



March 17, 2015

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Room 1A
Washington, DC 201426

Re: Comments on Docket Number PF 14-22-000 – Tennessee Gas Pipeline Company, L.L.C.,
Proposed Northeast Energy Direct Project

Dear Secretary Bose,

Thank you for the opportunity to comment on the proposed Northeast Energy Direct Project (NED). These comments are submitted on behalf of The Nature Conservancy's chapters in the four states within which the main NED pipeline is proposed to be built: Massachusetts, New Hampshire, New York, and Pennsylvania. These comments are in response to the draft resource reports for the NED project, and include comments about project impacts as well as specific information and analyses that we request be included in the Environmental Impact Statement for the project.

The mission of The Nature Conservancy is to conserve the lands and waters on which all life depends. The Conservancy is a leading conservation organization working in all 50 states and more than 35 countries. We have helped conserve nearly 15 million acres of land in the United States and more than 102 million acres with local partner organizations globally. The Nature Conservancy works with energy developers as well as state and federal agencies to encourage siting and operation of energy facilities in a way that balances the needs of people and nature.

The Nature Conservancy is committed to reducing greenhouse gas emissions, including lessening reliance on fossil fuels, as a necessary step in slowing the pace and reducing the impacts of climate change. We believe that the most secure, economical, and environmentally sustainable energy mix for the eastern United States is also one that will reduce emissions: a diversity of energy sources, including an increasing proportion of renewable energy over time.

The Nature Conservancy respectfully requests that FERC:

1. Require as part of the NEPA environmental impact statement scope of work;
 - a. A comprehensive analysis of the need for the project and alternative ways to meet that need
 - b. Full consultation with and response to the concerns of the environmental permitting agencies and stakeholders within states crossed by the pipeline;
 - c. Analysis of the proposed project using landscape-scale planning considerations;

2. Assess cumulative impacts of all of the currently proposed or reasonably foreseeable pipeline projects in the eastern United States¹;
3. Employ the avoid/minimize/offset hierarchy as detailed in the May 2013 Presidential Memorandum on “Modernizing Infrastructure Review and Permitting Regulations, Policies, and Procedures,” which follows on Presidential Executive Order 13604².

Project need and alternatives:

The stated need for the proposed NED pipeline is the problem of an insufficient supply of natural gas to meet both home heating and electricity generation needs on the coldest days of winter. There may be solutions to the short-term price spikes that affect the eastern U.S. that more directly address the problem, will take effect faster, and will last longer than additional natural gas pipelines. We respectfully request that FERC require an independent alternatives analysis that compares the benefits of building additional natural gas infrastructure to various alternatives. Some of the alternatives that have been proposed as ways to reduce over-reliance on natural gas and address price spikes include fixing leaks in existing natural gas infrastructure, reducing the need for natural gas for home heating by deploying additional geothermal, solar hot water, wood heat, and other renewable heating technologies, continuing to support reductions in the need for electricity by supporting existing energy efficiency and conservation programs, and diversification of the fuels used to generate electricity. An alternatives analysis should also consider regulatory changes -- building on ISO-New England’s laudable recent reforms to better align gas and electricity days and improve its Winter Reliability Program -- to ensure that any additional natural gas entering New England enters a market designed to make the most efficient and economical use of that additional capacity.

If an alternatives analysis concludes that there is additional need for natural gas infrastructure, FERC should consider how the project proponents will act to ensure that most of the natural gas added to the pipeline system will go to the New England market, as the region most directly impacted by the pipeline.

Ecological impacts of proposed NED route:

The proposed NED pipeline route crosses significant amounts of land and water resources. Efforts by the project proponents to co-locate a greater proportion of the route than originally proposed may be an improvement. However, the pipeline route continues to cross a significant amount of critical habitat – land and waters that have been prioritized for conservation using the best science and a collaborative process among federal and state wildlife agencies, conservation organizations, and associations representing farmers, foresters and hunters/anglers. Some of these critical habitats have been permanently protected, including by The Nature Conservancy often with federal and/or state funding, and some are planned to be protected.

¹ 380.12(b)(3) Regulations implementing the national environmental policy act. http://www.ecfr.gov/cgi-bin/text-idx?SID=cebce7a5de22d90ebfe9899368f3493e&node=pt18.1.380&rgn=div5#se18.1.380_11

² Executive Order 13604: <http://www.whitehouse.gov/the-press-office/2012/03/22/executive-order-improving-performance-federal-permitting-and-review-infr>
 Presidential Memorandum: <http://www.whitehouse.gov/the-press-office/2013/05/17/presidential-memorandum-modernizing-federal-infrastructure-review-and-pe>

Critical habitats provide public benefits that go well beyond providing habitat for wildlife species. These include: protection of drinking water supplies, prime agricultural and forest soils, parks for recreation including hunting and fishing, and the backbone of the tourism/recreation and forest products industries throughout the affected states. A growing body of studies^{3,4,5} demonstrate the economic value of public investment in lands and the ecosystem services they provide. Conservancy staff have met directly with representatives of the Tennessee Gas Pipeline company in Massachusetts, New Hampshire, and Pennsylvania to share GIS data layers and technical expertise that would enable the avoidance of critical habitat and the rare species and valuable ecosystem services found within it. We respectfully request that FERC include in the scope of work of the EIS the consideration of how to avoid, minimize impacts to, or offset impacts to the following categories of critical habitat:

1. Large, intact forest patches;
 - a. Among the large, permanently protected forest patches that would be fragmented by the current pipeline route and should be avoided are The Nature Conservancy's Woodbourne Preserve in Pennsylvania and the Massachusetts Department of Fisheries and Wildlife Chalet Forest Reserve.
2. Floodplains, wetland and vernal pool complexes, seeps, bogs, and fens;
3. Fragile habitats including cave entrances, rocky outcrops, scrub oak/pitch pine barrens, and steep slopes;
4. Rare species habitats, both freshwater and terrestrial;
5. Migratory bird habitat.

In evaluating which critical habitats are within the proposed pipeline route, we have been hindered by the lack of GIS data showing the pipeline route. GIS is the standard method of evaluating how and where a proposed infrastructure project will overlap with critical habitats and other resources. We respectfully request that FERC consider whether static maps are sufficient, or whether provision of GIS data by the NED project proponents would more fully meet the requirement to provide a detailed description and location maps within Resource Report 1⁶.

Across all lands impacted by the pipeline, a series of best practices can be used to minimize the economic and ecological impact of pipeline infrastructure and should be based on the scientific literature. In many cases, the best practices have co-benefits to the pipeline operator including easier access to the pipeline for maintenance and leak detection, lower compensatory mitigation costs, and fewer cases where multiple federal and state agencies have jurisdiction. These practices include:

- Plan at the landscape level and use existing corridors;

³ <http://www.tpl.org/sites/default/files/cloud.tpl.org/pubs/benefits-ma-roi-report.pdf>

⁴ http://www.dcnr.state.pa.us/cs/groups/public/documents/document/dcnr_20028898.pdf

⁵ <https://www.tpl.org/sites/default/files/nh-state-roi-report.pdf>

⁶ 380.12(c)(1) Minimum Filing Requirements for Environmental Reports Under the Natural Gas Act, Appendix A, requires that Resource Report 1 "Provide a detailed description and location map of the project facilities" http://www.ecfr.gov/cgi-bin/text-idx?SID=cebce7a5de22d90ebfe9899368f3493e&node=pt18.1.380&rgn=div5#se18.1.380_11

- Follow existing topographic contours to preserve natural drainage patterns and reduce the risk of erosion;
- Avoid wetlands, rare species habitats, and the five categories of priority conservation areas listed above;
- Keep corridors narrow, and where possible, manage them for the benefit of rare species (e.g. declining bird species and/or pollinators);
- Implement Integrated Vegetation Management of rights-of-way.

Where avoidance of critical lands and waters is impossible and minimization of economic and ecological impacts is not possible or not adequate, Tennessee Gas Pipeline, L.L.C. should fund appropriate compensatory mitigation. Several categories of resources warrant the drafting of specific mitigation plans, including: Wild and Scenic Rivers (with the input of the National Park Service) and migratory bird habitat (with the input of the U.S. Fish and Wildlife Service). In both of these cases, appropriate compensatory mitigation should consider the impacts of fragmentation and edge effects on resources found outside of the pipeline right-of-way, as was required in the Constitution Pipeline and Wright Interconnect projects in New York and Pennsylvania.

Integrating energy and landscape scale planning:

Energy companies, regulatory agencies, and the public all benefit from coordinated and comprehensive energy planning that integrates energy generation, transmission, and land use considerations. This type of planning can provide more regulatory certainty and predictability, cleaner and more cost-effective energy, and better protection of high-value natural resources. Achieving these goals, however, necessitates a shift from project-by-project evaluation to landscape-scale, science-based analysis of energy infrastructure and natural resource needs.

Landscape-scale application of the mitigation hierarchy (avoid, minimize, and compensate) for energy and other infrastructure development is a focus of the President's Executive Order 13604 Presidential Memorandum (PM)² on "Modernizing Federal Infrastructure Review and Permitting Regulations, Policies, and Procedures." The PM identifies "utilizing landscape- and watershed-level mitigation" as best management practices.

We believe that the Northeast Energy Direct permitting process can support this framework by undertaking the following actions:

- Taking a landscape-scale approach to identifying priorities for avoidance, minimization, and compensatory mitigation;
- Observing the full mitigation hierarchy of avoiding, minimizing, and compensating for unavoidable impacts;
- Taking full advantage of existing authorities to require compensation for critical resources;
- Using science-based tools such as geospatial assessments to understand the relationships between the energy system and its associated infrastructure and high value natural resources and to examine potential consequences of development objectives quickly, as a first cut (not to replace siting requirements once a suitable location is identified);

- Fostering resilience by identifying and promoting mitigation strategies that improve ecosystem resilience.

Models for implementing this approach are emerging rapidly. Marine spatial planning is being conducted by New York's Department of State to evaluate habitat distribution, values and cultural uses of marine space as it relates to offshore wind development⁷ in conjunction with MARCO (Mid-Atlantic Ocean Data Portal⁸). The California Energy Commission is collaborating with the California Public Utilities Commission and the California Independent System Operator to improve coordination between land use, electricity generation and transmission planning processes and has developed methodologies to achieve this integration.⁹ With funding from NYSERDA's Environmental Monitoring and Evaluation Program, The Nature Conservancy has recently developed a geospatial tool to inform energy infrastructure development at a landscape scale in New York.¹⁰

The current NED pipeline project offers an opportunity for FERC to build on these models by incorporating the guiding principles listed above in the scope of work of the Environmental Impact Statement.

Greenhouse gas impacts of NED project:

Due to our organizational capacity and expertise, The Nature Conservancy's primary focus is on siting of the NED project. However, the larger impact of the project comes from the greenhouse gas emissions that will result from developing the pipeline. These greenhouse gas emissions directly and indirectly harm ecological resources regardless of whether or not they are in the pipeline right-of-way.

Recent guidance from the White House Council on Environmental Quality has reiterated the importance of evaluating greenhouse gas emissions as part of FERC approval of energy projects. An assessment of greenhouse gas impacts may well be the most important part of the scope of work for the Environmental Impact Statement for the NED project. The project's greenhouse gas emissions will come most directly from the burning of the natural gas the project transports, but there are several additional categories that should be included in a complete accounting of greenhouse gas impacts:

- Leaks of natural gas from new pipeline infrastructure;
- Release of carbon and permanent reduction in carbon sequestration capacity resulting from the clearing of forested land along the pipeline right-of-way and associated infrastructure (e.g. compressor stations);
- Energy used to operate compressor stations.

⁷ New York Department of State Offshore Atlantic Ocean Study. April 2013.

http://docs.dos.ny.gov/communitieswaterfronts/ocean_docs/NYSDOS_Offshore_Atlantic_Ocean_Study.pdf

⁸ <http://portal.midatlanticocean.org/portal/about/>

⁹ http://www.energy.ca.gov/2014_energypolicy/documents/2014-08-05_workshop/2014-08-05_transcript.pdf

¹⁰ Howard, T. G., M. D. Schlesinger, C. Lee, and T. Tear. 2014. Wind power and biodiversity in New York: Tools for siting assessment and scenario planning at the landscape scale. The Nature Conservancy and New York Natural Heritage Program, Albany, NY. (in publication) <http://www.ebd.mapny.info/>

Ideally, the project proponents would be required to avoid, minimize, and offset the greenhouse gas emissions resulting from these sources just as they would with any other resource. This is particularly critical in New England, where statutory requirements within the Regional Greenhouse Gas Initiative and Massachusetts' Global Warming Solutions Act require the reduction of greenhouse gas emissions from energy. We respectfully request that FERC work closely with state agencies in New York and Massachusetts, which have particular expertise in greenhouse gas accounting, to increase the accuracy of greenhouse gas emission assessment and development of appropriate compensatory mitigation for greenhouse gas emissions.

Conclusion:

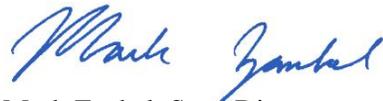
The Nature Conservancy appreciates the opportunity to comment on the NED pipeline project. We understand that the process of approval for the NED pipeline project will include numerous additional opportunities to comment, and look forward to continuing engagement both with FERC and directly with the Tennessee Gas Pipeline Company.

The Nature Conservancy joins many commenters in questioning whether a new pipeline is the most permanent or lowest-cost solution to the natural gas energy supply constraints in the northeast, and hope that a rigorous alternatives analysis can answer that question. If the NED project is necessary, we urge FERC to require a full Environmental Impact Statement and to use this tool to require landscape-level considerations for avoidance (i.e., additional re-routing of the pipeline around the most critical habitats), minimization of environmental impacts through use of best practices, and identification of the most ecologically meaningful compensatory mitigation for impacts that are unavoidable.

Sincerely,



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Mark Zankel, State Director
The Nature Conservancy – New Hampshire



Bill Ulfelder, State Director
The Nature Conservancy – New York



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Document Content(s)

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