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September 4, 2014

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Re: **Docket No. CP14-529-000 – Tennessee Gas Pipeline Company, L.L.C., Notice of Application for Connecticut Expansion Project**

Dear Secretary Bose:

On behalf of Mass Audubon, I submit the following comments on Tennessee Gas Pipeline's application for a certificate of public convenience and necessity for over 13 miles of new pipeline facilities and associated equipment in southeastern New York, southwestern Massachusetts and northern Connecticut known as the Connecticut Expansion Project. The company has requested expedited review. Mass Audubon requests that you reject that request and conduct a full review of the project including preparation of an Environmental Impact Statement.

In Massachusetts, the project will impact 58.84 acres of land including nearly 10 acres of wetlands. The project as proposed includes 1.9 miles within the Otis State Forest, impacting 30 acres of state-owned parklands, including 6 acres on which the company does not presently hold an easement. Mass Audubon assisted the state in protecting the affected state forest lands and surrounding land, and objects to the proposed conversion of land permanently dedicated to park and conservation purposes to a pipeline easement.

The Federal Energy Regulatory Commission (FERC) application for this project, while lengthy, is in large part generic in describing how impacts to sensitive natural resources will be minimized or mitigated. For example, site-specific plans should be provided for proposed crossings of streams and wetlands. Also, the MEPA filing indicated that no blasting would be required, yet the FERC filing includes blasting as a construction method and the proposed corridor through Otis State Forest has extensive areas with ledge and boulders where it appears blasting may be required. We request that FERC require the company to submit more detailed and site-specific environmental review information.

### **State Environmental Review Requirements**

The project is presently undergoing review through the Massachusetts Environmental Policy Act (MEPA). On May 21, 2014, the Massachusetts Executive Office of Energy and Environmental

Affairs issued a MEPA Certificate (EEA #15205) requiring preparation of a full Environmental Impact Report (EIR) for the project. The Scope for the EIR required that additional information be presented on several topics including alternatives analysis, land alteration and construction process details, wetlands, water quality, conservation lands/Article 97, rare species and fisheries, Greenhouse Gas (GHG) emissions pursuant to the Massachusetts Global Warming Solutions Act, and cultural and historic resources. These environmental review requirements are reasonable and necessary. FERC should require the company to submit for public review and comment the information required in the MEPA Certificate.

### **Segmentation**

Tennessee and its parent company, Kinder Morgan, are proposing other gas transmission pipeline projects in the region, including the Northeast Energy Direct project that would traverse Massachusetts from the New York border to Dracut, Massachusetts. We request that the FERC carefully consider whether the application for the Connecticut Expansion Project improperly segments project review, especially in light of the recent Delaware Riverkeeper case (DC Circuit Court of Appeals, No. 13-1015).

### **Alternatives Analysis**

Further review should be required of alternatives to avoid, minimize, and mitigate the impacts of the proposed project. The Commonwealth of Massachusetts Department of Energy Resources (DOER) has responded to comments from Mass Audubon and others on this and other pending gas pipeline projects and is undertaking a review of energy demand and alternatives. We request that FERC also consider alternatives when evaluating this project, including increased energy efficiency programs, modifications to gas marketing and sales mechanisms, alternative energy sources including renewables, and alternative routes that avoid and minimize impacts to land and water resources. The alternatives analysis for this project should respond specifically to suggestions from the Massachusetts Department of Conservation and Recreation (DCR) regarding potential location of the pipeline impacting Otis State Forest to an alignment within Cold Spring Road or other roadways in the region, as well as the possibility of reducing the width and extent of proposed clearing and new easements on this parkland property.

### **Conservation Lands and Article 97 of the Massachusetts Constitution**

The project as proposed would traverse 1.9 miles within the Otis State Forest, impacting 30 acres of state-owned parklands, including proposed acquisition by the company of a new easement across 6 acres of parkland. Disposition of permanently protected parklands in Massachusetts requires approval by both branches of the state Legislature under Article 97 of the state constitution.

In 2007, Mass Audubon assisted DCR in protecting over 900 acres of land at Otis State Forest, including areas around Lower Spectacle Pond that include an old growth hemlock forest stand, intact large blocks of forest, cold water fishery habitat, and other important natural resources. The Lower Spectacle Pond property is part of an interconnected area of protected open space encompassing more than 8,500 acres. It includes BioMap Core Habitat mapped by the Massachusetts Division of Fisheries and Wildlife, and supports myriad plants and animals including rare turtles and dragonflies. The property includes rich and diverse intact natural

communities including features such as bedrock outcrops, large cavity trees, mature forest, and numerous seeps and springs in addition to the perennial streams mentioned in the FERC filing. Mass Audubon transferred its interests in land affected by this project to the state with the understanding that the land would be permanently protected under Article 97. The Executive Office of Energy and Environmental Affairs (EEA) Article 97 Land Disposition Policy states that EEA may only consider supporting Article 97 dispositions when several conditions are met including: "the disposition of a parcel is not contrary to the express wishes of the person(s) who donated or sold the parcel or interests therein to the commonwealth." **Mass Audubon objects to and opposes the proposed Article 97 disposition.**

The assessment of impacts as described in the FERC filing are superficial and incomplete. Fragmentation of mature forest and associated habitat will occur, impacting the ecosystem well beyond the footprint of impact. Disturbances of plants and soils will promote the spread of invasive species, and the impacts are far more than temporary. The company should be required to undertake further detailed analysis of alternatives to avoid and minimize impacts to these precious parklands. Any unavoidable impacts should be fully mitigated, including ongoing (permanent) commitments to invasive species management and enforcement of Off-Road Vehicle (ORV) restrictions. DCR does not have adequate resources to manage or prevent existing ORV violations let alone take on new responsibilities for keeping vehicles off a private company's expanded easement.

### **Wetlands and Water Resources**

The project will traverse numerous wetlands and streams. The proposed methodologies for these crossings, while standard practice for the industry, are far from adequate to fully protect and restore the functional integrity of these areas. Mass Audubon is particularly concerned regarding disturbances to soils and vegetation that will facilitate the introduction and spread of invasive plants, as well as impacts to cold water fisheries. Forest canopy over and adjacent to wetlands and streams is vital to the habitat characteristics including temperature and water quality. This is of particular concern in light of impacts of climate change and associated alterations in temperature and precipitation regimes which are also impacting wetlands and cold water fisheries. Vernal pools located near but not directly within the proposed pipeline corridor will be impacted as the amphibians that breed in these pools require forested habitat.

Even to the extent that wetlands and water resource construction methods are utilized to minimize impacts, it is vital that post construction restoration occur properly. The previous construction of the existing pipeline in Sandisfield left in place metal flume pipes intended for temporary crossings. These should be removed immediately, and all construction and post-construction mitigation measures must be adhered to for any new construction.

In addition to routine mowing and vegetation control, access by maintenance vehicles along the easement will continually disturb soils, present hazards to wildlife such as turtles, and facilitate the spreading invasives through seeds and propagules adhering to vehicles. Alternatives analysis, project cost estimates, and mitigation commitments should include the cost to the public of lost or degraded ecosystem services, along with permanent, ongoing commitments to manage invasive species and ORVs.

## **Rare Species**

The application acknowledges that the project may impact habitat of several state-listed species including the American Bittern, Sedge Wren, and Wood Turtle. Further information should be required on avoidance and minimization of impacts to rare species and their habitat. For example, the proposed rare species mitigation at the pipeyard site in Tyringham is to place construction matting over the site in early spring in order to prevent utilization of the site by the protected birds. Given that habitat availability is important to the breeding success of birds, and suitable unoccupied habitat may not be available nearby, this proposed mitigation is not adequate. The project should avoid even temporary impacts to rare species habitat to the maximum extent possible.

## **Hydrostatic Testing**

The company proposes to withdraw over a million gallons of water from Lower Spectacle Pond for hydrostatic testing, and to discharge this water onto the surface within state parklands. The pond is a fairly shallow body of water. Removing such a large quantity of water and discharging it elsewhere could have a significant impact on the pond's ecology as well as on areas receiving the discharge. Further information and analysis on this is needed. The area is mapped as habitat for the Umber Shadowdragon (*Neurocordulia obsoleta*), a state-listed species of dragonfly, and the pond may provide breeding habitat for this species.

The site is located upgradient of a rare stand of old-growth hemlocks (400+ years old) and the Clam River. The proposed discharge of water running down through the steep contours of the old growth and into the sensitive Clam River could have a negative impact on these resources, which Mass Audubon and DCR have invested so much time and money to protect.

The application also proposes to "improve" an access road near Lower Spectacle Pond in order to provide access for construction vehicles to perform the hydrostatic testing. Given the parkland status and protected nature of this land, any such road improvements would be a negative impact.

Alternatives to the use of Lower Spectacle Pond as a source for hydrostatic test water should be considered. Site-specific information on proposed locations of withdrawal and discharge should be provided. Detailed operational plans must ensure that no erosion or sedimentation; nor disturbance to aquatic life, terrestrial plants or animals, or important habitat features will occur.

## **Greenhouse Gas Emissions and Global Warming Solutions Act**

Under the Global Warming Solutions Act, the Commonwealth has established goals for reducing Greenhouse Gas (GHG) emissions by 25% by 2020 and 80% by 2050. A MEPA policy has been established for review of GHG emissions associated with projects requiring an EIR. In addition to review of direct emissions associated with the project (i.e. production, distribution, and burning of the natural gas proposed to be transmitted through the new pipeline), the GHG effects of the proposed alteration of 58.8 acres of mostly forested lands should also be evaluated under the MEPA GHG policy. On average, an acre of upland forest in Massachusetts stores approximately 85 tons of carbon, and the amount of stored carbon is increasing annually. The proposed construction will remove existing carbon stores and significantly reduce the affected

land's capacity for ongoing carbon sequestration for decades, even in portions where the impacts are described as "temporary."

A GHG analysis should be required, including evaluation of alternatives to reduce demand and consumption of gas and therefore the need for the proposed increased supply, such as ramping up energy efficiency measures at homes and businesses in the company's service area. Information on fugitive gas emissions and leak prevention from source to consumer should be provided.

### **Off-Road Vehicles**

Utility corridors are frequently used illegally by all-terrain vehicles. The company has described a commitment to provide gates and signage, and to work on an ongoing basis with landowners to deter unauthorized access. However, there is no commitment made to work with local or state law enforcement authorities or to assist in the funding of chronically underfunded enforcement programs. DCR does not have the capacity to effectively deter unauthorized vehicular use on its properties.

In conclusion, Mass Audubon urges that serious consideration be given to alternatives that avoid the need for this pipeline or, if it is truly needed, that will re-route it outside of Otis State Forest and away from sensitive wetlands and pristine blocks of forest.

Sincerely,



John J. Clarke  
Director of Public Policy & Government Relations

cc (via email):

Jacquelyne M. Rocan, Tennessee Gas Pipeline Company, L.L.C.  
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*Mass Audubon works to protect the nature of Massachusetts for people and wildlife. Together with more than 100,000 members, we care for 35,000 acres of conservation land, provide school, camp, and other educational programs for 225,000 children and adults annually, and advocate for sound environmental policies at local, state, and federal levels. Founded in 1896 by two inspirational women who were committed to the protection of birds, Mass Audubon has grown to become a powerful force for conservation in New England. Today we are respected for our science, successful advocacy, and innovative approaches to connecting people and nature. Each year, our statewide network of wildlife sanctuaries welcomes nearly half a million visitors of all ages, abilities, and backgrounds and serves as the base for our work. To support these important efforts, call 800-AUDUBON (283-8266) or visit [www.massaudubon.org](http://www.massaudubon.org).*

*Protecting the Nature of Massachusetts*