



February 24, 2015

Kimberly D. Bose, Secretary

Federal Energy Regulatory Commission

888 First Street, N.E.

Washington D.C. 20426

Re: Docket No. CP14-17 – Deny Columbia’s Request for Construction of Line 1278

Dear Ms. Bose:

Delaware Riverkeeper Network (DRN) is writing to urge FERC deny Columbia’s request to proceed with tree cutting and any construction of Line 1278, per Columbia’s Feb 18, 2015 filing. FERC’s denial is critical as not all permits have been issued by the regulating agencies and major changes to the project are being pursued by Columbia in the Feb 18 filing. The Army Corps Section 404 Discharge dredged or fill material permit has yet to be issued for the project and is still under review. PA Dept of Environmental Protection’s (DEP) Chapter 105 Water Obstruction & Enroachment Joint Permit has not been issued as of Columbia’s request. This cart-before-horse practice of permitting tree cutting prior to all agency approvals has been a ploy of pipeline companies to obtain authorization in advance of all permits and DRN believes is a violation of federal requirements and FERC’s obligations and does not protect federally protected wetlands or species along the route. Proposed pipeline projects require intensive review due to the damage and breadth of irreparable harm they cause. This pipeline project would cut a new ROW across 9.5 miles of Chester County’s piedmont region in PA to construct a 26-inch diameter pipeline (there is a second loop also proposed in Gloucester County, NJ). The Eastside Expansion pipeline would extend from the Eagle Compressor Station in West Vincent Township to the Downingtown Compressor Station in West Bradford Township, PA, disturbing over 128 acres of land and water along its path. This linear project is proposed to cross 38 wetlands and 55 waterbodies. Columbia should be reminded of this need for judicious review and recognize what is required – after all Columbia is asking the community and environment to endure

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irreparable harm for their company's own profits of moving gas to other markets. By allowing large intensive construction activities like tree cutting that impact acres of mature forest, wetlands, and habitats to occur before all permits are thoroughly reviewed and issued or denied, FERC would be ignoring federal requirements and putting a very detrimental cart before the horse.

DRN and our members have major concerns with this project and its impact on steep forested slopes, streams and wetlands, as a whole as outlined in past filings by Delaware Riverkeeper Network (DRN filings on June 26, 2013 scoping comments, and subsequent Environmental Assessment and Chapter 105 comments submitted to FERC and PA DEP on January 23, 2014, and March 7, 2014) and the public. Columbia's filing on February 18<sup>th</sup> is requesting a major change for the Beaver Creek, a Trout Stocked Fishery (TSF) pipeline crossing. Columbia is proposing that the horizontal directional drilling (HDD) they promised (see excerpt below) be changed to an open cut crossing of an oxbow area of the stream which would mean two cuts across this stream in a short distance and disturbance and permanent harm to mature forested adjacent wetlands. This change should not be permitted on the grounds the company is making – that it costs too much. Furthermore, with Columbia's incomplete filing, DRN nor the public has the analysis or data that Columbia asserts led them to select an open cut for the Beaver Creek as the only viable option to avoid environmental harm.

Columbia included in its December 16, 2013 supplement the following regarding Beaver Creek:

***1.1.5 Beaver Creek Trenchless Construction (Line 1278 Loop MPs 7.6 to 8.2)***

*To avoid construction within Beaver Creek and associated forested wetlands, Columbia has modified its proposed construction method and workspace to allow a "direct pipe" or similar trenchless construction method (see Figure 2-2) As currently proposed, there would be no construction disturbance in the creek, forested wetland, or forested floodplain.*

In Columbia's February 18<sup>th</sup> filing, Columbia asserts that *HDD and geotechnical investigations concluded that HDD would not likely succeed.* They further assert that *the direct pipe method of drilling under the stream was considered but this method was estimated to be too costly with a risk of failure under the stream.* Columbia also asserts that *the complex was too long for a conventional bore to be feasible and that Conventional boring would require bore pits in the wetland, which would be prone to flooding.* They assert this would also *result in a longer crossing time, potentially increasing impacts...* *Columbia ultimately concluded that an open cut crossing of Beaver Creek would result in the least environmental impact of feasible techniques. This open cut is proposed to be conducted in the dry by using the dam-and-pump*

*method. Because of the nearby oxbow, larger than normal workspaces within the wetland would be required to construct longer dams that extend across the stream in two locations where the stream widens and is likely to flow. Workspace is also needed to set pumps and place hoses to conduct the dam and pump operation.*

DRN urges FERC to determine that these proposed changes for Beaver Creek are a major change by FERC and as such Columbia should be required to file an amended petition and no construction or partial tree cutting during this process should be permitted. In considering this determination, FERC should recall from comments and meetings that the public and residents were very concerned with these pipeline crossings and the protection of mature woodlands and streams along the proposed pipeline – they supported avoidance of open cuts to the fullest extent – hence the supplemental changes Columbia made in their December 2013 filing. DRN requests that the stream crossing and boring analysis and information and data conducted by Columbia to come to this conclusion be shared with the public and that the public have ample time – at least 90 days - to comment in full to review Columbia’s assertions.

In DRN’s review of the Chapter 105 application, at the time of review, the bog turtle studies had not been conducted nor made available as part of the application review, but DRN did note in comments that “*Marsh Creek, Shamona Creek, and Beaver Creeks would be crossed as well and at least one of these wetland complexes may have the presence of bog turtle according to Fish and Boat Commission*”. The bog turtle is a federally protected species.

For the above reasons, DRN urges FERC deny Columbia’s February 18, 2015 request to begin tree cutting along proposed line 1278 and halt and any other construction activity by Columbia for this project.

Sincerely,

A handwritten signature in blue ink that reads "Maya K. van Rossum" followed by a horizontal line.

Maya K. van Rossum  
the Delaware Riverkeeper  
Delaware Riverkeeper Network