatara Creek. Jonestown historian Evelyn Isele has a collection of Indian arrowheads, many found along the Swatara. In addition to the Swatara Water Trail, since the 1700s, the Swatara Creek has been a navigable river, appearing on maps. In fact, explorer, diplomat and Indian interpreter **Conrad Weiser**, who helped coordinate Pennsylvania's Indian policy, played a major role in the history of colonial Pennsylvania. Conrad Weiser came from the Schoharie region of New York on the Susquehanna River, and made a left turn in 1729 to follow the Swatara Creek. After that, the Union Canal expanded navigation by larger vessels utilizing water from the Swatara.

BALD EAGLES:

LA2-4 Bald eagles are reestablishing themselves, using the Swatara Creek for fishing to feed their young. I am aware of no less than four bald eagle nests: on the Little Swatara near Route 743; at Memorial Lake, Fort Indiantown Gap; just north of Palmyra; and just below the American Water Company dam. Each year, successful nests have bred more bald eagles. They are expanding their territory along the Swatara, and I believe that we should continue to support and protect their habitat including riparian buffers. "The greatest impact on vegetation would be on forested areas because of the time required for tree regrowth back to preconstruction condition. Construction in forestlands would remove the tree canopy over the width of the construction right-of-way, which would change the structure and local setting of the forest area. The

2

LA2-3

See the responses to comments PM1-60, PM1-71, PM2-14, and PM2-123.

LA2-4

As noted in section 4.7.3.1 of the EIS, the Project would be constructed in compliance with the Bald and Golden Eagle Protection Act.

LA2 – Lebanon County Commissioners (cont'd)

20160603-0026 FERC PDF (Unofficial) 06/03/2016

LA2-4
(cont'd) regrowth of trees would take years and possibly decades." Water would evaporate more quickly without the shade of the trees, remaining water temperature could rise, and fish and wildlife could be negatively impacted. The point is that the Swatara eagle habitat will be disturbed if pipelines are allowed to dam and channel new areas along the Swatara Creek rather than using horizontal directional drill. Likewise, an active Great Blue Heron Rookery exists below the AMC dam.

LA2-5 Also, cutting of vegetation along the Swatara could allow cuttings to fall into the Swatara Creek. These cuttings could be transferred via flowing water to downstream sites, planting **invasive species** on new ground. In East Hanover Township, during a bridge replacement, great care was taken to remove a mature stand of invasive bamboo.

LA2-6 Further, "**hydrostatic test water**" withdrawal to maintain downstream flowrates, especially during hot dry summers when low flow is evident, should be cumulative on any given water body. It is understood that chemicals are not added, but it is common to treat pipes with oils that could be discharged downstream. Certainly, the plan should "include measures that restrict refueling or other handling of hazardous materials within 100 feet of a waterbody, require the use of secondary containment around all containers and tanks, and require routine inspections of tank and storage areas to reduce the potential for spills or leaks of hazardous materials. "

LA2-7 In closing, the Swatara Creek is a "major waterbody" greater than 100 feet wide. Certainly, if train crossings and the Appalachian Trail warrant special treatment, the Swatara warrants the use of trenchless crossing methods (conventional bore or HDD), which would aid in the effective avoidance or minimization of impacts on surface water resources. For decades we have fought hard to revitalize the Swatara Creek. It's finally happening. Please don't allow dry stream crossings that would take us backwards. Instead, insist that pipelines follow their existing routes.

Respectfully,


Jo Ellen Litz, commissioner

LA2-5 See the response to comment PM1-85.

LA2-6 As described in section 4.3.2.6 of the EIS, the measures indicated are included in Transco's Procedures and Spill Plan, which require storing hazardous materials away from wetlands and waterbodies, restrictions on refueling within 100 feet of wetlands and waterbodies, and the use of secondary containment structures for petroleum products. Transco's Spill Plan also specifies routine inspections for storage tanks; soil spill response kits on every vehicle that transports fuel; and measures to contain, clean up, and properly dispose of spills.

LA2-7 Transco would cross Swatara Creek on a parcel of land owned by the Commonwealth of Pennsylvania in Lebanon County. The waterbody is about 145 feet wide at the crossing site, which is about 0.5 mile from the nearest access point. To minimize effects on Swatara Creek and its existing recreational uses, Transco is proposing to use a dry crossing method (i.e., flume crossing). Transco continues to consult with the PFBC regarding the timing of the crossing and potential safety measures (e.g., warning signs, website notice, plan for temporary portage). This information would be provided in the aids to navigation plan for the crossing, which would be submitted to the PFBC and filed with the FERC as part of Transco's Implementation Plan (see section 4.8.6.3). To minimize potential impacts on waterbodies, Transco would complete all waterbody crossings in accordance with its ECP and Plan and Procedures. Section 2.3.2.2 of the EIS provides a description of the flume crossing method and the sediment and erosion control measures Transco would implement during and after construction. We conclude that the impacts of the Project on Swatara Creek would be adequately mitigated through use of the dry crossing method and implementation of the measures included in its ECP, Plan and Procedures, and required permits and authorizations.

LA3 – Conestoga Township

12

TOWNSHIP OF CONESTOGA
LANCASTER COUNTY, PENNSYLVANIA

RESOLUTION NO. 05-2015

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF CONESTOGA, LANCASTER COUNTY, PENNSYLVANIA, OPPOSING THE ATLANTIC SUNRISE NATURAL GAS PIPELINE EXPANSION PROJECT AND REQUESTING THAT THE FEDERAL ENERGY REGULATORY COMMISSION DISAPPROVE THE LOCATION OF ANY PORTION OF THE PIPELINE WITHIN THE TOWNSHIP

WHEREAS, Article 1, Section 27 of the Constitution of the Commonwealth of Pennsylvania provides that:

"The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."; and

WHEREAS, the constitutional command embodied in Article 1, Section 27 applies to all existing branches and levels of government; *Robinson Township, Washington County, PA v. Commonwealth of Pennsylvania Public Utility Commission, et al.*, 83 A.3d 901, 977 (Pa. 2013); and

WHEREAS, protection of environmental values is a quintessential local issue; and

WHEREAS, the Township, through a "Built Environmental Preferences" survey showed the preference to retain the Township's agricultural, rural value (1992 Survey in Conjunction with Development of Comprehensive Plan); and

WHEREAS, the Board of Supervisors of the Township adopted a Comprehensive Plan in accordance with the provisions of the Pennsylvania Municipalities Planning Code which incorporated the Built Environmental Preferences Study and includes an analysis of the Township's physical features and natural resources; and

WHEREAS, the Township Zoning Ordinance and Official Zoning Map are consistent with the Comprehensive Plan; and

WHEREAS, the safety of the Township's residents and the protection of their property rights are of the utmost importance; and

LA3 – Conestoga Township (cont'd)

WHEREAS, the Township's existing Comprehensive Plan, Official Zoning Map, and Zoning Ordinance have created reasonable expectations that future development of the Township would be consistent with those documents; and

LA3-1 | WHEREAS, the Atlantic Sunrise Natural Gas Pipeline Project will alter existing expectations of the Township and property owners because of its inconsistency with the Township's Comprehensive Plan, Zoning Ordinance and Official Zoning Map; and

WHEREAS, such an alteration of the existing expectations will substantially diminish natural and esthetic values of the local environment which contributes significantly to a quality of environmental life that deserves protection and will jeopardize the Township's priceless resources;

NOW, THEREFORE, be and it is hereby resolved by the Board of Supervisors of the Township of Conestoga, Lancaster County, Pennsylvania, as follows:

Section 1. The foregoing recitals are incorporated into this resolution by reference and made a part hereof.

LA3-2 | Section 2. The Board of Supervisors urges the Federal Energy Regulatory Commission (FERC) to adopt Article 1, Section 27 of the Pennsylvania Constitution, the Township Zoning Ordinance and Official Zoning Map, and the Township Comprehensive Plan as part of the standards by which any gas pipeline proposed to be located within the Township is permitted by FERC.

LA3-3 | Section 3. The Board of Supervisors urges the Federal Energy Regulatory Commission to disapprove the siting of any interstate gas pipeline within Conestoga Township.

LA3-4 | Section 4. If any portion of the Atlantic Sunrise National Gas Pipeline is permitted by FERC to be located within the Township:

a. The pipeline should be located within existing utility right of ways or public rights of ways or easements.

LA3-5 | b. The pipeline should not be located within or adjacent to any residential development which has only one means of ingress and egress.

LA3-6 | c. FERC shall require any approved applicant for any interstate gas pipeline located within the Township to continuously:

i. Protect natural resources, private property and all existing Township roads and infrastructure;

LA3-7 | ii. Use only best practices for construction methods and materials; voluntarily offer just compensation for any property interest affected by their actions; limit any

LA3-1 Article I Section 27 of the Pennsylvania constitution does not preclude the installation of pipeline facility infrastructure but requires the state to "balance the detrimental effects an activity would have on the environment against the social, economic, and environmental benefits gained." Because the Project would be required to be in compliance with applicable statutes and regulations and a reasonable effort is being made to reduce impacts to a minimum, we believe that the Project is in compliance with Article I Section 27 of the Pennsylvania constitution. Section 4.8.3.1 of the EIS has been updated to address Conestoga Township's concerns that the Project would be inconsistent with the Conestoga Township's Comprehensive Plan, Zoning Ordinance, and Official Zoning Map. The installation of pipeline facility infrastructure is not precluded by the provisions of the Zoning Ordinance. In addition, Transco would implement the mitigation measures described throughout this EIS to minimize impacts on natural and aesthetic values. Therefore, we do not believe that the Project is in violation of the Comprehensive Plan or Zoning Ordinance. In any event, the Commission encourages cooperation between interstate pipelines and local authorities. However, this does not mean that state and local agencies, through application of state or local laws may prohibit or unreasonably delay the construction or operation of facilities approved by the Commission.

LA3-2 See the response to comment LA3-1.

LA3-3 Comment noted. Section 3.0 of the EIS provides an analysis of the alternatives evaluated.

LA3-4 Comment noted. See the response to comment PM1-106.

LA3-5 As described in section 4.12.1 of the EIS, for those roads where Transco installs the pipeline using an open-cut construction method, one lane of traffic would remain open at all times or an alternate route would be provided to maintain traffic flow and provide ingress/egress to the public and emergency responders.

LA3-6 Mitigation measures to protect natural resources are provided throughout section 4 of the EIS. As described in section 4.9.4 of the EIS, Transco would utilize equipment tracking mats, special construction entrances, or other appropriate measures to minimize the amount of soil tracked from the right-of-way onto roadways. In accordance with Transco's ECP, construction crews would remove any dirt or debris that is tracked onto roadway surfaces at construction entrances. Once construction is complete, Transco would be responsible for repairing any damage to roads resulting from construction activities. As described in section 4.9.6 of the EIS, Transco is fully insured and maintains insurance coverage that extends to landowners from the start of the survey process through the lifetime of the pipeline. Transco would pay for damage caused by construction and operation of its facilities.

LA3-7 Transco's general and specialized construction procedures and BMPs are described in section 2.3 and Transco's ECP and associated plans. As stated in section 4.12.1 of the EIS, the pipeline and aboveground facilities associated with the Project would be designed, constructed, operated, and maintained in accordance with or in exceedance of the DOT's Minimum Federal Safety Standards in 49 CFR 192. (Continued on next page.)

LA3 – Conestoga Township (cont'd)

LA3-7 (cont'd) permission to any current or pending application and not permit future expansion or replacement of any pipeline or supporting structure;

LA3-8 iii. Provide training to volunteer firefighters and first responders concerning possible hazards and disasters which may arise from the siting, construction, operation, maintenance, repair or replacement of the gas pipeline; and

LA3-9 iv. Comply with all stormwater management laws, rules, regulations and prevent any adverse impact upon the Township's watercourses and the Chesapeake Water Shed.

Section 5. The Township Secretary is directed to provide its elected officials, including governor-elect Thomas Wolf, State Senator Lloyd K. Smucker and State Representative elect Brett R. Miller, U.S. Senators Robert P. Casey, Jr. and Patrick J. Toomey, and U.S. Congressman Joseph R. Pitts, with a certified copy of this Resolution with the request that they intervene, as appropriate, or comment in any application made to FERC for a gas line project in the Township.

Section 6. If any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Resolution, it being the intent of the Board of Supervisors that the remainder of the Resolution shall be and shall remain in full force and effect.

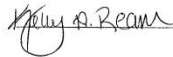
Section 7. This Resolution shall take effect and be in force immediately.

DULY ADOPTED this 5 day of January, 2015, by the Board of Supervisors of the Township of Conestoga, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF CONESTOGA,
LANCASTER COUNTY, PENNSYLVANIA

By: 
Chair, Board of Supervisors

ATTEST:



774022

LA3-7 (cont'd)

These regulations, which are intended to protect the public and to prevent natural gas facility accidents and failures, include specifications for material selection and qualification, minimum design requirements, and protection of the pipeline from internal, external, and atmospheric corrosion.

LA3-8

As described in section 4.12.1 of the EIS, Transco representatives have met with emergency services departments in the counties that would be affected by the Project, and would continue to meet annually with the departments in all of the counties along the proposed pipeline route. Transco would provide these departments with emergency numbers and emergency response plans. Affected public landowners, emergency responders, public officials, and excavators would receive annual updates about the pipeline. Transco is partnering with the Pennsylvania State Fire Academy to provide a 4-hour Pipeline Emergency Awareness Training class, which will be offered to each of the first responder communities located within the greenfield portion of the Project. An additional 8-hour Pipeline Emergency Operations Training class will be held for the same communities at a future date. The Pennsylvania State Fire Academy is working with the local emergency management offices to encourage attendance at these training sessions.

LA3-9

The Project would be constructed in accordance with the permits, approvals, and consultations listed in table 1.5-1 of the EIS. Within Pennsylvania, these permits/authorizations would include the PADEP Clean Water Act section 401 Water Quality Certification, Chapter 105 Application, Chapter 102 ESCGP-2 Application, and the Clean Water Act section 402 National Pollutant Discharge Elimination System Hydrostatic Test Water Discharge Permit. Also see the responses to comments PM1-60 and PM1-92.

LA3 – Conestoga Township (cont'd)

Secretary Bose
Honorable Chairman Norman Bay
Federal Energy Regulatory Commission
888 First Street NE
Room 1 A
Washington, DC 20426

RE: FERC docket CP15-138

Dear Sir / Madam ,

LA3-10 We, the Supervisors of Conestoga Township, Lancaster County PA , write today in response to concerns expressed by the resident landowners along Alternate 22, an alternate route proposed for the Atlantic sunrise Pipeline project.

The resident constituents who own property along the Alternate 22 route feel that our 11/30/2015 submission to FERC accession # 20151130-0050 is a statement of permission or endorsement of Alternate 22 and have asked us to rescind that letter and attachments as such.

We felt that our township resolution No. 05-2015 FERC accession # 20150115-0027 had made clear to all of our residents that as their supervisors, we are opposed to this project going through our township if at all possible. We also understand that as mere township supervisors, we really have no say over this, a project governed by the Natural Gas Act, a Federal law which supersedes all state and local law.

That said, we did not intend to give the impression to FERC that we approve the project traversing our township if it is sited along Alternate 22. We did not mean to offend any of our residents, as we wish this project on none of them. As FERC Chairman Norman C. Bay has repeatedly stated, the project will be evaluated for various impacts *under the law*. We understand that the project will be allowed or denied based on the law, FERC "best practices" siting policies, environmental impacts, and any other applicable federal regulations which are beyond the purview of this writing.

LA3-10 Comment noted. See the response to comment PM1-106.

LA3 – Conestoga Township (cont'd)

LA3-10
(cont'd)

We feel that the Conestoga Township resolution that was crafted (No. 05-2015) and submitted in the aforementioned accession number is a sufficient statement of our wishes in asking the FERC to follow all of the recommendations as fully contained in the resolution to the extent that they are compliant with the NGA and rescind the letter sent from the Conestoga Township supervisors accession # 20151130-0050 as redundant and perhaps unnecessarily specific.

As we're quite sure the FERC is aware, the siting of these projects can be extremely terrifying to property owners and very divisive as well. This is extremely sad to witness in a small community like ours. We pray for the best possible outcome for all of our constituent residents and urge the FERC to carefully and thoroughly evaluate the impacts this project will have on our community and minimize the burden to the greatest extent possible, under the law, on all of our residents.

As stated in the resolution No. 05-2015 following existing ROWs through our township is strongly recommended by the supervisors, the FERC best design practices policy, the PA DCNR, and the PA infrastructure task force.

Thank you for your consideration of the matters herein addressed.



Craig Eshleman

Conestoga Chairman

John Berry

Conestoga Vice-Chairman



Robert Hershey jr

Supervisor



LA3 – Conestoga Township (cont'd)

20151130-0050 FERC PDF (Unofficial) 11/30/2015

CPIS-138



CONESTOGA TOWNSHIP

P.O. Box 98 • 3959 Main Street • Conestoga, PA 17516
Phone 717-872-4301 • Fax 717-872-5327 • conestogatwp@comcast.net
www.co.lancaster.pa.us/conestogatwp

ORIGINAL

LA3-10
(cont'd)

The Conestoga Township Supervisors have reviewed the Alternative plans for the pipeline route. Specifically, Alternate 21, 22, and 23 which pass through our township. It is our recommendation that the pipelines route should avoid residents homes at all costs, utilizing existing right of ways where possible.

In our review, the alternates move the pipeline farther away from residential properties. Particularly, Alternate 22 which moves the line from residential areas and onto to more farmland. It also affects less of our residents then the original line. Several residents will still have the pipeline coming through their property but farther away from homes or buildings.

We appreciate the opportunity to have a voice in these proposed changes and urge FERC to consider any route changes that will lessen the impact of the line coming close to any residential homes.

Craig Eshleman
Conestoga Chairman

John Berry
Conestoga Vice-Chairman

Rebecca Miles
Conestoga Supervisor

FILED
SECRETARY OF THE
COMMISSION
THIS NOV 30 A 11:44
FEDERAL ENERGY
REGULATORY COMMISSION

LA4 – Lancaster County

20160608-0007 FERC PDF (Unofficial) 06/07/2016



FILED
SECRETARY OF THE
COMMISSION
2016 JUN -7 P 3:30
FEDERAL ENERGY
REGULATORY COMMISSION

June 1, 2016

ORIGINAL

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, DC 20426

Dear Secretary Bose:

RE: Atlantic Sunrise Project (FERC Docket No. CP15-138-000)

LA4-1 In light of the recent release of the Draft Environmental Impact Statement (DEIS) for the proposed Atlantic Sunrise Pipeline Project by Williams Transcontinental Gas Pipe Line Company, I respectfully request an extension to the public comment period.

The DEIS is over 1,300 pages and time consuming to thoroughly review. With that in mind, please extend the comment period from the current sixty (60) days to ninety (90) days. This will give the public more time to review the document and to prepare comments.

Thank you for your consideration.

Sincerely,

Craig E. Lehman
Lancaster County Commissioner

150 N. Queen Street, Suite 715 Lancaster, PA 17603


Paid for by Lehman for County Commissioner, T. Butler and L. J. Maxwell, Treasurers
NOT PRINTED AT PUBLIC EXPENSE

LA4-1

See the response to comment PM1-130.

LA5 – Lancaster County Board of Commissioners

20160608-0020 FERC PDF (Unofficial) 06/08/2016



Office of the Commissioners
150 North Queen Street
Suite #714
Lancaster, PA 17602
Phone: 717-299-6300
Fax: 717-293-7200
www.co.lancaster.pa.us

County Commissioners
Dennis P. Stuckey, Chairman
Joshua G. Parsons, Vice Chairman
Craig E. Lehman

May 26, 2016

Chief Clerk
Robert T. Sore

Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

RE: Docket Number: CP 15-138-000

To Whom It May Concern:

ORIGINAL

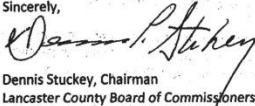
As a Lancaster County Commissioner, I wanted to write and express my own personal support for FERC's recently issued DEIS on the Atlantic Sunrise Expansion Project. It is a well-reasoned and thorough analysis of the project and shows that Williams truly has worked in every way possible to ensure that the environmental impacts are minimized.


Over two years ago, Williams presented their initial plan for the Atlantic Sunrise project in Lancaster County and has worked both with the governmental entities and the landowners ever since to ensure that the impacts, both environmental and otherwise, are controlled.

A big component of limiting these impacts in Lancaster County has been Williams' dedication to understanding the agricultural community and working with those landowners to ensure that as little damage as possible occurs on our County's countless farms.

Along with their commitment to protecting our land, Williams has gone above and beyond to present a plan that meets, and in many situations exceeds, the safety requirements set forth by their regulators. Whether it is the quality of pipe they are using, the extra amount of ground cover they are going to use, or ensuring hydrostatic testing beyond the requirements, their commitment to safety is evident.

In conclusion, I appreciate FERC's thorough analysis of the project. The report shows that government can provide reasonable oversight of the private sector without standing in the way of progress.

Sincerely,

Dennis Stuckey, Chairman
Lancaster County Board of Commissioners



LA5-1

Comment noted.

LA6 – Commissioners of Columbia County

20160613-0069 FERC PDF (Unofficial) 06/13/2016

Chris E. Young
Rich Ridgway
David M. Kovach
Commissioners



Gail S. Kipp
Chief Clerk
Anthony McDonald
Solicitor

Commissioners of Columbia County

Court House, P.O. Box 380, Bloomsburg, Pennsylvania 17815
570-389-5600 (TDD: 570-389-5745) Fax: 570-784-0257

Kimberly D Rose, Secretary
The Federal Energy Regulatory Commission
Docket#CP15-138
888First Street NE
Washington, DC 20426

ORIGINAL

FILED
SECRETARY OF THE
COMMISSION
JUN 13 P 2:28
FEDERAL ENERGY REGULATORY COMMISSION

Dear Ms. Rose

LAG-1 We write to share the concerns of some of our citizens for which we agree. Due to the large size of the proposed pipeline and the pressure of the gas passing through the (1500psi) pipe we are of the opinion schedule THREE (3) should be required for the current and any future projects.

The routing of the proposed pipeline will come in close proximity to many homes and businesses and safety should be the first concern.

We appreciate you taking the time to consider our comments and look forward to receiving your feedback.

Sincerely,

Chris E. Young

Rich Ridgway

David M. Kovach

LA6-1

Comment noted.

LA7 – Wayne Township Landfill

20160615-0016 FERC PDF (Unofficial) 06/15/2016



June 10, 2016

The Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

FILED
SECRETARY OF THE
COMMISSION
2016 JUN 15 P 2:23
FEDERAL ENERGY
REGULATORY COMMISSION

RE: Docket CP15-138 Atlantic Sunrise Expansion Project

ORIGINAL

Dear Secretary Bose,

I would like to take this opportunity to introduce the Wayne Township Landfill. Serving our customers in the waste industry since 1972, the Wayne Township Landfill is a PA DEP permitted municipal/residual waste disposal facility owned and operated by the Clinton County Solid Waste Authority. We currently employ 66 individuals. As the General Manager at the Wayne Township Landfill, I am writing in support of the Atlantic Sunrise Project and for every working man and woman of the Commonwealth who rely on opportunities realized from infrastructure development. Many have experienced the tremendous positive impacts the natural gas industry has had on our economy. We are proud that despite recent declines in Pennsylvania's employment, gains in the natural gas industry are due to the recent surge in shale gas production.

Demand for Natural Gas will continue to grow as power plants convert away from coal and as we find new uses for this abundant and affordable resource. If we fail to realize this project now, we are only crippling an otherwise productive industry. Over 8,000 jobs are projected to be created during the construction phase of Atlantic Sunrise, resulting in a \$1.6 billion increase in economic activity. If we let this project pass us by, we will not only miss out on economic opportunities, but the bottleneck in the Marcellus Shale region will continue because energy resources cannot get to market.

There is no question that the Marcellus Shale industry is fueling a growing local workforce including that of the Wayne Township Landfill and the only way to ensure this growth will continue is if new infrastructure like Atlantic Sunrise is constructed. We have economic growth beneath our feet and Williams is a trusted company in making sure natural gas is delivered safely and with the least possible impact on the environment and local communities. We are excited for the potential for new opportunities and for economic prosperity in Pennsylvania with Atlantic Sunrise. Please move this important infrastructure forward without delay.

Sincerely,

Jay Alexander
General Manager
Wayne Township Landfill
P.O. Box 209
15 Landfill Lane
McElhattan, PA 17748
P: 570-769-6977

P.O. Box 209, McElhattan, PA 17748
Phone 570.769.6977 Toll Free 888.306.8781 Fax 570.769.7366
ccwa@waynetwp.landfill.com

OWNED AND OPERATED BY THE CLINTON COUNTY SOLID WASTE AUTHORITY

LA7-1 Comment noted.

LA8 – Delta-Cardiff Volunteer Fire Company

20160623-0119 FERC PDF (Unofficial) 06/23/2016

 ORIGINAL

The Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

FILED
SECRETARY OF THE
COMMISSION

2016 JUN 23 P 3:06

FEDERAL ENERGY
REGULATORY COMMISSION

RE: Docket CP15-138 Atlantic Sunrise Expansion Project

Dear Secretary Bose,

LA8-1 I write to you as life-long resident of Delta, Pennsylvania who I have worked with Williams as a community partner for years. As Fire Chief of the Delta-Cardiff Volunteer Fire Company, perhaps what I am most impressed with is Williams' unwavering commitment to safety and community building. They are thoughtful in their operations and our first responders can always count on the company for support.

In meeting the same standards established during the many years of pipeline operations in my community, Atlantic Sunrise exceeds federal safety regulations in several critical areas. For example, all pipe material will meet - and more often exceed - the API-5L requirements, and every inch of pipe will be hydrostatically tested at a maximum pressure that exceeds industry standards before put into service. I know this innovative company to be caring, safe, and committed to working with communities where they operate. Williams has always performed operations with the least possible impact on the environment and my community. This is why I am a strong supporter of Atlantic Sunrise.

Atlantic Sunrise will meet this same standard while also contributing significant regional investment and economic growth. I recognize the particular - and spectacular - economic benefits Atlantic Sunrise would bring to the region. This includes approximately 2,300 direct construction jobs and 6,000 indirect and induced jobs that will be created during construction of this pipeline expansion. These are jobs for the hard-working men and women who call this region home. All in all, the Commonwealth would enjoy \$1.6 billion in a positive economic boom, tapping into the industry's potential for further growth to local businesses and energy independence.

I urge FERC to consider my perspective and experience during the DEIS review process so this vital infrastructure can be constructed in a timely and safe manner. Only then can Pennsylvania enjoy the economic boost and solidify its position as a key component in the growing natural gas industry.

Sincerely,



Jeff Griffith Chief

Delta-Cardiff Volunteer Fire Company

500 Main St.

Delta, PA 17314

LA8-1

Comment noted.

LA9 – Fulton Township Board of Supervisors

20160623-0133 FERC PDF (Unofficial) 06/23/2016

 ORIGINAL

FULTON TOWNSHIP
BOARD OF SUPERVISORS
777 Nottingham Road
Peach Bottom, PA 17563
717-548-3514

FILED
SECRETARY OF THE
COMMISSION
2016 JUN 23 P 3 05
FEDERAL ENERGY
REGULATORY COMMISSION

June 7, 2016

The Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Docket CP15-138 Transcontinental Gas Pipeline Company, LLC
Proposed Atlantic Sunrise Project

Dear Secretary Bose:

LA9-1 We would like to take this opportunity to write on behalf of Fulton Township, Lancaster County, Pennsylvania regarding the proposed Atlantic Sunrise Expansion Project. Williams has consistently partnered with local non-profit organizations to assist in identifying their community's needs and supporting efforts to address them, and we are grateful to see them continue those efforts with us.

The \$10,000 in grant money received by Fulton Township will be used to fund the purchase of a road sweeper. This is a critical need in our community and will help keep the roads clear and safe for both community members and visitors. We are truly grateful to Atlantic Sunrise for supporting our neighborhoods, and focusing resources on road safety and improvements.

This gift helps Fulton Township improve our community while affirming that Williams is a company that goes above and beyond that of the typical corporate role. This level of corporate responsibility is refreshing in our community and sets the standard for local investment and corporate partnership. It should also be noted that the local tax revenue and economic investment that Lancaster County will enjoy from the Atlantic Sunrise construction will be funneled into the local economy and will potentially lead to additional funding for even more improvement projects in communities like ours.

We applaud the efforts that Williams has made and hope you will recognize their level of commitment to our community when reviewing the draft Environmental Impact Statement.

Sincerely,

Fulton Township Board of Supervisors

Michael M. Church, Chairman
Scott N. Osborne, Vice Chairman
William H. Taylor, Member

LA9-1

Comment noted.

LA10 – Schuylkill County Board of Commissioners

BOARD OF COMMISSIONERS

GEORGE F. HALCOVAGE, JR., Chairman
FRANK J. STAUDENMEIER, Commissioner
GARY J. HESS, Commissioner
DARLENE M. LAUGHLIN, Chief Clerk



SCHUYLKILL COUNTY COURT HOUSE
401 N. 2ND ST.
POTTSVILLE, PA 17901-2526
PHONE: (570) 628-1200
FAX: (570) 628-1210

June 15, 2016

Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

RE: Docket Number: CP 15-138-000

To Whom it May Concern:

LA10-1 As Chairman of the Board of Commissioners for Schuylkill County, I and my fellow commissioners have monitored the progress of the Atlantic Sunrise Project that crosses through our County. I am writing in regard to FERC's recently released DEIS for the project and would like to express our pleasure with the review conducted by FERC. We believe they have done a thorough job of reviewing the relevant issues and offered reasonable conditions that Williams must address prior to execution of the project.

For over two years now, Williams has worked with the governmental entities and landowners throughout the county and overall, we believe they have treated everyone with respect and been very forthright throughout the process.

In conclusion, I and my fellow commissioners appreciate FERC's thorough analysis of the project. The DEIS shows that government can provide reasonable oversight of the private sector without standing in the way of progress for our state.

Sincerely,

Schuylkill County Board of Commissioners


George F. Halcovage, Jr., Chairman

LA10-1 Comment noted.

LA11 – South Londonderry Township

20160628-5055 FERC PDF (Unofficial) 6/27/2016 9:51:37 PM

South Londonderry Township
Environmental Advisory Council
June 27, 2016

Nathaniel J. Davis, Sr.
Deputy Secretary
Federal Energy Regulatory Commission
888 First St NE, Room 1A
Washington, DC 20426

RE: Atlantic Sunrise Project Draft Environmental Impact Statement
Central Penn Line South
Docket Number CP15-138-000
South Londonderry Township, Lebanon County

Dear Mr. Davis,

On behalf of the residents of South Londonderry Township, Lebanon County, Pennsylvania, we would like to express our concerns regarding the environmental impacts of the proposed Atlantic Sunrise Project (ASP). On December 9, 2015, South Londonderry Township Board of Supervisors unanimously passed a resolution stating the township's opposition of the Atlantic Sunrise Project within township borders. Temporary impacts to the environment would be seen during the construction phase of the project, and permanent impacts within South Londonderry Township would occur as a result of the easement. As a result, the Environmental Advisory Council of South Londonderry Township has compiled a list of environmental concerns found within the Draft Environmental Impact Statement for your review.

- LA11-1
1. The Conewago Creek is part of a local, multi-county collaborative effort called the "Conewago Creek Initiative" with the goal to improve water quality of local streams. The construction of the ASP would be disadvantageous to the efforts put forth by the local community. The following should be reconsidered:
 - A. The currently proposed Dam-and-Pump method for the crossing of the Conewago Creek would be detrimental to the stream health. South Londonderry Township Engineers requested Transco conduct, at the very least, directional boring method to cross the Conewago Creek. Because Transco has plans to conduct directional boring (to cross State Route 241) within 300 feet of the Conewago Creek crossing, this should be considered.
 - B. The construction and pipeline alignment will encroach adjacent wetlands centered between the Conewago Creek and the Little Conewago Creek in the midst of agricultural fields. These important wetlands should be avoided due to their support of reducing erosion and retaining sediment and nutrients.

LA11-1 See the responses to comments PM1-71, PM2-14, and PM2-123.

LA11 – South Londonderry Township (cont’d)

LA11-1
(cont'd) C. South Londonderry Township engineers requested of Transco on March 24, 2016 a Riparian Corridor Easement for all stream crossings in South Londonderry Township to remain in accordance with our Stormwater Management Ordinance. Existing native vegetation shall be protected and/or plantings of native plant materials should be conducted within the easement.

LA11-2 2. Between Milepost 41.0 and 41.2 is an area of environmental concern. Within roughly 600ft, the proposed project would cross wetlands, two streams and the existing Sunoco Mariner East Pipelines. The streams (WW-T13-4005 and WW-T13-4002) are tributaries to the Little Conewago Creek, a tributary of the Conewago Creek. This is also an area of increased slope, whereas the clear-cutting of the easement could produce erosion or issues in this sensitive area.

LA11-3 3. The proposed Contractor Staging Area (CS-CSA-LE-2-009) along State Route 241 is projected to be a 15.2-acre temporary staging area in an agricultural field. This specific field has required the construction of swales to reduce run-off per state regulations. Section 314.B.8 of the South Londonderry Township Stormwater Management Ordinance states "All impervious area runoff shall be directed to BMP's. There are currently no BMP facilities proposed at Contractor Staging Area CS-CSA-LE-2-009.

LA11-4 South Londonderry Township Environmental Advisory Council would like to reiterate that the township does not approve of this proposed project. As supplemental information continues to be submitted by Transco to this docket, we cannot fully grasp the environmental impacts at this moment, nor can we comment in due time (Transco submitted Supplemental Information on Friday, June 24 2016 to Docket CP15-138-000) as the allotted comment period is inadequate. An extension of the comment period would be a benefit to the public. Thank you for your time and considerations.

Sincerely,
Megan Detter
Environmental Advisory Council
South Londonderry Township
Lebanon County, Pennsylvania

LA11-2 Comment noted. See the responses to comments PM1-60 and PM1-71.

LA11-3 In accordance with Transco’s ECP and associated plans, Plan and Procedures, and the stipulations of other permits and authorizations, Transco would install erosion and sediment control devices/BMPs where needed at all facilities, including any contractor or staging areas.

LA11-4 See the responses to comments PM1-70 and PM1-130.

COMPANIES AND ORGANIZATIONS

CO1 – Native Preserve and Lands Council

Study: Pipeline could cost communities billions | News | register-herald.com

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Study: Pipeline could cost communities billions

By Daniel Tyson REGISTER-HERALD REPORTER May 23, 2016

CO1-1 A study was released last week which dampened the economic benefits that EQT's Mountain Valley Pipeline would have on the region, stating the project would negatively hit key sectors and property values.

The report, commissioned by POWHR, Protect Our Water, Heritage, Rights, estimates the total cost to an eight-county region in southern West Virginia and southwest Virginia is between \$8 billion and \$8.9 billion in present value terms.

That figure includes between \$65.1 million and \$135.5 million in the short term as construction strips forests and other productive land bare and as private property values will decline due to the dangers and inconvenience of living near the pipeline's route.

Additionally, the counties could lose between \$119 million to \$131 million each annually after construction due to permanent changes in land cover, lost property tax revenues and hindrance to economic growth in key sectors.

The study focused only on eight of the 17 counties the pipeline is slated to traverse. POWHR said the study's aim is to refute EQT's October 2015 study on the pipeline's economic benefits to Virginia and West Virginia communities.

http://www.register-herald.com/.../study-pipeline-could-cost-communities-billions/article_b0e9856e-7d38-5d59-a288-35e095797416.html[5/27/2016 11:13:03 AM]

CO1-1

This study is specific to the Mountain Valley Pipeline. Our assessment of the potential socioeconomic impacts of the Atlantic Sunrise Project, including effects on property values, is described in section 4.9 of the EIS. Also see the response to comment PM1-116.

CO1 – Native Preserve and Lands Council (cont'd)

Study: Pipeline could cost communities billions | News | register-herald.com

CO1-1
(cont'd)

EQT's study states from 2015 to 2018, the project owners plan to spend \$811 million directly on resources – equipment, materials, labor, and services – in West Virginia. This direct spending would translate into \$594 million in cumulative Gross Regional Product over the four-year period. The MVP project would create more than 4,500 jobs at the peak of construction in 2017; 2,829 of these jobs would be directly associated with the project, 633 jobs would be created along the supply chain and 1,052 jobs would be created in the general economy, the company's study found.

Construction is expected to start in December 2016, after mandatory approval is gained from the Federal Energy Regulatory Commission.

The new study, the group contends, will give FERC a comprehensive estimate on the financial effects normally discounted in natural-gas pipeline approval processes.

The eight counties are Greenbrier, Monroe and Summers in West Virginia and Giles, Craig, Montgomery, Roanoke and Franklin in Virginia.

"FERC's procedures and its track record show a blatant disregard for established economic principles as well as clear evidence that pipelines reduce property values, discourage business development, and diminish the capacity of the natural environment to provide clean water, beautiful scenery, and other valuable services to people," said Spencer Phillips, the study's lead author.

The pipeline will carry natural gas from the Marcellus and Utica Shale approximately 300 miles through 11 West Virginia counties and six counties in Virginia.

Phillips said studies by real estate valuation service Integra Realty Resources show property value loss is certain.

"We estimate a one-time loss in property value of between \$42 million and \$53 million," he said during a press conference last week. "That's for people in the right of way and people in the evacuation zone, which is about 1.4 miles wide for a pipeline of this size and operated at the pressure that's expected."

http://www.register-herald.com/...ws/study-pipeline-could-cost-communities-billions/article_b0c9856a-7d38-5d59-a2d8-35ce95797416.html[5/27/2016 11:13:03 AM]

CO1 – Native Preserve and Lands Council (cont'd)

Study: Pipeline could cost communities billions | News | register-herald.com

CO1-1
(cont'd) He estimated that net losses in economic vitality could range up to more than \$114 million annually and eventually reach billions of dollars for regional area communities.

"FERC really needs to consider when it is determining whether or not there is any net public benefit that could stem from the Mountain Valley Pipeline," Phillips said. EQT said in a press release it's certain the proposed project will bring significant and meaningful benefits to counties where the pipeline will cross.

Public release link~ http://www.register-herald.com/news/study-pipeline-could-cost-communities-billions/article_b0c9856a-7d38-5d59-a2d8-35ce95797416.html

http://www.register-herald.com/news/study-pipeline-could-cost-communities-billions/article_b0c9856a-7d38-5d59-a2d8-35ce95797416.html[5/27/2016 11:13:03 AM]

CO2 – Sierra Club

20160601-5174 FERC PDF (Unofficial) 6/1/2016 12:44:50 PM



June 1, 2016

Commissioners Bay, LaFleur, Clark, and Honorable
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Extending public comment period and rescheduling public hearings for Atlantic Sunrise

Dear Commissioners:

CO2-1 On behalf of Sierra Club's 2.4 million members and supporters nationwide, including our nearly 80,000 members and supporters in Pennsylvania, we respectfully request at least a 30-day extension of the comment period and a similar amount of time for the public to prepare and make arrangements to attend hearings on the Draft Environmental Impact Statement (DEIS) for the Atlantic Sunrise pipeline project ("Project"). The DEIS, including appendices, is 1,342 pages long and the project it describes will have long-lasting, substantial impacts on local communities and our environment.

CO2-2 The Project entails 183 miles of newly constructed pipeline to carry fracked gas from Pennsylvania throughout the south, and requires at least two new compressor stations in Pennsylvania. The Project also aims to deliver gas to the Cove Point Liquefied Natural Gas Export Facility. We are concerned about the Project's negative impacts to the environment, including greenhouse gas emissions, forest cover loss, habitat fragmentation, water quality impacts, and noise and air pollution from compressor stations. Additionally, the environmental CO2-3 justice implications of this project and associated compressor stations need to be addressed.

CO2-4 We feel strongly that 45 days is simply not enough time for the public and all interested stakeholders to read and respond to this document and the Project's myriad impacts. Thus, if the Commission is to provide for meaningful public participation, it should extend the deadline for public comments on the DEIS by at least 30 days. Likewise, the public hearings, which have been announced for June 13th - 16th, should be postponed by at least 30 days to allow the public to make arrangements to attend and come prepared to participate.

Thank you for your consideration of this request. We look forward to your response.

CO2-1 See the response to comment PM1-130.

CO2-2 Comment noted. Mitigation measures to reduce the impacts of the Project on the environment are included throughout section 4 of the EIS.

CO2-3 Environmental Justice is described in section 4.9.8 of the EIS.

CO2-4 See the response to comment PM1-130.

CO2 – Sierra Club (cont'd)

20160601-5174 FERC PDF (Unofficial) 6/1/2016 12:44:50 PM

Sincerely,

/s/

Joanne Kilgour

Director, Pennsylvania Chapter of the Sierra Club

CO3 – Lancaster Against Pipelines

20160601-5184 FERC PDF (Unofficial) 6/1/2016 1:08:24 PM



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M.L.F.@curtinheefner.com

May 31, 2016

Scott Williamson
Program Manager, Waterways and Wetlands Program
Southcentral Region
Pennsylvania Department of Environmental Protection
909 Elmerton Avenue
Harrisburg, PA 17110
Sent via email: scwilliams@pa.gov

**RE: Comment on Proposed Chapter 105 Permit Applications – Atlantic Sunrise Project
Lancaster County – E36-947
Noticed in 46 Pa.B. 2191 (April 30, 2016)**

Dear Mr. Williamson,

Lancaster Against Pipelines respectfully submits this comment on its own behalf and on behalf of its members regarding the proposed Atlantic Sunrise pipeline project, and specifically the proposed Chapter 105 permit applications for Lancaster County.

Lancaster Against Pipelines ("LAP") is a grassroots coalition of local residents, business owners, church communities, and non-profits committed to protecting their home county against the proposed Atlantic Sunrise gas pipeline. LAP is a registered 501(c)(3) organization. LAP and its members seek to preserve and protect what they most love and cherish about Lancaster County: their farmland, their woods, their scenic waterways, their rural way of life, their Amish neighbors, their Native American heritage, and the well-being of their tight-knit communities.

The relevant Pennsylvania Bulletin notice for Lancaster County appeared substantially as follows:

E36-947, Atlantic Sunrise, Transcontinental Gas Pipe Line Company, LLC, 2800 Post Oak Boulevard, Level 6, Houston, TX 77056. Atlantic Sunrise Pipeline in Conestoga, Drumore, Manor,

1656208.1/50832

CO3 – Lancaster Against Pipelines (cont'd)

20160601-5184 FERC PDF (Unofficial) 6/1/2016 1:08:24 PM

Scott Williamson
May 31, 2016
Page 2

Martic, Mount Joy, Rapho, Pequea, Eden, East Donegal, and West Hempfield Townships, Borough of Mount Joy, Lancaster County, ACOE Baltimore District. The proposed project starts at Lebanon County Lancaster County border Elizabethtown, PA Quadrangle N: 40°, 12', 30"; W: -76°, 31', 49" and ends at CPL south, southern tie-in Holtwood, PA Quadrangle N: 39°, 50', 9"; W: -76°, 15', 15".

The project consists of the installation and maintenance of approximately 36.8 miles long, 42 inch pipeline and appurtenant structures. The proposed project impacts in Lancaster County include a total of 4,416 linear feet of temporary impacts to Back Run TSF, MF, Brubaker Run TSF, MF, Chiques Creek WWF, MF, Climbers Run CWF, MF, Indian Run WWF, MF, Little Chiques Creek TSF, MF, Muddy Run TSF, MF, Pequea Creek WWF, MF, Shawnee Run WWF, MF, Shells Run TSF, MF, Stamans Run WWF, MF, Strickler Run WWF, MF, Tucquan Creek HQ-CWF, MF, Four UNTs to Back Run TSF, MF, UNT to Brubaker Run WWF, MF, Two UNTs to Chiques Creek WWF, MF, UNT to Climbers Run CWF, MF, Two UNTs to Conestoga River WWF, MF, Two UNTs to Fishing Creek CWF, MF, UNT to Indian Run WWF, MF, Four UNTs to Little Chiques Creek TSF, MF, Seven UNTs to Pequea Creek WWF MF, UNT Stamans Run WWF, Two UNTs to Strickler Run WWF, MF, Nine UNTs to Witmers Run WWF, MF, Witmers Run WWF, MF, a total of 505 linear feet of permanent impacts to Back Run TSF, MF, Brubaker Run TSF, MF, Chiques Creek WWF, MF, Climbers Run CWF, MF, Indian Run WWF, MF, Little Chiques Creek TSF, MF, Pequea Creek WWF, MF, Shawnee Run WWF, MF, Shells Run TSF, MF, Stamans Run WWF, MF, Strickler Run WWF, MF, Tucquan Creek HQ-CWF, MF, Four UNTs to Back Run TSF, MF, UNT to Brubaker Run WWF, MF, Two UNTs to Chiques Creek WWF, MF, UNT to Climbers Run CWF, MF, Two UNTs to Conestoga River WWF, MF, Two UNTs to Fishing Creek CWF, MF, UNT to Indian Run WWF, MF, Three UNTs to Little Chiques Creek TSF, MF, Six UNTs to Pequea Creek WWF MF, UNT Stamans Run WWF, Two UNTs to Strickler Run WWF, MF, four UNTs to Witmers Run WWF, MF, Witmers Run WWF, MF and 2.02 acres of floodway impacts, 1.42 acre of temporary impacts to PEM, PSS and PFO wetlands and 0.28 acre of permanent impacts to PEM, PSS and PFO wetlands. To compensate for the proposed permanent project impacts in Lancaster County, the applicant is proposing the creation of a compensatory wetland mitigation project located on the Hibred Farms property along State Route 897 (Latitude: 40° 17' 02.38"N; Longitude: 76° 10' 34.03"W) in

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CO3 – Lancaster Against Pipelines (cont'd)

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Scott Williamson
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West Cocalico Township, Lancaster County. The proposed project impacts in this permit application are associated with a proposed transmission pipeline project extending approximately 195 miles in Pennsylvania between Lennox Township, Susquehanna County and Drumore Township, Lancaster County, PA.

For more detailed information regarding the Lancaster County Chapter 105 permit application related to this proposed project, which is available in the DEP regional office, please contact Scott Williamson 717-705-4799 to request a file review.

This comment and request for public hearing are timely filed within thirty (30) days of the April 30, 2016 Pennsylvania Bulletin notice.

LAP previously submitted a request for extension of comment deadline and a request for a public hearing. This letter is filed without prejudice to LAP's right to submit further comments on the proposed Chapter 105 applications after a full and fair opportunity to review the application material.

LAP offers the following objections to the proposed permits, which are detailed below.

I. Incorrect Designated Uses Provided by Transco

A brief review of the listed streams in the notice reveals that Transco has incorrectly identified the designated use of certain impacted streams in Lancaster County.

CO3-1 Transco has Fishing Creek listed as a Cold Water Fishes ("CWF") stream. This is incorrect. 25 Pa. Code 93.9(o) lists Fishing Creek as the following:

- o Fishing Creek (basin (i.e. the main stream and all tributaries, wetlands, etc.)): source to UNT 07256 (near T434 Bridge) = HQ-CWF
- o Fishing Creek (basin): UNT 07256 (near T434 Bridge) to Mouth = EV
- o UNT 07256 (basin) = EV

Also, LAP requests that the Department confirm whether UNT 07792 to the Conestoga River (at RM 43.05) is crossed by the proposed pipeline, as this stream is designated as CWF, not Warm Water Fishes ("WWF").¹

¹ LAP also notes that Transco has misidentified a watershed in Luzerne/Wyoming Counties. Specifically, Transco has "Marsh Run" listed as a Cold Water Fishes ("CWF") stream. This is incorrect. First, there is no Marsh Run listed in Chapter 93 for Luzerne and Wyoming Counties. There is a Marsh Creek. Second, 25 Pa. Code § 93.9(o) lists Marsh Creek as: Basin (i.e. the main stream and all tributaries, wetlands, etc.): = HQ-CWF.

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CO3-1

Comment noted. The designated use of Fishing Creek has been revised in the EIS.

CO3 – Lancaster Against Pipelines (cont'd)

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CO3-2 II. Existing Use Protection Required: Antidegradation Analysis under Chapter 93 Required Beyond What Chapter 105 Requires

Under Chapter 93, the Department is required to give existing use protection to surface waters “when the Department’s evaluation of information (including data gathered at the Department’s own initiative . . . , or data considered in the context of a Department permit or approval action) indicates that a surface water attains or has attained an existing use.” 25 Pa. Code § 93.4c; see also 25 Pa. Code § 93.4a. To the extent Transco, the Department, or any commenters have such information, it must be taken into account in analyzing the proposed project’s impacts on local watersheds, and what avoidance, minimization, and mitigation of harm Transco must undertake.

Relatedly, the Department must apply Chapter 93 antidegradation criteria regardless of what Chapter 105 requires. Blue Mtn. Preservation Assocs. v. DEP, 2006 EHB 589. Chapter 105 does not contain the same step-by-step analysis, or have the entirely identical scope of concerns as Chapter 93. Thus, the Department must apply Chapter 93 criteria and ensure that Transco has appropriately analyzed impacts under the Chapter 93 framework.

III. Mitigation of Impacts Not Occurring in Most of the Impacted Watersheds

CO3-3 Transco has proposed wetlands mitigation as part of the Atlantic Sunrise project in the counties at the start and end of the pipeline route. However, there are both temporary and permanent wetlands and waterways impacts all along the proposed route, for which mitigation is not being proposed despite the impacts that are proposed to occur. The Department must ensure, both under Chapter 93 and Article I, Section 27 of the Pennsylvania Constitution, that the applicant has absolutely avoided and then minimized impacts as much as possible (“Section 27”), before considering mitigation. Without scrutiny of proposed impacts, an applicant could propose a significant amount of degradation of water quality in one area under the premise that the water quality will be improved in another. Chapter 93 requires that *all* waterways be protected.

Further, under Section 27, as a trustee of public natural resources, the Department has a fiduciary duty of impartiality, meaning it must treat all beneficiaries equitably in light of the purposes of the trust. The purpose of the trust under Section 27 is that both present *and* future generations have a constitutionally-protected right to enjoy and benefit from public natural resources, including clean streams, their scenic and aesthetic qualities, and the aquatic life in those streams. “Equity” is concerned with what is fair and just, whereas “equal” means sameness or uniformity. Thus, the Department does not have to *treat* all beneficiaries exactly the same, but what it *must* do is ensure that, as the *outcome* of its actions, the Department treats all citizens of the Commonwealth fairly and justly in, for example, their ability to enjoy clean

CO3-4 streams and the aquatic life therein. Thus, merely allowing permittees to degrade stream quality in one area under the guise of improving it another – without more – is contrary to this duty in part because it relies on decreasing some citizens’ access to clean streams and healthy aquatic life without ensuring that the degradation is reasonable. It also would allow “death by a thousand cuts” to stream quality, also contrary to Section 27.

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CO3-2 The PADEP is responsible for regulating Chapter 105 permitting for wetland and water obstructions.

CO3-3 Wetland mitigation is not limited to the counties at the start and end of the pipeline route. The mitigation measures described in sections 4.4.4 (wetlands) and 4.3.2.6 (waterbodies) of the EIS apply to all wetland and waterbodies crossed by the Project. Compensatory wetland mitigation is described in section 4.4.6 of the EIS.

CO3-4 Comment noted. See the responses to comments CO3-2 and CO3-3.

CO3 – Lancaster Against Pipelines (cont'd)

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IV. Unduly Narrow Limits of Biological and Other Investigation (e.g. Archeological)

CO3-5 The limits of Transco's biological and other types (e.g. historical and archeological) investigation are far too narrow to adequately judge potential impacts. Limiting investigation to the limit of disturbance ("LOD") or a short distance beyond the LOD leaves an incomplete picture, hindering the applicant and the Department's ability to assess, and to require Transco to avoid, minimize, and mitigate (in that order) the impacts of the proposed project. For example, if there are archeological features or artifacts just outside the limit of disturbance, those could be damaged by pipeline work, including any blasting that may be used.² Blasting or other heavy directional drilling or other work could damage or significantly disturb the integrity of archeological resources nearby. Likewise, similar concerns apply to biological investigations.

For the Department to meet its obligations under Article I, Section 27 of the Pennsylvania Constitution, it must ensure that it has sufficient information from Transco to determine whether the proposed pipeline project will unreasonably infringe on the people's constitutionally-protected rights to, *inter alia*, the "natural, scenic, historic and esthetic values of the environment." The Department also needs sufficient information to be able to assess whether the proposed project will unreasonably cause degradation, diminution, or depletion of public natural resources such as wildlife, aquatic life, plants, and the healthy habitat on which those species depend. The analysis Transco has undertaken thus far is too narrow to provide the Department with the information it must have to properly carry out its Section 27 obligations.

Thank you for your consideration of this matter.

Very truly yours,



Mark L. Freed, Esquire
For CURTIN & HEEFNER LLP

cc: Joseph S. Cigan, III (via email at jcigan@pa.gov)

² Based on an initial review of the draft Environmental Impact Statement, Transco has not stated specifically when and where it plans to use blasting.

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CO3-5

See the response to comment PM1-70.

CO4 – Eastern Land and Resources Company

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THE LAW OFFICES OF

THOMAS J. ZAGAMI, P.A.

Licensed in Maryland, Pennsylvania and Washington, D.C.

FILED
SECRETARY OF THE
COMMISSION

June 2, 2016

2016 JUN -3 A 11:08

FEDERAL ENERGY
REGULATORY COMMISSION

VIA U.P.S.

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

ORIGINAL Part 1 of 7

Re: Proposed Atlantic Sunrise Expansion Project, Docket
No. CP15-138; Preliminary Comments on Behalf of
MFS, Inc. d/b/a Eastern Land & Resources Company
to the Draft Environmental Impact Statement and
Request for Extension of Time to Respond More Fully

Dear Secretary Bose:

Today, MFS, Inc. d/b/a Eastern Land & Resources Company filed Preliminary Comments to the Draft Environmental Impact Statement for the Proposed Atlantic Sunrise Project and a Request for Extension of Time to Respond More Fully (the "Preliminary Comments"). A copy of the Preliminary Comments is enclosed herewith. In accordance with footnotes 1 and 2 of the Preliminary Comments, also enclosed for your convenience are copies of the following comprehensive plans from public records:

1. Lebanon County Comprehensive Plan, dated December 31, 2007; and
2. Annville-Cleona Regional Comprehensive Plan, dated June 2012.

Thank you in advance for your attention to this matter.

Respectfully submitted,



Thomas J. Zagami

TJZ/sjb

Enclosures

cc: MFS, Inc. d/b/a Eastern Land & Resources Company

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tzagami@ZagamiLawOffice.com
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CO4 – Eastern Land and Resources Company (cont'd)

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UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Transcontinental Gas Pipe Line Company, LLC Docket No. CP15-138-000

**PRELIMINARY COMMENTS OF MFS, INC.,
d/b/a EASTERN LAND & RESOURCES COMPANY
TO THE DRAFT ENVIRONMENTAL IMPACT
STATEMENT FOR THE PROPOSED ATLANTIC SUNRISE PROJECT
AND REQUEST FOR EXTENSION OF TIME TO RESPOND MORE FULLY**

MFS, Inc., d/b/a Eastern Land & Resources Company, by and through its undersigned attorney, submits Preliminary Comments to the Draft Environmental Impact Statement ("Draft EIS") issued by the Federal Energy Regulatory Commission ("FERC") for the Atlantic Sunrise Project (the "Pipeline Project") proposed by Williams' Transcontinental Gas Pipe Line Company, LLC ("Transco"), Docket No. CP-15-138-000.

On May 5, 2016, FERC issued a Draft EIS for Transco's Pipeline Project. FERC stated, in part, that "the timeframe for construction of the [EL&RC] commercial development is not known at this time. . . ." The purpose of EL&RC's Preliminary Comments is to respond to FERC's statement regarding the timing of EL&RC's development project and to ensure that the record is clear that construction activities have already commenced on EL&RC's project. The purpose of EL&RC's Preliminary Comments is also to clarify that the project is not just a "commercial development" but, rather, will include residential areas as well.

CO4-1

Section 4.8.3.2 has been updated to indicate that the ELRC development is a commercial and residential mixed-use development. In addition, our recommendation has been modified to require Transco to file the final results of consultations with the landowner/developer of the ELRC development, including any project modifications or mitigation measures Transco would implement to minimize impacts on the ELRC development, including copies of correspondence.

CO4 – Eastern Land and Resources Company (cont'd)

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I. BACKGROUND

Previously, on April 24, 2015, pursuant to Rules 212 and 214 of the Rules of Practice and Procedure of FERC, and in accordance with the April 8, 2015 Notice of Application for Transco's Pipeline Project, EL&RC timely submitted its Motion to Intervene in opposition to the application filed by Transco. On July 8, 2015, EL&RC renewed its objection and filed a Supplemental Opposition. On September 10, 2015, EL&RC filed a further Supplemental Opposition to the Pipeline Project.

As with EL&RC's prior filings, the focus of these Preliminary Comments to the Draft EIS is on a portion of Transco's Pipeline Project, referred to as the 42" Central Penn Line South, that is proposed to be constructed in Lebanon County, Pennsylvania. One of the townships in Lebanon County through which Transco's 42" Central Penn Line South is proposed to be constructed is South Annville Township. EL&RC owns a 536.55 +/- acre parcel in South Annville Township that has long been planned and zoned for mixed use development ("EL&RC's Property"), the construction of which commenced in 2008 and is currently on-going.

II. PRELIMINARY COMMENTS AND OBJECTIONS

On December 31, 2007, nearly 8 years before Transco's application for the Pipeline Project, Lebanon County adopted its Comprehensive Plan identifying EL&RC's property as part of a mixed-use development area designated as Suburban Business which includes medium and high density residential.¹ Thereafter, in 2008, construction of sewer to service EL&RC's property commenced at an initial cost to EL&RC of over \$2.5

¹ A copy of the Lebanon County Comprehensive Plan, dated December 31, 2007, will be forwarded to FERC by mail given the voluminous size of the plan.

CO4 – Eastern Land and Resources Company (cont'd)

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million. This initial phase of the sewer construction was completed in 2011. The second phase of sewer construction will commence this summer and will be completed later this year.

In June 2012, also prior to submission of Transco's application for the Pipeline Project, the Annville-Cleona Regional Comprehensive Plan was adopted which, similar to the 2007 Lebanon County Comprehensive Plan, identifies EL&RC's property as part of a Planned Economic Development area which emphasizes mixed-use development that includes commercial and residential.² Thereafter, in 2014, EL&RC's Final Subdivision and Road Relocation Plan was approved and its highway occupancy permit was issued to create a new four-way intersection to service EL&RC's property consistent with the comprehensive plans. Construction of the south side of the new intersection and the north side of the new intersection is on-going. Construction of the new intersection is expected to be completed this summer. The total cost of this road construction is over \$2 million.

In December 2012, construction of the North Londonderry Township sewage treatment plant was completed on EL&RC's property. EL&RC has reserved capacity at this sewage treatment plant for its project. The cost of the sewage treatment plant was over \$17 million.

In addition, construction of storm water facilities for EL&RC's project have also been underway. Construction of the initial storm water facilities will be completed by

² A copy of the Annville-Cleona Regional Comprehensive Plan, dated June 2012, will be forwarded to FERC by mail given the voluminous size of the plan.

CO4 – Eastern Land and Resources Company (cont'd)

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this summer. Construction by the first two commercial land purchasers is expected to be completed by December 2016, at a combined cost expected to exceed \$10 million.

CO4-2 Notwithstanding all of the above, the pipeline route that is currently on record by Transco and that is included in the Draft EIS continues to show a route for the pipeline that would go through the building and facilities to be constructed this year on the southeast corner of the newly constructed intersection. The proposed pipeline route would also go through the storm water controls and storm water management facilities constructed on other portions of EL&RC's property.

As evidenced by EL&RC's prior filings, Transco has been aware of the impact of the proposed route of the Pipeline Project on EL&RC's project but has nevertheless allowed its proposed route to remain of record with FERC. For example, notwithstanding Transco's knowledge of the new road being constructed on EL&RC's property, Transco has made no effort to follow the right-of-way of that road to the rear property line of EL&RC's property. After multiple requests, EL&RC has received some supplemental information from Transco but the information that EL&RC has received is still non-responsive to EL&RC's requests.

III. REQUEST FOR EXTENSION OF TIME

CO4-3 EL&RC is requesting that the public comment period, which is currently set to expire on June 27, 2016, be extended for an additional ninety (90) days to allow additional time to fully evaluate the over 1,300 page Draft EIS and sufficient time to respond following the Public Comment Meeting scheduled for June 14, 2015. This will

CO4-2 Comment noted.

CO4-3 See the response to comment PM1-130.

CO4 – Eastern Land and Resources Company (cont'd)

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CO4-3
(cont'd) also allow EL&RC the time necessary to further attempt to obtain additional information from Transco and to engage in subsequent discussions with Transco.

IV. INCORPORATION OF PRIOR FILINGS BY EL&RC

EL&RC incorporates herein, as if set forth in full, each of the following prior submissions by EL&RC: (i) Objection, dated August 18, 2014; (ii) Renewed Objection, dated February 4, 2015; (iii) Motion to Intervene, dated April 24, 2015; (iv) Supplemental Opposition, dated July 8, 2015; and (v) Reply in Opposition, dated September 10, 2015.

V. CONCLUSION

CO4-4 WHEREFORE, EL&RC respectfully requests that FERC (i) require Transco to re-route the pipeline to avoid impacting EL&RC's project or (ii) if Transco continues to fail to do so, that FERC deny Transco's request for the Pipeline Project in its entirety. EL&RC also respectfully requests that, for the reasons set forth above, its Request for Extension of Time to respond to the Draft EIS be granted.

Respectfully Submitted,



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Attorney for MFS, Inc., d/b/a
Eastern Land & Resources Company

5

CO4-4

See the response to comment PM1-130.

CO4 – Eastern Land and Resources Company (cont'd)

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CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of FERC's Rules of Practice and Procedure, 18 C.F.R. § 385.2010 (2014), I hereby certify that the Preliminary Comments of MFS, Inc., d/b/a Eastern Land & Resources Company to the Draft Environmental Impact Statement for the Proposed Atlantic Sunrise Project has been filed through FERC's eLibrary system and that, as such, it is being served simultaneously on each person designated on the official service list compiled by the Secretary in this proceeding via FERC's eLibrary system.

Dated this 2nd day of June 2016

Respectfully Submitted,



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Attorney for MFS, Inc. d/b/a
Eastern Land & Resources Company

CO5 – Delaware Riverkeeper Network

20160613-5057 FERC PDF (Unofficial) 6/11/2016 6:43:45 PM



May 30, 2016

Joseph J. Buczynski, P.E.
Waterways and Wetlands Program Manager
Department of Environmental Protection
Northeast Regional Office
2 Public Square | Wilkes-Barre, PA 18701-1915
Phone: 570.826.2511 | Fax: 570.830.3017
jbuczynski@pa.gov

Re: DEP's Chapter 105 Water Obstruction and Encroachment Application – Williams/Transco Atlantic Sunrise Pipeline – FERC Docket No. CP15-138 (E58-315 (Susquehanna County), E40-769 (Luzerne County), E54-360 (Schuylkill County), E66-160 (Wyoming County), E36-947 (Lancaster County), E38-195 (Lebanon County), e-19-311 (Columbia County), E49-336 (Northumberland County)

Dear Mr. Buczynski:

Delaware Riverkeeper Network (DRN) is writing to request that the Pennsylvania Department of Environmental Protection (DEP) deny the Chapter 105 application for Transco's Atlantic Sunrise Pipeline project due to the irreparable harm it would cause to the state during construction and throughout its lifespan and beyond. This project would have significant adverse environmental impacts, safety issues, air and climate change impacts, economic ramifications, permanent impacts on scenery, and threaten drinking water sources, groundwater wells, water quality, and septic systems of the Commonwealth. Absent the permit denial to adequately protect the public and PA communities, like that of the recent 401 Water Quality Certification for the Constitution pipeline denial in New York by the DEC; at a minimum, DRN requests an extension of the public comment period for the Chapter 105 application for the linear proposed 195-mile long Atlantic Sunrise, (that was published in the April 30, 2016 Pennsylvania Bulletin) for at least 60 days beyond the point when all information for the application is determined complete by the DEP. To end the public comment period, as is proposed on May 31, 2016, and before the application is fully complete by

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CO5-1 Comment noted. We believe the impacts of the Project would be reduced to less than significant levels. See the response to comment PM1-9.

CO5-2 See the response to comment PM1-130.

CO5 – Delaware Riverkeeper Network (cont'd)

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CO5-2
(cont'd) Transco means that the public does not have all of the needed information nor adequate time to comment fully on the proposed impacts.

In addition to extending the public comment period, DRN also requests that multiple public hearings by the DEP be held along the 195-mile route (in addition and separate from the planned FERC EIS hearings scheduled in June) to allow for maximum participation by the impacted communities along the path and that the dates of the hearings are published multiple times and at least 30 days before-hand so the public can attend. According to the Draft FERC EIS, over 1,880 written comments were received by the public and 130 motions to intervene were filed on the FERC docket as of April 13, 2016 for this pipeline project – indicating a very strong concern for the impacts this project would cause. These public process steps are critical since this pipeline would impact large habitats and waterbodies across the state along its expansive 195-mile path.

DRN also requests that the DEP refer to and incorporate into the record DRN's past comments and filings pertaining to the Atlantic Sunrise Pipeline project and the Transco Leidy Pipeline that are related and have been submitted on the FERC Docket and the DEP dated 8/16/14, 2/9/15, 3/23/15, and 7/24/15, as well as the May 5, 2016 lawsuit against DEP for its issuance of the Clean Water Act 401 Water Quality Certificate for the Atlantic Sunrise project.

CO5-3 It is also critical that the DEP consider the full cumulative impacts along the entire pipeline path. This pipeline project if approved would span nine counties of the Commonwealth and parts of Virginia and cut across, according to the FERC Draft Environmental Impact Statement (EIS), 58 HQ-CWF, MF streams and

CO5-4 a total of at least 331 waterbodies and 250 wetlands (approximately 50.4 wetland acres). DRN notes that it is odd that, according to the Draft EIS, there are no Exceptional Value (EV) streams listed to be proposed to be cut along this pipeline path and requests that that information be verified by the agencies especially considering various upgrades have been approved over the last year by PA agencies. Just last week an existing use table was updated by the DEP (May 16, 2016) that can be accessed here, for example as more streams are upgraded in the state:

<http://www.dep.pa.gov/Business/Water/PointNonPointMgmt/WaterQuality/Pages/ExistingUse.aspx#VzXlh p3D92M>. Fish and Boat Commission has spent the last year designating hundreds of streams as Wild Trout and Class A waters which would require some upgrades to HQ designation. Cross verification between those designated and newly updated lists are needed to ensure no CWF streams in the pipeline path may in fact now be HQ waters. There is also another bundle of streams being considered by the FBC

Page 2 of 7

CO5-3 Comment noted.

CO5-4 Exceptional value waterbodies are indicated in the "State Water Quality Use Classification – Designated Use" column of table K-1 in appendix K.

CO5 – Delaware Riverkeeper Network (cont'd)

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CO5-4 (cont'd) currently for changes - The Commission is proposing the addition of 102 deserving stream segments to the wild trout or Class A Wild Trout List at their July meeting. These designations must help call for effective and timely protection of these diverse and important cold water habitats of the Commonwealth and the project and Chapter 105 review must consider these changes. Furthermore, with the extent of wetlands that are proposed to be cut by the pipeline, it is unclear which of these 250 wetlands are considered EV wetlands as they may be located within a HQ watershed where native brook trout thrive. Pursuant to Chapter 105.18a(a), is that the project encroachment will not have an "adverse impact on the wetland". In order to determine if an adverse impact has occurred, the function and values of the wetlands are evaluated (PA Code 105.14.b(13)). As indicated in past comment and expert reports submitted by DRN, forested wetlands are especially vulnerable to thermal impacts and permanent changes with pipeline cuts.¹ EV and HQ streams and wetlands that remain in Pennsylvania should not be sacrificed for a gas pipeline project like the Atlantic Sunrise that exacerbates climate change and causes irreparable direct harm to streams that the path would cut.

CO5-7 In addition to sensitive waterbodies, impaired streams would also be further impacted by this project, adding injury from pipeline cuts to at least 42 streams of which many are already polluted and on the 303(d) list already due to siltation problems which is often a direct impact from pipeline cuts with open trench wet crossings (8 waterbodies proposed) and dry crossings – dam and pump or flume methods (274 waterbodies proposed) as well as blasting streams (20 waterbodies proposed but it appears that this analysis of blasting is based on USDA soils data and/or field surveys so it is not fully complete since not all areas have not been field verified). Abandoned mine drainage, sink holes, possible dewatering of streams, mine subsidence, mine fires, and other hazards are also concerns in areas the pipeline would cut where anthracite mining has been conducted – according to the FERC Draft EIS, 3.9 miles of the proposed pipeline could be in a high, moderate or low risk for subsidence which could cause potential and irreparable harm to streams, wetlands and groundwater resources.

CO5-9 Stream science clearly indicates that when forests (and forested streams) are cut for a pipeline and soils compacted etc - those impacts must be considered fully by the DEP for its Chapter 105 since this impact on the land impacts watershed health. FERC's EIS notes that 45 interior forests in the Commonwealth would be cut by this pipeline across an estimated 19.3 miles of the pipeline path through these last remaining areas of interior forest. Science and reports submitted to the DEP by Delaware Riverkeeper Network shows that

¹ The Effects of Converting Forest or Scrub Wetlands to Herbaceous Wetlands in Pennsylvania, Schmid & Company Inc. 2014.
Page 3 of 7

- CO5-5 The PADEP is the agency responsible for implementation of Chapter 105 permitting. Table L-1 (Wetlands Crossed by the Atlantic Sunrise Project) in appendix L indicates which wetlands are designated under Chapter 93 as exceptional value wetlands and provides, in acres, the wetland impact by type (PEM, PFO, or PSS) for each of these wetlands.
- CO5-6 See the response to comment PM2-123.
- CO5-7 Comment noted
- CO5-8 See the responses to comments PM2-14 and FA1-14.
- CO5-9 We disagree. Section 4.5.3 of the EIS describes the potential effects of the Project on interior forests, including consideration of the indirect impacts that could extend 300 feet on each side of the proposed workspace. See also the response to comment FA1-7.

CO5 – Delaware Riverkeeper Network (cont'd)

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CO5.9
(cont'd) with these pipeline cuts through forests comes an additional 300 feet on either side of the pipeline cut that impacts that sensitive interior forested habitat. DRN does not believe these numbers are fully nor adequately reflected or included in the current application – the FERC Draft EIS estimates 270.4 acres of habitat would be affected during construction to these interior forests.

CO5.10 DRN has submitted in the past various considerations to take into account about this project in regard to segmentation and related pipeline projects, like the Leidy Transco Pipeline that would interconnect with sections of the proposed Atlantic Sunrise pipeline. The Atlantic Sunrise project is at least one of three applications and pipelines FERC has certified or is reviewing that Transco has filed that will impact Pennsylvania since the Leidy Southeast Expansion. Each of these projects leap-frog on the Leidy Pipeline system and the planned Atlantic Sunrise project would add looping sections of pipeline filling in gaps along Transco's Leidy line system, which would be located along some of the same geographic corridor as the Project. DRN's scoping comments for Atlantic Sunrise (dated August 16, 2014) requested that FERC include a consideration of impacts resulting from all inter-related projects, including Cove Point, and their potential overlapping zones of impact, in its review of the Atlantic Sunrise Project. By considering the environmental impacts of these five inter-related and functionally inter-dependent projects in separate NEPA documents, rather than completing a full Environmental Impact statement to review upgrading the Leidy line system as a whole that includes the Atlantic Sunrise Project, FERC is unlawfully segmenting its analysis in violation of its obligations under NEPA. It is important and critical with such a proposed build out of pipelines in the Commonwealth to move natural gas abroad and to other markets, and with FERC's track record of this improper segmentation as evidenced in successful litigation brought by Delaware Riverkeeper Network, that DEP also consider these other pipeline projects and the environmental impacts they will cause cumulatively as part of the state's permitting and certification process in order to best protect the Commonwealth from the rampant gas pipeline projects that are being considered, already built, or being built in the state. The court held that the Commission (FERC) violated NEPA by: "(1) segmenting its environmental review of the Northeast Upgrade Project – i.e., failing to consider the Northeast Upgrade Project in conjunction with three other connected, contemporaneous, closely related, and interdependent Tennessee Gas pipeline projects – and (2) failing to provide a meaningful analysis of the cumulative impacts of these projects to show that the impacts would be insignificant" (Delaware Riverkeeper Network, et. al. v. Federal Energy Regulatory Commission, Tennessee Gas Pipeline Company). DRN argues that FERC has continued its practice of segmenting its environmental reviews of pipeline projects, including the Leidy Southeast Expansion Project and the Atlantic Sunrise Pipeline Project. It is critical with this lack of thorough oversight at the federal level and segmentation continuing, that DEP use all regulatory measures in
Page 4 of 7

CO5-10 See the response to comment PM3-102.

CO5 – Delaware Riverkeeper Network (cont'd)

20160613-5057 FERC PDF (Unofficial) 6/11/2016 6:43:45 PM

CO5-10] its authority to consider the wetlands and stormwater impacts through, Chapter 105 and Chapter 102
(cont'd) regulations.

Because the Commonwealth has permitted 8,191 unconventional gas wells (since Jan 30, 2015) and the scientific community has published, since April 2015 over 400 peer reviewed papers indicating harm, it is also critical that DEP use its authority and consider these beginning of pipe and end of pipe impacts that fracking and related infrastructure is causing and will exacerbate if these additional pipelines are permitted by DEP. According to Physicians for Safe Energy, 72% of these original research studies on water quality indicate potential, positive association, or actual incidence of water contamination; and 95% of all original research studies on air quality indicate elevated concentrations of air pollutants. Air pollution impacts water so all of these cumulative impacts must be considered by the DEP as part of its 404 and Chapter 105 review. And air pollution in the state already is ailing on many levels, causing harm to our waterways and the public. For example, just last week two of the five consecutive days (5/25 and 5/26/16 for Bristol, PA DEP air station) had ozone way above the 70 ppb ozone standard (90 ppb and 85 ppb). In Tioga County, three of the five consecutive days (5/24, 25, 26/16) last week were in exceedance for ozone (73, 77, and 74 ppm). These exceedances were detected by DEP's ambient air quality monitoring program.

CO5-11 See the response to comment PM1-6.

CO5-12] In addition to cumulative impacts and segmentation concerns that jeopardize Commonwealth resources, the process DEP appears to be using with this proposed certification and notice to certify that the construction, operation and maintenance of the Atlantic Sunrise Project complies with the applicable provisions of the Federal Clean Water Act puts the cart-before-the horse since DEP appears to be relying on Transco's future actions – actions and permit applications that have not been completed, submitted, reviewed and approved by the DEP and other regulatory agencies. Standard procedure in granting Section 401 water quality certifications in Pennsylvania is for PADEP to issue the Section 401 water quality certification as part of the permitting process under the Dam Safety and Encroachments Act, which is Chapter 105 of the Pennsylvania Code. See *Pennsylvania Environmental Law and Practice*, ch. 6-4.4 (8th ed. 2015) ("DEP issues its section 401 certifications as part of the permits given under the Dam Safety and Encroachments Act"). To the extent PADEP issues a Section 401 Certification for a proposed pipeline project prior to issuing a Chapter 105 Water Obstruction and Encroachment permit, PADEP is acting in direct contravention of its own procedures. Indeed, there is no procedure recognized in the Pennsylvania Code that allows for separate review of a Section 401 water quality certification and Chapter 105 and/or Chapter 102 permits. As such, it is unlawful for PADEP to issue the Section 401 Certification before receiving final plans and other critical information necessary to ensure that Pennsylvania's water quality standards have been complied with

CO5-12 Comment noted.

Page 5 of 7

CO5 – Delaware Riverkeeper Network (cont'd)

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CO5-12
(cont'd) pursuant to Chapter 105 and Chapter 102. DRN filed a lawsuit against DEP's issuance of the 401 Water Quality Certification for the Atlantic Sunrise on May 5, 2016 and filed a prior suit against the DEP on May 5, 2015 alleging the DEP improperly issued a Clean Water Act Section 401 Water Quality Certification for the Leidy Southeast Pipeline – another Williams-Transco large scale natural gas pipeline project. Similar suits were also submitted by other concerned groups on the Atlantic Sunrise 401 Water Quality Certification.

We urge the DEP, in light of the large impacts and fragmenting nature of this extensive project that would

CO5-13 cut through 9 counties of the state, a much longer and broader comment period for the public to be able to weigh in on the record is needed before DEP 's Chapter 105 permitting. Furthermore, the application

CO5-14 materials submitted by Williams has significant data and resources with only remote sensed data which means the application is far from complete. For example, in accession # 20160505-4005 appendix K-1 water bodies crossed by the Atlantic Sunrise Pipeline , there are at least 23 streams along CPL North that are designated as being surveyed with remote sensing and for CPL South another 39 streams that appear to only be remote sensed. As indicated by PA DEP on the proposed Penn East Pipeline docket, another large pressure gas line that is proposed, these non-verified remote sensed resources need to be field verified by the applicant since a state cannot issue a permit based on remote sensed data. In multiple times in the past, DRN has also documented and field verified where resources or impacts on the ground do not match the pipeline companies' observations showing the real need for scrutiny and complete information and field verification conducted by the agencies of the applicant's information (March 12, 2013 DRN letter submitted to the USACE Re: TGP NEUP and others).

Furthermore, pipeline route variations and alternate pipeline routes and even landowners who will be greatly impacted by this project, still have many questions and have yet to have all the information they need to adequately respond and comment to the full impacts this pipeline is proposing to inflict on residents of Pennsylvania. Supplemental data packages and information is still being filed by Transco and agencies are still requesting additional information from Transco, which means again, the public does not have all the information they need to adequately comment on this project.

DEP's own "Pipeline Taskforce" called for better and more meaningful public participation was needed with pipelines. "Pennsylvania will see as many as 30,000 miles of new pipeline built over the next 20 years to take...gas resources of the Marcellus and Utica Shales to market," the Department of Environmental Protection Secretary, John Quigley, said. Secretary Quigley stated he expects the industry to add 20,000-25,000 miles of gathering lines, smaller pipelines that connect gas wells to processing plants or main

Page 6 of 7

CO5-13 See the response to comment PM1-130.

CO5-14 See the response to comment PM1-70.

CO5 – Delaware Riverkeeper Network (cont'd)

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transmission lines. He said an additional 4,000 to 5,000 miles of interstate pipelines will be built over the next 20 years. According to StateImpact, the panel includes industry representatives, federal, state and local government officials, end-users, state lawmakers, farmers, and emergency preparedness officials. All of this gas development infrastructure would bring irreparable harm to our water resources for an unsustainable and heat trapping methane source that will exacerbate the impacts of climate change.

CO5-15 For these reasons, DRN objects to DEP's issuance of the Chapter 105 permit for the Atlantic Sunrise pipeline project. We also urge the DEP issue more time for the public to contribute important and meaningful information for the DEP to consider as Williams -Transco continues to submit applications and supplemental information on the record on the harm it plans to inflict to the Commonwealth and hold a series of public meetings up and down the 195 mile pipeline path so the impacted landowners have the opportunity to comment. Thank you for your time and consideration.

Sincerely,



Maya K. van Rossum
the Delaware Riverkeeper
Delaware Riverkeeper Network

cc. Federal Energy Regulatory Commission
US Army Corps of Engineers
US Fish and Wildlife Service
PA DCNR
PA Fish and Boat Commission

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CO5-15 See the response to comment PM1-130.

CO6 – GROFF Tractor & Equipment

20160613-5074 FERC PDF (Unofficial) 6/13/2016 10:57:35 AM



Your #1 Source for Everything Under Construction

June 13, 2016

Federal Energy Regulatory Commission
 888 First Street, NE
 Washington, DC 20426
 RE: Docket Number: CP 15-138-000

To Whom it May Concern:

Infrastructure is one of the lynchpins of our Country's past success and continued growth. Whether that comes in the form of roads and bridges, water and sewer lines, our electrical grid, or natural gas pipelines, they are all critical for our economy. They bring long term stability and employment for the countless construction workers and materials providers on those projects.

CO6-1 The Atlantic Sunrise pipeline project is a key part of this infrastructure development. The natural gas industry has brought an immense amount of jobs and revenue to our state. In order to ensure the continued existence of those jobs and that revenue, we must allow the infrastructure to be built out across our state.

I'm not insensitive to the fact that progress sometimes requires impacts on our day-to-day lives. However, industry is regulated in Pennsylvania at an extremely high level and Williams has gone the extra mile in ensuring the impacts are minimized to the environment and to the landowners. It's time to get out of the way and let them start construction.

It is my hope that FERC will allow the project to move forward and get our state's natural gas on the market so we can truly see all the benefits.

Sincerely,

Steve Weikert, General Manager
 Groff Tractor & Equipment, Inc.

CO6-1 Comment noted.

| | | | | | |
|---|---|--|--|--|---|
| MECHANICSBURG 6779 Carlisle Pike Mechanicsburg, PA 17050 (717) 766-7671 (717) 766-1580 (f) | EPHRATA 20 Stauffer Lane Ephrata, PA 17522 (717) 738-0220 (717) 738-4317 (f) | STATE COLLEGE 210 Rolling Ridge Road Bellefonte, PA 16823 (814) 353-8400 (814) 353-8403 (f) | CRANBERRY TWP 100 Smith Drive Cranberry Twp, PA 16066 (724) 898-1535 (724) 898-1540 (f) | NEW STANTON 963 S. Center Ave New Stanton, PA 15672 (724) 755-0124 (724) 755-0128 (f) | EBENSBURG 4355 Adm Poary Hwy Ebensburg, PA 15931 (814) 472-7300 (814) 472-7303 (f) |
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CO7 – PA Chamber of Business and Industry

20160613-5179 FERC PDF (Unofficial) 6/13/2016 3:24:49 PM



The Honorable Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

June 13, 2016

RE: Docket CP15-138-000 Notice of Availability of the Draft Environmental Impact Statement for the Proposed Atlantic Sunrise Project

Secretary Bose,

CO7-1 On behalf of the Pennsylvania Chamber of Business and Industry (PA Chamber), the largest, broad-based business advocacy group in the Commonwealth, I am writing in support of Transcontinental Gas Pipe Line Company, LLC's proposed Atlantic Sunrise Project, which would add greatly needed natural gas capacity to the Transco system that provides natural gas to millions of American homes and businesses. As this project, which is currently seeking a final Environmental Impact Statement from FERC, will be constructed in a manner that meets or exceeds all relevant state and federal environmental requirements, will allow us to move forward in meeting various state and national environmental obligations, and will afford significant gains to our state, regional and national economy, I urge the Commission to grant its approval.

The Draft Environmental Impact Statement (DEIS) notes that the developers of this project have taken great strides to reduce impacts to environmentally sensitive areas and to protect the state's natural resources and the public's health and safety. The DEIS notes that "the Project is not likely to significantly affect groundwater resources because the majority of construction would involve shallow, temporary and localized excavation." Pennsylvania's robust and expansive regulatory framework will provide for sufficient management of stormwater and control of erosion and sediment during construction and operation of the project. The DEIS also notes that the Atlantic Sunrise project will implement measures that will "aid in the effective avoidance or minimization of impacts on surface water resources." This is in part due to the methods Transco plans on using when crossing waterways, and, based on available data, the DEIS finds "the risk of inadvertent drilling returns is low." Further, "no long-term effects on surface waters are anticipated," and of the slightly more than 50 acres of wetlands affected, 44 acres would see temporary impacts, to be fully restored after construction, and the remaining impacts to wetlands would be "effectively minimized or mitigated."¹ The PA Chamber agrees and supports these statements.

Further, the DEIS also notes that the impact avoidance, minimization and mitigation measures proposed by Transco would not have a significant adverse affect on wildlife, including migratory birds and endangered species. The DEIS also notes that emissions from the project will not have a significant impact on local or regional air quality. The PA Chamber agrees and supports these statements as well, in particular those regarding air quality, as the state's GP-5 requirements for compressor stations are among the strictest in the nation for such infrastructure. The state's inclusion into the Ozone Transport Region also obligates stricter permitting conditions for ozone precursor pollutants, such as NOx and VOCs.

¹ FERC/EIS-0269D Docket No. CP15-138-000 Draft Environmental Impact Statement Volume 1: Atlantic Sunrise Project, Federal Energy Regulatory Commission Office of Energy Projects, May 2016. <https://elibrary.ferc.gov/idms/common/OpenNat.asp?fileID=14240175>

CO7-1 Comment noted.

CO7 – PA Chamber of Business and Industry (cont'd)

20160613-5179 FERC PDF (Unofficial) 6/13/2016 3:24:49 PM

The Honorable Kimberly D. Bose
Federal Energy Regulatory Commission
June 12, 2016
Page 2


CO7-1
(cont'd) The Atlantic Sunrise project will also help the Commonwealth of Pennsylvania and the nation as a whole meet various environmental goals and obligations, such as those related to greenhouse gas and national ambient air quality standards. In part, increased production, transmission and use of natural gas have allowed the power generation sector in Pennsylvania to reduce greenhouse gas emissions by 14% since 2005.² In fact, America led the world in reducing greenhouse gas emissions over that time period.³ Industry in the state has also, since 2008, reduced emissions of SO₂ by 68%, NO_x by 30% and VOCs by 21%.⁴ These reductions are having a demonstrated impact on air quality, with DEP forecasting fewer and fewer severe air quality alerts each year.⁵

FERC Office of Energy Projects' monthly Energy Infrastructure Update reports have, for the past many months, made readily apparent that nearly all new capacity additions to the nation's energy portfolio have been gas, wind and solar.⁶ As other resources, such as coal and nuclear, are retired due to cost pressures, burdensome regulatory mandates, and a distorted energy market caused by government mandates and subsidies for energy efficiency and renewables, and as wind and solar are inherently intermittent resources incapable of providing reliable baseload power, it is absolutely vital to our economy and the health and welfare of citizens that gas-fired power plants, which now for the first time provide the greatest share of power generation in the country, have a reliable source of fuel. Projects such as the Atlantic Sunrise will help ensure that supply.

Natural gas has helped push wholesale electricity prices downward significantly in recent years, with a more than 50% decrease between 2008 and 2012.⁷ Additional cost savings, economic growth and environmental progress can be made with the approval of the Atlantic Sunrise project. The Atlantic Sunrise is expected to support 2,300 jobs, with an additional 3,700 induced jobs and \$1.6 billion in economic activity, in the ten Pennsylvania counties this project will run through. Had Atlantic Sunrise been in place during the winters of 2012, 2013 and 2014, Mid-Atlantic consumers would have saved \$2.6 billion in utility costs.⁸

For these reasons, I urge the Commission to finalize the Draft Environmental Impact Statement and to approve this project.

Sincerely,



Kevin Sunday
Director, Government Affairs
Pennsylvania Chamber of Business and Industry

² Electric Power Industry Emissions Back to 1990, Pennsylvania. U.S. Energy Information Administration, April 1, 2014. <http://www.eia.gov/electricity/state/pennsylvania/xls/sept07PA.xls>

³ Some fracking good news, *The Economist*, May 25, 2012. <http://www.economist.com/blogs/schumpeter/2012/05/americas-falling-carbon-dioxide-emissions>

⁴ 2012 Natural Gas Emissions Inventory, Pennsylvania Department of Environmental Protection, Air Quality Technical Advisory Committee, April 3, 2014. http://www.dep.state.pa.us/dep/subject/advcom/aqtac/2014/4-3-14/Marcelus_AQTAC_Unconventional_Gas_03-13-2014.pdf

⁵ Action Days, Pennsylvania Department of Environmental Protection, Bureau of Air Quality.

http://www.ahs2.dep.state.pa.us/ahs_apps/ahpartners/code_red.asp

⁶ FERC Office of Energy Projects Energy Infrastructure Update for April 2016, June 6, 2016. <http://www.ferc.gov/legal/staff-reports/2016/energy-infrastructure.pdf>

⁷ Pennsylvania State Energy Plan, Office of Governor Tom Corbett, January 2014. <http://energy.newpa.com/wp-content/uploads/2014/01/PA-State-Energy-Plan-Web.pdf>

⁸ Economic Impacts of the Atlantic Sunrise Project, Pennsylvania State University, Jan. 9, 2015. <http://atlanticsunriseexpansion.com/wp-content/uploads/2015/03/AtlanticSunrise-EconomicImpactStudy.pdf>

CO8 – NUCA Pennsylvania

20160614-5073 FERC PDF (Unofficial) 6/14/2016 12:51:51 PM

Charles M. Fehlinger
President

Brenda Reigle
Executive Director
Email: cd@nucapa.org



June 14, 2016

Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426
RE: Docket Number: CP 15-138-000

To Whom it May Concern:

CO8-1 I am writing on behalf of the countless contractors and excavators who spend their days ensuring that our state's infrastructure remains an asset for our future economic success. It's no secret that the Marcellus Shale presents one of the biggest opportunities for future growth in our state. We've already seen the jobs and revenue that can be generated when the industry is booming. Unfortunately, as we see in many situations, the whole endeavor will be fruitless without the necessary infrastructure. This is why I'm writing today to express our support for the Atlantic Sunrise Expansion Project.

Williams has been working through the FERC process, along with coordinating with state and local governments, for over two years. They have done their due diligence and we've seen them make adjustments to the proposed route of the pipeline time and time again. The recently released Draft Environmental Impact Study shows that while a few adjustments may still be necessary, the plan for the pipeline has truly been put together with the goal of minimizing the impacts, both on the environment and the landowners.

Lastly, the jobs generated by the construction of these projects keep countless people across our state working. Plus there are many long term jobs that will be created by opening up the markets in Pennsylvania to allow producers in the Marcellus Shale region to get their gas to consumers along the eastern seaboard.

It is the hope of the Utility Contractors in Pennsylvania that FERC will see that this project is good for our economy, but has also been formulated in a way that is responsive to the needs of the landowners and sensitive to the environmental issues that arise with any project of this size.

Sincerely,

A handwritten signature in black ink that reads "Brenda V. Reigle".

Brenda Reigle,
Executive Director

4400 Deer Path Road ♦ Suite 106 ♦ Harrisburg, PA 17110
(717) 234-8055 ♦ Fax: (717) 234-7955
www.nucapa.org

CO8-1 Comment noted.

CO9 – Delaware Riverkeeper Network/Schuylkill Pipeline Awareness

20160623-5014 FERC PDF (Unofficial) 6/22/2016 5:14:56 PM

Delaware Riverkeeper Network * Schuylkill Pipeline Awareness

June 21, 2016

Mr. Nathaniel J. Davis, Sr.,
Deputy Secretary
Federal Energy Regulatory Commission (FERC)
888 First Street NE, Room 1A
Washington, DC 20426
FERC Docket No: [CP15-138-000](#) www.ferc.gov

Provided via web portal at www.regulations.gov on June 22, 2016 and provide on FERC Docket at www.ferc.gov (Docket No CP15-138-000)

Re: FERC Lebanon Public Hearing and Comment on Draft FERC EIS (DEIS) on Atlantic Sunrise Pipeline – Docket ID: FERC-2016-0660 www.regulations.gov

Dear Mr. Davis:

Concerned residents of Schuylkill Pipeline Awareness (SPA) and staff of Delaware Riverkeeper Network (DRN) attended the Lebanon County Joint FERC/Army Corps of Engineers (Corps) public hearing on the Draft EIS (DEIS) last week. Residents from Schuylkill County who will be directly and indirectly impacted drove as far as 1.5 hours to get to this public hearing. Many testifying believed the DEIS and FERC process was grossly inadequate and expressed the need for a longer comment period by FERC and additional hearings in their county. SPA and DRN present were shocked to understand from the FERC representative near the close of the meeting that an extension likely will not be made of the official public comment on the FERC DEIS despite the community and many comments requesting this extension since the release of the DEIS on May 12, 2016.

This is grossly inappropriate of FERC and does not allow due process for the public to weigh in especially for a 197 mile long pipeline that would impact 10 counties of the state of Pennsylvania. Having only 45 days for public review of this lengthy yet incomplete document is too little time for the communities that are harmed to be able to weigh in effectively. We also understand from the DEIS that much of the data in the EIS is based on remote-sensed data. This means that the information provided is not complete yet FERC is forcing the public to comment on incomplete information by providing this sharp deadline of June 27 at 11:59pm. This is a failing of the public process.

Furthermore, given that the Chapter 105 comment has been extended by the Pennsylvania Dept. of Environmental Protection (DEP) for another 60 days – adding a total of at least 90 days for residents to review this related application on the harms to wetlands and waterbodies – it

CO9-1 See the responses to comments PM1-70 and PM1-130.

CO9-2 See the response to comment PM1-130.

CO9 – Delaware Riverkeeper Network/Schuylkill Pipeline Awareness (cont'd)

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CO9-2
(cont'd) would only be fair for FERC to announce a similar extension. With the following devastating impacts of this pipeline cited in the FERC DEIS, and other agency extensions at a bare minimum FERC needs to provide more time and at best deny the certificate outright due to the evident harms or redo the EIS to incorporate all the harms this project would bring:

CO9-3

- Due to recent failures, explosions and problems, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) is currently proposing vast changes to its safety regulations for the nation's to discuss the proposed gas transmission pipelines – public comment is open until July 7, 2016. How can FERC another federal agency proceed with this harmful project while new protections are being considered? The project should be put on hold, public period extended, to incorporate these sorely needed changes at a minimum. All members of the public can submit comments by any of the following methods referencing Docket No. PHMSA-2011-0023: E-Gov Web Site: <http://www.Regulations.gov>. This site allows the public to enter comments on any Federal Register notice issued by any agency. Fax: 1-202-493-2251. Mail: DOT Docket Management System: U.S. DOT, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590-0001.

CO9-4

- **The DEIS Does Not Represent nor Cover All of the Harms the Atlantic Sunrise Pipeline Would Cause to the environment and communities.** The calculations in the FERC DEIS are grossly understated despite litigation and court decisions ruling against FERC practices by the courts urging FERC to consider ALL Cumulative harms and to stop segmentation practices that piece meal harms and ignore the big picture (*Delaware Riverkeeper Network vs. FERC*). It is unacceptable that FERC in its EIS yet again for this proposed pipeline, is not evaluating the complete build out and gas footprint this pipeline would create in the shale fields as well as its connection to other gas infrastructure including export facilities. These impacts need to be added into the EIS and another version of the EIS provided in the future that adequately accounts for all of these cumulative harms.

CO9-5

- FERC's DEIS states that **29 percent of the surface waters to be cut by the pipeline were only identified using remote sensing.** This level of care and desk top review without verification in the field for Pennsylvania streams, forests and properties is woefully insufficient and will cause pollution and harm to our communities. **It is unlawful to issue permits based on remote sensed data.**

CO9-3 PHMSA is proposing new regulations regarding natural gas transmission pipelines. Once they become final, the regulations will be updated.

CO9-4 See the responses to comments PM1-6 and PM3-102.

CO9-5 See the response to comment PM2-102.

CO9 – Delaware Riverkeeper Network/Schuylkill Pipeline Awareness (cont'd)

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- According to the FERC DEIS the AS pipeline **would cut across 58 High Quality streams and a total of at least 331 waterbodies and 250 wetlands** would be cut (approximately 50.4 wetland acres).
- CO9-6 • According to the FERC DEIS, **45 interior forests would be cut across** – yet there appears to be no acknowledgment of the science that at least 300 feet on either side of a forest cut causes continued and permanent harm to the forests. Acreages are therefore not likely accurate in the DEIS.
- CO9-7 • Abandoned mine drainage, sink holes, possible dewatering of streams, mine subsidence, mine fires, and other hazards are also concerns in areas the pipeline would cut where anthracite mining has been conducted – according to the FERC Draft EIS, 3.9 miles of the proposed pipeline could be in a high, moderate or low risk for subsidence which could cause potential and irreparable harm to streams, wetlands and groundwater resources.
- CO9-8 • The AS route would cut across **443 tracts of agricultural lands enrolled in the Clean and Green Program** which uses PA tax payer dollars to preserve vital farmland and the rural quality of our region.
- CO9-9 • Transco/Williams identified 410 architectural resources and 31 archeological sites within the direct path of the proposed pipeline. Transco continues to strong arm SHPO to remove some of these historic treasures from stronger protections to build their pipeline (State Historic Preservation Office). And again many surveys required have not yet been conducted so the public does not have complete information at this time to comment fully on these harms.
- CO9-10 • In addition to sensitive waterbodies, **impaired streams would also be further impacted by this project, adding injury from pipeline cuts to at least 42 streams** of which many are already polluted and on PA's dirty water list (303d list) already due to siltation problems which is often a direct impact from pipeline cuts with open trench wet crossings. Blasting of at least 20 waterbodies is also being proposed.
- CO9-11 These are just some of the impacts and inadequacies that were identified with a quick review of this over 1,300 page document, yet FERC believes these harms are insignificant. With such devastating impacts, it is, at a bare minimum, FERC's obligation to extend this comment period and to in fact announce this extension before the very end of the original date of June 27 at 11:59pm. The community deserves more time to comment and by closing this short comment period while yet the FERC representative at the Lebanon hearing stating comments will be

- CO9-6 We disagree. Section 4.5.3 of the EIS describes the potential effects of the Project on interior forests, including consideration of the indirect impacts that could extend 300 feet on each side of the proposed workspace. See also the response to comment FA1-7.
- CO9-7 See the response to comment CO5-8.
- CO9-8 As described in section 4.8.6.2 of the EIS, due to the amendments to Act 319, the construction and operation of the pipeline facilities would not disqualify landowners currently enrolled in the Clean and Green Program from receiving tax benefits, and those tracts enrolled in the Clean and Green Program would maintain their eligibility and not be subject to any roll-back taxes despite being transected by pipeline facilities. However, portions of the West Diamond, North Diamond, and River Road Regulator Station sites; the Zick Meter Station site; and the Compressor Stations 605 and 610 sites would be on tracts enrolled in the Clean and Green Program. The permanent placement of aboveground facilities on a tract of land would not preclude a landowner's participation in the Clean and Green Program for the entire tract but it would constitute a change in use for land already enrolled in the program and, therefore, the landowner would be liable for roll-back taxes for the portion of the land affected by the aboveground facility. Transco states it would negotiate compensation of fees or penalties, including roll-back taxes and increased annual taxes, as part of the land purchase or easement agreement if the Project would render the tract or a portion of the tract ineligible for the program.
- CO9-9 Transco has completed about 94 percent of the cultural resource surveys. Prior to construction, Transco would complete the remaining archaeological surveys and file with the Secretary all remaining cultural resource surveys and evaluation reports as well as any necessary avoidance or treatment plans that outline measures to avoid, reduce, and/or mitigate effects on historic properties, including the SHPO comments.
- CO9-10 See the responses to comments PM1-60, PM1-71, and FA1-71.
- CO9-11 See the responses to comments PM1-70 and PM1-130.

CO9 – Delaware Riverkeeper Network/Schuylkill Pipeline Awareness (cont'd)

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CO9-11
(cont'd) considered by FERC after the comment period closes, FERC is confusing the public and harming the community. Will those comments after the deadline be part of the public record? What does this mean that comments will be considered after the comment period? What recourse does the public have if FERC closes the comment period and their concerns are ignored? What requirements will FERC have to respond to those comments after the comment period closes? **We look forward to a response promptly by FERC regarding its intention on the comment period and we believe the community deserves a response and clarity before the June 27th 11:59pm deadline as a courtesy.**

In the meantime, these concerns below we believe show significant harm and we disagree with FERC of its conclusions that harms will be insignificant – comments below only apply to Schuylkill County sections of the CPL South Line due to time constraints but being FERC may not provide an extension we share these points now as they relate to Schuylkill County impacts that

CO9-12 the community has expressed major concern over. **SPA and DRN request FERC reject the certification of this detrimental project or redo the DEIS with complete and cumulative consideration of the harms that have been grossly missed and then reopen a new public comment period for a cumulative EIS, and extend all public comment adequately.**

CO9-13

- At Mile Post (MP) 67.7 and MP 80.5 – 2 aboveground MLVs (mainline valves) – Eldred Township and Pine Grove Township – these above ground valve stations often leak fugitive methane emissions causing air pollution to our area and climate impacts worldwide. Fugitive emissions also appear to be grossly underestimated especially with our knowledge of methane as a powerful Climate Forcer. 2012 and 2015 air sampling and studies conducted by Drexel University indicates **buried pipelines sampled had elevated methane concentrations in the air for 18% of the measurements taken;** background concentrations of methane have substantially increased (despite decrease in drilling, yet increase in production); and emissions from transmission related infrastructure are variable but significant (Dr. Peter DeCarlo, Clean Air Council webinar on Air Impacts, June 21, 2016). Recent ozone regulations also show major exceedances of Pennsylvania's air standards for ozone. For example on June 20th, 2016, Pennsylvania DEP data indicated violations of ozone at the 8-hour 70 ppm ozone standard for air stations located in the following counties: Bucks, Chester, Lehigh, Northampton, Montgomery, Delaware, and Philadelphia (it's important to note not all counties are tested). Recent improvements in methane detection also indicate far more leakage than what the industry or FERC appears to account for:

CO9-14

- Bedrock conditions along 70% of the route for CPL South are shallow which means **BLASTING** may have to occur to dig and blast bedrock to dig the pipeline trench. **This**

CO9-12 See the responses to comments PM1-70 and PM1-130.

CO9-13 Table 4.11.1-15 provides estimated emissions from fugitive leaks associated with pipeline operation. See the response to comment FA1-138 regarding potential applicability of methane leak detection programs for project operation.

CO9-14 We disagree. Section 4.2.2 of the EIS describes the BMPs that would be implemented to minimize impacts on soils.

CO9 – Delaware Riverkeeper Network/Schuylkill Pipeline Awareness (cont'd)

| 20160623-5014 FERC PDF (Unofficial) 6/22/2016 5:14:56 PM | | | |
|--|--|--------|---|
| CO9-14 (cont'd) | also means that top soils are fragile and very thin and the pipeline will cause major disruption to these delicate soils. This is not addressed fully in the EIS. | | |
| CO9-15 | <ul style="list-style-type: none"> • Endangered bog turtle - In Schuylkill County it appears that though parts of the pipeline would cut across the Swatara Watershed where bog turtle, a federally endangered species have been found, FERC and FWS (fish and wildlife service) is shirking responsibility to demand bog turtle survey be done for this endangered species in Schuylkill County full cloth. This is unacceptable being that there are known occurrences of bog turtle in Schuylkill County as recent as 2007. | CO9-15 | See the response to comment PM2-106. |
| CO9-16 | <ul style="list-style-type: none"> • Hunting and fishing impacts on State Game Land 132 CPL South would cross Pennsylvania SGL 132 between MPs 78.9 and 79.7 in Schuylkill County collocated with an existing oil pipeline right-of-way. A total of 22.9 acres of SGL 132 land would be affected during construction, including 7.8 acres of open land on the existing oil pipeline right-of-way and 15.1 acres of upland mature forest outside of the maintained right-of-way. Hunters, hikers, and backpackers come from far away and nearby to recreate and enjoy Schuylkill County lands yet FERC is not considering these impacts fully. With large tracts of Schuylkill County forests harmed by coal mining, these increased harms to what land remains intact is an insult to our community that already suffers from past exploitation of the fossil fuel industry. | CO9-16 | Transco submitted right-of-way applications for Pennsylvania State Game Lands 084, 132, 206, and 211 to the PGC in September 2015. It is anticipated that PGC may issue right-of-way licenses for these crossings by late 2016, after which Transco would develop and submit with its Implementation Plan the remaining and/or final site-specific crossing plans for each State Game Land. The site-specific crossing plans would incorporate all required conditions of the PGC licenses related to timing restrictions, notification measures, and safety and other mitigation measures. |
| CO9-17 | <ul style="list-style-type: none"> • Hunting and fishing Impacts on Pennsylvania State Game Land 084 - CPL South would cross Pennsylvania SGL 084 between MPs M-0194 1.0 and MP 83.4 along an existing electric transmission line right-of-way in Schuylkill and Northumberland Counties. A total of 26.5 acres of SGL 084 land would be affected during construction, including 7.2 acres of open land on the existing electric transmission line right-of-way and 19.6 acres of upland forest outside of the maintained right-of-way. Following construction, Transco would maintain an additional 5.1 acres of permanent right-of-way adjacent to the existing right-of-way through SGL 084. About 7.3 acres of upland forest would be permanently converted to open land for operation of CPL South. Hunters, hikers, and backpackers come from far away and nearby to recreate and enjoy Schuylkill County lands yet FERC is not considering these impacts fully. With large tracts of Schuylkill County forests harmed by coal mining, these increased harms to what land remains intact is an insult to our community that already suffers from past exploitation of the fossil fuel industry. | CO9-17 | See the response to comment CO9-16. |
| CO9-18 | <ul style="list-style-type: none"> • The Appalachian Trail extends west to east across the length of Lebanon County, Pennsylvania. The proposed CPL South route would cut across the Appalachian Trail at | CO9-18 | We disagree. See the revised text in section 3.3.2 regarding CPL South Alternatives 16, 16A, and 16B for the crossing of the Appalachian Trail. Also see the response to comment CO9-16. |

CO9 – Delaware Riverkeeper Network/Schuylkill Pipeline Awareness (cont'd)

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CO9-18
(cont'd)

MP M-200 0.1 on land owned by the Commonwealth of Pennsylvania and managed by the PGC within SGL 211. This is yet another time that this important trail is being disregarded by FERC for a for profit pipeline.

CO9-19

- **Endangered Bats** - FERC's analysis does not protect federally listed bat species like the northern long eared bat and Indiana bats that have been documented at 5 portals from the Abandoned Mine Land Inventory in Schuylkill County; FERCs EIS states at least 682 acres of suitable habitat for Indiana bats will be disturbed by the pipeline (cutting of forests where bats roost). An important hibernation area of bats was also documented by Williams/Transco in Schuylkill County during January 2015 surveys – yet FERC says there will be no long term impacts to these federally listed species that are important for our agriculture community and natural pest control. Transco completed mist netting surveys for bats at 312 sites. Of the 312 sites surveyed, 277 sites were targeted and required for survey for the current project alignment. All 277 target sites, which represents 100 percent of the current alignment, were surveyed. **Transco captured 70 northern long-eared bats during the mist-netting surveys. Fifty-two of these captured northern long-eared bats were radio-tagged. All but one of the northern long-eared bats were captured along the pipeline route; one was captured along an access road.** Plus the surveys and complete reports have not yet been filed – so again how can the public evaluate all information if Transco is still not completed these required reports? FERC's rationale of this project "*may affect, but it not likely to adversely affect the Indiana bat*" is false and not in line with the federal endangered species act.

CO9-20

- **Bald Eagles** – bald eagles are on the rise in Schuylkill County and they are to be protected by the Migratory Bird Act. At least one bald eagle nest in Schuylkill County was mapped by Transco within a 0.5 miles of the pipeline route. With blasting planned for much of this CPL South route, it is highly likely this nest would be impacted. Fish and Wildlife Service National Bald Eagle Nest guidelines note distances of: 330 feet if the activity would not be visible from the nest; 660 feet if the activity would be visible from the nest; and **0.5 mile from blasting activities**. This blasting at this area would directly impact Schuylkill County's bald eagle populations that have finally started to recover and call Schuylkill County their home.

CO9-21

- **Steep Slopes – 49.8 miles of the pipelines 197.7 miles are along steep slopes – about 25% of the entire pipeline route!** On CPL South that would run through Schuylkill County--- 22.8 miles of steep slopes to be impacted with a total of 35.8 miles of 15-30 % steep slopes to be impacted for the entire AS route. And 14 miles of slopes greater than 30% --- that is a total of 49.8 miles of this pipeline crossing steep slopes (that's --- large

CO9-19

The northern long-eared bat section of the EIS has been updated given additional survey data and consultation letters provided since the issuance of the draft EIS.

CO9-20

As noted in section 4.7.3.1 of the EIS, the Project would be constructed in compliance with the Bald and Golden Eagle Protection Act.

CO9-21

To minimize potential adverse effects from crossing steep slopes, Transco would implement the measures in sections 4.1.7 and 4.2.2 of the EIS; Transco's ECP and associated plans; and Transco's Plan and Procedures. Measures would include, but not be limited to, inspecting and maintaining temporary erosion control measures on at least a daily basis in areas of active construction or equipment operation, on a weekly basis in areas with no construction or equipment operation, and within 24 hours of each 0.5-inch rainfall event. Where necessary, erosion control fabric or matting would be used on steep slopes to minimize erosion and ensure that soils successfully revegetate. After construction, Transco would monitor all disturbed areas for a minimum of two growing seasons after construction to evaluate revegetation success. Areas that have not revegetated successfully would be corrected to ensure the right-of-way conditions are similar to the surrounding undisturbed areas. We conclude that implementation of these measures would adequately minimize the potential adverse effects associated with crossing steep slopes.

CO9 – Delaware Riverkeeper Network/Schuylkill Pipeline Awareness (cont'd)

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CO9-21
(cont'd)

chance of erosion and blowouts and pollution into local streams as have been documented time and time again when forests are cut and soils are eroded during heavy rain storms along similar pipeline construction routes in PA). One company was fined over \$300,000 by PA DEP for pollution to nearby waterways (no fines issued by FERC). In this instance the pipeline company had a 92% failure rate! This small fine is a slap on the wrist to these companies with such a gross failure rate and meanwhile the community and local water quality suffers permanent harm.

CO9-22

- **Old Landfill ID'd at MP 66.8** –it was verified under the PADEP landfill database (2015) – old landfill – therefore FERC recommends Transco provides mitigation measures to reduce contamination. In Schuylkill County, there has been much illegal dumping over the decades. What has FERC required of Transco to document similar rural community harms that may be lurking below the surface along the route? These investigations are missing or grossly inadequate from the DEIS.

CO9-22 See the response to comment PM2-99.

CO9-23

- **Preserved lands in Schuylkill Co to be cut by Atlantic Sunrise** - 5 eased lands in Schuylkill County are ASA (Ag preserved lands) – encompassing 14.8 acres of this protected ag land. Likely this land was helped to be preserved by taxpayers.....who wanted the land preserved not destroyed by a gas pipeline.

CO9-23 See the response to comment PM1-179.

CO9-24

- **Nearby Swatara Creek Water Trail** The Swatara Creek Water Trail is a 42-mile-long segment within Swatara Creek extending from Jonestown (Lebanon County) to the PFBC's Middletown access in Middletown (Dauphin County). The PFBC designates water trails; however, individual trails are created and maintained by volunteers, property owners, and associations (PFBC, 2005). Water trails are boat routes suitable for canoes, kayaks, and small motorized watercraft. Like conventional trails, water trails are recreational corridors between specific locations. Water trails are comprised of access points, boat launches, day use sites, and overnight camping areas (PFBC, 2014). **CPL South would cross Swatara Creek near MP 49.3 on a parcel of land owned by the Commonwealth of Pennsylvania in Lebanon County. The waterbody is about 145 feet wide at the crossing site, which is about 0.5 mile from the nearest access point.**

CO9-24 Transco has met with the PFBC regarding the need for Aids to Navigation Plans at several crossings, including Swatara Creek. To minimize impacts on recreational use of Swatara Creek during construction, Transco would use signs and buoys to advise boaters of construction in accordance with an Aids to Navigation Plan approved by the PFBC, which would be filed with Transco's Implementation Plan for the Project.

CO9-25

For all of these reasons we reiterate that we urge FERC reconsider its conclusions and deny the certification of this pipeline project, redo the DEIS to include all of the cumulative harms and complete studies that have been missed, not yet filed or under-represented in the current DEIS and reissue another draft with a longer comment period, or at minimum expand the comment period on this DEIS so a complete review by the public is allowed. Thank you for your time and consideration.

CO9-25 See the responses to comments PM1-70 and PM1-130.

CO9 – Delaware Riverkeeper Network/Schuylkill Pipeline Awareness (cont'd)

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Sincerely,

Leah Zerbe
Schuylkill Pipeline Awareness

Faith Zerbe
Delaware Riverkeeper Network

CO10 – NFIB

20160620-0034 FERC PDF (Unofficial) 06/20/2016



PENNSYLVANIA

June 13, 2016

FILED
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FEDERAL ENERGY
REGULATORY COMMISSION

ORIGINAL

Ms. Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, N.E., Room 1-A
Washington, DC 20426

Re: Atlantic Sunrise Pipeline Project, Docket No. CP15-138-000

Dear Secretary Bose:

CO10-1 The Pennsylvania chapter of the National Federation of Independent Business (NFIB) represents 14,000 small- and independent-businesses. On behalf of our members, I'm writing today in support of the Atlantic Sunrise Pipeline Project. There are approximately 2.4 million workers employed by small businesses across Pennsylvania, and no matter the individual business size, energy costs affect operating budgets.

Over the years, businesses have seen significant savings when switching to affordable natural gas. Those savings then can be injected into operations, stimulate growth and investment and ultimately strengthen our economy. That's why pipeline projects like Atlantic Sunrise are so important.

New infrastructure increases natural gas supplies in the marketplace, providing cost stability and reliability, as well as a low-cost and clean-burning fuel for electric power generation. The Atlantic Sunrise Pipeline will enable abundant, domestic natural gas to be transported from the robust producing areas in the Commonwealth's Marcellus Shale to consumers throughout the mid-Atlantic region to affordably fulfill energy needs.

We also recognize renewable forms of energy are an important part of our diverse energy portfolio; however, Americans need to be assured that the dominant energy fuel sources that makeup today's energy mix – like natural gas - are readily available and affordable. The Atlantic Sunrise Pipeline and other natural gas infrastructure projects throughout our country ensure that this is possible.

For these reasons and so many more, I ask you to help ensure a vibrant regional economy and approve the Atlantic Sunrise Pipeline Project. Thank you.

Sincerely,

Kevin Shivers
Executive State Director
NFIB/Pennsylvania

NFIB/Pennsylvania - 225 State Street, Suite B - Harrisburg, PA 17101 - (717) 232-6582 Ph. - NFIB.com/PA - (717) 232-6086 FAX

CO10-1 Comment noted.

CO11 – Pennsylvania Business Council

20160623-5123 FERC PDF (Unofficial) 6/23/2016 1:35:24 PM



June 23, 2016

Secretary Kimberly Bose
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Docket: CP15-138-000
Transcontinental Gas Pipeline Company, LLC
proposed Atlantic Sunrise Project

Dear Secretary Bose:

CO11-1 As the President of the Pennsylvania Business Council, I appreciate activities that create work and wealth. The Pennsylvania Business Council represents nearly every sector of Pennsylvania's economy. Our Council works to make Pennsylvania a better place to live and work by advocating public policy that promotes job creation and prosperity. For many Pennsylvania families, a very real question is whether their children will be able to find employment in their home state.

The Atlantic Sunrise pipeline will increase opportunities for these Pennsylvania families and we believe is a much-needed energy solution to not only improve Pennsylvania's business climate, but to also help Pennsylvanians keep more of their income in their pockets by delivering affordable, clean and abundant energy to the region.

During the one-year construction phase, the Atlantic Sunrise pipeline is estimated to employ 2,300 people in 10 Pennsylvania counties and support another 6,000 jobs in supporting industries. This translates into approximately \$1.6 billion in economic activity in the project area, nearly \$50 million in new state and federal tax revenue and \$859 million in total value added to the Pennsylvania economy.

Once operational, the pipeline will support nearly 30 new permanent jobs and add \$1.9 million to the economies of its operating area. In the long term, the pipeline will be part of a distribution system that allows the amazing resource known as the Marcellus Shale to be more fully developed. Currently the development of the Marcellus is being impeded by a lack of infrastructure.

The production of Marcellus gas has employed thousands of people in good-paying jobs in the gas fields and in related industries. Furthermore, the presence of this energy supply promises to attract new industries that will employ additional thousands for a long time. While our service-producing sectors are important in Pennsylvania, we need to lure-back our manufacturing base and its high wages. Part of the solution is to leverage affordable natural gas supplies—like those that will be delivered by the Atlantic Sunrise Project.

In addition, consumers and businesses have saved billions of dollars in utility bills because of access to plentiful supplies of affordable gas.

With a gas supply of at least 100 years, natural gas will provide Pennsylvanians many decades of economic benefits. However, to fully realize these rewards, projects like the Atlantic Sunrise pipeline are needed.

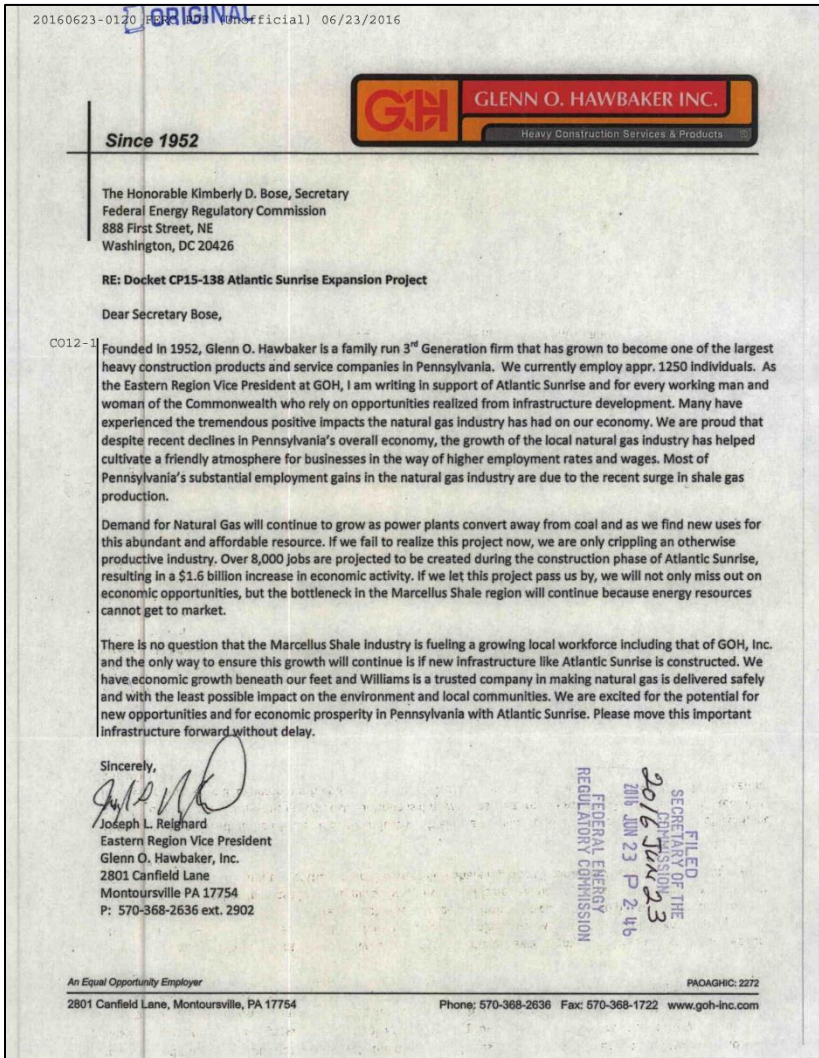
The Pennsylvania Business Council respectfully urges the Commission to help local families and businesses take advantage of local natural gas, and approve the Atlantic Sunrise Project.

Sincerely,


David W. Patti
President & CEO

CO11-1 Comment noted.

CO12 – Glenn O. Hawbaker Inc.



CO12-1 Comment noted.

CO13 – Allegheny Defense Project

20160627-5296 FERC PDF (Unofficial) 6/27/2016 4:31:09 PM

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

Transcontinental Pipe Line Company, LLC

Docket No. CP15-138-000

**COMMENTS OF ALLEGHENY DEFENSE PROJECT, APPALACHIAN MOUNTAIN
ADVOCATES, CHESAPEAKE CLIMATE ACTION NETWORK, CLEAN AIR
COUNCIL, DAMASCUS CITIZENS FOR SUSTAINABILITY, HEARTWOOD, LOWER
SUSQUEHANNA RIVERKEEPER, AND SIERRA CLUB**

The following comments are provided on behalf of the Allegheny Defense Project, Appalachian Mountain Advocates, Chesapeake Climate Action Network, Clean Air Council, Damascus Citizens for Sustainability, Heartwood, Lower Susquehanna Riverkeeper, and Sierra Club (collectively, “Commenters”) regarding the Federal Energy Regulatory Commission’s (“FERC”) draft environmental impact statement (“DEIS”) for Transcontinental Pipe Line Company’s (“Transco”) proposed Atlantic Sunrise Project (“Atlantic Sunrise” or “Project”). Transco proposes to (i) construct 183.7 miles of 30- and 42-inch-diameter greenfield known as the Central Penn Line (“CPL”) North and CPL South in Pennsylvania; (ii) construct 11.5 miles of new 36- and 42-inch diameter loops known as Chapman and Unity Loops in Pennsylvania; (iii) replace 2.5 miles of 30-inch pipeline in Virginia; (iv) construct two new compressor stations (“CS”) in Pennsylvania; (v) increase compression at three existing CSs in Pennsylvania and Maryland; (vi) construct two new meter stations and three new regulator stations in Pennsylvania; and (vii) modify existing aboveground facilities in Pennsylvania, Virginia, North Carolina, and South Carolina to allow for bi-directional flow and the installation of supplemental odorization, odor detection, and/or odor masking/deodorization equipment.

FERC’s decision to grant a certificate to construct the Atlantic Sunrise Project is a “major Federal action” within the meaning of the National Environmental Policy Act (NEPA), and it

CO13 – Allegheny Defense Project (cont'd)

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must be preceded by the preparation of an Environmental Impact Statement (EIS). 42 U.S.C. § 4332. FERC's EIS must address:

(i) the environmental impact of the proposed action, (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented, (iii) alternatives to the proposed action, (iv) the relationship between the local short-term uses of the project as compared to the long term use of the land, and (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

42 U.S.C. § 4332. Under NEPA, "agencies [must] take a 'hard look' at the environmental effects of their planned action." *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 374 (1989). Pursuant to the Administrative Procedure Act (APA), reviewing courts are to set aside as arbitrary and capricious any major Federal action that is taken without the requisite "hard look" at the relevant factors in an EIS. 5 U.S.C. § 706(2)(A). FERC's analysis in the DEIS for the Atlantic Sunrise Project fails to meet NEPA's standards in several ways and must be significantly improved or FERC's decision will be subject to vacatur under the APA.

COMMENTS

CO13-1 I. FERC's purpose and need statement and range of alternatives are inadequate.

FERC failed to provide the legally required purpose and need statement in the DEIS. The Council on Environmental Quality's ("CEQ") regulations implementing NEPA (adopted by FERC under 18 C.F.R. § 380.1) require FERC to "specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action." 40 C.F.R. § 1502.13. FERC must "exercise a degree of skepticism in dealing with self-serving statements from a prime beneficiary of the project." *Simmons v. U.S. Army Corps of Eng's*, 120 F.3d 664, 669 (7th Cir. 1997) (quoting *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 209 (D.C. Cir. 1991) (Buckley, J., dissenting)). FERC "cannot restrict its analysis to those 'alternative means by which a particular applicant can reach his goals.'" *Id.* (quoting *Van*

CO13-1 See the response to comment PM1-113.

CO13 – Allegheny Defense Project (cont'd)

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CO13-1
(cont'd) *Abbema v. Fornell*, 807 F.2d 633, 638 (7th Cir. 1986); *see also Nat'l Parks & Cons. Ass'n v.*

Bureau of Land Mgmt., 606 F.3d 1058, 1072 (9th Cir. 2009) (finding a purpose and need statement that included the agency's goal to address long-term landfill demand, and the applicant's three private goals was too narrowly drawn and constrained the possible range of alternatives in violation of NEPA).

According to FERC, “[w]hile this EIS briefly describes Transco’s stated purpose, it will not determine whether the need for the Project exists, because this will later be determined by the Commission.” DEIS at 1-2. This is in direct violation of the plain language of the CEQ regulation, which requires FERC to “specify the underlying purpose *and need*” for the project in the EIS. 40 C.F.R. § 1502.13 (emphasis added). Without performing an independent assessment of the need for the project, FERC cannot determine the reasonable range of alternatives that must be analyzed in the DEIS. In particular, without determining the need for the project, FERC cannot reasonably assess the desirability of the required “no action” alternative. Furthermore, by waiting until some unspecified future date to determine the need for the project, FERC denies the public its right to comment on all aspects of the DEIS, including the statement of need and the alternatives analysis that depends on that statement.

Not only did FERC completely fail to provide a statement of need for the Project, but it also framed its statement of purpose far too narrowly. FERC primarily relies on “Transco’s stated objectives for the Project[,]” which are to:

- Provide an incremental 1.7 MMDth/d of year-round firm transportation capacity from the Marcellus Shale production area in northern Pennsylvania to its existing market areas, extending as far south as its Station 85 Pooling Point in Choctaw County, Alabama; and
- Provide its customers and the markets that they serve with greatly enhanced access to Marcellus Shale supplies, including new north-to-south delivery capability.

CO13 – Allegheny Defense Project (cont'd)

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CO13-1
(cont'd) DEIS at 3-1. By relying almost exclusively on Transco's ambitions for the project to frame its statement of purpose, FERC impermissibly "restrict[ed] its analysis to just those 'alternative means by which a particular applicant can reach his goals.'" *Simmons*, 120 F.3d at 669 (quoting *Citizens Against Burlington*, 938 F.2d at 209 (Buckley, J., dissenting)); see also *Nat'l Parks & Cons. Ass'n*, 606 F.3d at 1072.

For example, FERC states that "because the purpose of the Project is to transport natural gas," the consideration of alternatives that do not transport natural gas "are not considered or evaluated further in this analysis." DEIS at 3-2. As a result, FERC excluded consideration of meeting any of the Project's purpose from "the generation of electricity from renewable energy sources or the gains realized from increased energy efficiency and conservation." *Id.* Not only did FERC limit consideration of alternatives that do not involve transporting natural gas, FERC refused to consider alternatives that did not involve transportation of natural gas from the Marcellus Shale region. See DEIS at 3-2 (explaining that alternatives that do not "provide enhanced access to Marcellus Shale gas supplies . . . would not fulfill the purpose and need of the project"). *Id.*

CO13-2 FERC's categorical refusal to consider alternative energy and increased energy efficiency alternatives is at odds with other recent statements. For example, in the Constitution Pipeline DEIS, FERC considered energy conservation/efficiency and renewable energy alternatives. See Constitution Pipeline DEIS at 3-3 – 3-12 (Docket CP13-499-000). While FERC ultimately decided against considering these alternatives in greater detail, it at least considered them in some detail. That is in stark contrast to the Atlantic Sunrise DEIS where alternatives that would not "provide enhanced access to Marcellus Shale gas supplies" were excluded from any analysis. FERC's narrowing of the range of alternatives to just those alternatives that would "provide

CO13-2 See the response to comment PM1-183.

CO13 – Allegheny Defense Project (cont'd)

20160627-5296 FERC PDF (Unofficial) 6/27/2016 4:31:09 PM

CO13-2
(cont'd) enhanced access” to a particular shale basin means that energy conservation and renewable energy alternatives will never be considered, even if they are economically and technologically feasible and serve the broader public interest. Therefore, FERC must prepare a DEIS that includes an independent assessment of both “purpose and need”, taking into account not only the applicant’s stated purpose but also the broader public purpose and need, and put the complete DEIS out for public comment.

CO13-3 **II. The lack of complete information in the DEIS renders it legally deficient.**

Throughout the DEIS, FERC indicates that information provided by Transco is incomplete. This incomplete information forms the basis for many of the proposed conditions that FERC staff recommends be attached to any certificate authorizing the Atlantic Sunrise Project. *See* DEIS at 5-21 – 5-32. Much of this information should have been included in the DEIS so that the public had an opportunity to review it and provide comments.

The NEPA EIS requirement “guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decisionmaking process and the implementation of that decision.” *Department of Transportation v. Public Citizen*, 541 U.S. 752, 768 (2004) (citation omitted). This “informational role” assures the public that the agency has considered environmental concerns in its decisionmaking process and provided a “springboard for public comment” in that decisionmaking process. *Id.* (citation omitted). “The purpose here is to ensure that the ‘larger audience[]’ . . . can provide input as necessary to the agency making the relevant decisions.” *Id.* (citation omitted); *see also League of Wilderness Defenders v. Connaughton*, 752 F.3d 755, 761 (9th Cir. 2014) (“Informed public participation in reviewing environmental impacts is essential to the proper functioning of NEPA.”).

5

CO13-3 See the response to comment PM1-70.

CO13 – Allegheny Defense Project (cont'd)

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CO13-3
(cont'd)

In reviewing an EIS, courts look at “whether the EIS’s form, content and preparation foster both informed decisionmaking and informed public participation.” *California v. Block*, 690 F.2d 753, 761 (9th Cir. 1982). Here, FERC decided to publish a DEIS knowing that it lacked information that is critical for its own review, and for meaningful public review and comment. As such, the DEIS is legally deficient and must be redone in accordance with CEQ’s regulations. *See* 40 C.F.R. § 1502.9(a).

We are particularly concerned about the Project’s untold water impacts, and the DEIS’ myriad information gaps with respect to these impacts exemplifies why FERC cannot proceed with supplementing its inadequate draft. For example, regarding Transco’s proposed additional temporary workspace (“ATWS”) within 50 feet of waterbodies and wetlands, FERC asks Transco to submit “additional justification” for dozens of locations identified in bold in Table K-5 of Appendix K (waterbodies) and in Table L-2 of Appendix L (wetlands). *See* DEIS at 5-27. Appendix K identifies at least 58 instances in which FERC is requesting “additional justification” for ATWS within 50 feet of waterbodies. *See* DEIS, App. K, Table K-5. Appendix L identifies at least 36 instances in which FERC is requesting “additional justification” for ATWS within 50 feet of wetlands. *See* DEIS, App. L, Table L-2. In numerous instances, FERC says that it needs “additional site-specific information and mitigation measures” to justify ATWS in wetlands, including exceptional value wetlands. *See* DEIS, App. L at L-11-15, 18, 31-32, 34, 39-43.

Such information gaps pervade the DEIS. FERC similarly requests that Transco provide:

- Updates to list of water wells and springs within 150 feet of construction workspaces based on completed surveys and indicating any water wells and springs that are within areas of known karst. DEIS at 4-41.
- Updates to Transco’s Abandoned Mine Investigation and Mitigation Plan regarding proposed mitigation measures to manage and dispose of contaminated groundwater. DEIS at 4-47.

CO13 – Allegheny Defense Project (cont'd)

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CO13-3
(cont'd)

- Proposed mitigation measures that Transco would implement to protect all Zone A source water protection areas. DEIS at 4-51.
- All outstanding geotechnical feasibility studies for HDD crossing locations and the mitigation measures that Transco would implement to minimize drilling risks. DEIS at 4-66.
- The locations where Transco proposes to use biocides, the name of the specific biocide(s) to be used, material safety data sheets for each biocide, copies of relevant permits, and a description of the measures that would be taken to neutralize the effects of the biocides upon discharge of the test water. DEIS at 4-67.
- A final copy of the PRM Plan, including any comments and required approvals from the USACE and PADEP. DEIS at 4-75.
- Complete results of noxious weed surveys and the final Management Plan. DEIS at 4-83.
- All documentation of Transco's correspondence with the PGC and the PADCNR and any avoidance or mitigation measures developed with these agencies regarding the SGL and Sproul State Forest crossings. DEIS at 4-88.
- Any updated consultations with the FWS regarding migratory birds and a revised Migratory Bird Plan incorporating any additional avoidance or mitigation measures. DEIS at 4-94.
- All fall 2015 hibernacula survey results for the Indiana bat, and any avoidance and mitigation measures developed based on the results. DEIS at 4-107.
- All fall 2015 hibernacula survey results for the northern long-eared bat, and any avoidance and mitigation measures developed based on the results. DEIS at 4-108.
- All survey results for the bog turtle, including any FWS comments on the surveys and their conclusions. DEIS at 4-112.
- All survey results for the northeastern bulrush, including any FWS comments on the surveys and their conclusions, and proposed mitigation that would substantially minimize or avoid the potential impacts. DEIS at 4-114.
- All survey results for the Allegheny woodrat, permit requirements, agency correspondence, and avoidance or mitigation measures developed in consultation with the PGC. DEIS at 4-119.
- All documentation of Transco's correspondence with the PGC and any avoidance or mitigation measures developed with the agency regarding the eastern small-footed bat. DEIS at 4-120.
- All survey results for timber rattlesnake, permit requirements, agency correspondence, and avoidance or mitigation measures developed in consultation with the PFBC. DEIS at 4-121 – 4-122.
- The results of any mussel surveys conducted within the Susquehanna River and any additional avoidance or mitigation measures included in Transco's site-specific HDD contingency crossing plans. DEIS at 4-123.
- All documentation of Transco's correspondence with the VDGI and any avoidance or mitigation measures developed with this agency regarding state-listed mussels in Virginia. DEIS at 4-123.
- Revised site-specific residential plans for all residences located within 10 feet of the construction work area. DEIS at 4-134.

CO13 – Allegheny Defense Project (cont'd)

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CO13-3
(cont'd)

- An update of the status of the development of the site-specific crossing plans for each of the recreation and special interest areas listed as being crossed or otherwise affected in table 4.8.6-1. DEIS at 4-152.
- Updated information regarding the identified landfill adjacent to the CPL South right-of-way near MP 66.8, including any mitigation measures that Transco would implement to avoid the landfill site or address any contamination that is encountered. DEIS at 4-159.

This information is relevant to FERC's evaluation of "reasonably foreseeable significant adverse effects" and it should have been included in the DEIS. 40 C.F.R. § 1502.22. The sheer volume of incomplete information indicates that FERC issued a legally deficient DEIS. The fact that the requested information concerns impacts to waterbodies and wetlands, drinking water supplies, threatened and endangered species, and other public resources only underscores the inadequacy of the DEIS. By publishing the DEIS without the required information, FERC denied the public an opportunity to meaningfully participate in the decisionmaking process. *Public Citizen*, 541 U.S. at 768; *League of Wilderness Defenders*, 752 F.3d at 761.

III. The EIS fails to take a "hard look" at the direct and indirect effects of the Atlantic Sunrise Project.

FERC must take a "hard look" at the direct and indirect effects of the Atlantic Sunrise Project. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332 (1989). Direct effects are "caused by the action and occur at the same time and place." 40 C.F.R. § 1508.8(a). Indirect effects are "caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable." 40 C.F.R. § 1508.8(b). To satisfy the "hard look" requirement, FERC must ensure that it has "adequately considered and disclosed the environmental impact of its actions and that its decision is not arbitrary and capricious." *Nevada v. Dep't of Energy*, 457 F.3d 78, 93 (D.C. Cir. 2006) (quoting *Balt. Gas & Elec. Co.*, 462 U.S. 87, 98 (1983)). The DEIS for the Atlantic Sunrise Project fails to provide the requisite "hard look" at both the direct and indirect effects of the proposal.

CO13 – Allegheny Defense Project (cont'd)

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CO13-4

A. The DEIS fails to adequately analyze the direct effects of the Project on waterbodies and wetlands.

1. Waterbodies

Transco proposes at least 327 waterbody crossings in Pennsylvania as part of its Atlantic Sunrise Project. See DEIS at 4-48. 210 crossings would impact perennial waterbodies, 79 would impact intermittent waterbodies, and 38 would impact ephemeral waterbodies. *Id.* Of the 327 waterbody crossings, 58 would impact high-quality, cold water fisheries (“HQ-CWF”) waters. See *id.*, Table 4.3.2-5.

Whether a waterbody qualifies for HQ protection depends on it meeting certain chemical or biological conditions. See 25 Pa. Code § 93.4b(a). “Under the chemical test, a surface water is HQ if long-term water quality (at least 1 year of data) for 12 chemical parameters is better than levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.” DEP, Water Quality Antidegradation Implementation Guidance, 2 (2003), available at <http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-47704/391-0300-002.pdf>. “Under the biological test, a water is HQ if “(a) in comparison to a reference stream, the water shows a macroinvertebrate community score of 83% or greater using a protocol based on EPA’s Rapid Bioassessment Protocol (RPB); or (b) the water is a Class A wild trout stream designated by the [PAFBC] following public notice and comment.” *Id.*

FERC’s decision whether to permit Transco to cross dozens of HQ streams is a significant matter. According to FERC, however, Transco is proposing to use trenchless crossing methods at just two of the HQ stream crossings. See DEIS, App. K, Table K-1. Moreover, of the 327 total waterbody crossings, Transco has proposed trenchless crossings at just 8 of these waterbodies. See *id.* FERC must require Transco to reconsider use of these trenchless methods for the other proposed crossings of HQ waterbodies. This reconsideration

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CO13-4

See the responses to comments PM1-60, PM1-71, and PM2-14. As described in section 2.3.2.2 of the EIS, the feasibility of using the HDD method is based on a number of factors, including length of the HDD, pipeline diameter, geologic conditions, topography, and available workspace necessary to complete the installation. Similar constraints apply to other trenchless installation methods, such as direct pipe or conventional boring. Further, many trenched crossings can be completed in a matter of days, while HDDs and bores can take several weeks or longer. For these reasons, we do not believe that it would be feasible or prudent to install the pipeline across all waterbodies using trenchless installation methods.

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CO13-4
(cont'd) should be disclosed, independently scrutinized by FERC and the public, and appropriately incorporated into any potential certification by FERC of the Atlantic Sunrise Project.

Absent the requirement to use trenchless crossing techniques for every water crossing, the Project will have significant water impacts that must be disclosed and weigh towards denial of FERC certification. In its recent water quality certification denial for the proposed Constitution Pipeline, the New York Department of Environmental Conservation (“NYDEC”) explained that “[o]pen trenching is a highly impactful construction technique involving significant disturbance of the existing stream bed and potential long-term stream flow disruption, destruction of riparian vegetation and establishment of a permanently cleared corridor.”

NYDEC, Notice of WQC Denial for Constitution Pipeline, p. 8 (Apr. 22, 2016) (“Constitution WQC Denial”), *available at*

http://www.dec.ny.gov/docs/administration_pdf/constitutionwc42016.pdf. In addition, NYDEC

explained the importance of looking at the cumulative impacts of pipeline construction:

Cumulatively, impacts to both small and large streams from the construction and operation of the [Constitution Pipeline] Project *can be profound* and include loss of available habitat, changes in thermal conditions, increased erosion, creation of stream instability and turbidity, impairment of best usages, as well as *watershed-wide impacts* resulting from placement of the pipeline across water bodies in remote and rural areas.

Id. at 12.

NYDEC’s WQC denial for the Constitution Pipeline is a cautionary tale for FERC as it reviews the proposed Atlantic Sunrise Project since both projects are part of Williams’ expansion efforts in the Appalachian basin. *See* Williams, Expansion Projects, *available at*

<http://co.williams.com/expansionprojects/>. According to NYDEC, Constitution Pipeline’s

“Trenchless Feasibility Study” did not include information requested by multiple agencies and

“did not provide a reasoned analysis to enable [NYDEC] to determine if the [Constitution

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CO13-4
(cont'd) Pipeline] Project demonstrates compliance with water quality standards.” Constitution WQC

Denial at 10-11. NYDEC further explained that:

Of the 251 streams to be impacted by the [Constitution Pipeline] Project, [the Trenchless Feasibility] Study evaluated only 87 streams, in addition to the Schoharie Creek, as part of the Phase I desktop analysis which Constitution used to determine if surface installation methods warranted consideration for a trenchless design. Of the 87 streams reviewed, Constitution *automatically eliminated* 41 streams from consideration for trenchless crossing because those streams were 30 feet wide or less . . . Using its review criteria, Constitution’s [Trenchless Feasibility] Study finally concluded that *only 11 stream crossings of the 251* displayed preliminary evidence in support of a potentially successful trenchless design and were chosen for the Phase III geotechnical field analysis. [NYDEC] staff *consistently told Constitution that its November 2013 Trenchless Feasibility Study was incomplete and inadequate.*

Id. at 11 (emphasis added) (citation omitted).

Did Transco prepare a similar trenchless feasibility study for the *entire* Atlantic Sunrise Project? If not, why not? If so, does it suffer from the same inadequacies that plagued the one prepared for the Constitution Pipeline? For example, did Transco “automatically eliminate” streams from consideration for trenchless crossing because they were 30 feet wide or less? These are important questions that must be answered in light of the fact that there are more stream crossings involved in the Atlantic Sunrise Project than in the Constitution Pipeline Project and even fewer proposed uses of trenchless crossings.

According to FERC, the only “site-specific crossing plans” that Transco has provided are “for the five major waterbody crossings” of the Susquehanna River (two crossings),

Tunkhannock Creek, Conestoga River, and Swatara Creek. DEIS at 4-49 (citation omitted).

This is woefully insufficient. FERC must require Transco to submit site-specific crossing plans for *all* waterbody crossings and provide a detailed trenchless feasibility study such as the one that NYDEC sought (but never received) in the Constitution Pipeline proceeding. FERC cannot

CO13 – Allegheny Defense Project (cont'd)

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CO13-4
(cont'd) issue a certificate until Transco submits this information and makes it available for additional public review and comment.

2. Wetlands

Chapter 105 of the Pennsylvania code establishes a clear regulatory regime for protecting wetlands. *See generally*, 25 Pa. Code 105.17-105.18a, et seq. In Pennsylvania, wetlands are classified as either exceptional value (“EV”) wetlands or “other wetlands.” 25 Pa. Code §

105.17(1)-(2). EV wetlands exhibit one or more of the following characteristics:

- (i) Wetlands which serve as habitat for fauna or flora listed as “threatened” or “endangered under the Endangered Species Act of 1973 (7 U.S.C.A. § 136; 16 U.S.C.A. §§ 4601-9, 460k-1, 668dd, 715i, 715a, 1362, 1371, 1372, 1402 and 1531-1543), the Wild Resource Conservation Act (32 P.S. §§ 5301-5314), 30 Pa.C.S. (relating to the Fish and Boat Code) or 34 Pa.C.S. (relating to the Game and Wildlife Code).
- (ii) Wetlands that are hydrologically connected to or located within 1/2- mile of wetlands identified under subparagraph (i) and that maintain the habitat of the threatened or endangered species within the wetland identified under subparagraph (i).
- (iii) Wetlands that are located in or along the floodplain of the reach of a wild trout stream or waters listed as exceptional value under Chapter 93 (relating to water quality standards) and the floodplain of streams tributary thereto, or wetlands within the corridor of a watercourse or body of water that has been designated as a National wild or scenic river in accordance with the Wild and Scenic Rivers Act of 1968 (16 U.S.C.A. §§ 1271-1287) or designated as wild or scenic under the Pennsylvania Scenic Rivers Act (32 P.S. §§ 820.21-820.29).
- (iv) Wetlands located along an existing public or private drinking water supply, including both surface water and groundwater sources, that maintain the quality or quantity of the drinking water supply.
- (v) Wetlands located in areas designated by the Department as “natural” or “wild” areas within State forest or park lands, wetlands located in areas designated as Federal wilderness areas under the Wilderness Act (16 U.S.C.A. §§ 1131-1136) or the Federal Eastern Wilderness Act of 1975 (16 U.S.C.A. § 1132) or wetlands located in areas designated as National natural landmarks by the Secretary of the Interior under the Historic Sites Act of 1935 (16 U.S.C.A. §§ 461-467).

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25 Pa. Code § 105.17(1)(i)-(v). Any wetlands that do not meet at least one or more of the abovementioned characteristics are defined as "other wetlands." 25 Pa. Code § 105.17(2). It is important that the correct classification is identified because it determines the level of environmental protection for the wetland and is reflective of the functions and values of that wetland. For example, proposed projects are not permitted to have an "adverse impact" on an EV wetland. 25 Pa. Code § 105.18(a).

Pipeline construction can have significant adverse impacts on wetlands. For example, construction of Tennessee Gas Pipeline Company's "300 Line" in northern Pennsylvania "highly impacted" the hydrological connectivity between a wetlands complex and a stream to the point that the stream, which had previously flowed from the wetlands complex, is now "barely discernable." *See* Attachment 1.¹ In addition, according to the Western Pennsylvania Conservancy, construction of a pipeline through Tamarack Swamp in Clinton County "appears to have been particularly disruptive, physically separating contiguous sections of wetland, altering hydrological patterns and introducing strips of highly altered substrate that will not easily recover." Western Pennsylvania Conservancy, Clinton County Natural Heritage Review at 79 (2002), *available at*

http://www.clintoncountypa.com/departments/county_departments/planning/pdfs/Natural%20Heritage%20Inventory.pdf

CO13-5 The Atlantic Sunrise Project will almost certainly have significant "adverse impacts" on numerous EV wetlands in Pennsylvania. FERC identifies at least 51 EV wetlands that would be crossed by the proposed pipeline. *See* DEIS at 4-71. In only six of these wetlands, however, is

¹ This attachment was part of Tennessee Gas Pipeline Company "Aquatic Resources Report" in for its proposed Susquehanna West Project and was included as Appendix 2-A in Resource Report 2. *See* FERC Docket No. CP15-148-000, Accession No. 20150402-5213.

CO13-5

We disagree. Transco and FERC have consulted with the USACE regarding the Project's wetland impacts and the proposed wetland crossing methods. We agree with the proposed wetland crossing methods as indicated in the EIS. As outlined in sections 4.4.4, 4.4.5, and 4.4.6 of the EIS, Transco is proposing an array of wetland mitigation measures including compensatory mitigation. Prior to construction, Transco would file a final copy of its PRM Plan, including any comments, additional mitigation measures, and required approvals from the USACE and the PADEP.

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CO13-5
(cont'd) Transco proposing to utilize a conventional bore or horizontal directional drill ("HDD") crossing method. *See id.* at 4-47. FERC must require Transco to reconsider use of these trenchless methods for the other proposed crossings of EV wetlands. This reconsideration should be disclosed, independently scrutinized by FERC and the public, and appropriately incorporated into any potential certification by FERC of the Atlantic Sunrise Project.

CO13-6 **B. The DEIS fails to adequately analyze the direct effects of the Atlantic Sunrise Project on high-value lands protected from development in compliance with the Chesapeake Bay Total Maximum Daily Load (TMDL).**

In its DEIS, FERC completely failed to consider how this pipeline project will impact the Chesapeake Bay clean-up plan by developing "high-value" lands that are supposed to be permanently protected from development. In response to high levels of pollution in the Chesapeake Bay, the federal government has developed a comprehensive plan to clean up and protect the watersheds that feed the Bay. That plan relies heavily on permanently protecting certain lands from pollution-generating development. Construction of the Atlantic Sunrise Project would have significant impact on many of these high value lands and would thus interfere with the federal clean-up plan for the Chesapeake Bay. FERC must address this through a supplemental DEIS, not only to comply with NEPA, but as a practical matter. It is unconscionable to spend billions² of dollars on Chesapeake Bay clean up only to turn around and allow new forms of industrial pipeline pollution to undermine that investment.

1. Authority for the Chesapeake Bay Clean-Up Plan

The Chesapeake Bay was designated a national treasure by Executive Order in 2009. The Order also established a federally-led Program tasked with cleaning up the Bay by 2025. Exec.

² See Chesapeake Bay Foundation, *The Economic Benefits of Cleaning Up The Chesapeake*, p. 3 (Oct. 2014), available at <http://www.cbf.org/document.doc?id=2258>

CO13-6

Section 4.13.8.3 of the EIS outlines the known projects and their associated impacts within the counties affected by the Project. As noted in the response to comment PM1-6, impacts from shale gas development outside of the geographic scope of cumulative impacts assessed for the Project have not been included in FERC's review.

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Order No. 13508 (May 12, 2009). To comply with this Order, EPA established the Bay clean-up plan, known as the “Total Maximum Daily Load” (TMDL). The TMDL identifies the necessary pollution reductions of nitrogen, phosphorus, and sediment across Delaware, Maryland, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia and sets pollution limits necessary to meet applicable water quality standards in the Bay and its tidal rivers. The applicable water quality standards vary depending on the particular water body. When setting the standard, a state must first designate the use of the water body (fishing or recreation, for example) and then establish criteria necessary to protect that use. 40 C.F.R. § 131.6. Under the TMDL, all pollution control measures needed to fully restore the Bay must be in place by 2025, with at least 60 percent of the actions completed by 2017. *Am. Farm Bureau Fed., v. EPA*, 984 F. Supp. 2d 289, 305 (Pa. 2013).

2. Development is a Main Stressor to the Chesapeake Bay

Population growth and land development continue to be top stressors to the Chesapeake Bay ecosystem and a threat to the goal of remediating the Chesapeake Bay. CHESAPEAKE BAY PROGRAM: PROTECTED LANDS - ANALYSIS AND METHODS DOCUMENTATION 3 (2013), available at http://www.chesapeakebay.net/indicators/indicator/preserving_lands. Converting land from forests and open lands to urbanized and industrial uses increases pollution by removing the ecosystem services responsible for capturing rainfall and reducing runoff, filtering nutrients and sediment, and stabilizing soils. Margaret Walls & Virginia McConnell, *Incentive-Based Land Use Policies and Water Quality in the Chesapeake Bay*, Discussion Paper 04–20, 4 (March 2004), available at <http://www.rff.org/files/sharepoint/WorkImages/Download/RFF-DP-04-20.pdf>. An 18 percent increase in impervious surfaces results in an 80 percent increase in runoff volume. Stephen J Gaffield, *Public Health Effects of Inadequately Managed Stormwater Runoff*,

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93 AM. J. PUB. HEALTH. 1527, 1528 (2003), *available at* <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1448005/pdf/0931527.pdf> By contrast, natural groundcover undisturbed by development generally results in only 10 percent of the precipitation traveling as runoff. PRINCE GEORGE'S COUNTY, LOW IMPACT DEVELOPMENT HYDROLOGIC ANALYSIS 4 (1999), *available at* http://www.lowimpactdevelopment.org/pubs/LID_Hydrology_National_Manual.pdf. The remaining precipitation is soaked up and filtered by the land.

Stormwater runoff is one of the “non-point” sources of pollution that have become the dominant water quality problem in the Bay, dwarfing all other sources of nutrients and sediments. *Am. Farm Bureau*, 984 F. Supp. 2d at 296. Increased land disturbance increases the discharge of sediments into streams, raising total suspended solids concentrations. P.J. Drohan & M. Brittingham, *Topographic and Soil Constraints to Shale-Gas Development in the North Central Appalachians*, 76 SOIL SCI. SOC. AM. J. 1696, 1706 (2012). In addition, removing vegetation for construction can cause excess runoff and sedimentation that are harmful to river ecosystems, especially in sensitive headwater streams. Susan L. Brantley et al., *Water Resource Impacts during Unconventional Shale Gas Development: the Pennsylvania Experience*, 126 INT'L J. OF COAL GEOLOGY 140, 153 (2014). Within the watershed, these rivers and all the pollutants contained within ultimately end up in the Chesapeake Bay.

3. A Key Strategy to Meet the Bay Clean-Up Plan is to “Permanently Protect Lands from Development”

To meet the TMDL, the Chesapeake Bay Program has identified and set aside specific high-value land. This action is part of the Bay Program's strategy to clean up the Bay. On June 16, 2014, representatives from all seven jurisdictions in the Bay watershed signed a new Chesapeake Bay Watershed Agreement. CHESAPEAKE BAY PROGRAM, WATERSHED AGREEMENT

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(2014), *available at*

<http://www.chesapeakebay.net/documents/ChesapeakeBayWatershedAgreementFINAL.pdf>

To achieve the goal of restoring the Bay by 2025, the jurisdictions identified protecting lands as a top priority. Since signing the Watershed Agreement, the Chesapeake Bay Program has been crafting “management strategies” that describe the steps necessary to achieve the goals of the Agreement. Among the steps, jurisdictions committed to protecting an additional two million acres of lands throughout the watershed—currently identified as high-conservation priorities at the federal, state or local level—by 2025. *Management Strategies, Chesapeake Bay Program, available at http://www.chesapeakebay.net/managementstrategies/strategy/protected_lands.*

The Bay Program defines “protected lands” as those “permanently protected from development, whether by purchase or donation, through a perpetual conservation or open space easement or fee ownership . . . including transfer of development rights programs.” *Chesapeake Bay Program, Protected Lands: Additional Information, available at*

http://www.chesapeakebay.net/indicators/indicator/preserving_lands. Protected lands may be held in private ownership as working farms or forests; designated open space and recreational land such as a county, town, city, state or federal park; publicly owned forests or wetlands; or historically significant properties held as battlefields, colonial towns and farms or military-owned parks. *Analysis and Methods Documentation* at 1.

The Chesapeake Bay Program recommends forest and farm land be targeted for conservation because they are the land covers with the greatest water-pollution-reduction factor.

Chesapeake Bay Program, Protected Lands, available at

http://www.chesapeakebay.net/indicators/indicator/preserving_lands. These lands protect water

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quality, sustain fish and wildlife, maintain working farms and forests, preserve our history, and provide opportunities for outdoor recreation.

These protected lands are meant to be “permanently protected from development.” *Chesapeake Bay Program, Protected Lands*. The Chesapeake Bay Program’s Watershed Model, which is used to analyze the impact on the watershed of various pollution-reducing actions, assumes that these lands are permanently protected from development. CHESAPEAKE BAY PROGRAM, PHASE 5.3 WATERSHED MODEL, Section 4.7.3, at p.4-40, *available at* [ftp://ftp.chesapeakebay.net/modeling/P5Documentation/SECTION_4.pdf](http://ftp.chesapeakebay.net/modeling/P5Documentation/SECTION_4.pdf). The model helps guide decision-making for reducing pollution and meeting water quality standards and cannot accurately predict impacts to the Bay if it is based on false assumptions.

The state of Pennsylvania is also invested in protecting these lands. As the largest agricultural state in the watershed, Pennsylvania has been working to preserve prime farmland since the 1980s to help slow the loss to non-agricultural uses. PA. DEP’T OF ENVTL. PROTECTION, PA. CHESAPEAKE WATERSHED IMPLEMENTATION PLAN: PHASE I, at 76. To date, the state has invested more than \$1 billion to permanently protect land within the watershed from development. CHESAPEAKE BAY PROGRAM: ANALYSIS AND METHODS DOCUMENTATION 2–3, *available at* http://www.chesapeakebay.net/indicators/indicator/preserving_lands.

4. The Atlantic Sunrise Project will Set Back Efforts to Clean Up the Bay

Despite Pennsylvania’s financial commitment to protecting lands in the Chesapeake Bay watershed and all the resulting water quality, public health, and other gains these protected lands have achieved, the state is supporting the proposed Atlantic Sunrise Project, which threatens to permanently set back efforts to protect the Bay. The Project will disturb 3,905.8 acres of land in connection with the installation and operation of 195.2 new miles of pipeline in Pennsylvania.

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CO13-7 During construction, temporary right-of-ways will require trees and vegetation to be removed from a 90- to 150-foot swath over the path of the pipeline. DEIS at 2-15 & 2-23. The construction process involves digging trenches deep enough to submerge 30- and 42-inch pipes a minimum of three feet below the surface. *Id.* at table 2.3.1-1. Upon completion of the trenching phase, the construction zone will be allowed to start the decades-long process of reversion back to its natural state. Permanent right-of-ways between 50 and 75 feet wide along which trees will never be allowed to grow will remain along the entire stretch of the project. *Williams, Atlantic Sunrise, What Size Will the Easement Be?*, <http://atlanticsunriseexpansion.com/faq/size-will-easement/>.

Construction of the pipeline will impact agricultural lands the most at 51 percent of the acreage, followed by upland forest at 30 percent and open space at 11 percent. DEIS at 4-125. Already-developed land with the least ecological value accounts for less than five percent of the total lands affected by the pipeline. *Id.*

Pennsylvania is already failing to meet the land-use and water-quality goals set forth in the Bay TMDL. “Without . . . changes, compliance rates will remain low and the commonwealth will fail on its clean water commitments at a huge cost to society. Don Hopey, *EPA Gives Poor Marks to Pa. on Protecting Chesapeake Bay Watershed*, PITT. POST-GAZETTE, Mar. 23, 2015, available at <http://www.post-gazette.com/news/environment/2015/03/23/EPA-gives-poor-marks-to-Pa-on-protecting-Chesapeake-Bay-watershed/stories/201503230007>. In June 2015, the EPA deemed Pennsylvania’s progress insufficient to meet water quality expectations for the 2017 midpoint goal, with a remaining reduction of 648 million pounds of sediment still necessary to meet the TMDL’s 2025 target. PA DEP’T OF ENVTL. PROTECTION, STRATEGY TO ENHANCE PENNSYLVANIA’S CHESAPEAKE BAY RESTORATION EFFORT, ES-1 (Jan. 21, 2016).

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CO13-7

Comment noted.

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Pennsylvania's inability to meet the TMDL has triggered EPA backstops: \$2,896,723 in federal funding was withheld for Chesapeake Bay-related pollutant reduction projects, and the EPA will consider additional federal action against the state if it becomes necessary to address further restoration shortfalls. EPA INTERIM EVALUATION OF PENNSYLVANIA'S 2014-2015 MILESTONES 3 (June 10, 2015). EPA estimates that in order to reach the sediment goals, Pennsylvania will have to set aside an additional 22,000 acres of forest cover per year, among other practices. An average of 44,000 acres, however, are lost to development annually. PA. DEP'T OF ENVTL. PROTECTION, PA. CHESAPEAKE WATERSHED IMPLEMENTATION PLAN: PHASE I 164 (2011). This loss does not account for the impacts of pipeline projects such as the Atlantic Sunrise Project, which are allowed to undermine conservation easement restrictions and develop protected land.

CO13-8 Of specific concern to the Bay clean-up plan, the proposed Atlantic Sunrise Project will intersect 52 private, federal, or state "protected lands"—lands that have supposedly been permanently protected from development. *Chesapeake Climate Action Network et al., Easement to Industry: Mapping the Proposed Path of the Atlantic Sunrise Pipeline*, available at <http://chesapeakecommons.org/gists/pipeline/asp/index.html>. Four environmental nonprofits³ used open-source geographic information systems to calculate the total protected land acreage intersected by the Atlantic Sunrise Project. See *Easement to Industry*, at 4 (describing analytical methods used). Those 52 intersections will directly impact 177.4 acres of private land that an owner chose to protect indefinitely; 63.1 acres of state land that cost taxpayer money to acquire and maintain; 8.2 acres of federally owned lands; and 1.3 acres of non-profit owned lands.

³ These groups are the Chesapeake Climate Action Network, Chesapeake Commons, Chesapeake Legal Alliance, and FracTracker.

CO13-8

Section 4.8.6.2 of the EIS has been revised to include updated information regarding the conservation easements crossed by the Project. Also see the responses to comments FA1-22 and PM2-111.

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In total, the pipeline will develop a total of 250 acres that the Chesapeake Bay Program Watershed Model assumes are permanently protected lands that are untouchable by development. Volume I of the DEIS mentions the Chesapeake Bay a mere nine times in the 472-page document. It does not mention protected lands even once. The DEIS acknowledges that “the Project would cross a number of areas enrolled in a variety of federal and Commonwealth of Pennsylvania conservation programs.” DEIS at 4-152. This acknowledgement does not cover the full breadth of protected lands, however, as Chesapeake Bay’s definition of protected lands encompasses more than federal and state conservation programs. FERC makes no effort to account for this unexpected development. The DEIS concludes that “construction across land enrolled in [conservation] programs with provisions for tree plantings on the proposed permanent right-of-way would have a permanent effect.” DEIS at 4-153. Yet, despite acknowledging a permanent effect, the DEIS places no conditions on these crossings. Instead it accepts Transco’s claim that it “has not yet determined where all of the [conservation] lands involving tree planting are located,” despite the fact that the four environmental groups mentioned above created a website showing the exact location of forest and other protected land crossings. FERC concludes this already abbreviated section by allowing “Transco to develop restoration measures [to] ensure enrolled properties remain eligible to participate in the [conservation] programs” at some future time and with no formal conditions in place.

FERC, however, cannot reasonably conclude that the impacts to protected lands can somehow be adequately mitigated if it has not even identified the location and nature of those lands nor the mitigation measures to protect them. Protected lands play a key role in the federal government’s—and Pennsylvania’s—plan to meet the Bay TDML. The proposed Atlantic Sunrise Project will impact 250 acres of protected lands that are supposed to be permanently

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(cont'd) protected from development, including 75-foot swaths of currently forested land upon which trees can never be planted if this pipeline is built. Because FERC completely fails to consider the importance of protected lands and also fails to describe the measures that may be used to mitigate the impacts of the pipeline right-of-way on conservation programs, its conclusion that adverse environmental “impacts would be reduced to less-than-significant levels with the implementation of Transco’s proposed and our recommended mitigation measures” is arbitrary and capricious and renders the DEIS deficient.

CO13-9 **C. The DEIS fails to consider the indirect effects of shale gas development that is both causally related to and a reasonably foreseeable consequence of the Atlantic Sunrise Project.**

In analyzing the potential impacts of its approval of the Atlantic Sunrise project, FERC must consider the indirect effects of shale gas development. Indirect effects are “caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.” 40 C.F.R. § 1508.8(b). “Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use . . . and related effects on air and water and other natural systems, including ecosystems.” *Id.* Because the Atlantic Sunrise Project would induce further shale gas development, FERC must fix its omission of this development from the DEIS. Specifically, as part of the indirect effects analysis for the Project, NEPA requires FERC to issue a supplemental draft EIS that addresses these induced shale gas development impacts.

For several years now, FERC has categorically refused to consider induced gas development as an indirect effect of pipeline projects such as the Atlantic Sunrise. FERC’s argument is usually two-fold. First, FERC claims that gas drilling and pipeline projects are not “sufficiently causally related” to warrant a detailed analysis. *See e.g., National Fuel Gas Supply Corporation*, 150 FERC ¶ 61,162, at P 44 (2015). Second, FERC claims that even if gas drilling

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CEQ regulations direct federal agencies to examine the direct, indirect, and cumulative impacts of proposed actions. Indirect impacts are defined as those “which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.” Accordingly, to determine whether an impact should be studied as an indirect impact, the Commission must determine whether it: (1) is caused by the proposed action; and (2) is reasonably foreseeable.

With respect to causation, NEPA requires a reasonably close causal relationship between the environmental effect and the alleged cause in order to make an agency responsible for a particular effect under NEPA. As the Supreme Court explained, a “but for” causal relationship is insufficient to establish cause for purposes of NEPA. Thus, some effects that are caused by a change in the physical environment in the sense of “but for” causation, will not fall within NEPA if the causal chain is too attenuated. Further, the Court has stated that where an agency has no ability to prevent a certain effect due to its limited statutory authority over the relevant actions, the agency cannot be considered a legally relevant cause of the effect. An effect is reasonably foreseeable if it is sufficiently likely to occur that a person of ordinary prudence would take it into account in reaching a decision. NEPA requires reasonable forecasting, but an agency is not required to engage in speculative analysis or to do the impractical, if not enough information is available to permit meaningful consideration.

As described in response to comment PM1-40, the Commission does not have jurisdiction over natural gas production. The potential impacts of natural gas production, with the exception of greenhouse gases and climate change, would be on a local and regional level. Each locale includes unique conditions and environmental resources. Production activities are thus regulated at a state and local level. In addition, deep underground injection and disposal of wastewaters and liquids are subject to regulation by the EPA under the Safe Drinking Water Act. The EPA also regulates air emissions under the Clean Air Act. On public lands, federal agencies are responsible for enforcing regulations that apply to natural gas wells. *(Continued on next page)*

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and pipeline projects are “sufficiently causally related,” the potential environmental impacts of the gas development are not “reasonably foreseeable” as contemplated by CEQ’s NEPA regulations. *Id.* The DEIS continues this head-in-the-sand approach, failing to consider at all the indirect effects of shale gas development. FERC is wrong on both points and, therefore, the DEIS for the Atlantic Sunrise Project does not satisfy the requirements of NEPA.

1. There is a clear causal connection between the proposed Atlantic Sunrise Project and shale gas development.

Courts have said that an agency must consider something as an indirect effect if the agency action and the effect are “two links of a single chain.” *Sylvester v. U.S. Army Corps of Engineers*, 884 F.2d 394, 400 (9th Cir. 1989). It cannot be disputed that gas development and infrastructure that transports that gas are “two links of a single chain.” The Project’s express purpose is to expand gas extraction and transport (both temporally and in terms of volume), and so FERC cannot ignore its growth-inducing effects.⁴

The gas industry certainly considers gas development and infrastructure as “two links of a single chain.” For example, in a 2014 report, the Interstate Natural Gas Association of America (“INGAA”) stated that:

[M]idstream infrastructure development is *crucial* for efficient delivery of growing supplies to markets. Sufficient infrastructure goes *hand in hand* with well-functioning markets. *Insufficient infrastructure can constrain market growth and strand supplies* . . . New infrastructure will be required to move hydrocarbons from regions where production is expected to grow to locations where the hydrocarbons are used. Not all areas will require significant new pipeline infrastructure, but many areas (even those that have a large amount of existing pipeline capacity) may require investment in new capacity to connect new supplies to markets. In analogous cases to date, oil and gas producers and marketers have been the principal shippers on new pipelines. These “anchor shippers” have been willing to commit to long-term contracts for transportation services that provide the financial basis for pipeline companies to pursue projects. Going forward, producers will likely continue to be motivated to *ensure that the capacity exists to move*

⁴ However, as discussed above, FERC must independently articulate the Project’s purpose and need, and not accept the Project proponent’s statements, alone, as sufficient evidence of need.

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(Continued from previous page) As we have previously concluded in natural gas infrastructure proceedings, the environmental effects resulting from natural gas production are generally neither caused by a proposed pipeline (or other natural gas infrastructure) project nor are they reasonably foreseeable consequences of our approval of an infrastructure project, as contemplated by CEQ regulations. A causal relationship sufficient to warrant Commission analysis of the non-pipeline activity as an indirect impact would only exist if the proposed pipeline would transport new production from a specified production area and that production would not occur in the absence of the proposed pipeline (i.e., there would be no other way to move the gas). The record does not show that the Atlantic Sunrise Project, or other projects for that matter, cause predictable development of gas reserves. In fact, the opposite causal relationship is more likely, i.e., once production begins in an area, shippers or end users will support the development of a pipeline to move the produced gas. It would make little economic sense to undertake construction of a pipeline in the hope that production might later be determined to be economically feasible and that the producers will choose the previously constructed pipeline as best suited for moving their gas to market.

Even if one accepts that a specific pipeline project would cause natural gas production as the commentator has suggested based on production company pronouncements to its shareholders, which is not proof of the causal relationship alluded to, we have found that the potential environmental impacts resulting from such production are not reasonably foreseeable. The Commission does not have sufficient information to determine the origin of the gas that would be transported on the Atlantic Sunrise Project. It is the states, rather than the Commission, that have jurisdiction over the production of natural gas and thus would be most likely to have the information necessary to reasonably foresee future production. We are not aware of forecasts by such entities that would make it possible for the Commission to meaningfully predict production-related impacts, many of which are highly localized. Thus, even if the Commission knows the shippers and general source area of gas likely to be transported on the Atlantic Sunrise Project, a meaningful analysis of production impacts would require more detailed information regarding the number, location, and timing of wells, roads, gathering lines, and other appurtenant facilities, as well as details about production methods, which can vary per producer and the applicable state regulations. Accordingly, the impacts of natural gas production are not reasonably foreseeable because they are so nebulous that we cannot forecast their likely effects in the context of an environmental analysis of the impacts related to a proposed interstate natural gas pipeline.

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supplies via pipelines. Producers have learned from past experience that the consequences of insufficient infrastructure for gas transport are severe, and that the cost of pipeline transport is a relatively small cost compared with the revenues lost as a result of price reductions or well shut-ins that occur when transport from producing areas to liquid pricing points is constrained.

INGAA, North American Midstream Infrastructure through 2035: Capitalizing on Our Energy Abundance, Executive Summary, p. 1, 8-9 (Mar. 18, 2014) (emphasis added), *available at* <http://www.ingaa.org/file.aspx?id=21498>. In other words, according to INGAA, gas producers rely on there being sufficient infrastructure capacity to continue if not expand production activities.

Indeed, Transco's filings reveal the close causal relationship between the Atlantic Sunrise Project and shale gas drilling. For example, Transco says that the Atlantic Sunrise Project, if constructed, will "provide [its] customers and the markets they serve with *greatly enhanced access* to Marcellus Shale supplies." Resource Report 1 at 1-2 (emphasis added). These customers include (1) Anadarko Energy Services Company (44,048 dt/d); (2) Cabot Oil & Gas Corporation (850,000 dt/d); (3) Chief Oil & Gas LLC (420,000 dt/d); (4) Inflection Energy LLC (26,429 dt/d); (5) MMGS, Inc. (22,024 dt/d); (6) Seneca Resources Corporation (189,405 dt/d); (7) Southern Company Services, Inc. (60,000 dt/d); (8) Southwestern Energy Services Company (44,048 dt/d); and (9) WGL Midstream, Inc. (44,048 dt/d). *See* Application at 10-11. Several of these customers are major gas producers operating in the Marcellus and Utica shale formations.

For example, according to Anadarko, "a significant portion of the company's [U.S.] production comes from the Marcellus Shale in north-central Pennsylvania, where the company currently produces more than 380 million cubic feet of natural gas per day." Anadarko, Operations – Pennsylvania, *available at* <http://www.anadarko.com/Operations/Upstream/Pennsylvania/>. According to Chief Oil and Gas,

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(cont'd) it “has focused its Marcellus Shale development in northeastern Pennsylvania” and “is actively adding to its 210,000 acres leasehold position in Bradford, Lycoming, Sullivan, Susquehanna, Tioga and Wyoming Counties[,]” Pennsylvania. Chief Oil and Gas, Where We Operate, available at <http://www.chiefog.com/WhereWeOperate.aspx>. According to Southwestern Energy Services Company, it has at least 270,335 net acres in northeastern Pennsylvania, but its ability to bring production in this acreage to market depends on “the construction of and/or availability of capacity on gathering systems and pipelines that we do not own.” See Southwestern Energy Services Company, 2015 Annual Report (Form 10-K), at 11 (Feb. 25, 2016) (emphasis added), available at

<http://files.shareholder.com/downloads/SWN/2272386925x0xS7332-16-38/7332/filing.pdf>.

According to Seneca Resources, the exploration and production subsidiary of National Fuel Gas Company, it has rights (either in fee or by lease) to approximately 785,000 acres in northern Pennsylvania. See National Fuel, Investor Presentation – Q2 Fiscal 2016 Update, p. 10 (Apr. 2016), available at

http://s2.q4cdn.com/766046337/files/doc_presentations/2016/April/20160428_NFG-IR-Presentation.pdf. Seneca Resources divides this acreage into a western development area

(“WDA”) and an eastern development area (“EDA”). *Id.* According to Seneca Resources, it has drilled 153 wells in the EDA and there are at least “50-60 remaining Marcellus locations” as well as “[a]dditional strong Utica & Genesee [shale gas] potential.” *Id.* However, Seneca Resources expressly states that any further shale gas development in its EDA will be “[l]imited . . . until firm transportation on Atlantic Sunrise (190 Mdh/d) is available in late 2017.” *Id.* In other words, Seneca Resources directly links its future EDA shale gas development to FERC’s authorization of the Atlantic Sunrise Project.

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This linkage can be seen on page 17 of National Fuel's investor presentation. Seneca Resources identifies the area it has leased in Lycoming County as the "DCNR Tract 100 & Gamble" lease. *Id.* at 17. The map shows this lease area directly connected to Transco's Leidy Line⁵ just to the south via National Fuel's "Trout Run Gathering System." *Id.* The sidebar notes that the capacity to be created on Atlantic Sunrise will be available in FY2018 and that Seneca Resources could develop an additional 100-120 locations in the Genesee shale. *Id.* Thus, there is a clear causal connection between FERC's authorization of the Atlantic Sunrise Project and future shale gas development in Seneca's EDA.

Likewise, subscriber Cabot Oil & Gas's "Marcellus Shale position in northeast Pennsylvania has developed into the cornerstone asset of its portfolio[.]" Cabot Oil & Gas, Marcellus Shale, available at <http://www.cabotog.com/operations/marcellus/>. Cabot has "approximately 200,000 net acres in the dry gas window of the Marcellus Shale, primarily in Susquehanna County, Pennsylvania." *Id.* Cabot's subscribed capacity on Atlantic Sunrise is equivalent to all of the other customers combined.

Cabot is not just a customer of the Atlantic Sunrise Project, but also has an ownership interest in the Project. According to Cabot's 2013 Annual Report:

Subsequent to the year-end, Cabot announced the execution of an agreement with [Transco] for a new pipeline with committed takeaway capacity from Cabot's acreage position in Susquehanna County, Pennsylvania. Transco plans to construct and operate approximately 177 miles of new pipeline, referred to as the Central Penn Line, from our Zick area in Susquehanna County to an interconnect with Transco's mainline in Lancaster County, Pennsylvania. These new facilities will be an integral part of Transco's Atlantic Sunrise project. Cabot will be an equity owner of the project as well as hold 850,000 MMBtu per day of firm transportation capacity on the pipeline. This project represents another major step in Cabot's *long-term plan for monetizing its Marcellus reserves* as this pipeline secures new takeaway capacity from the basin on a new large

⁵ Transco proposes to expand the capacity of the Leidy Line through construction of the Chapman and Unity Loops as part of the Atlantic Sunrise Project. See DEIS at 2-1, 2-7.

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diameter pipeline that *connects our operating area directly to multiple new markets* including new pricing opportunities.

Cabot Oil & Gas, 2013 Annual Report, at 7 (emphasis added), *available at* <http://www.cabotog.com/wp-content/uploads/2013/03/COG-2013-AnnualReport.pdf>. In 2014, Cabot “acquired a 20% equity interest in Meade [Pipeline Co.], which was formed to participate in the development and construction of [the Central Penn Line].” Cabot Oil & Gas, 2015 Annual Report (Form 10-K), at 16 (Feb. 22, 2016), *available at* <http://phx.corporate-ir.net/phoenix.zhtml?c=116492&p=irol-SECText&TEXT=aHR0cDovL2FwaS50ZW5rd2l6YXJkLmNvbS9maWxpbnmcueG1sP2lwYWdIPTEwNzYxMTc0JkRTRVE9MCZTRVE9MCZTUURFU0M9U0VDVEIPTI9FTIRJUKUmc3Vjc2lkPTU3>. Cabot’s equity interest in the construction and operation of the Atlantic Sunrise Project is directly related to its “long-term plan for monetizing its Marcellus reserves.” In other words, construction and operation of the Atlantic Sunrise Project is intended to facilitate future production by Cabot. Thus, the Atlantic Sunrise Project and shale gas development in northern Pennsylvania are “two links of a single chain.” *Sylvester v. U.S. Army Corps of Engineers*, 884 F.2d 394, 400 (9th Cir. 1989).

FERC often tries to avoid its duty to consider induced gas drilling by claiming that pipeline projects are not “creating the growth” of additional shale gas development but rather are simply “responding to a need for transportation” after development has occurred. *See e.g., National Fuel Gas Supply Corporation*, 150 FERC ¶ 61,162, at P 45 (2015). According to the Energy Information Administration (“EIA”), however, pipeline projects do facilitate an increase in gas production. In a recent report on NGL market trends, EIA stated that “[e]thane production is increasing *as midstream infrastructure projects become operational* and ethane recovery and transport capacities grow.” EIA, *Hydrocarbon Gas Liquids (HGL): Recent Market Trends and*

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Issues, p. 6 (Nov. 2014) (emphasis added), *available at*

<http://www.eia.gov/analysis/hgl/pdf/hgl.pdf>. In other words, an increase in infrastructure to transport a product results in an increase in production of that product.

Recent statements from oil and gas industry officials corroborate this. For example, in May 2015, Dennis Xander, president of Denex Petroleum spoke about the recent downturn in gas drilling, stating that “[d]rilling is hard to justify” due, in part, “to lack of infrastructure[.]” Casey Junkins, Number of Drilling Rigs on the Decline, *The Intelligencer/Wheeling News-Register*, May 19, 2015, *available at*

http://www.theintelligencer.net/page/content_detail/id/633293/Number-of-Drilling-Rigs-on-the-Decline.html?nav=526. According to Corky DeMarco, executive director of the West Virginia Oil and Natural Gas Association, “when drilling slows down, that is when you build pipelines” because “[i]t’s just the way the industry works.” *Id.* According to Tim Greene, owner of Mineral Management of Appalachia, “more pipelines will lead to more drilling[.]” Casey Junkins, Local Gas Will Be Transported By Four Interstate Pipelines, *The Intelligencer/Wheeling News-Register*, Oct. 26, 2014, *available at*

http://www.theintelligencer.net/page/content_detail/id/615510/Billion-Dollar-Projects-To-Beco--html. Both the specific statements from the prospective subscribers of the Atlantic Sunrise project and the general statements from the broader industry community demonstrate the direct causal link between increased gas transmission capacity and increased gas drilling. FERC thus cannot ignore the impacts of that induced drilling.

FERC has also claimed that it need not consider the indirect effects of shale gas development because:

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[S]uch development will likely continue regardless of whether the proposed projects are approved because multiple existing and proposed transportation alternatives for production from the region are available.

National Fuel Gas Supply Corporation, 150 FERC ¶ 61,162, at P 45 (2015). As the statements above indicate, that does not appear to be the case. The corollary to “more pipelines will lead to more drilling” is that fewer pipelines may lead to less drilling. Moreover, when FERC says shale gas development will continue because there are other “proposed transportation alternatives,” those other “proposed transportation alternatives” are almost certainly interstate natural gas pipelines subject to FERC’s jurisdiction. To say in one proceeding that shale gas development will continue regardless of whether that particular project is approved because there are other similar projects that will likely be authorized only proves the causal connection between FERC’s decision to approve pipeline projects and shale gas development. Indeed, if existing infrastructure could fully meet the needs of the shippers that propose to use the capacity created by the Atlantic Sunrise Project, then FERC could not possibly conclude that the project serves the “public convenience and necessity,” as is required to grant a certificate under the Natural Gas Act.

2. Shale gas development is reasonably foreseeable.

Shale gas development is reasonably foreseeable. An indirect effect is “reasonably foreseeable” if it is “sufficiently likely to occur that a person of ordinary prudence would take it into account in reaching a decision.” *Sierra Club v. Marsh*, 976 F.2d 763, 767 (1st Cir. 1992). “[W]hen the *nature* of the effect is reasonably foreseeable but its *extent* is not, [an] agency may not simply ignore the effect.” *Mid States Coalition for Progress v. Surface Transportation Board*, 345 F.3d 520, 549 (8th Cir. 2003) (emphasis in original). See also *Habitat Education Center v. U.S. Forest Service*, 609 F.3d 897, 902 (7th Cir. 2010). Here, additional shale gas

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drilling is sufficiently likely to occur that a person of ordinary prudence would take it into account when assessing the impact of the Atlantic Sunrise Project on the environment. Moreover, FERC is well aware of the nature of the effects of shale gas development and, therefore, may not ignore those effects.

FERC, however, consistently and stubbornly claims that even if there is a sufficient causal relationship between projects such as the one under review here and induced gas production, “such production is not reasonably foreseeable as contemplated by CEQ’s regulations and case law.” *See, e.g., National Fuel Gas Supply Corporation*, 150 FERC ¶ 61,162, at P 46 (2015). There, FERC said that it “need not address remote and highly speculative consequences.” *Id. (citing Hammond v. Norton*, 370 F.Supp.2d 226, 245-46 (D.D.C. 2005). FERC also said that it is not required “to engage in speculative analysis” or “to do the impractical, if not enough information is available to permit meaningful consideration.” *Id. (citing N. Plains Res. Council v. Surface Transp. Board*, 668 F.3d 1067, 1078 (9th Cir. 2011). Finally, FERC said that even if it knew the “identity of a supplier of gas . . . and even the general area where the producer’s existing wells are located,” it does not mean that FERC can engage in forecasting future development. *Id.*

FERC’s claim that if it does not know the exact timing and location of future shale gas development, it may “simply ignore the effect” cannot be squared with the requirements of NEPA. *See Mid States Coalition*, 345 F.3d at 549. FERC’s practice “would require the public, rather than the agency, to ascertain the cumulative effects of a proposed action.”⁶ *Te-Moak Tribe of Western Shoshone of Nevada v. U.S. Department of the Interior*, 608 F.3d 592, 605 (9th Cir.

⁶ While this case was about cumulative impacts, the same rationale holds true for indirect effects in terms of effects being “reasonably foreseeable.”

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2010). “Such a requirement would thwart one of the ‘twin aims’ of NEPA – to ‘ensure[] that the agency will inform the public that it has indeed considered environmental concerns in its decision making process.’” *Id.* (quoting *Balt. Gas & Elec. Co. v. Natural Res. Def. Council, Inc.*, 462 U.S. 87, 97, 103 S.Ct. 2246, 76 L.Ed.2d 437 (1983)) (emphasis added by Ninth Circuit). Compliance with NEPA “is a primary duty of every federal agency; fulfillment of this vital responsibility should not depend on the vigilance and limited resources of environmental plaintiffs.” *City of Carmel-by-the-Sea v. U.S. Dept. of Transportation*, 123 F.3d 1142, 1161 (9th Cir. 1997) (quoting *City of Davis v. Coleman*, 521 F.2d 661, 671 (9th Cir. 1975)). See also *Center for Biological Diversity v. U.S. Forest Service*, 349 F.3d 1157, 1166 (9th Cir. 2003) (“The procedures prescribed both in NEPA and the implementing regulations are to be strictly interpreted ‘to the fullest extent possible’ in accord with the policies embodied in the Act...[g]rudging, pro forma compliance will not do.”) (citations omitted)). Thus, FERC’s insistence that it is incumbent upon others to produce the kind of information it claims to need is wholly inconsistent with its obligations under NEPA.

As the D.C. Circuit has explained, “[r]easonable forecasting and speculation is ... implicit in NEPA, and we must reject any attempt by agencies to shirk their responsibilities under NEPA by labeling any and all discussion of future environmental effects as ‘crystal ball inquiry.’” *Delaware Riverkeeper*, 753 F.3d 1304, 1310 (quoting *Scientists’ Inst. For Pub. Info., Inc. v. Atomic Energy Comm’n*, 481 F.2d 1079, 1092 (D.C. Cir. 1973)); see also *Northern Plains Resource Council v. Surface Transportation Board*, 668 F.3d 1067, 1078-79 (9th Cir. 2011). FERC’s labeling any and all discussion of future environmental effects of induced shale gas drilling as “crystal ball inquiry” is an obvious attempt to “shirk [its] responsibilities” under NEPA. *Delaware Riverkeeper*, 753 F.3d at 1310.

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Contrary to FERC's assertions, there is ample information about existing and projected shale gas development for FERC to engage in reasonable forecasting. According to a report by the research investment firm Morningstar, several companies, including Cabot, have "identified between 10 and 30 years of drilling locations across the Marcellus, which should fuel several more years of production growth at relatively low cost." Morningstar Energy Observer, *Shale Shock: How the Marcellus Shale Transformed the Domestic Natural Gas Landscape and What It Means for Supply in the Years Ahead*, p. 17 (Feb. 2014) (emphasis added), available at http://marcelluscoalition.org/wp-content/uploads/2014/03/Morning-Star_EnergyObserverFebruary2014.pdf.

As stated above, Seneca Resources has specifically identified that further development of its EDA is contingent on authorization of Atlantic Sunrise. National Fuel, Investor Presentation – Q2 Fiscal 2016 Update, p. 17. Thus, it is reasonably foreseeable that authorization of the Atlantic Sunrise Project will facilitate Seneca Resources' development of the "50-60 remaining Marcellus [shale] locations" and "100-120 [Geneseo shale] locations" in its EDA. *Id.* at 10, 17.

FERC is also well aware of the nature of the impacts of shale gas drilling. According to a recent U.S. Geological Survey ("USGS") report:

A recent analysis of Marcellus well permit locations in Pennsylvania found that well pads and associated infrastructure (roads, water impoundments, and pipelines) required nearly 3.6 hectares (9 acres) per well pad with an additional 8.5 hectare (21 acres) of indirect edge effects (Johnson, 2010). This type of extensive and long-term habitat conversion has a greater impact on natural ecosystems than activities such as logging or agriculture, given the great dissimilarity between gas-well pad infrastructure and adjacent natural areas and the low probability that the disturbed land will revert back to a natural state in the near future (high persistence) (Marzluff and Ewing, 2001).

Slonecker, E.T., et al., Landscape Consequences of Natural Gas Extraction in Bradford and Washington Counties, Pennsylvania, 2004-2010: USGS Open-File Report 2012-1154, p. 8 (2012), available at <https://pubs.usgs.gov/of/2012/1154/of2012-1154.pdf> ("USGS Report"). In a

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2012 presentation provided through the Penn State Cooperative Extension, The Nature Conservancy (“TNC”) estimated that 60,000 shale gas wells could eventually be drilled in Pennsylvania. TNC, Marcellus Gas Well & Pipeline Projections, p. 13, *available at* <http://extension.psu.edu/natural-resources/forests/private/training-and-workshops/2012-goddard-forum-oil-and-gas-impacts-on-forest-ecosystems/marcellus-gas-well-and-pipeline-projections>. In its 2014 report on Marcellus shale supplies, Morningstar stated that there is “somewhere between 30 and 75 years of Marcellus resource potential at current production rates” and that “approximately 1,000 wells will need to be brought on line each year to hold gas production flat.” Morningstar Energy Observer at 15; 17. In other words, at 1,000 new wells per year, there is the potential for 30,000 to 75,000 Marcellus shale gas wells.

TNC further reviewed how these projected wells would be distributed on the landscape under various well pad development scenarios. TNC, Marcellus Gas Well & Pipeline Projections, p. 13. TNC also analyzed where Marcellus Shale drilling was likely to occur (*id.* at 15-17) and how many miles of new pipelines and the direct and indirect effects of those pipelines on forests by 2030 (*id.* at 21). For example, by 2030, TNC estimated that there could be 10,000 – 25,000 miles of new gathering pipelines causing an estimated 60,000 to 150,000 acres of direct forest clearing and 300,000 to 900,000 acres of forest edge effects. *Id.*

According to TNC, pipeline mileage in Pennsylvania will at least double if not quadruple by 2030. *Id.* at 22. The footprint from pipelines alone is projected to be larger than the “cumulative area impacted by all other Marcellus gas infrastructure combined.” *Id.* Thus, when shale gas wells, roads, and other associated infrastructure (besides pipelines) are included, these figures will be much higher. These are enormous impacts to our landscapes, watersheds, wildlife habitat, and recreation opportunities that FERC routinely ignores due to its self-imposed “tunnel

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(cont'd) vision.” Here, FERC knows the identity of many of the shippers that will supply the gas to fill the capacity created by the Project, how much gas those suppliers will ship, the location of many of those companies’ gas holdings, and the nature of the environmental impacts that would be caused by developing those holdings. FERC has all of the information required to assess the impacts of the shale gas drilling that would be induced by its approval of the Atlantic Sunrise Project. FERC thus may not shirk its responsibilities under NEPA by dismissing the environmental impacts of that future shale gas extraction in the Marcellus and Utica shale formations as too speculative. *Delaware Riverkeeper*, 753 F.3d 1304, 1310.

CO13-10 **D. FERC Fails to Take a Hard Look at the Direct and Indirect Effects of the Project on Climate Change.**

There is a “pressing need” for agencies to account for climate change in performing their duties under NEPA. *Conservation Nw. v. Rey*, 674 F. Supp. 2d 1232, 1253 (W.D. Wash. 2009). As a result, it has become relatively routine practice to account for indirect greenhouse gas (GHG) emissions from proposed federal actions.⁷ FERC, however, concludes “that neither construction nor operation of the Project would significantly contribute to GHG cumulative effects or climate change.”⁸ The analysis falls short in at least three ways. First, FERC’s quantification of the direct GHG emissions are underestimated. Second, FERC underestimated the indirect emissions from the project while also impermissibly narrowing the scope of the

⁷ See, e.g., BLM, Final EIS for South Gillette Area Coal Lease Applications (Aug. 2009) available at http://www.blm.gov/pgdata/etc/medialib/blm/wy/information/NEPA/hpdo/south_gillette/feis.Par.57426.File.tmp/vol1.pdf (BLM accounted for the emissions from coal mining and the combustion of coal in its NEPA review of mine leases. BLM did not evaluate GHG emissions from the transportation of the coal because it claimed that data was unavailable); see also *WildEarth Guardians v. U.S. Forest Serv.*, 828 F. Supp. 2d 1223, 1231 (D. Colo. 2011) (discussing final EIS by Forest Service that included an evaluation of GHG emissions from mining a coal seam and from combustion of the recovered coal).

⁸ DEIS for Transcontinental Pipe Line Co., Docket No. CP15-138-000 (May 2016).

CO13-10 See the responses to comments PM1-6 and PM1-36.

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CO13-10
(cont'd) indirect emissions it quantified. Third, the conclusory statement that the project will make no significant contribution to climate change fails to meet the hard-look standard required under NEPA.

CO13-11 **I. FERC Underestimates the Project's Direct Emissions**

First, FERC's quantification of the direct GHG emissions from the Project, DEIS at 4-196, have been underestimated. The DEIS understates the Project's direct GHG emissions, by understating the impact of methane emissions. The primary component of natural gas is methane, and methane is also a potent GHG. The DEIS does not identify the Project's methane emissions. Instead, it reports GHG emissions in terms of carbon dioxide equivalents ("CO₂e"). To calculate CO₂e, emissions of non-CO₂ GHGs are multiplied by a pollutant-specific "global warming potential" ("GWP"), which reflects the ratio between the amount of warming a ton of that pollutant causes and the amount of warming that would be caused by a ton of CO₂.⁹ While methane is a much more potent GHG than carbon dioxide, methane is much shorter-lived in the atmosphere.¹⁰ Thus, in converting methane to CO₂e, different values must be used for different timescales.

The DEIS's use of a methane GWP of 25 is flawed for two reasons. DEIS at 4-196. First, FERC must explain the basis for its decision to use the 100-year, rather than 20-year, assessment of methane's impacts. Authorities including the Environmental Protection Agency (EPA), the Obama Administration, and the Intergovernmental Panel on Climate Change ("IPCC") have emphasized the importance of acting quickly on climate change and the danger of reaching

⁹ See EPA, *Glossary of Climate Change Terms - Carbon Dioxide Equivalent*, <http://www.epa.gov/climatechange/glossary.html#C> (last visited June 16, 2014).

¹⁰ IPCC, *Climate Change 2013: The Physical Science Basis, Carbon and Other Biogeochemical Cycles 473* (2013), *available at* http://www.climatechange2013.org/images/report/WG1AR5_Chapter06_FINAL.pdf.

CO13-11 See the response to comment PM1-74.

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(cont'd) “tipping points” triggering cascading releases of GHGs within the coming decades.¹¹ A century-long assessment therefore is an inappropriate period to use to evaluate the impacts of the Project’s methane emissions.

Second, even on the 100-year timeframe, the 100-year methane GWP used in the DEIS does not represent the best available science. The basis for this figure is the EPA’s GHG reporting rule that adopted this report’s conclusion.¹² EA at 7. Yet as the U.S. Department of Energy (“DOE”) acknowledged in its report titled “Life Cycle Greenhouse Gas Perspective On Exporting Liquefied Natural Gas From The United States,” the IPCC’s superseding Fifth Assessment Report represents the best available science regarding methane’s GWP.¹³ FERC itself, in this DEIS, called the IPCC “the leading international, multi-governmental scientific

¹¹ IPCC, *Climate Change 2013: The Physical Science Basis, Long-term Climate Change: Projections, Commitments, and Irreversibility* 1029-1119 (2013), available at http://www.climatechange2013.org/images/report/WG1AR5_Chapter12_FINAL.pdf (discussing irreversible effects of climate change and tipping points); see also U.S. Envtl. Prot. Agency, Proposed Rule, Carbon Pollution: Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, <http://www2.epa.gov/sites/production/files/2014-05/documents/20140602proposal-cleanpowerplan.pdf> (“[r]ecognizing the urgent need for actions to reduce GHG emissions”); see also U.S. Global Change Research Program, *Climate Change Impacts in the United States: The Third National Climate Assessment* 657 (Jerry M. Meillo et al. eds 2014) (“delay by any of the major emitters makes meeting any such target even more difficult and may rule out some of the more ambitious goals”); see also *id.* at 5, 28, 592 (discussing tipping points and thresholds in climate system).

¹² EPA, 2013 Revisions to the Greenhouse Gas Reporting Rule and Proposed Confidentiality Determinations for New or Substantially Revised Data Elements; 78 Fed. Reg. 19,802, 19,808-10 (proposed Apr. 2, 2013); EPA, 2013 Revisions to the Greenhouse Gas Reporting Rule and Final Confidentiality Determinations for New or Substantially Revised Data Elements, 78 Fed. Reg. 71,904, 71,909 (Nov. 29, 2013).

¹³ DOE, Nat’l Energy Technology Lab., *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States* (May 29, 2014), available at <http://www.energy.gov/sites/prod/files/2014/05/f16/Life%20Cycle%20GHG%20Perspective%20Report.pdf> (“DOE Life Cycle GHG Perspective”); see also IPCC, *Climate Change 2013: The Physical Science Basis, Anthropogenic and Natural Radiative Forcing* 714, Table 8.7 (2013), available at http://www.climatechange2013.org/images/report/WG1AR5_Chapter08_FINAL.pdf [hereinafter IPCC AR5].

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(cont'd) body for the assessment of climate change.” DEIS at 4-287. The most recent IPCC report estimates that fossil methane has 36 times the GWP of carbon dioxide over a 100-year time frame and at least 86 times the GWP of carbon dioxide over a 20-year time frame.¹⁴ Thus, the available evidence overwhelmingly indicates that the methane GWP FERC used in the DEIS is too low. Because the Fifth Assessment Report represents the best available science, FERC should use the GWPs identified therein.

CO13-12 **2. FERC’s DEIS Fails to Consider Indirect Emissions**

The Commission’s assessment of indirect GHG emissions is limited to direct emissions from construction and operation of the pipeline and related infrastructure. FERC acknowledges that operation of Atlantic Sunrise Project “would provide an incremental 1.7 million dekatherms per day of year-round firm transportation capacity from the Marcellus Shale production area in northern Pennsylvania to Transco’s existing market areas . . . for natural gas consumption.” DEIS at ES-2. However, unlike recent NEPA assessments, see, e.g., Environmental Assessment for Leidy South Project, Docket No. CP13-113-000 (May 2014), FERC does not consider the climate effects of combusting this gas. FERC cannot continue to ignore the effects on the climate from production, transport, and combustion.

Indirect effects “are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable.” 40 C.F.R. § 1508.8. In draft guidance, CEQ, the agency charged with overseeing NEPA, has asked FERC to assess both “downstream” and “upstream” emissions. CEQ’s draft guidance states:

When assessing direct and indirect climate change effects, agencies should take account of emissions from activities that have a reasonably close causal relationship

¹⁴ IPCC AR5. These figures represent the global warming potential of methane when climate feedbacks are included in the analysis. Although DOE used the estimates without climate feedbacks, that decision was unsupported; FERC must use the more comprehensive estimates.

CO13-12

The CEQ regulations state that an agency’s NEPA review must analyze a project’s indirect impacts, which are causally connected to the proposed action and occur “later in time or farther removed in distance [than direct impacts], but are still reasonably foreseeable.” While the natural gas proposed to be transported by the Project would be combusted by downstream uses, as noted in section 1.1 of the EIS, the Project is proposed in response to existing markets. Section 1.1 of the final EIS has been updated with further information regarding how the Commission determines if the Project is required by the public convenience and necessity. Such a conclusion would be based, in part, by an existing need. Therefore, the Project would be responding to a need and not creating it. The Project would transport up to 1.7 million dekatherms per day of natural gas. Assuming that all of the natural gas being transported is used for combustion, downstream end-use would result in about 32.9 metric tons of CO₂ per year. Combustion uses include electrical generation, home heating, home cooking, commercial heating/boiling use, and use as a vehicle fuel. Non-combustion uses include fertilizer and other chemical manufacturing products. Because the precise end-uses of the gas that would be transported by the Project are unknown, the GHG emission value provided here represents a conservative estimate. See the response to comment PM3-15 regarding potential impacts associated with upstream natural gas development.

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(cont'd)

to the Federal action, such as those that may occur as a predicate for the agency action (often referred to as upstream emissions) and as a consequence of the agency action (often referred to as downstream emissions) should be accounted for in the NEPA analysis.¹⁵

Likewise, EPA has asked the Commission to discuss “emissions associated with the production, transport, and combustion of the natural gas.”¹⁶ Natural gas production, processing, and transmission are a significant source of GHGs, particularly methane. Methane is the primary component of natural gas. Methane can be directly vented into the atmosphere or can escape from the wells, the gathering pipelines at the well pads and the larger pipelines in the distribution system, and the compressor stations that shuttle the gas through the distribution system.¹⁷

Estimates vary about the quantities of methane leaked into the atmosphere during the natural gas lifecycle, but some estimates range from 1.4 to over 15 percent of the total produced gas.¹⁸ EPA has identified natural gas systems as the “single largest contributor to United States

¹⁵ CEQ Guidance at 11.

¹⁶ Env'tl. Protection Agency, Comments on the Draft Guidance Manual for Environmental Report Preparation for Applications Filed Under the Natural Gas Act, Jan. 19, 2016.

¹⁷ Dana R. Caulton et al., *Toward a better understanding and quantification of methane emissions from shale gas development*, Proc. Nat'l Acad. Sci. (Apr. 14, 2014), submitted herewith (evaluating methane emissions from fractured wells in the Southwestern Pennsylvania Marcellus shale region during drilling prior to gas flow stimulation and finding that “overall sites leak rates can be higher than current inventory estimates”); see also Anna Karion et al., *Methane emissions estimates from airborne measurements over a western United States natural gas field*, 40 Geophysical Res. Letters 4393-97 (2013) (measuring methane emissions from a producing oil and gas field in Utah, and finding emissions were five times the US EPA nationwide average estimate of leakage from the production and processing of natural gas).

¹⁸ EPA's Inventory of Greenhouse Gas Emissions and Sinks uses a “bottom-up” method based on engineering estimates of emissions from particular pieces of equipment or events multiplied by estimate of the census of such events. Many of these studies have estimated total lifecycle leak rates around 1.4 percent. See, e.g., Jeffrey Logan et al., JOINT INST. FOR STRATEGIC ANALYSIS, *Natural Gas and the Transformation of the U.S. Energy Sector 5* (2012), available at <http://www.nrel.gov/docs/fy13osti/55538.pdf>. The academic literature published in 2014 on methane leakage over the natural gas lifecycle showed leakage rate measurements well in excess of 15 percent in some parts of the country. A review and short summary of those studies are available at <http://chesapeakeclimate.org/wp/wp-content/uploads/2015/01/2014-methane-leakage-studies.pdf>.

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anthropogenic methane emissions,” with emissions from the oil and gas industry amounting to over 40 percent of total methane emissions.¹⁹ Even when using an estimate of total methane emissions that many recent studies have criticized as too low, and a GWP that has been superseded by recent higher estimates, EPA concluded that methane emissions from the oil and gas industry constituted five percent of all CO₂e emissions in the country.²⁰

As discussed above, the climate change impacts of methane are of particular concern because methane has 86 times the GWP of CO₂ over 20 years, when considering the potential for positive climate carbon feedbacks.²¹ The latest IPCC Report also found that methane has 70 times the global temperature change potential, the change in global mean surface temperature resulting from emissions, of CO₂.²² Emissions of methane therefore will have a greater and more immediate effect on the climate than emissions of CO₂.

FERC’s analysis, therefore, underestimates the emissions from the transport of the gas. It further completely fails to quantify the emissions from upstream production and transportation, giving the public and decision makers no information with which to form a decision. In previous NEPA assessments, FERC has at least considered the climate emissions from combustion of the gas. Environmental Assessment for Leidy South Project, Docket No. CP13-113-000, p 88 (May 2014). In that case, a primary objective of the Project was to supply natural gas to the Panda Stonewall Power Project. With no specified destination for the additional gas made possible through the Atlantic Sunrise Project, FERC appears to assume that the gas will not be

¹⁹ EPA, Oil and Natural Gas Sector: New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants Reviews, 76 Fed. Reg. 52,738, 52,792 (Aug. 23, 2011).

²⁰ *Id.* at 52,791–92.

²¹ IPCC AR5 at 714.

²² *Id.*

CO13 – Allegheny Defense Project (cont'd)

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CO13-12
(conf'd) combusted. This head-in-the-sand approach is irrational and fails to meet the “hard look” standard of NEPA.

CO13-13 **3. FERC’s Conclusory Statement that the Project Will Not Significantly Contribute to Climate Change Is Insufficient Under NEPA.**

NEPA is our “basic national charter for protection of the environment.”²³ The statute makes environmental protection a part of the mandate of every federal agency, and requires federal agencies to take environmental considerations into account in their decision-making “to the fullest extent possible.”²⁴ Accordingly, each agency must take a “hard look” at the environmental consequences of its proposed actions.²⁵ Under the “hard look” standard, the burden rests entirely on the agency to make a “convincing case” for its FONSI.²⁶ A FONSI is legally inadequate when, for example, “1) it does not adequately investigate all the environmental issues raised by the plaintiffs, and 2) with respect to a number of environmental issues considered, it does not include a statement of reasons why those effects are not significant.”²⁷

FERC failed entirely to quantify emissions from upstream production and transport. That is because, according to FERC, upstream production activities are not under FERC’s jurisdiction. See DEIS at 4-263 (“FERC’s authority under the NGA review requirements relate only to natural gas facilities that are involved in interstate commerce. Thus, the facilities associated with the production of natural gas are not under FERC jurisdiction.”). However, just because upstream

²³ 40 C.F.R. § 1500.1(a).

²⁴ 42 U.S.C. § 4332; *Calvert Cliffs Coordinating Comm. v. U.S. Atomic Energy Comm’n*, 449 F.2d 1109, 1112 (D.C. Cir. 1971).

²⁵ *Marsh v. Or. Natural Res. Council*, 490 U.S. 360, 378 (1989).

²⁶ *Grand Canyon Trust v. FAA*, 290 F.3d 339, 341 (D.C. Cir. 2002) (quoting *Sierra Club v. U.S. Dep’t of Transp.*, 753 F.2d 120, 127 (D.C. Cir. 1985)).

²⁷ *Joseph v. Adams*, 467 F. Supp. 141, 155 (E.D. Mich. 1978).

CO13-13 See the responses to comments PM1-6 and PM1-75.

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production is not under FERC's jurisdiction does not mean that it can avoid considering these impacts as part of the cumulative impacts analysis in the DEIS. *See* 40 C.F.R. § 1508.7.

Consequently, FERC's conclusion that "neither construction nor operation of the Project would significantly contribute to GHG cumulative effects or climate change" is not based on a hard look at the lifecycle GHG emissions from this Project.

IV. The DEIS fails to take a hard look at cumulative impacts, including those impacts associated with gas development.

In addition to considering the direct and indirect effects of the project, FERC must also consider cumulative impacts. A cumulative impact is the:

[I]mpact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

40 C.F.R. § 1508.7. FERC's cumulative impact analysis in the DEIS is impermissibly restrictive and does not satisfy NEPA's "hard look" standard.

CO13-14

A. FERC's analysis of cumulative impacts is impermissibly restrictive and understates the significant impacts that pipeline construction activities cause.

FERC claims that its cumulative impacts analysis is "consistent with the methodology set forth in relevant guidance (CEQ, 1997b, 2005; EPA, 1999)." DEIS at 4-258. The analysis that follows, however, is anything but consistent with the "relevant guidance" that FERC cites. As a result, FERC did not take a "hard look" at the cumulative impacts of the Atlantic Sunrise Project.

FERC's cumulative impacts analysis is fatally flawed because it substantially limited the analysis area. For example, FERC states that "[f]or the most part, the area of potential cumulative impact is limited to the area *directly affected by the Project* and, depending on the resources, in the *adjacent areas*." *Id.* (emphasis added). Based on this limited analysis area,

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As discussed in the response to comment PM1-6, our analysis of cumulative impacts is based on a geographic scope within which we believe there is a potential for cumulative impacts on specific resources. Analyzing potential impacts on resources beyond this distance does not provide meaningful information regarding the potential for cumulative impacts associated with the Project. As described in the revised text of section 4.13, we evaluated other past, present, and proposed road, electric transmission line, and pipeline crossings within 10 miles of the Project.

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FERC concluded that, “as a whole, minimal cumulative effects are anticipated when the impacts of the [Atlantic Sunrise] Project are added to the identified ongoing actions *in the immediate area.*” *Id.* at 4-290 (emphasis added). Such a limited cumulative impacts analysis is plainly inconsistent with both the Council on Environmental Quality’s (“CEQ”) and Environmental Protection Agency’s (“EPA”) guidance on cumulative impacts.

The CEQ guidance recommends significantly expanding the cumulative impacts analysis area beyond the “immediate area of the proposed action” that is often used for the “project-specific analysis” related to direct and indirect effects:

For a project-specific analysis, it is often sufficient to analyze effects within the immediate area of the proposed action. When analyzing the contribution of this proposed action to cumulative effects, however, the geographic boundaries of the analysis *almost always should be expanded.* These expanded boundaries can be thought of as differences in hierarchy or scale. Project-specific analyses are usually conducted on the scale of counties, forest management units, or installation boundaries, *whereas cumulative effects analysis should be conducted on the scale of human communities, landscapes, watersheds, or airsheds.*

CEQ, Considering Cumulative Effects under the National Environmental Policy Act, p. 12 (1997) (emphasis added). CEQ further says that it may be necessary to look at cumulative effects at the “ecosystem” level for vegetative resources and resident wildlife, the “total range of affected population units” for migratory wildlife, an entire “state” or “region” for land use, and the “global atmosphere” for air quality. *Id.* at 15. FERC’s selected regions of influence for forested lands, forested and scrub-shrub wetlands, and air quality are not consistent with CEQ guidance.

EPA’s guidance states that “[s]patial and temporal boundaries should not be overly restrictive in cumulative impact analysis.” EPA, Consideration of Cumulative Impacts in EPA Review of NEPA Documents, p. 8 (1999). EPA specifically cautions agencies to not “limit the scope of their analyses to those areas over which they have direct authority or to the boundary of

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(cont'd) the relevant management area or project area.” *Id.* Rather, agencies “should delineate appropriate geographic areas including *natural ecological boundaries*” such as ecoregions or watersheds. *Id.* (emphasis added). Therefore, FERC’s assertion that, “for the most part, the area of potential cumulative impact is *limited to the area directly affected by the Project* and, depending on the resources, in the *adjacent areas*,” is plainly inconsistent with CEQ’s and EPA’s guidance on cumulative impacts. As a result, the cumulative impacts analysis is fatally flawed and cannot support FERC’s conclusion that there will be “minimal cumulative effects” upon construction and operation of the Atlantic Sunrise Project.

FERC did expand the region of influence (“ROI”) to analyze cumulative impacts for certain “major actions,” such as large commercial, industrial, transportation and energy development projects, including “natural gas well permitting and development projects.” DEIS at 4-259. However, FERC only expanded the ROI for such actions to “within 10 miles of the Atlantic Sunrise Project.” *Id.* FERC provides no explanation for selecting such a restrictive analysis area which not only had the effect of excluding thousands of existing shale gas wells from the cumulative impacts analysis but also hundreds, if not thousands, of reasonably foreseeable future shale gas wells. Thus, FERC’s selection of the 10-mile ROI for the above-referenced projects was arbitrary and capricious and renders the DEIS deficient.

CO13-15

I. Water Resources

FERC claims that “[c]umulative effects on waterbodies and wetlands affected by the Atlantic Sunrise Project would be limited primarily to the wetlands and waterbodies that are affected by other actions within the same major watershed that are constructed at approximately the same time.” DEIS at 4-274. FERC identifies three major watershed basins that are crossed by the Project in Pennsylvania: (1) Upper Susquehanna; (2) Lower Susquehanna; and (3) West

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CO13-15 Section 4.13.8.2 of the EIS includes text addressing the potential impact of water withdrawal for HDDs and hydrostatic testing on the watersheds where these withdrawals would be made. It also includes a discussion of other impacts on the watersheds that would be affected by the Project. In general these impacts would be temporary and localized and mitigated through implementation of Transco’s Plan and Procedures. As noted in the response to comment PM1-6, impacts from shale gas development outside of the geographic scope of cumulative impacts assessed for the Project, including those related to water quality and tree clearing, are not within the purview of the analysis for the Project.

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Branch Susquehanna. *Id.* The analysis that follows, however, consists of nothing more than generic statements that fail to put into context the cumulative impacts of the Atlantic Sunrise Project and other past, present, and reasonably foreseeable future actions on these watersheds.

For example, FERC says that “the only impacts on surface waters would be temporary and mostly associated with active construction activities, ceasing upon settling of turbidity and proper restoration and stream bank revegetation.” DEIS at 4-274. FERC claims, however, that because Transco will use “HDD and other dry crossing methods for all but a few of the crossings” and because “[s]imilar mitigation would also be required and implemented by the sponsors of the other listed actions,” that “[c]ollectively, these measures will reduce the cumulative impacts on the watersheds encompassing the waterbodies that would be affected by the Atlantic Sunrise Project.” *Id.* Such vague assertions do not satisfy the “hard look” requirement for considering the cumulative impacts of the Atlantic Sunrise Project on watersheds.

The analysis is further flawed by the fact that FERC failed to consider the cumulative impacts of shale gas development at the watershed level. For example, as stated elsewhere, FERC only considered 1,135 gas wells permitted “within 10 miles of the [Atlantic Sunrise] Project” between July 2011 and February 3, 2015.²⁸ DEIS at 4-263. However, in the “waterbodies and wetlands” subsection of the cumulative impacts analysis, which purportedly considered cumulative impacts on the three “major watersheds” listed above, FERC does not identify any additional existing gas wells beyond the 1,135 that were permitted within 10 miles of the Project.

²⁸ In Appendix P, FERC identifies 2,676 drilling permits issued between July 2011 and Apr. 11, 2016. See DEIS, App. P at P-3.

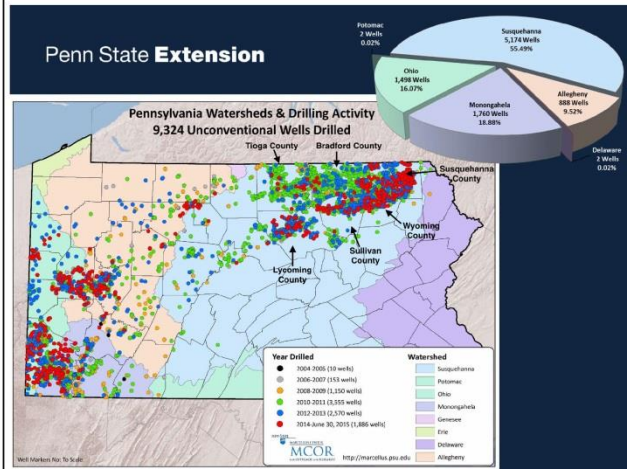
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As Figure 1 below shows, there has been a substantial amount of shale gas development in the Susquehanna River Basin since 2004.

Figure 1: Pennsylvania Watersheds & Unconventional Wells Drilled (2004 - June 30, 2015).



Source: Penn State – Marcellus Center for Outreach and Research, Resources: Maps and Graphs, available at <http://www.marcellus.psu.edu/images/Watershed%20Map%2020150630.jpg>. Note: County names and arrows added.

FERC cannot claim to have considered the cumulative impacts of shale gas development on the Upper, Lower, and West Branch Susquehanna Watersheds when it only considered the wells permitted “within 10 miles” of the Atlantic Sunrise Project. As Figure 1 shows, at least 5,174 shale gas wells were drilled in the Susquehanna River Basin between 2004 and June 30, 2015, substantially more than the number of wells considered in the DEIS.

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FERC appears to have further limited its analysis of shale gas impacts on watersheds to consumptive water uses only. Although FERC acknowledges that “[c]oncerns have been raised regarding the potential impact of Marcellus Shale development on surface water resources,” DEIS at 4-274, nowhere does FERC discuss impacts such as increased erosion and sedimentation and pollution from wastewater spills that are caused by shale gas development. This is a major oversight in a basin that has approximately 55% of all shale gas wells in Pennsylvania. *See* Figure 1.

It is critical that FERC consider the impacts of erosion and sedimentation on the Susquehanna River Basin and Chesapeake Bay from future shale gas development, especially as this development encroaches upon the most forested part of the Susquehanna River Basin. As Figure 1 above shows, most of the shale gas development that has occurred in the Susquehanna River Basin has been concentrated in six counties in northeastern Pennsylvania. While some of this development has certainly impacted forests, much of the existing shale gas development has occurred in areas dominated by agriculture. *Compare* Figure 1 *with* Susquehanna River Basin Commission, *Susquehanna River Basin – Land Use Land Cover, 2006, available at http://srbc.net/atlas/downloads/BasinwideAtlas/PDF/1507_LandUse.PDF*.

As the shale gas industry expands to the south and west of this region, however, it impacts forested lands. This is very concerning since forested lands “contribute[] the lowest loading rate per acre of all the land uses[.]” Environmental Protection Agency, *Chesapeake Bay TMDL*, Section 4, p. 4-36, *available at <https://www.epa.gov/chesapeake-bay-tmdl/chesapeake-bay-tmdl-document>* (“Chesapeake Bay TMDL”). According to the U.S. Geological Survey:

Natural gas exploration and development result in spatially explicit patterns of landscape disturbance involving the construction of well pads and impoundments, roads, pipelines, and disposal activities that have structural impacts on the landscape . . . Forest loss as a

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result of disturbance, fragmentation, and edge effects has been shown to negatively affect water quality and runoff (Wickham and others, 2008).

USGS Report at 8; *see also* STAC (Chesapeake Bay Program Scientific and Technical Committee). 2013. Exploring the environmental effects of shale gas development in the Chesapeake Bay Watershed, STAC Publ. #13-01, Edgewater, MD. p. 16, *available at* http://www.chesapeake.org/pubs/297_Gottschalk2013.pdf (“STAC Report”) (“well pad[s] and associated infrastructure (including roads and pipelines) . . . change the hydrology and sediment, nutrient, and organic export to receiving streams . . . lead[ing] to altered flow regimes and habitats and increased sedimentation and nutrient input into streams”). It is no surprise that researchers have concluded that one of the “key priorities” for protecting Chesapeake Bay is to require that there is “no net loss of forest lands.” Claggett, Peter, and Thompson, Renee, eds., 2012, Proceedings of the Workshop on Alternative Futures – Accounting for growth in the Chesapeake Bay watershed: USGS Open-File Report 2012-1216, p. 8, *available at* <http://pubs.usgs.gov/of/2012/1216/OFR2012-1216.pdf>.

FERC must consider how the loss of forested areas from past, present and future shale gas development will impact the Susquehanna River watershed and compliance with the Chesapeake Bay TMDL. *See* Chesapeake Bay TMDL. In addition to the direct effects of construction of the Atlantic Sunrise Project through protect lands discussed above, the cumulative impacts of sedimentation in the Susquehanna River watershed from clearing forested areas for roads, other pipelines, well pads, and other shale gas infrastructure could cause Pennsylvania to fall short of its obligations pursuant to the Chesapeake Bay TMDL.

Regardless of whether shale gas development in the Susquehanna River watershed causes significant impacts on Chesapeake Bay, researchers “agree[] that there is a high probability of a possible-long term landscape effect in Pennsylvania[.]” STAC Report, p. 17. According to the

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(cont'd) Susquehanna River Basin Commission (“SRBC”), as of 2012, there were at least 2,000 shale gas well pads in the Susquehanna River Basin, “creat[ing] 13,000 acres of disturbed lands” from the well pads themselves and associated road construction. *Id.* at 11. However, “[t]his level of disturbance should be viewed as a minimum, since additional lands must also be cleared for gathering and transmission pipelines.” *Id.* Thus, the acres disturbed from shale gas development is likely much higher than 13,000 acres.

According to the Nature Conservancy, shale gas companies could drill 27,600 wells in the Susquehanna River basin by 2030. *Id.* Extrapolating from the SRBC’s calculations, that would result in approximately 6,900 well pads, assuming four wells per pad. Subtracting the existing 2,000 well pads results in an additional 4,900 well pads, which would create an additional 31,850 acres of disturbed lands. Again, these figures are conservative since they are only based on SRBC’s estimates for the well pad and associated road network. The Nature Conservancy believes that up to 110,000 acres of forested land could be cleared by 2030. *Id.*

FERC failed to consider how this level of disturbance to forested lands in the Susquehanna River watershed will impact water quality within the basin and sub-basins as well as Pennsylvania’s compliance with the Chesapeake Bay TMDL. The only reference to the Chesapeake Bay TMDL is in a single paragraph on page 4-53 of the DEIS. This discussion, however, only concerned the direct effects of the Atlantic Sunrise Project and is itself deficient, as described above. There is no discussion in the DEIS regarding either the indirect or cumulative effects of shale gas development on the Chesapeake Bay TMDL. FERC’s failure to address these reasonably foreseeable cumulative impacts renders the DEIS deficient under NEPA.

CO13-16 | **2. Vegetation and Wildlife**

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CO13-16 Section 4.13.8.3 of the EIS outlines the known projects and their associated impacts within the counties affected by the Project. As noted in the response to comment PM1-6, impacts from shale gas development outside of the geographic scope of cumulative impacts assessed for the Project have not been included in FERC’s review.

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CO13-16 FERC failed to take a hard look at the cumulative effects of shale gas development on vegetation and wildlife. FERC acknowledges that “Marcellus shale development would also contribute to the cumulative vegetation and wildlife impacts.” DEIS at 4-276. However, FERC claims that because Marcellus Shale development projects would likely be required by state agencies and other federal agencies to implement various mitigation measures, that cumulative impacts would only be “moderate in areas of rapid ongoing [shale gas] development like Susquehanna County and minor elsewhere.” *Id.* at 4-277. FERC’s dismissive assertion that these landscape level effects are, at most, “moderate,” bears no relationship to the reality on the ground, especially in light of the 10-mile ROI used in the DEIS.

CEQ specifically recommends considering cumulative effects on wildlife at the “ecosystem” level for resident wildlife and the “total range of affected population units” for migratory wildlife. *See* Cumulative Effects under the National Environmental Policy Act, p. 15. This is particularly important in the context of pipeline expansions and related shale gas development. For example, according to recent research published in Environmental Science & Technology:

Potential effects [of shale gas drilling] on terrestrial and aquatic ecosystems can result from many activities associated with the extraction process and the rate of development, such as road and pipeline construction, well pad development, well drilling and fracturing, water removal from surface and ground waters, establishment of compressor stations, and by unintended accidents such as spills or well casing failures . . . The cumulative effect of these potential stressors will depend in large part on the rate of development in a region. Depending on extent of development, oil and gas extraction has the potential to have a large effect on associated wildlife, habitat and aquatic life.

Brittingham, M.C., et al., Ecological Risks of Shale Oil and Gas Development to Wildlife, Aquatic Resources and their Habitats, Environmental Science & Technology, pp. 11035-11037 (Sept. 4, 2014) (citations omitted) (Attachment 2). Shale gas development “changes the landscape” as “[I]and is cleared for pad development and associated infrastructure, including

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pipelines, new and expanded roads, impoundments, and compressor stations[.]” *Id.* at 11037 (citations omitted). “Seismic testing, roads, and pipelines bisect habitats and create linear corridors that fragment the landscape.” *Id.*

“Habitat fragmentation is one of the most pervasive threats to native ecosystems and occurs when large contiguous blocks of habitat are broken up into smaller patches by other land uses or bisected by roads, transmission lines, pipelines or other types of corridors.” *Id.* “Habitat fragmentation is a direct result of shale development with roads and pipelines having a larger impact than the pads.” *Id.* (citations omitted). In Bradford County where part of the Project area is located, “forests became more fragmented primarily as a result of the new roads and pipelines associated with shale development, and development resulted in more and smaller forest patches with loss of core forest (forest > 100 m from an edge) at twice the rate of overall forest loss.” *Id.* (citation omitted). “Pipelines and roads not only resulted in loss of habitat but also created new edges.” *Id.* “Fragmentation from linear corridors such as pipelines, seismic lines, and roads can alter movement patterns, species interactions and ultimately abundance depending on whether the corridor is perceived as a barrier or territory boundary or used as an avenue for travel and invasion into habitats previously inaccessible.” *Id.* (citations omitted).

According to the New York Department of Environmental Conservation, “development of one horizontal [shale] well requires over 3300 one-way truck trips.” *Id.* at 11038 (citation omitted). “This is a concern because roads of all types have a negative effect on wildlife through direct mortality, changes in animal behavior, and increased human access to areas, and these negative effects are usually correlated with the level of vehicular activity.” *Id.* (citations omitted). “Even after a well is drilled and completed, new roads and pipelines provide access for more people, which results in increased disturbance.” *Id.* “In Wyoming, Sawyer et al. found

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that mule deer migratory behavior was influenced by disturbance associated with coal bed gas development and observed an increase in movement rates, increased detouring from established routes, and overall decreased use of habitat along migration routes with increasing density of well pads and roads. *Id.* (citation omitted).

Shale gas development “is associated with both short-term and long-term increases in noise.” *Id.* “In the short term, site clearing and well drilling, [high volume hydraulic fracturing], and construction of roads, pipelines and other infrastructure are a limited time disturbance similar to disturbance and sound associated with clearing land and home construction.” *Id.* (citation omitted). “Depending on number of wells drilled, construction and drilling can take anywhere from a few months to multiple years.” *Id.*

“Compressor stations, which are located along pipelines and are used to compress gas to facilitate movement through the pipelines, are a long-term source of noise and continuous disturbance.” *Id.* (citation omitted). “Because chronic noise has been shown to have numerous costs to wildlife, compressors have potential to have long-term effects on habitat quality.” *Id.* (citation omitted). “For many species of wildlife, sound is important for communication, and noise from compressors can affect this process through acoustical masking and reduced transmission distances.” *Id.* “Studies on effects of noise from compressors on songbirds have found a range of effects including individual avoidance and reduced abundance, reduced pairing success, changes in reproductive behavior and success, altered predator-prey interactions, and altered avian communities . . . Greater sage-grouse (*Centrocercus urophasianus*) gather at leks where males display in order to attract females.” *Id.* “Lek attendance declined in areas with chronic natural gas-associated noise and, experimentally, sage-grouse were shown to experience higher levels of stress when exposed to noise.” *Id.* (citations omitted).

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“Because of the large overlap between the Appalachian shale play and core forest habitat in the East, many forest species are vulnerable to development.” *Id.* at 11040. “Area-sensitive forest songbirds are primarily insect-eating Neotropical migrants, are an important component of forest ecosystems, and, as a group, many have declined in numbers in response to forest fragmentation.” *Id.* (citations omitted). “These birds are area-sensitive because breeding success and abundance are highest in large blocks of contiguous forest, and numerous research studies have documented negative effects of fragmentation on abundance and productivity[.]” *Id.* “The impact that shale development has on this group of species will depend on the scale and extent of development.” *Id.* “*By some estimates, less than 10% of potential shale gas development has occurred in the Appalachian basin [and] [i]f this is the case, there is the potential for a 10-fold increase in the amount of shale gas development which would likely have negative impacts on area-sensitive forest songbirds and other forest specialists.*” *Id.* (emphasis added) (citation omitted).

“Development of shale resources, which clears land for well pads and roads, is occurring across a large portion of the native range of brook trout, *especially in Pennsylvania.*” *Id.* (emphasis added) (citation omitted). “If remaining high-quality stream reaches become unsuitable to brook trout, there may be further fragmentation of the larger meta-population.” *Id.*

“Rare species with limited ranges are always a concern when development occurs” and “any type of disturbance can be very detrimental to them.” *Id.* “Freshwater mussels are an additional taxonomic group of interest because of already high numbers of listed species and relative sensitivity to toxicants.” *Id.* (citation omitted). “The endangered Indiana Bat, (*Myotis sodalis*), is another example of a species where a large portion of its native range is within areas of shale development.” *Id.* (citation omitted). “Gillen and Kiviat 2012 reviewed 15 species that

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were rare and whose ranges overlapped with the Marcellus and Utica shale by at least 35%.” *Id.*

“The list included the West Virginia spring salamander (*Gyrinophilus subterraneus*), a species that is on the IUCN Red List as endangered and whose range overlaps 100% with the shale layers.” *Id.* This salamander “requires high quality water and is sensitive to fragmentation suggesting that this species is at great risk to oil and gas development.” *Id.* “The list also included eight Plethodontid salamanders, a group that tends to be vulnerable because of the overlap between their range and shale layers, their dependence on moist environments and sensitivity to disturbance.” *Id.* at 11040-11041.

“Habitat fragmentation, effects on water quality and quantity, and cumulative effects on habitats and species of concern have already been identified as problems and are expected to increase in magnitude as shale resource development continues to expand.” *Id.* at 11043.

Brittingham et al. (2014) “suggests that species and habitats most at risk are ones where there is an extensive overlap between a species range or habitat type and one of the shale plays (leading to high vulnerability) coupled with intrinsic characteristics such as limited range, small population size, specialized habitat requirements, and high sensitivity to disturbance.” *Id.*

“Examples include core forest habitat and forest specialists, sagebrush habitat and specialists, vernal pond inhabitants, and stream biota.” *Id.*

Brittingham et al. (2014) demonstrates the substantial impact that shale gas drilling is having and will continue to have on wildlife throughout the Marcellus and Utica shale region. Such impacts will only worsen if FERC continues facilitating such drilling by authorizing infrastructure projects such as the one proposed here without analyzing the cumulative impacts on wildlife, disclosing that information to the public, and incorporating it into FERC’s decisionmaking process.

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According to Souther et al. (2014):

The few studies that consider cumulative impacts suggest that shale-gas development will affect ecosystems on a broad scale . . . As cumulative impacts' methodology and knowledge improve, research should move toward detecting synergies between shale development and other likely drivers of extinction, such as climate change, as site-specific or single variable risk assessments likely underestimate threats to ecological health.

Souther et al. (2014), Biotic impacts of energy development from shale: research priorities and knowledge gaps. *Frontiers in Ecology and the Environment* 12(6): 334 (Attachment 3). These researchers further state that:

Using criteria related to the environmental risks and current understanding of these impacts, we suggest that top research priorities are related to probabilistic events that lead to contamination of fresh water, such as equipment failure, illegal activities, accidents, chemical migration, and wastewater escape, *as well as cumulative ecological impacts of shale development.*

Id. at 337 (emphasis added).

The U.S. Fish and Wildlife Service recently expressed concerns about the potential noise impacts of National Fuel's Tuscarora Lateral Project on wildlife:

Since the project involves the increase of horsepower at one compressor station and the construction of a new station, we recommend the FERC request data on operating noise levels at the compressor stations, and an analysis be completed of how the project noise levels will affect wildlife. Noise levels over background levels can adversely affect wildlife, particularly songbirds, that rely on call identification for successful breeding. If noise levels will exceed background levels, the environmental document should identify mitigation measures that will be employed to reduce noise impacts on wildlife such as vegetation screening or barriers.

U.S. Fish and Wildlife Service January 27, 2015 Letter to FERC (Docket CP14-112-000,

Accession No. 20150202-0104). While these comments were specific to the Tuscarora Lateral Project, the same rationale applies for other projects as well, such as the one at issue here where Transco is constructing new and expanding existing compressor stations. The DEIS, however, contains no discussion of the potential noise impacts on wildlife resulting from the increase in

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horsepower at these compressor stations. FERC may not rely on an EIS that does not include an analysis of the cumulative noise impacts on wildlife associated with these and other compressor station upgrades in the region. In addition to the noise impacts from new and expanded compressor stations, the cumulative noise impacts of shale gas development on wildlife must be considered.

It is likely that the dramatic increase in shale gas drilling in this region of Pennsylvania has already disrupted wildlife populations. For example, in 2012, the New York Department of Environmental Conservation (“NYDEC”) revised its “Bobcat Management Plan” because:

Observations by hunters and trappers, and reports from the general public suggest that bobcat populations are increasing and expanding throughout New York State outside of their historic core range in the Taconic, Catskill, and Adirondack mountains and into central and western New York. *In addition, emigration of bobcats from Pennsylvania has likely fostered growth of the bobcat population in the southern tier of the state* (Matt Lovallo, Pennsylvania Game Commission, personal communication).

New York Department of Environmental Conservation. Management Plan for Bobcat in New York State 2012-2017. p. 8. 2012 (emphasis added). *available at:*

http://www.dec.ny.gov/docs/wildlife_pdf/finalbmp2012.pdf. The plan further stated:

The presence of bobcat in New York’s Southern Tier has *increased dramatically* over the past decade. What began as occasional sightings along the New York/Pennsylvania border has progressed to large numbers of observations, trail camera photos, and incidental captures and releases by trappers. *Over the past five years* there have been 332 bobcat observations documented in the harvest expansion area[.]

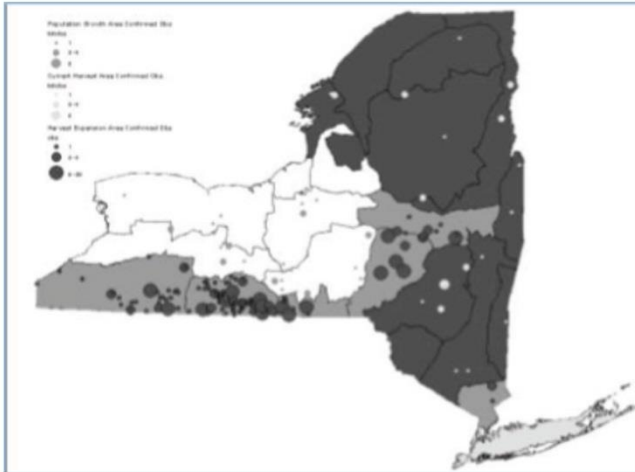
Id. at 17 (emphasis added). The following figure, showing the number confirmed bobcat observations in New York from 2006-2011, reveals a concentration of observations along the Pennsylvania border:

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Figure 2: Total Confirmed Bobcat Observations, 2006-2011.



Source: NYDEC Bobcat Management Plan, p. 17.

While NYDEC was documenting an increase in bobcat observations in the southern tier of New York between 2006-2011, hundreds and then thousands of shale gas wells were being drilled in the northern tier of Pennsylvania. See Figure 2 above. As Figure 2 indicates, between 2006-2011, gas companies drilled at least 4,858 shale gas wells in Pennsylvania. Many of these wells were drilled in Pennsylvania's northern tier. Thus, at the same time the gas industry began and then rapidly escalated gas drilling across the northern tier of Pennsylvania, the bobcat population in the southern tier of New York "increased dramatically." Since there has been no shale gas

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development in New York throughout this time period due to a moratorium (and now ban)²⁹ on shale gas development, this suggests that the rapid increase in shale gas development in Pennsylvania may be causing “emigration of bobcats from Pennsylvania” into southern New York.

National Fuel’s 2013 Annual Report suggests why this could be happening. For example, National Fuel stated that the drilling operations of its exploration and production subsidiary, Seneca Resources, occur 24-hours a day. See National Fuel 2013 Annual Report, p. 3, available at http://s2.q4cdn.com/766046337/files/doc_financials/2013/NFG_SAR_13_Final.pdf (emphasis added). If Seneca and other shale gas drilling companies are operating in remote, forested areas 24-hours a day, then it is reasonable to assume that those operations have significant consequences on wildlife that depend on remote, forested habitat for survival. Since Seneca Resources has expressly stated that it is awaiting authorization of the Atlantic Sunrise Project to increase shale gas development in its EDA, which is located in remote, forested areas that are important for wildlife, FERC must examine the impacts that 24-hour shale gas drilling operations are having on wildlife populations, not only in this region but throughout the Appalachian Basin. Failing to adequately consider these “inter-regional” cumulative impacts on wildlife populations would “eviscerate NEPA.” *Natural Resources Defense Council v. Hodel*, 865 F.2d 288, 299 (D.C. Cir. 1988).

CO13-17

3. Fisheries and Other Aquatic Resources

CO13-17 Comment noted

²⁹ See New York State Department of Conservation and Natural Resources, High-Volume Hydraulic Fracturing in NYS, available at <http://www.dec.ny.gov/energy/75370.html>.

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FERC did not take a hard look at the cumulative effects on fisheries and other aquatic resources. For example, FERC states that cumulative impacts “could occur” on these resources but because of Transco’s proposed mitigation measures and similar measures implemented in other FERC-regulated and state-regulated actions, “none of these impacts are expected to be cumulatively significant.” DEIS at 4-278. FERC cannot abdicate its obligation to analyze cumulative impacts by pointing to the potential implementation of mitigation measures in the future, particularly where those mitigation measures are not identified in the DEIS. Nor can FERC delegate its NEPA responsibilities by deferring “to the scrutiny of other [agencies].” *Idaho v. Interstate Commerce Comm’n*, 35 F.3d 585, 595 (D.C. Cir. 1994) (citing *Calvert Cliffs’ Coordinating Comm.*, v. *U.S. Atomic Energy Comm’n*, 449 F.2d 1109 (D.C. Cir. 1971). Therefore, FERC failed to take a hard look at cumulative impacts on fisheries and other aquatic resources.

CO13-18

4. Special Status Species

In addition to wildlife in general, FERC failed to take a hard look at the cumulative effects of gas drilling on special status species. The entire section on special status species is two paragraphs. *See* DEIS at 4-278. FERC simply states that [b]ecause protection of threatened, endangered, and other special status species is part of the federal and state permitting processes, cumulative impacts on such species would be reduced or eliminated[.]” *Id.* “Consequently,” says FERC, “past and present projects in combination with the Atlantic Sunrise Project would have minor cumulative effects on special status species.” *Id.* This will not suffice.

First, FERC’s conclusion that “past and present projects in combination with the Atlantic Sunrise Project would have minor cumulative effects on special status species” excluded analysis of “reasonably foreseeable future actions” in violation of CEQ’s regulations. 40 C.F.R. §

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Species-specific consultation with state and federal wildlife agencies is being conducted by Transco, and the potential for impacts, including those resulting from the cumulative impact of the proposed action combined with other known or reasonably foreseeable actions, is being assessed. The results of these consultations are addressed in the final EIS.

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1508.7. Second, FERC cannot rely on statutes like the Endangered Species Act (“ESA”) as a substitute for its compliance with NEPA. *See e.g., Conservation Congress v. U.S. Forest Service*, 720 F.3d 1048, 1054-55 (9th Cir. 2013) (explaining that NEPA’s definition of “cumulative impact” is broader than ESA’s definition). Third, the 10-mile ROI for shale gas development excluded the broader landscape level effects from consideration. By failing to analyze cumulative impacts of shale gas development beyond the 10-mile ROI, FERC is willfully disregarding impacts to special status species.

For example, the timber rattlesnake is a “candidate species for listing in Pennsylvania.” DEIS at 4-120. Candidate species “are at risk for becoming endangered or threatened in the future and are legally protected in Pennsylvania.” *Id.* FERC acknowledges that “portions of CPL South and Chapman Loop would be within the range of the timber rattlesnake in Lebanon, Northumberland, Schuylkill, and Clinton Counties.” *Id.* (citation omitted). The cumulative impacts analysis, however, fails to analyze the impacts of shale gas development beyond the 10-mile ROI.

It is important to note that the timber rattlesnake is already “extirpated from Maine, Rhode Island, and Ontario,” listed as “state endangered in New Hampshire, Vermont, Massachusetts, Connecticut, Ohio, and New Jersey,” listed as “threatened in New York, and considered a species of concern in West Virginia and Maryland.” PAFBC, Species Action Plan – Timber Rattlesnake, p. 4 (June 2011), *available at* <http://fishandboat.com/water/amprep/species-plan-timber-rattlesnake.pdf>. In comparison, the timber rattlesnake “continues to persist in relatively large population densities across some regions of Pennsylvania, though these populations are highly disjunct.” *Id.* “Consequently,

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(cont'd) | *Pennsylvania may function as a stronghold for the continued survival of this species.*³⁰ *Id.*

(emphasis added) (citation omitted).

According to DCNR, “[t]he largest populations of timber rattlesnakes occur in remote, heavily forested regions of Pennsylvania, *which means they often call state forests home.*”

DCNR, Rattlesnakes in Pennsylvania State Forests (emphasis added), available at <http://dcnr.state.pa.us/forestry/wildlife/rattlesnakes/index.htm>. Pennsylvania’s “2.2 million acres of State Forest lands provide the *largest blocks of timber rattlesnake range remaining in the Northeastern states.*” *Id.* (emphasis added).

Pipeline construction and shale gas drilling could change that, however. According to PAFBC, some of the leading threats to timber rattlesnakes include “natural resource extraction and associated infrastructure development,” “habitat destruction or disturbance in hibernacula areas,” “increase of human activity within habitat range,” “new road construction,” and “high vehicular traffic on previously low volume roadways.” *Id.* at 5. These are precisely the kinds of impacts that result from pipeline construction and shale gas drilling.

FERC failed to adequately consider the cumulative impacts of the Project and shale gas drilling on timber rattlesnake. This same flaw infected FERC’s analysis regarding other special status species as well, including federally threatened and endangered species. Therefore, FERC DEIS does not satisfy NEPA.

CO13-19 | **5. Land Use, Recreation, Special Interest Areas, and Visual Resources**

FERC failed to take a hard look at cumulative impacts of shale gas development on land use, recreation, special interest areas, and visual resources. For example, regarding land use,

³⁰ Considering that shale gas drilling has increased substantially across Pennsylvania since PAFBC’s Action Plan for timber rattlesnakes was published in 2011, the population density figures could be outdated.

CO13-19 See the response to comment PM1-6.

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FERC only considered “ongoing Marcellus shale development in Susquehanna County.” DEIS at 4-279. There are two major problems with this.

First, while this geographic scope is broader than the 10-mile ROI used elsewhere in the DEIS, it is still far too narrow. For example, as noted above, Seneca Resources has expressly stated that it is waiting for authorization of the Atlantic Sunrise Project to increase shale gas development in its EDA, which includes leases in Potter, Tioga, Clinton, and Lycoming Counties. *See* National Fuel, Investor Presentation – Q2 Fiscal 2016 Update, p. 10. At least three of these leases, DCNR Tracts 595, 100, and 007, are on state forest land. *See id.* at 17. At a minimum, FERC must expand the geographic scope of its analysis of shale gas drilling to the counties in which the Project’s natural gas suppliers are operating.

Second, FERC is required to consider the cumulative impacts of “past, present, and reasonably foreseeable future actions.” 40 C.F.R. § 1508.7. By only considering “ongoing Marcellus shale development,” FERC necessarily excluded past actions from consideration. These restrictive parameters obfuscate the significant and long-term land use impacts that have already occurred and may continue to occur in this region, especially if FERC continues authorizing pipeline projects without ever taking a comprehensive region-wide analysis.

Regarding recreation and special interest areas, FERC claims that the impacts of other projects “could result” in cumulative impacts if those other reasonably foreseeable future actions “affect the same area at the same time as the [Atlantic Sunrise] Project.” DEIS at 4-280. In other words, the cumulative impacts of shale gas development are only considered as potentially impacting these resources if that development occurs within the 10-mile ROI and occurs at the same time as construction of the Project.

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To satisfy NEPA, FERC must take a much broader view of cumulative impacts of shale gas development on land use, recreation, special interest areas, and visual resources because such development is encroaching upon, currently impacting and substantially altering remote, forested areas in Pennsylvania, including state forest lands that provide outstanding opportunities for remote recreation. According to the DCNR's 2015 Draft Forest Management Plan:

The majority of [shale gas] development [on state forests] has occurred in the Devonian-aged Marcellus Shale. Approximately 1.5 million acres of state forest lands lie within the prospective limits of the Marcellus Shale. Assuming a drainage area of 120 acres per well, the [DCNR's Bureau of Forestry (Bureau)] expects that approximately 3,000 wells *may be drilled* to fully develop the lands it currently has leased . . . In recent years, there has been a marked increase in the development of the Ordovician-aged Utica Shale in western Pennsylvania and eastern Ohio . . . As development moves eastward from the Pennsylvania-Ohio border, the [Bureau] has seen an increased interest in the Utica Shale on state forest lands. Development of the Utica has become increasingly prevalent adjacent to state forest lands, primarily in Tioga County and the northwestern section of the state forest system.

DCNR, 2015 Draft State Forest Management Plan, 134-35 (emphasis added), *available at* http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_20031287.pdf. Thus, these remote, forested area of Pennsylvania, which contains outstanding biological and recreational features, are seriously threatened by rapidly encroaching shale gas development. As DCNR explains:

Unconventional shale-gas development can cause short-term or *long-term conversion of existing natural habitats to gas infrastructure*. The footprint of shale-gas infrastructure is a byproduct of shale-gas development. The use of existing transportation infrastructure on state forest lands, such as roads and bridges, increase considerably due to gas development . . . Shale-gas development requires *extensive truck traffic by large vehicles*, which may require upgrades to existing roads to support this use. These upgrades may affect the wild character of roads, a value that is enjoyed by state forest visitors . . . Compressor stations commonly are used in association with gas production and pipelines. Compressor stations increase the gas pressure at the well bore or within pipelines to overcome friction or production volume decreases. *Noise from compressors can dramatically affect a state forest user's recreational experience and generate conflict*. Unlike compressors, most sources of potential noise on state forest land are temporary in nature . . . The development of oil and gas resources requires pipelines for delivering the product to market. When compared to other aspects of gas development, *pipeline*

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construction has the greatest potential to cause forest conversion and fragmentation due to the length and quantity of pipelines required.

Id. at 136-38 (emphasis added).

The U.S. Forest Service (“USFS”) has also explained how oil and gas development

“industrializes” forest environments and impacts recreation on public lands:

The value of the land to provide recreation opportunities is diminished in intensively developed oil fields. The land area is *crisscrossed with roads*, which are confusing to navigate and usually not open to public travel. The *sounds of vehicles, pump engines and heavy equipment are common and pervasive*. Trail systems that traverse these fields are interrupted by *frequent road crossings*. Some trails may be converted to roads when the trail is located in an appropriate location for road building. Mineral owners may continue to expand the oil field to the extent of its geologic limit. Some of the developed oil fields cover thousands of acres. *The inherent character of the landscape is converted to an industrial atmosphere in the midst of the forest.*

USFS, Allegheny National Forest Roads Analysis Report, 44 (2003) (emphasis added), available at http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5048405.pdf. In the 2007 Forest

Plan FEIS, the USFS cautioned that, because of the amount of oil and gas drilling in the

Allegheny National Forest, “those seeking a more remote and less developed recreation

experience *could be displaced to other State or National Forests where remote, semi-primitive*

settings and experiences are more readily available.” USFS, Allegheny National Forest Land

and Resource Management Plan FEIS, 3-327 (2007) (emphasis added), available at

http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5044089.pdf. Now, pipeline

projects like Atlantic Sunrise and related shale gas development are combining to rapidly

fragment Pennsylvania’s remote, state forest lands. These are long-term land use changes from a

rural, forested setting to an increasingly industrialized setting.

DCNR has modeled how shale gas development in Tioga State Forest could quickly

erode the forest’s “wild character.” See DCNR, Impacts of Leasing Additional State Forest for

Natural Gas Development, 20-28. First, the model shows this portion of Tioga State Forest as it

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exists with no gas wells. *Id.* at 20. Next, DCNR states that an “estimated 54 new well pads could be developed within the next 5-10 years in this ~65,000 acre landscape view.” *Id.* at 21. Next, DCNR ranks the existing landscape in terms of its “wild character” before drilling, ranging from “primitive” and “semi-primitive” to “semi-developed.” *Id.* at 22. When DCNR overlays new roads and well pads, it results in “significant decreases in Primitive and Semi-Primitive” forests and “a dramatic increase in semi-developed [] areas.” *Id.* at 23-25. DCNR says that 54 new well pads in this part of Tioga State Forest would result in a net loss of 8,171 acres of primitive forest, a net loss of 5,274 acres of semi-primitive forest, and a net gain of 13,545 acres of semi-developed area. *Id.* at 27. DCNR concludes that any “additional natural gas development involving surface disturbance would *significantly damage the wild character of the state forest.*” *Id.* at 28 (emphasis added).

FERC’s approval of the Project would expand the capacity of Transco’s Leidy Line. A likely consequence of that decision would be increased shale gas drilling on nearby state forest lands, threatening significant damage to their wild character. For example, as noted above Seneca Resources has leased a large amount of acreage in Potter, Tioga, and Lycoming Counties. *See* National Fuel, Investor Presentation at 17. Seneca Resources’ “DCNR Tract 100” lease is directly connected to Transco’s Leidy Line. *Id.* All of DCNR Tract 100, which covers 8,891 acres, is within Loysock State Forest. *See* DCNR, Index to Existing Oil and Gas Leases on Pennsylvania State Forest Lands, at 1 (last updated Aug. 26, 2014), *available at* http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_20029754.pdf (Attachment 4). To date, Seneca has constructed 10 well pads and four freshwater impoundments on Tract 100. *Id.* Seneca’s lease, however, allows it to construct a total of 35

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well pads on Tract 100. *Id.* Thus, Seneca could construct an additional 25 well pads on Tract 100. This would significantly fragment this area of Loyalsock State Forest.

For example, DCNR's Shale Gas Monitoring Data website identifies the existing 10 well pads and associated infrastructure that has been constructed on Tract 100. *See* Seneca Resources, Tract 100 Map (Attachment 5).³¹ The existing 10 well pads and access roads have already fragmented this part of Loyalsock State Forest. If Seneca Resources constructs an additional 25 well pads on Tract 100, the entire 8,891-acre tract will be an industrialized landscape that is incapable of providing remote, recreation opportunities. Even though Seneca Resources is a subscriber on the Atlantic Sunrise Project and has expressly stated that it is awaiting approval of the Atlantic Sunrise Project to increase further shale gas development in its EDA, which includes Tract 100 in Loyalsock State Forest, FERC ignored impacts of shale gas development on land use, recreation and special interest areas, and visual resources. As such, FERC cannot rely on the DEIS to support authorization of the Project.

It is imperative that FERC greatly expand the scale at which it considers cumulative impacts on public lands. As noted above, the USFS has already told the public that oil and gas development has so impacted Pennsylvania's Allegheny National Forest that "those seeking a more remote and less developed recreation experience *could be displaced to other State or National Forests where remote, semi-primitive settings and experiences are more readily available.*" USFS, Allegheny National Forest Land and Resource Management Plan FEIS, 3-327. But as pipeline construction and shale gas development continues expanding, these "other

³¹ This map was created using DCNR's State Forest Shale Gas Infrastructure Interactive Map, available at <http://www.gis.dcnr.state.pa.us/maps/index.html?shaledata=true>. The leased area is shaded in blue and shale gas wells are identified as red squares.

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State or National Forests” are rapidly being impacted by the sights and sounds of shale gas development.

As explained above, shale gas development is currently encroaching upon and impacting state forest lands across Pennsylvania. In addition, shale gas development and pipeline projects are impacting public lands in states surrounding Pennsylvania. For example, the proposed Atlantic Coast Pipeline would cut through the Monongahela National Forest in West Virginia and the George Washington National Forest in Virginia. *See* FERC, Supplemental Notice of Intent to Prepare an EIS for the Atlantic Coast Pipeline Project (Docket CP15-554-000; Accession No. 20160503-3002). The proposed Mountain Valley Pipeline would also cut through the Jefferson National Forest in West Virginia and Virginia. *See* Mountain Valley Pipeline, LLC, Mountain Valley Pipeline Project, Resource Report 8 at 8-29 (Docket CP16-10-000, Accession No. 20151023-5035).

In Ohio, pipeline construction and shale gas development are threatening the Wayne National Forest. The proposed Leach Xpress Pipeline Project would be located within a half-mile of the Wayne National Forest in Ohio. *See* Columbia Gas Transmission, LLC, Leach Xpress Pipeline Project, Resource Report 8 at 8-19 (Docket No. CP15-514-000, Accession No. 20150608-5049). Recently, the Bureau of Land Management (“BLM”) issued a draft environmental assessment to lease up to 40,000 federally-owned minerals located in the Wayne National Forest. *See* BLM, Draft Environmental Assessment for Oil and Gas Leasing in the Wayne National Forest, available at https://eplanning.blm.gov/epl-front-office/projects/nepa/53939/73225/80423/EAWayneNFLeasing2016MariettaUnit_finaldraft.pdf. As pipeline construction and shale gas development proliferate in Appalachia, remote recreation opportunities are rapidly diminishing. FERC failed to consider whether its authorization of

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(cont'd) projects like Atlantic Sunrise are causing the same kind of impacts to “other State and National Forests” that USFS officials in the Allegheny National Forest say have made that national forest undesirable for remote recreation. Therefore, the DEIS is legally deficient.

CO13-20

6. Air Quality

FERC failed to take a hard look at the cumulative impacts of the Project and past, present and reasonably foreseeable future shale gas development on air quality. For example, FERC states that:

There are gas wells to the north and west of Compressor Stations 517 and 520 within 10 miles of each station. Each of the wells would need to comply with applicable air regulations, including emission controls required by regulations, which would minimize their impact on local air quality. The potential for these wells to contribute to cumulative air impacts in the areas surrounding the compressor stations is low due to the differences in the compounds emitted from well sites compared to Transco’s compressor stations and the small quantity of emissions typically produced at well sites.

DEIS at 4-286. There are several problems with FERC’s “analysis.”

First, FERC provides no basis for limiting the analysis area to within 10 miles of the two compressor stations. Such a restrictive ROI for cumulative air impacts of shale gas development excludes thousands of shale gas wells that have been drilled in recent years in the counties where the Project is located. In other recent NEPA documents, FERC relied on a 50-kilometer (31-mile) ROI for its cumulative impact analysis on air quality. *See e.g.*, FERC, Broad Run Expansion Project EA, at 118 (Docket No. CP15-77-000) (“[t]he region of influence considered for cumulative impacts on air quality is at least 50 km surrounding each compressor station, or the [air quality control region], if applicable”); FERC, New Market Project EA, at 104 (Docket No. CP14-497-000) (the “[a]ir emissions from operational sources have the greatest potential to be cumulative within a [region of influence] of 50 kilometers (approximately 31 miles).”). It is

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CO13-20 See the response to comment FA1-25. For the purposes of determining cumulative impacts, FERC has assumed that potential or permitted emission sources within the region of influence (or geographic scope) are operating in compliance with applicable air regulations, because there is no basis for assuming otherwise.

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arbitrary for FERC to use a region of influence of 31 miles to consider cumulative impacts in some projects while using 10 miles in others, including this Project.

Second, the fact that gas wells “would need to comply with applicable air regulations,” does not excuse FERC from its obligation of analyzing these cumulative impacts. FERC has an independent duty to review the environmental and human health impacts of the Project and cannot simply rely on the regulatory efforts by the EPA and DEP. See, e.g., *Idaho v. Interstate Commerce Comm’n*, 35 F.3d 585, 595-96 (D.C. Cir. 1994) (agency fails to take a “hard look” when it “defers to the scrutiny of others”); *North Carolina v. Fed. Aviation Admin.*, 957 F.2d 1125, 1129-30 (4th Cir. 1992) (“[NEPA] precludes an agency from avoiding the Act’s requirements by simply relying on another agency’s conclusions about a federal action’s impact on the environment.”)

Moreover, the issuance of a permit simply means that a polluting source has met a “minimum condition”; it does not establish that a project will have no significant impact under NEPA. *Calvert Cliff’s Coordinating Comm. v. U.S. Atomic Energy Comm’n*, 449 F.2d 1109, 1123 (D.C. Cir. 1971); *WildEarth Guardians v. U.S. Office of Surface Mining, Reclamation & Enforcement*, 104 F. Supp 3d 1208, 1227-28 (D. Colo. 2015) (rejecting argument that coal mine’s compliance with the Clean Air Act exempts mine from review for significant impacts to the environment under NEPA because “[i]t is the duty of OSM [Office of Surface Mining] to determine where a mining plan modification would contribute to such an effect, whether or not the mine is otherwise in compliance with the Clean Air Act’s emissions standards.”)

Third, FERC provides no explanation for its claim that the potential for cumulative air impacts is low because of the “differences in the compounds emitted from well sites compared to Transco’s compressor stations.” FERC must provide a detailed explanation why emissions from

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(cont'd) well sites and compressor stations do not combine to cumulatively impact air quality. This claim is based, in part, on FERC's reliance on "the small quantity of emissions typically produced at well sites." Even assuming that each well site emits only a small quantity of pollutants, the fact remains that there are several thousand well sites in northern Pennsylvania. "Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.7.

CO13-21 **V. FERC must prepare a programmatic EIS for infrastructure projects related to increasing takeaway capacity from the Appalachian Basin.**

A programmatic EIS ("PEIS") is required for certain "broad Federal actions." 40 C.F.R. § 1502.4(b). The Supreme Court specified that NEPA requires a PEIS "in certain situations where several proposed actions are pending at the same time." *Kleppe v. Sierra Club*, 427 U.S. 390, 409 (1976). The Court explained that:

when several proposals . . . that will have cumulative or synergistic environmental impacts upon a region are pending concurrently before an agency, their environmental impacts must be considered together. Only through comprehensive consideration of pending proposals can the agency evaluate different courses of action.

Id. at 410.

Here, FERC is well aware that there are more than "several proposed actions are pending at the same time . . . that will have cumulative or synergistic environmental impacts upon a region." Figure 3 below identifies current proposed "greenfield" pipeline projects impacting the Appalachian basin.

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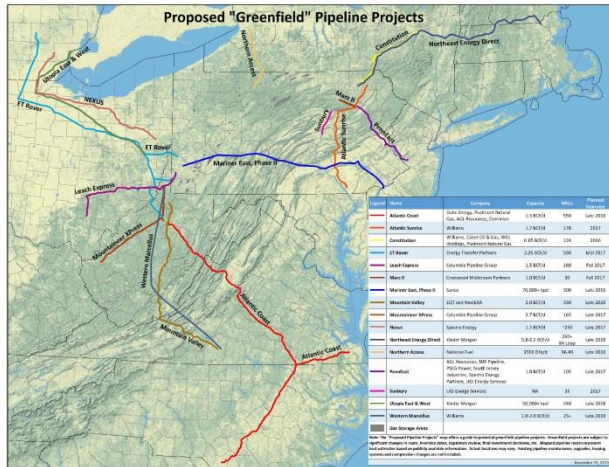
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FERC is an independent regulatory agency with specific jurisdiction defined by law that does not permit the Commission to direct the development of interstate natural gas proposals on a regional or nationwide scale. The Commission is tasked, however, with reviewing individual interstate natural gas transmission projects when an established market demand drives a proposal. Given the parameters defining the bounds of FERC, we have determined that it is neither a prudent use of agency resources, nor within our authority, to conduct a "programmatic EIS" discussing all natural gas development, transmission, and consumption on a regional, or nationwide basis. Furthermore due to the widely varying nature and scope of natural gas projects, we prepare focused environmental analysis for specific proposals, not a generic analysis to be used on all projects.

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Figure 3: Proposed “Greenfield” Pipeline Projects Impacting the Appalachian Basin.



Source: Penn State – Marcellus Center for Outreach and Research, Nov. 25, 2015. (Attachment 6). See also Attachment 7, which is the same map as Figure 3 but with gas wells.

As Figure 3 shows, there are at least nine greenfield pipeline projects totaling over 2,500 miles targeting shale gas supplies in the OH-PA-WV tri-state area. This would expand gas capacity out of this region by 13.45 Bcf/d and NGL capacity by 120,000 bpd. In other words, “several proposed actions are pending at the same time . . . that will have cumulative or synergistic environmental impacts upon a region.” *Kleppe*, 427 U.S. at 409-410. FERC cannot stick its head in the sand and ignore the cumulative impacts of these projects while it incrementally authorizes this massive infrastructure build-out.

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In December 2014, CEQ published guidance for when agencies should prepare a PEIS.

According to this guidance, “[a] well-crafted programmatic NEPA review” provides a basis for “identifying broad mitigation and conservation measures that can be applied to subsequently tiered reviews.” CEQ, *Effective Use of Programmatic NEPA Reviews*, p. 10 (2014), available at https://www.whitehouse.gov/sites/default/files/docs/effective_use_of_programmatic_nepa_reviews_18dec2014.pdf. Additionally:

Programmatic NEPA reviews may also support policy- and planning-level decisions when there are limitations in available information and uncertainty regarding the timing, location, and environmental impacts of subsequent implementing action(s). For example, in the absence of certainty regarding the environmental consequences of future proposed actions, agencies may be able to make broad program decisions and establish parameters for subsequent analyses based on a programmatic review that adequately examines the reasonably foreseeable consequences of a proposed program, policy, plan, or suite of projects.”

Id. at 11. FERC has no justification for evading a programmatic review here; any uncertainty surrounding future gas projects is certainly no excuse. In fact, a programmatic review may assist FERC (and the public) in understanding the broader reasonably foreseeable consequences of jurisdictional and non-jurisdictional natural gas infrastructure projects in the Appalachian Basin.

The 2014 guidance recommends preparing a PEIS when “several energy development programs proposed in the same region of the country [have] similar proposed methods of implementation and similar best practice and mitigation measures that can be analyzed in the same document.” *Id.* at 21. Additionally, CEQ says that “broad Federal actions may be implemented over large geographic areas and/or a long time frame” and “must include connected and cumulative actions, and the responsible official should consider whether it is helpful to include a series or suite of similar actions.” *Id.* at 22.

According to CEQ, the benefit of a PEIS is obvious:

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When the public has a chance to see the big picture early it can provide fresh perspectives and new ideas before determinations are made that will shape the programmatic review and how those determinations affect future tiered proposals and NEPA reviews. Early outreach also provides an opportunity to develop trust and good working relationships that may extend throughout the programmatic and subsequent NEPA reviews and continue during the implementation of the proposed action.

Id. at p. 25 (citations omitted). Furthermore:

Programmatic NEPA reviews provide an opportunity for agencies to incorporate comprehensive mitigation planning, best management practices, and standard operating procedures, as well as monitoring strategies into the Federal policymaking process at a broad or strategic level. These analyses can promote sustainability and allow Federal agencies to advance the nation's environmental policy as articulated in Section 101 of NEPA.

By identifying potential adverse impacts early during the broad programmatic planning, programmatic NEPA reviews provide an opportunity to modify aspects of the proposal and subsequent tiered proposals to avoid or otherwise mitigate those impacts. A thoughtful and broad-based approach to planning for future development can include best management practices, standard operating procedures, adaptive management practices, and comprehensive mitigation measures that address impacts on a broad programmatic scale (e.g., program-, region-, or nation-wide).

Id. at 35. All of this supports the need for FERC to prepare a PEIS for gas-related infrastructure projects in the Appalachian Basin so that the public has a chance to see the big picture.

In comments on the proposed Atlantic Sunrise Project, former Pennsylvania Governor

Tom Corbett urged FERC to take a more comprehensive approach to reviewing pipeline projects in order to mitigate impacts on our environment and communities:

The significant increase in infrastructure development to transport natural gas to markets raises unique concerns and questions for communities who host these pipelines. I have heard from many citizens of Pennsylvania who live near or along the proposed corridor of the Atlantic Sunrise pipeline and are concerned about the potential environmental impact of this project. . . . While your current review is focused specific to the proposed Atlantic Sunrise pipeline, I also strongly encourage FERC to seek coordination to the greatest extent possible among other proposed pipeline projects that seek to move natural gas to market. A recurring issue raised by local residents is whether we are efficiently deploying infrastructure – and the appropriate level of communication is occurring between potential project developers – in a manner that minimizes and mitigates overall disturbance on both the environment and local communities. Such coordination and efficiency has the advantage of maximizing benefit to consumers as well. Given the

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agency's regulatory responsibility, and unique vantage point of being aware of other potential projects, I believe FERC is best suited to consider these factors as you continue your review of this proposed project.

Gov. Tom Corbett's comments on the Atlantic Sunrise Project, Aug. 18, 2014 (emphasis added) (Docket No. PF14-8-000; Accession No. 20140825-0011). FERC's "unique vantage point of being aware of other potential projects" supports the need for it to seek coordination with pipeline companies and the public in order to truly consider the need for and reasonable alternatives to the many projects targeting this region, instead of analyzing those issues in isolation with blinders on for each project.

In July 2012, the Department of Energy ("DOE") and Bureau of Land Management ("BLM") published a final PEIS for Solar Development in southwestern United States. *See* BLM, Final PEIS for Solar Energy Development in Six Southwestern States, *available at* <http://solareis.anl.gov/documents/fpeis/index.cfm>. DOE and BLM prepared the EIS as co-lead agencies in consultation with cooperating agencies. *See id.* at Exec. Summ., Cover Page, *available at* http://solareis.anl.gov/documents/fpeis/Solar_FPEIS_ExecutiveSummary.pdf. For DOE, the Solar FPEIS "includes the evaluation of developing new guidance to further facilitate utility-scale solar energy development and *maximize the mitigation of associated environmental impacts.*" *Id.* at ES-1 (emphasis added).

This is precisely what FERC should be doing for gas-related infrastructure that aims to connect Appalachian Basin shale gas to market areas. As Figure 3 shows, there are "several proposals . . . that will have cumulative or synergistic environmental impacts upon [the Appalachian] region [and they] are pending concurrently before [FERC]." *Kleppe*, 427 U.S. at 410. Therefore, "their environmental impacts must be considered together" in a comprehensive PEIS. *Id.* By preparing a PEIS, FERC could employ a more "thoughtful and broad-based

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approach to planning for future development” and “maximize the mitigation of associated environmental impacts” on a multitude of resources, including waterbodies and wetlands, forests, wildlife habitat, threatened and endangered species, public lands, air quality and noise.

VI. FERC has a duty to ensure no jeopardy to listed species under Section 7(a)(2) of the Endangered Species Act.

A. Statutory and Regulatory Background

To fulfill the substantive purposes of the Endangered Species Act (“ESA”), federal agencies are required to engage in Section 7 consultation with the National Marine Fisheries Service or the U.S. Fish and Wildlife Service (“FWS”) (collectively, “Services”), depending on the species at issue, to “insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined . . . to be critical.” 16 U.S.C. § 1536(a)(2). The definition of agency “action” is broad and includes “all activities or programs of any kind authorized, funded, or carried out, in whole or in part” including “the granting of licenses, contracts, leases, easements, rights-of-way, [or] permits” and any “actions directly or indirectly causing modifications to the land, water, or air.” 50 C.F.R. § 402.02.

Each federal agency must review its actions at “the earliest possible time” to determine whether any action “may affect” listed species or their critical habitat in the “action area.” 50 C.F.R. § 402.14(a). The “action area” encompasses all areas that would be “affected directly or indirectly by the Federal action and not merely the immediate area involved in the action.” 50 C.F.R. § 402.02. The term “may affect” is broadly construed to include “[a]ny possible effect, whether beneficial, benign, adverse, or of an undetermined character,” and thus is easily triggered. *Interagency Cooperation – Endangered Species Act of 1973, As Amended*, 51 Fed.

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Reg. 19,926 (June 3, 1986). If a “may affect” determination is made, “consultation” is required. Therefore, pursuant to the ESA, FERC must inquire as to the presence of listed species in the areas that are affected by the proposed actions and must “use the best scientific and commercial data available” to determine whether listed species are likely to be adversely affected by the action. 16 U.S.C. § 1536(a)(2).

If the action agency concludes that the proposed action is “not likely to adversely affect” the species, then the Services must concur in writing with this determination in order to avoid formal consultation. 50 C.F.R. §§ 402.13(a) and 402.14(b). If the Services concur in this determination, then consultation is complete. *Id.* § 402.13(a). If the Services’ concurrence in a “not likely to adversely affect” finding is inconsistent with the best available science, however, any such concurrence must be set aside. *See* 5 U.S.C. § 706(2). However, when the agency concludes that the action is “likely to adversely affect” listed species or critical habitat, it must then enter into “formal consultation” with the FWS. 50 C.F.R. §§ 402.12(k), 402.14(a). The threshold for triggering the formal consultation requirement is “very low;” “any possible effect ... triggers formal consultation requirements.” *See* 51 Fed. Reg. 19,926.

“Formal consultation” commences with the action agency’s written request for consultation and concludes with the Services’ issuance of a “biological opinion.” 50 C.F.R. § 402.02. The biological opinion issued at the conclusion of formal consultation states the opinion of the Services as to whether the effects of the action are “likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat.” *Id.* § 402.14(g)(4). To “jeopardize the continued existence of” means “to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of

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both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.” *Id.* § 402.02.

The “effects of the action” include all direct and indirect effects of the proposed action, plus the effects of actions that are interrelated or interdependent, added to all existing environmental conditions - that is, added to the environmental baseline. *Id.* “The environmental baseline includes the past and present impacts of all Federal, state, and private actions and other human activities in the action area...” *Id.* The effects of the action must be considered together with “cumulative effects,” which are “those effects of future State or private activities, not involving Federal activities, that are reasonably certain to occur within the action area of the Federal action subject to consultation.” *Id.*

If jeopardy is likely to occur, the Services must prescribe in the biological opinion “reasonable and prudent alternatives” to avoid “take” of listed species. *Id.* § 402.14(g). If the FWS concludes that a project is not likely to jeopardize listed species, it must provide an “incidental take” statement with the biological opinion, specifying the amount or extent of incidental take, “reasonable and prudent measures” necessary or appropriate to minimize such take, and the “terms and conditions” that must be complied with by the action agency to implement any reasonable and prudent measures. 16 U.S.C. § 1536(b)(4), 50 C.F.R. § 402.14(i).

After the issuance of a final biological opinion and “where discretionary Federal involvement or control over the action has been retained or is authorized by law,” the agency must reinstate formal consultation if, *inter alia*:

- the amount or extent of taking specified in the incidental take statement is exceeded;
- new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered;
- the identified action is subsequently modified in a manner that causes an effect to the listed species ... that was not considered in the biological opinion; or
- a new species is listed or critical habitat designated that may be affected by the identified

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action.”

50 C.F.R. § 402.16.

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B. FERC and FWS must enter formal consultation on the northern long-eared bat and northeastern bulrush.

There are at least four federally endangered and threatened species that could be impacted by the Atlantic Sunrise Project – Indiana bat, northern long-eared bat, bog turtle, and northeastern bulrush. *See* DEIS at 4-104 – 4-114. FERC concluded that the Project “may affect, but is not likely to adversely affect” the Indiana bat and bog turtle. *Id.* at 4-107 and 4-113. However, FERC concluded that the Project “may affect, and is likely to adversely affect” the northern long-eared bat and northeastern bulrush. *Id.* at 4-111 and 4-114. Therefore, at a minimum, FERC must engage in formal consultation with FWS regarding northern long-eared bat and northeastern bulrush. 50 C.F.R. §§ 402.12(k), 402.14(a).

FERC, however, attempts to avoid formal consultation by “requesting that the FWS consider this draft EIS, along with various survey reports prepared by Transco, as the BA for the Project in accordance with section 7 of the ESA.” DES at 4-102. This does not comply with the ESA’s implementing regulations. “Formal consultation is not required . . . [i]f the [BA] indicates that there are no listed species or critical habitat present that are likely to be adversely affected by the action and the Director concurs[.]” 50 C.F.R. § 402.12(k). Here, the DEIS, which FERC requests that FWS consider as the BA, determined that the Project is “likely to adversely affect” northern long-eared bat and northeastern bulrush. Therefore, FERC must enter formal consultation with FWS on these two species. *Id. see also* 50 C.F.R. § 402.14(a).

1. Northeastern Bulrush

Northeastern bulrush is a “wetland plant . . . [o]ccurring in isolated areas scattered across seven states [that] is difficult to find and difficult to recognize.” FWS, Northeastern Bulrush,

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Since the issuance of the draft EIS, additional survey data and agency consultations have been provided by Transco, thereby changing some of the effect determinations in the EIS (see the revised text in section 4.7.2 of the EIS).

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available at <https://www.fws.gov/northeast/pdf/bulrush.pdf>. “[H]abitat alternations that make a site consistently drier or wetter could make life impossible for northeastern bulrush.” *Id.*

“Activities such as filling or ditching in a wetland can destroy or degrade this species’ habitat and pose a threat.” *Id.* The key to recovery for northeastern bulrush is “preventing habitat destruction and deterioration at sites where the plant now grows and any additional locations as they are found.” *Id.*

CO13-23 According to FERC, “surveys identified northeastern bulrush in one wetland in Luzerne County and a second wetland in northern Columbia County.” DEIS at 4-113. However, FERC notes that additional surveys conducted in 2015 have yet to be submitted to FWS. *Id.* Thus, there could be additional locations where northeastern bulrush is found.

Regarding the identified population in Luzerne County, FERC says that Transco revised its route, which “provides a buffer of 250 feet between the workspace and the northern [sic] bulrush population, but does not avoid the wetland entirely.” *Id.* Regarding the identified population in Columbia County, FERC says that “the proposed construction workspace is set back about 110 feet from the northeastern bulrush population and about 50 feet from the wetland.” *Id.* In neither case is Transco’s proposed buffer compliant with the “FWS-preferred buffer of 300 feet[.]” *Id.* Thus, FERC concludes that “the Project has the potential to result in unanticipated adverse effects, such as the alteration of wetland hydrology, the introduction of invasive species, or the inadvertent release of fuels or lubricants during construction.” *Id.*

Indeed, previous pipeline construction in Pennsylvania has significantly impacted wetlands. For example, construction of Tennessee Gas Pipeline Company’s “300 Line” in northern Pennsylvania “highly impacted” the hydrological connectivity between a wetlands complex and a stream to the point that the stream, which had previously flowed from the

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CO13-23

Since the issuance of the draft EIS, additional survey data and agency consultations have been provided by Transco, thereby changing some of the effect determinations in the EIS (see the revised text in section 4.7.2 of the EIS).

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wetlands complex, is now “barely discernable.” *See* Attachment 1. In addition, according to the Western Pennsylvania Conservancy, construction of a pipeline through Tamarack Swamp in Clinton County “appears to have been particularly disruptive, physically separating contiguous sections of wetland, altering hydrological patterns and introducing strips of highly altered substrate that will not easily recover.” Western Pennsylvania Conservancy, Clinton County Natural Heritage Review at 79 (2002), *available at* http://www.clintoncountypa.com/departments/county_departments/planning/pdfs/Natural%20Heritage%20Inventory.pdf. Thus, FERC and FWS must require Transco to explore further options to mitigate or avoid impacts to the wetlands containing northeastern bulrush, including using HDD or conventional boring.

CO13-24 | Finally, there is no indication that either FERC or FWS considered the cumulative effects of gas drilling on northeastern bulrush. The effects of the action must be considered together with “cumulative effects,” which are “those effects of future State or private activities, not involving Federal activities, that are reasonably certain to occur within the action area of the Federal action subject to consultation.” 50 C.F.R. § 402.02. FERC’s failure to consider shale gas drilling, a private activity that is “reasonably certain to occur within the action area,” violates 50 C.F.R. § 402.02.

CO13-25 | FERC and FWS must enter formal consultation regarding northeastern bulrush, explore further mitigation and avoidance measures to reduce impacts on wetlands containing northeastern bulrush, and consider the cumulative effects of gas drilling on northeastern bulrush.

2. Northern long-eared bat.

According to FERC, “the northern long-eared bat may occur within all of the counties crossed by the Project in Pennsylvania[.]” DEIS at 4-107. “[K]nown northern long-eared bat

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CO13-24 | See the revised text in section 4.13.8.5 of the EIS.

CO13-25 | See the response to comment CO13-23.

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hibernacula have been documented in Clinton, Columbia, Lancaster, Luzerne, Lycoming, Northumberland, and Schuylkill Counties (FWS, 2014a).” *Id.* The Project is within 5 miles of five known hibernacula in Schuylkill, Northumberland, and either Lancaster or York Counties. *Id.* at 4-107 – 4-108. Two hibernacula are within 0.25 mile of the Project in Northumberland County. *Id.* at 4-108. During mist-net surveys, Transco captured 70 northern long-eared bats, all but one of which were captured along the pipeline route. *Id.* In total, Transco confirmed 37 roosts but estimates as many as 48 roosts. *Id.* at 4-109.

FERC acknowledges the severe impacts the Project would have on northern long-eared bat:

Transco would clear 1,063.8 acres of suitable northern long-eared bat habitat, of which 700.5 acres would no longer be available to the species. Transco would provide compensatory mitigation for the permanent removal of known suitable forest habitat; however, *the loss of this habitat would be significant.*

CO13-26 *Id.* at 4-111 (emphasis added). According to FERC, however, “Transco is currently developing [the compensatory] mitigation plan with the FWS which would be filed with FERC prior to construction.” *Id.* The public must be allowed to review and comment on this mitigation plan as part of the NEPA and ESA reviews. The failure to provide this information during this comment period renders the DEIS legally deficient.

CO13-27 Furthermore, there is no indication that either agency considered the noise impacts from the increase in compression on northern long-eared bat populations. Recent research “indicate[s] that some species of bats are likely negatively affected by noise. See Bunkley, Jessie P., et al., Anthropogenic noise alters bat activity levels and echolocation calls. *Global Ecology and Conservation* 3 (2015) 69 (Attachment 8). In one study, researchers found that several bat species, including northern long-eared bat, may “be affected by acoustic habitat degradation.” Schaub, Andrea, et al., Foraging Bats Avoid Noise. *The Journal of Experimental Biology* (2008)

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CO13-26 Section 4.7.2.2 of the EIS has been updated to include additional information provided by Transco since the issuance of the draft EIS.

CO13-27 A general discussion of noise impacts on wildlife associated with aboveground facilities can be found in section 4.6.1.4 of the EIS. The design of the compressor stations includes sound attenuation to minimize noise-related effects and Transco would complete follow-up noise surveys at the compressor stations to ensure that noise associated with the operation of the compressor stations would not exceed an L_{dn} of 55 dBA at the nearest NSA.

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CO13-27
(cont'd) 3179 (Attachment 9). FERC must consider this “interrelated or interdependent” indirect effect on northern long-eared bats.

CO13-28 Moreover, as with northeastern bulrush, the effects of the action must be considered together with “cumulative effects,” which are “those effects of future State or private activities, not involving Federal activities, that are reasonably certain to occur within the action area of the Federal action subject to consultation.” *Id.* This includes shale gas drilling, a private activity that involves similar impact to northern long-eared bat habitat from tree cutting for roads and well pads and increased noise. As explained above, gas drilling is “reasonably certain to occur within the action area,” such that the FERC’s and FWS’ failure to consider it violates 50 C.F.R. § 402.02.

CO13-29 FERC and FWS must enter formal consultation regarding northern long-eared bat, explore further mitigation and avoidance measures to reduce impacts to a minimum, and consider the cumulative effects of gas drilling on northern long-eared bat.

CO13-30 **3. FERC should also initiate formal consultation with FWS on bog turtle.**
The bog turtle is a “federally listed threatened species, a state-listed endangered species in Pennsylvania, and a state-listed threatened species in Maryland and North Carolina.” DEIS at 4-111. “One of the smallest turtles in the world . . . , [t]he greatest threats to the bog turtle are the loss and fragmentation of its habitat.” *Id.* “Pennsylvania represents the keystone of the northern population, which extends from Maryland and Delaware through Pennsylvania, New Jersey, New York, Connecticut and Massachusetts.” Andrew L. Shiels, Bog Turtles Slipping Away, Pennsylvania Angler & Boater, p. 24 (undated) *available at* <http://fishandboat.com/education/catalog/bogturtle.pdf>. Bog turtles live “in wetlands primarily in the southeastern counties of Pennsylvania” that are already impacted by “the highest human

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CO13-28 See the revised text in section 4.13.8.5 of the EIS.

CO13-29 See the response to comment CO13-28. Section 4.7.2.2 of the EIS describes Transco’s proposed mitigation and avoidance measures for the northern long-eared bat. With implementation of these measures, we have concluded that the Project would not likely adversely affect the northern long-eared bat. We would complete the process of complying with Section 7 of the Endangered Species Act prior to construction.

CO13-30 Section 4.7.2.3 of the EIS describes the potential impacts on and mitigation for bog turtles. Prior to construction, Transco would prepare a bog turtle crossing plan that includes the avoidance and minimization measures to be implemented during construction and a reporting protocol for any bog turtles observed or removed from the construction area. Additionally, Transco would implement a training program to provide construction inspection and contractor staff with guidance on how to identify bog turtles and signs of their activity. Since the issuance of the draft EIS, Transco has provided additional information on survey results and agency consultation. Section 4.7.2.3 of the EIS has been updated accordingly. We would complete the process of complying with Section 7 of the Endangered Species Act prior to construction.

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CO13-30
(cont'd)

population densities in the Commonwealth.” *Id.* at 23. Bog turtles “have suffered from more problems associated with habitat loss than any other turtle in the Commonwealth.” *Id.*

Initial surveys for the Atlantic Sunrise Project “identified suitable bog turtle habitat in 18 delineated wetlands, 9 in Lebanon County and 9 in Lancaster County.” DEIS at 4-112. Further surveying identified at least one bog turtle population within one wetland complex in Lancaster County. *Id.* According to FERC, “Transco is currently developing the Phase 2/3 survey report, which will be submitted to the FWS and FERC.” *Id.* This information should have been included in the DEIS. The failure to provide this information during this comment period renders the DEIS legally deficient.

The DEIS raises serious questions about the potential impacts to bog turtles in this wetland. For example, FERC claims that the “bog turtles in the wetland complex are *confined* to the northern end of the wetland and are not using the portion of the wetland within or adjacent to the proposed project workspace.” *Id.* (emphasis added). FERC does not define what it means by “confined” but we doubt that there are impenetrable barriers that prevent bog turtles from “using the portion of the wetland within or adjacent to the proposed project workspace.” Moreover, FERC does not adequately assess whether construction of the pipeline and maintenance of a right of way in the southern portion of the wetland would adversely affect – through sedimentation, alteration of wetland hydrology, or otherwise – the suitability of the northern portion of the wetland as habitat for the bog turtle. Just because bog turtles are not currently using one portion of a wetland at a particular time does not mean that they will not use it at another point in time or that the portion they are using will not be adversely affected by activities within the same wetland. This rationale does not suffice for FERC’s determination that the Project is not likely

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CO13-30
(cont'd) to adversely affect bog turtles. At a minimum, FERC must investigate the potential of using a trenchless crossing method of this wetland.

CO13-31 FERC has specific obligations under the ESA and NEPA to consider the environmental effects of the proposed action, including direct, indirect, and cumulative effects, on listed species. Such considerations must be appropriately rigorous and should not rely on weak and erroneous assumptions that fail to recognize both the demonstrated risks to species posed by

CO13-32 pipeline and compressor station expansions and the clear manner in which Project approval will facilitate further widespread fracking and attendant environmental impacts.

CO13-33 **VII. FERC must avoid overbuilding pipeline infrastructure**

Commenters are concerned that FERC and the gas industry are engaged in a rapid overbuilding of infrastructure in the Appalachian basin. In considering the impact of new construction projects, FERC's policy is to consider, among other factors, the possibility of overbuilding natural gas infrastructure. *Certification of New Interstate Natural Gas Pipeline Facilities*, 88 FERC ¶ 61,227, p. 2 (1999), *clarified*, 90 FERC ¶ 61,128 (2000), *further clarified*, 92 FERC ¶ 61,094 (2000) ("Certificate Policy Statement"). FERC must consider and address the potential for overbuilding before it may issue a certificate for the Atlantic Sunrise Project.

"The financial dynamics of the natural gas industry encourage overbuilding of natural gas pipelines" and a "weak regulatory process and a lack of coordinated planning for natural gas infrastructure facilitate this process." Institute for Energy Economics and Financial Analysis, *Risks Associated With Natural Gas Pipeline Expansion in Appalachia*, p. 4 (Apr. 2016) ("IEEFA Report"), available at <http://ieefa.org/wp-content/uploads/2016/05/Risks-Associated-With-Natural-Gas-Pipeline-Expansion-in-Appalachia-April-2016.2.pdf>. "[C]urrent low natural gas prices in the Marcellus and Utica region are driving a race among natural gas pipeline companies

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CO13-31 Comment noted.

CO13-32 See the response to comment CO13-9.

CO13-33 See the responses to comments PM2-27 and PM4-23.

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CO13-33
(conf'd)

that want to capitalize on low prices by building new pipeline capacity to higher-priced markets.” *Id.* at 5. “Some upstream producers of natural gas . . . have also moved into the pipeline construction business [which] . . . promises a relatively stable revenue stream compared to the volatility of the natural gas drilling business.” *Id.* at 6. However, “[s]uch short-term balance sheet considerations . . . do not translate into rational planning of long-term infrastructure.” *Id.*

Those financial incentives to construct pipelines even where there is no actual public need for increased capacity are present in this proceeding. As discussed above, gas producer Cabot Oil & Gas “acquired a 20% equity interest in Meade [Pipeline Co.], which was formed to participate in the development and construction of [the Central Penn Line].” Cabot Oil & Gas, 2015 Annual Report (Form 10-K), at 16 (Feb. 22, 2016). According to Cabot, the Atlantic Sunrise Project is directly related to its “long-term plan for monetizing its Marcellus reserves.” Cabot Oil & Gas, 2013 Annual Report, at 7. This is reflected, in part, by the fact that Cabot’s subscribed capacity on the Atlantic Sunrise Project is not only the largest portion of any of the subscribers but is equivalent to all of the other subscribers combined. *See* Application at 10-11.

It thus appears that the primary purpose of projects like the Atlantic Sunrise is not to serve the public convenience and necessity, but rather simply to provide producers like Cabot a higher return for shareholders. For example, in an April 29, 2016 quarterly conference call, Cabot stated in reference to the Constitution Pipeline:

I think it’s well documented that the footprint of our Marcellus assets, though challenged on getting infrastructures to [the Northeastern U.S.], as illustrated by [the] Constitution [Pipeline], we still think the future is going to allow some of the best assets in North America as far as natural gas is concerned *to yield great dividends for Cabot shareholders*. Would we like to have assets that would be out of a footprint that is narrow scoped like where we are in Northeast PA and not have the infrastructure overhang that we discuss every quarter and every conference we go to? That would be

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nice, and I would enjoy that. *But I'm not going to compromise or dilute the best assets in North America.*

Oil & Gas 360, Cabot Oil & Gas Q1 2016, Conference Call Recap, at 4 (Apr. 29, 2016)

(emphasis added), available at <http://www.oilandgas360.com/cabot-oil-gas-q1-2016-conference-call-recap/#>. Much like Atlantic Sunrise, Cabot was the largest subscriber of capacity on the

proposed Constitution Pipeline. See Constitution Pipeline Co., LLC, Constitution Pipeline

Project Application, at 5 (Docket No. CP13-499-000). And, just like Atlantic Sunrise, Cabot is

an equity owner in the development and construction of the proposed Constitution Pipeline. See

id. at 2-3. Both projects, Constitution and Atlantic Sunrise, appear designed simply to provide a

means for upstream producers like Cabot to reach higher-priced markets for the benefit of their

shareholders rather than addressing need. As Cathy Kunkel, an IEEFA energy analyst and lead

author of the IEEFA Report, stated:

“We found that the dynamics of the pipeline business tend toward building excess pipeline capacity,” Kunkel said. “Major pipeline companies are competing with each other to build out the best, most well-connected pipeline networks. And utility companies are entering the pipeline space because much of the risk of overbuilding can be pushed off onto captive ratepayers.

“And *natural gas production companies* are entering the pipeline business because their core business of drilling is underperforming and they are *looking for ways to boost revenue and investment value*. These kinds of financial considerations on the part of individual companies do not add up to the kind of socially rational, long-term planning of natural gas infrastructure that we need.”

IEEFA, IEEFA Study: FERC at Fault in Pipeline Overbuild (emphasis added), available at

<http://ieefa.org/ieefa-study-ferc-fault-pipeline-overbuild/>. Boosting revenue and investment

value for natural gas production companies is not and should not be a factor in determining

whether a pipeline is required by the public convenience and necessity.

VIII. Conclusion

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- CO13-34 • The purpose and need statement and range of alternatives are legally deficient. First, FERC failed at all to consider the need for the Project in the DEIS in violation of 40 C.F.R. § 1502.13. Second, by relying almost exclusively on Transco's ambitions for the project to frame its statement of purpose, FERC impermissibly "restrict[ed] its analysis to just those 'alternative means by which a particular applicant can reach his goals.'" *Simmons v. U.S. Army Corps of Eng's*, 120 F.3d 664, 669 (7th Cir. 1997) (quoting *Citizens Against Burlington*, 938 F.2d at 209 (Buckley, J., dissenting)); see also *Nat'l Parks & Cons. Ass'n*, 606 F.3d at 1072.
- CO13-35 • The lack of information in the DEIS, including missing surveys and mitigation measures to protect resources such as exceptional value wetlands, precluded meaningful analysis and renders it legally deficient. See 40 C.F.R. § 1502.9(a).
- CO13-36 • The DEIS fails to take the requisite hard look at the direct and indirect effects of the Project on (i) waterbodies and wetlands; (ii) the Chesapeake Bay TMDL; (iii) shale gas development; and (iv) climate change.
- CO13-37 • The DEIS fails to take the requisite hard look at the cumulative impacts of shale gas development on (i) water resources; (ii) vegetation and wildlife; (iii) fisheries and other aquatic resources; (iv) special status species; (v) land use, recreation, special status areas, and visual resources; and (vi) air quality.
- CO13-38 • FERC must prepare a programmatic EIS for infrastructure projects increasing takeaway capacity from the Appalachian Basin.
- CO13-39 • FERC must enter formal consultation with USFWS on northern long-eared bat, northeastern bulrush and bog turtle.

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CO13-34 See the response to comment PM1-113.

CO13-35 See the response to comment PM1-70.

CO13-36 The EIS appropriately evaluates the resources and direct and indirect effects reasonably anticipated to be caused by the Project. See the responses to comments PM1-6 and PM1-40 for additional discussion.

CO13-37 The EIS appropriately evaluates the resources and direct and indirect effects reasonably anticipated to be caused by the Project. See the responses to comments PM1-6 and PM1-40 for additional discussion.

CO13-38 See the response to comment CO13-21.

CO13-39 Comment noted. Since the issuance of the draft EIS, Transco has provided additional information on special status species in the project area including survey results and agency consultations. The appropriate sections of the EIS have been updated.

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- FERC must consider and address the potential for overbuilding before it may issue a certificate for the Atlantic Sunrise Project.

Dated: June 27, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of FERC's Rules of Practice and Procedure, 18 C.F.R. § 385.2010, I, Ryan Talbott, hereby certify that I have this day served the foregoing document upon each person designated on this official list compiled by the Secretary in this proceeding.

Dated: June 27, 2016

Respectfully submitted,

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