



July 31, 2013

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: Tennessee Gas Pipeline Company, L.L.C., Docket No. CP11-161-000
Northeast Upgrade Project - Complaint on Mulching Impacts Outside ROW

Dear Ms. Bose,

Delaware Riverkeeper Network is writing to alert you in writing of concerns regarding a recent field visit by DRN staff and trained volunteer monitors to the Tennessee Gas Pipeline (TGP) Northeast Upgrade Project on DCNR Delaware State Forest property in Milford, PA (Pike County).

On July 28, 2013, Delaware Riverkeeper Network and volunteer monitors discovered large piles of tree mulch outside the pipeline construction ROW on DCNR lands. It appears TGP's contractor used heavy equipment to pile the tree mulch off the ROW and outside the permitted work area. Some tree stumps from the recent clearing are also discarded off ROW along with the tree mulch. The mulch originates from tree cutting and clearing activities that were conducted by TGP to clear through this mature forest and public lands to build the gas line. DRN believes TGP must be ordered to stop this practice immediately as it should not be allowed as it is causing damage to existing understory vegetation, trees and habitat in the adjacent forest areas outside of the TGP ROW.

There's strong evidence that this practice that was performed by TGP on the subsequent 300 line completed in 2011 is already taking a toll with a number of mature and understory trees and shrubs dying or suffering from bark rot or insect damage where mulch was previously piled high in the same manner (Lackawaxen crossing trees showing signs of stress and have been reported as problem area in prior DRN reports to officials with no apparent mitigation measures – see photos below). Blueberry bushes, hay-scented ferns, and other small shrubs and ground cover may also be negatively impacted by this current mulching practice taking place outside the NEUP ROW. This practice of large debris mulch piles was cited in an expert report by Mr. Heatley, a Senior Scientists with Biohabitats, indicating the negative effects of this practice (affidavit attached and excerpt from Mr Heatley regarding mulch in italics below).

32. TGP's construction practices on the 300 Line Upgrade will continue to cause additional deforestation beyond the presently cleared area because TGP dumped piles of shredded wood fiber

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along the margins of the cleared areas, burying the roots of trees and entirely covering shrubs. Along the northern edge of the ROW, these piles of shredded wood fiber are 12 to 24 inches in depth and extend for a width of 10 to 20 feet.

33. The presence of this excessive amount of shredded wood fiber will more likely than not result in tree root death, and the eventual decline and loss of the mature, canopy-level trees within the areas where the shredded fiber was dumped. The tree root death is caused by changes in the oxygen and moisture levels in the underlying soil that will inevitably be brought on by the presence of the excessive amount of woody organic debris. The disposal of the shredded wood fiber along the margins of the cleared area is thus highly detrimental to the survival of the remaining edge trees.

DRN trained volunteer monitors visited the location MP 0.0 July 29, 2013 and filed a report to Delaware Riverkeeper Network. The volunteers took photos of their observations of large mulch piles, which are the last 2 photos in the following link and called in their concern. Their report is included below.

<https://picasaweb.google.com/lh/sredir?uname=105703332397473503863&target=ALBUM&id=5906410995147605265&authkey=Gv1sRgC0j44Jqt3bumnQE&invite=CMnmie0P&feat=email>

TGP NEUP Pipeline Observation Report

Date: July 29, 2013

On Monday, July 29, 2013, at about 11:00AM an inspection of the work being performed by Tennessee Gas Pipeline and it's contractors was done. It was found that shredded wood byproducts from the tree clearing operation have been placed along the wooded area along side of the Right Of Way. This material was dumped and spread by machine around and between existing trees. There are several issues that we want to report as either illegal or improper practices.

- *First, this material is clearly outside of the approved ROW and is not approved in the FERC permit.*
- *Second, the mulch has been placed as thick as 3 feet high between and against existing trees. This excessive volume of mulch, and its placement touching trees, will cause decline and eventual death of these trees.*
- *Third, the material was placed by machines and is in violation of the FERC permit allowing equipment access and operation on or around ROW.*

We reported this information to the PA DCNR forestry division and received a return call from forester Tim Baulch. He explained that he had also done an inspection at this location. He observed the same problems. He told me that he had contacted Mr. Newman from TGP. Mr. Baulch told Mr. Newman that they need to discuss a corrective action with TGP's contractors before completion of the project. Besides reducing the depth of mulch, Mr. Baulch said fire breaks in the mulched areas need to be created. He plans to inspect this area and other areas to make sure corrections are satisfactory. He could not verify that TGP contractors are allowed to dump material outside of ROW and if there are any violations at this time. Attached are pictures that back up this observation report.

The mulching condition that is evident here can also be seen in the "restored" area of the 300 line completed in 2011. The trees in this area are already showing signs of decline and will most likely die within the next 1-2 years.

Delaware Riverkeeper Network believes that TGP should be prevented from piling mulched woody debris outside the ROW and impacting vegetation outside of the ROW. Mulch can be expensive to haul away and dispose of but dumping it adjacent the ROW is not acceptable especially in mature woods with healthy understory. The practice should be cleaned up where conducted and not allowed further. Any clean-up of these mulch piles should be done by hand to avoid heavy equipment operating and compacting soils and further disturbing ground cover outside of the ROW. We request that TGP addresses these concerns and takes immediate steps to mitigate the problem and report actions taken in their upcoming weekly report. We also request this complaint be compiled and tracked in the upcoming compliance report to ensure the inaction by TGP of what occurred on the 300 line that likely led to subsequent tree stress and mortality does not occur again on this next loop of the project to best protect our public lands and forests.

Thank you for your time and attention to this matter. If you'd like to discuss this further you can contact me at 215-369-1188.

Sincerely,

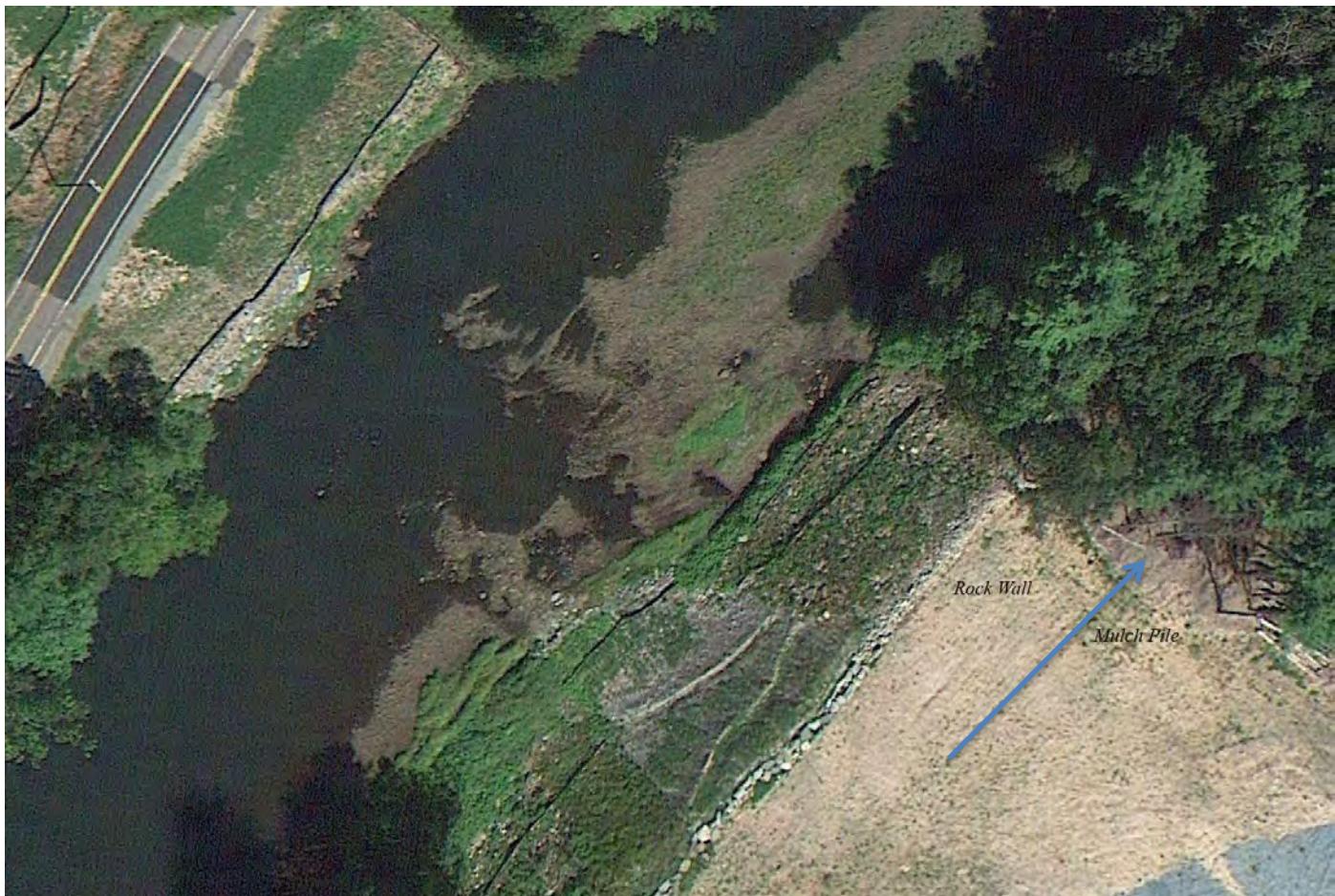
Joe Zenes
Delaware Riverkeeper Network

Attachments

cc. Mr. Bradley Elison, DCNR, Delaware State Forest
Sally Corrigan, Pike County Conservation District



August, 2012 condition of ROW. TGP's 300 Line that began running gas Nov 2011 – Lackawaxen River Crossing. Note large mulch off ROW (blue arrow).



Sept, 2012 Google Earth Image of the Lackawaxen crossing of TGP's 300 line. Note mulch piles and signs of what appear to be dead or dying trees where pile exists (blue arrow).



February, 2013 – Close up of large mulch piles still along base of trees at Lackawaxen crossing despite reports to agencies. TGP 300 Line. Also note signs of dying trees.



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