



April 5, 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 - Loop 323 Field Inspections – Inadequate protections to Sensitive Waterbodies and Wetlands Listed as “Non-Impacted” by TGP

Dear Ms. Bose,

As part of Delaware Riverkeeper Network’s (DRN’s) on going post and pre-construction monitoring of Tennessee Gas Pipeline activities there were several reports following DRN’s Report 043 (Workspaces and Wetlands “not impacted”) that are summarized in this letter. In summary, DRN has continued to observe outstanding issues, discrepancies, and impacts in the field that have not been addressed by TGP to adequately protect sensitive waterbodies and wetlands proposed to be crossed by the Northeast Upgrade Project along Loop 323. These waterbodies and wetlands are in many cases, designated Exceptional Value or High Quality in Chapter 93 PA Code. Furthermore, DRN disagrees with TGP’s premise in the Environmental Assessment that these wetlands and waterbodies will not be impacted or only “temporarily impacted”. Our observations and understanding of forest ecology, fragmentation, and soil science concepts is that indeed, these wetlands adjacent and in “temporary” works spaces near the pipeline ROW are and will be impacted and damaged by TGP practices by tree clearing that will increase water temperatures and decrease dissolved oxygen levels due to increased light from cleared mature forest canopy, understory, and shrub layers; increased runoff and hydrologic changes due to soil compaction caused by TGP construction equipment, and forest fragmentation impacts that will negatively affect the surrounding forest as documented by the scientific literature. TGP states that part of their BMP’s include a minimized ROW width for NEUP for stream and wetland crossings but past pipelines have used ROWs as small as 35 feet which TGP is not implementing with this project that along some stretches of ROW, is cutting a new pipeline across a large section of non-located area that was mature forest canopy until TGP tree cutting began on Feb 15, 2013. The “temporary” work spaces are also wide and lead to permanent damage to the ecosystem with impacted soils and loss of mature forest canopy and these “temporary” work spaces are also often adjacent sensitive waterbodies which decreases the important riparian buffer to these sensitive waterbodies. Below specific observations from field visits on March 22 and 24, 2013. Field reports with photos and supporting information are also accompanying this letter.

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During a field visit on March 22, 2013 of S059 an unnamed tributary of the Delaware River DRN observed felled trees in the gorge of S059. The Environmental Construction Plan (ECP) Section 4.1.1 states “that trees that have fallen into waterbodies shall be removed immediately”. However after tree felling has been completed trees still remain in the gorge of S059. The construction ROW parallels S059C a tributary of S059 up a steep slope with tree felling up to the edge of the stream channel. DRN believes having construction that close to the stream channel will have an impact to this waterbody especially since it is on a steep slope downhill of the construction ROW and downed trees could impede flow and cause erosion if large rainfall events affect the region before trees are cleared.

Where TGP proposes to cross S059C there is a wetland that was identified on 8/24/12 by DRN scientists during a survey of features along this section of the proposed ROW. This wetland in the construction ROW still lacks resource signage or identification by surveyors for TGP after tree felling was completed. These same concerns were addressed in a letter dated March 4, 2013, however the wetland still remains unidentified, trees still remain in the stream channel and S059C’s water quality is threatened with its close proximity to the construction ROW. TGP surveys were completed at a late date due to no access to large areas of private land so identification and coordinates of features along this section were still missing in late summer of 2012 (See Report 043-1).

On March 22, 2013, DRN accessed Deep Brook (S045) and UNT of Deep Brook (S045A) both Exceptional Value (EV) streams at location where TGP crosses S045/S045A. S045A is a small stream parallel to S045 at the crossing and is associated with W090. W090 is listed as a 21’ wide crossing spanning both sides of S045 which is listed as a 20’ wide crossing. Alignment sheets (20120808-5072 (27476900)) do not show W090 extending to the west of S045 or show S045A which does not have resource signage at TGP crossing. There is no delineation of W090 in the field confusing where W090 ends or where S045A begins (Report 043-2)

During the March 22 field visit DRN followed the construction ROW east towards Crawford Branch (S046). W091 is adjacent to W090 and field observations has W091 extending to the east to foot marker 194+00 connecting these associated wetlands and waterbodies for approximately 200’ to the top of west bank S045 at 192+12. Pa Bulletin 12/8/12 has a combined total crossing width of only 61’ permitted for these 4 resources. There are no field delineations for W090/W091 other than resource signage along the northern edge of ROW and no resource signage for S045A. (Report 043-3).

DRN followed the construction ROW east towards Crawford Branch (S046). W093 is listed as “not crossed by pipeline in workspace only”. DRN believes an unidentified stream exiting south of TGP’s ROW is connected to W093 under the pile of felled trees. Field observations indicates surface water downhill from W093 resource signage crossing woods road in TGP’s ROW and exits as an unidentified stream. There are no field delineations for W093 and no identification for the stream exiting the ROW, however DRN believes they are connected and crossing TGP’s ROW. (Report 043-4) (Report 043-4a)

Observations close to Crawford Branch shows pink and black wetland delineation flagging in the middle of ROW tree felling with no resource signage or other identification associated with flagging (Report 043-4b).

On March 24, 2013 DRN accessed TGP through land owner’s property west of Vandermark Creek (S019) in Milford Township. Laurel Swamp Brook (S020) has three wetlands associated with it W043, W044 and W045 with only W043 listed as impacted. Field observations before and after tree felling indicates wetlands W044 and W045 are crossed by the pipeline and will be impacted. They are listed as “isolated” but field observations show they are just upstream and have a hydrologic connection with Laurel Swamp Brook (Report 043-5). Wetland boundary signs are adjacent to existing ROW where wetlands delineation and

observations show they are also physically sited on opposite side of ROW. W044 is buried under felled trees and cannot be physically located (Report 043-5a).

In conclusion, DRN field reports and observations show the following discrepancies and issues with TGP practices or delineations that we feel indicate inadequate protection of these sensitive resources and impacted wetlands that TGP states are not impacted.

- 1) The tree felling at S059 does not meet the requirements of Section 4.1.1 of the Environmental Construction Plan (ECP).
- 2) The isolated wetland located near TGP crossing of S059C remains unidentified and not delineated in the construction ROW.
- 3) Three features associated with Deep Brook S045 (Exceptional Value stream) appear to be connected in a single crossing width of approximately 200' but much larger than the 61' combined for W090/W091 and S045/S045A with S045A having no resource signage in place.
- 4) W093 is listed as "not impacted" but field observations document this sensitive resource crossing the pipeline ROW.
- 5) Pink and black flagging used for wetland delineations was observed under felled trees near Crawford Branch but is not listed in the Pa. Bulletin as a wetland crossing at this location.
- 6) Observations at Laurel Swamp Brook S020 (EV) and three wetlands W043/W044/W045 indicate that W044/W045 have a hydrologic connection with Laurel Swamp and are not "isolated". Resource signage for these wetlands indicates they continue into TGP's ROW and are and will be impacted.

DRN is unclear how TGP can claim they are limiting disturbance and not impacting these sensitive resources if indeed DRN is documenting such discrepancies in the field. DRN requests TGP address these matters in their weekly construction report, and provide an updated schedule of when additional resource mapping will be implemented before heavy equipment is allowed on site so that the public will have adequate time to ensure sensitive waterbodies are adequately marked, identified and protected before heavy equipment is allowed on site.

Sincerely,

Joe Zenes
Delaware Riverkeeper Network

cc. US Army Corps of Engineers

DRN Photo 100_4903 W045

Delineation Flagging

DRN Photo 100_4905 W045 Flowing



into ROW

DRN Photo 100_4862 W043 extends across S020 water
Note resource signage continuing upslope of stream signage W093

DRN Photo 100_4800 surface above the wetland boundary



DRN Photo 100_4737 S045A buried under east

DRN Photo100_4765 looking west from

Felled trees S045A has no resource signage



boundary of W091 connecting with W090

