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Honorable Chairman Norman C. Bay  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

Re: FERC Docket CP15-138

This letter is intended to address the Draft Environmental Impact Statement (DEIS) 20160505-4005 and request review of the environmental benefits of the Conestoga Alternate Route as compared to the current route as the current route has changed.

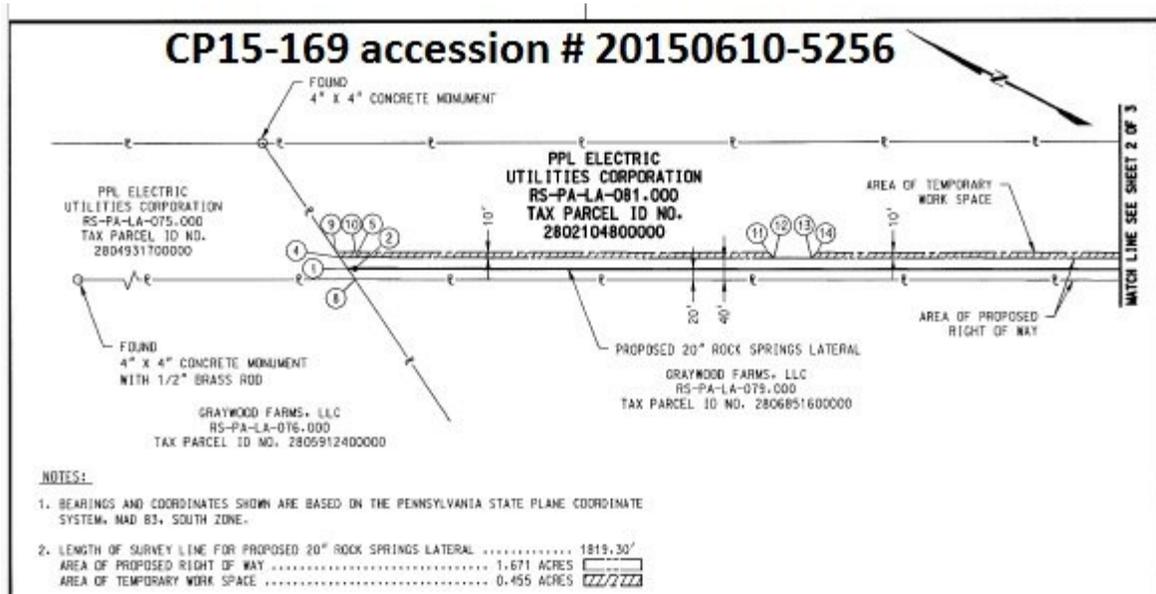
Below is a statement from the Draft Environmental Impact Statement (DEIS) accession # 20160505-4005 ES-9 Land Use, Recreation, and Visual Resources page 39.

“In general, the effects of the Project on recreational and special interest areas occurring outside of forestland would be temporary and limited to the period of active construction, which typically lasts several weeks or months in any one area. These effects would be minimized by implementing the measures in Transco’s ECP, best management practices, and other project-specific construction plans. In addition, Transco would continue to consult with the owners and managing agencies of recreation and special interest areas regarding the need for specific construction mitigation measures. Transco proposes to cross the Appalachian Trail using the horizontal bore method, maintaining trees between the entry and exit sites, and restoring the trees cleared from workspaces to minimize effects. To further minimize effects on other recreation and special interest areas, we are recommending that Transco file an update on the status of the site-specific crossing plans for each of the recreation and special interest areas listed as being crossed or otherwise affected by the Project, including site-specific timing restrictions, proposed closure details and notifications, specific safety measures, and other mitigation to be implemented.”

***As there is already an existing ROW along which we propose this project be co-located, the visual impact of widening the existing ROW would be minimal. If the FERC requires the applicant to negotiate with the owner of the existing electrical ROW for the use of that ROW as Additional Temporary Workspace (ATWS) to the greatest extent possible, the visual impact would be even further minimized.***

Honorable Chairman Norman C. Bay

Page 2



### 3.3.2 Minor Route Alternatives

“During the initial route identification process, Transco attempted to co-locate with existing rights-of-way where practicable and feasible. Transco’s initially planned pipeline route crossed the well head protection area of public water supply wells owned and operated by the Elizabethtown Area Water Authority (EAWA), Shenk’s Ferry Wildflower Preserve, and Tucquan Glen Nature Preserve in Lancaster County, Pennsylvania. The public water supply wells operated by the EAWA provide a source of water to residents of Mount Joy Township, West Donegal Township, and Elizabethtown Borough.

***(1) Why are the Shenk’s Ferry and Tucquan Glen properties mentioned in conjunction with the Elizabethtown Area Water Authority (EAWA)? The above is irrelevant to the Conestoga Alternate Route.***

“Shenk’s Ferry Wildflower Preserve is a 50-acre sanctuary that supports more than 70 species of wildflowers that bloom from mid-March until the end of May and another 60 species of wildflowers that bloom in the summer and fall. Shenk’s Ferry Wildflower Preserve has 2 miles of walking trails.”

***(2) The trail leading back to the “loop trail” is already crossed by the existing ROW. The majority of the easily viewable and labeled (yellow tags put beside each plant for the public’s information) wildflowers is not crossed by the existing ROW and would not be crossed by the widening of it.***

The Tucquan Glen Nature Preserve is 336 acres in size and has 2.4 miles of hiking trails. The Tucquan Glen Nature Preserve has at least 35 varieties of wildflowers and over 20 species of ferns and 40 species of trees.

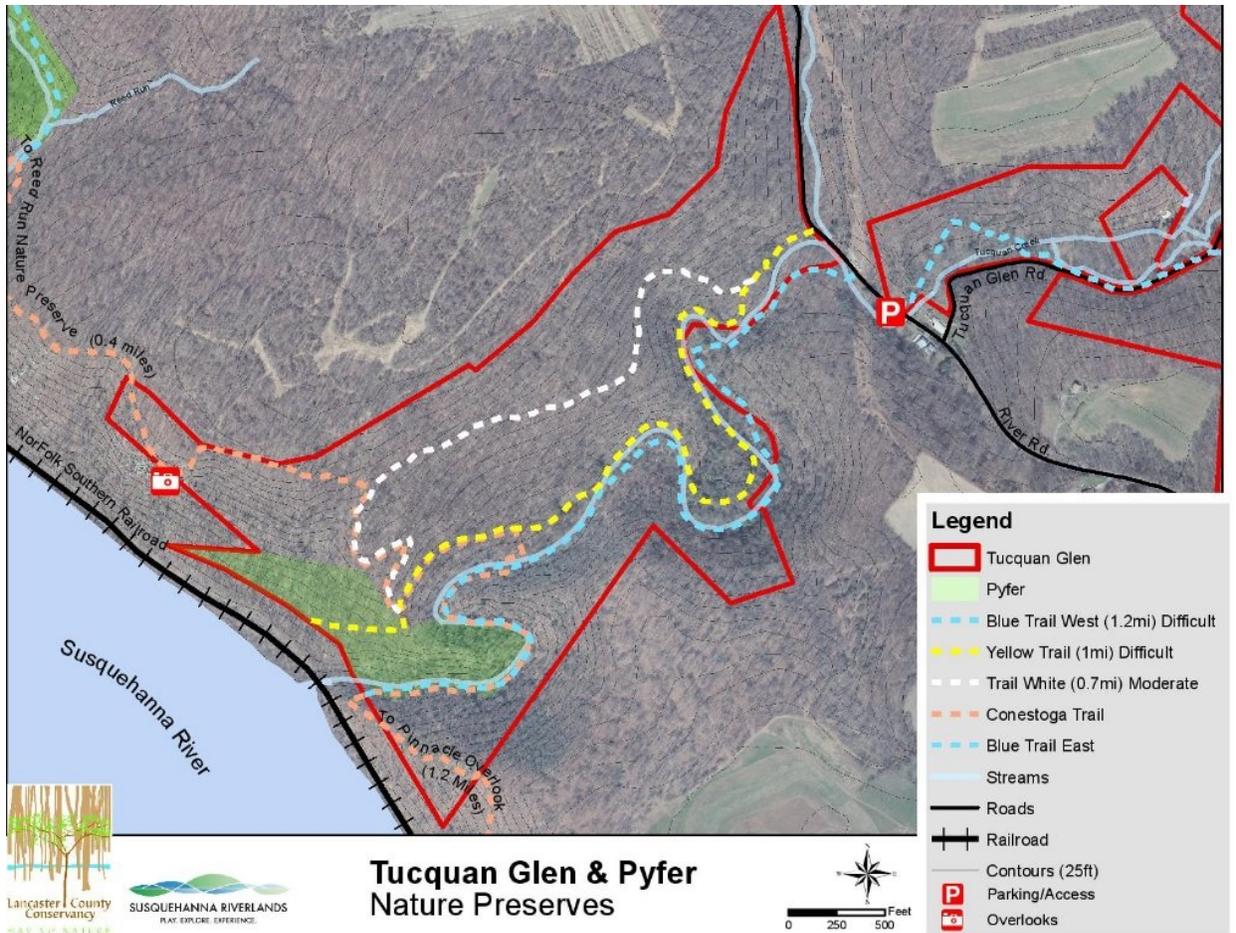
***(3) The “Seven Streams” area of Tucquan Glen is where the 2.4 miles of trails mentioned are almost exclusively located and are not crossed by the existing ROW.***

Honorable Chairman Norman C. Bay

Page 3

*Below is a map from the Conservancy website and available for printing. The existing ROW is not on this map and is approximately .61 miles east of the red circle with P for parking inside.*

*The most used and scenic trails are the Blue Trail East, Trail White, and Yellow Trail, none of which are crossed by the existing ROW .61 miles east or would be crossed by widening it.*



“We received comments from the EAWA expressing concern that the initially planned route would be within 400 feet of its public water supply wells. The EAWA recommended that the pipeline not be located within 0.5 mile of these wells to avoid crossing the wellhead protection areas associated with these wells.”

**(4) Again, this is irrelevant to the proposed Conestoga Alternate Route.**

Honorable Chairman Norman C. Bay

Page 4

“We received over 240 comments expressing concern about the initially planned alignment across Shenk’s Ferry Wildflower Preserve and Tucquan Glen Nature Preserve and the potential for the Project to affect threatened and endangered species, fish and wildlife, streams and forests, water and air quality, cultural resources, wildflower vegetation, and recreational land. In response to these concerns, Transco revised the planned route during the pre-filing process to avoid the wellhead protection area and the crossing of Shenk’s Ferry Wildflower Preserve and Tucquan Glen Nature Preserve.”

***(5) We believe many of the 240 petition signers were unaware that the 2014 proposed route would only require the widening of an existing electrical ROW and that the route would not pass through the “Seven Streams” area of Tucquan Glen. Indeed, I and many others I personally know are aware of the beauty of the “Seven Streams” hiking area, and were unaware that the Conservancy even owned land across River Road to the east, which is where the existing ROW lies.***

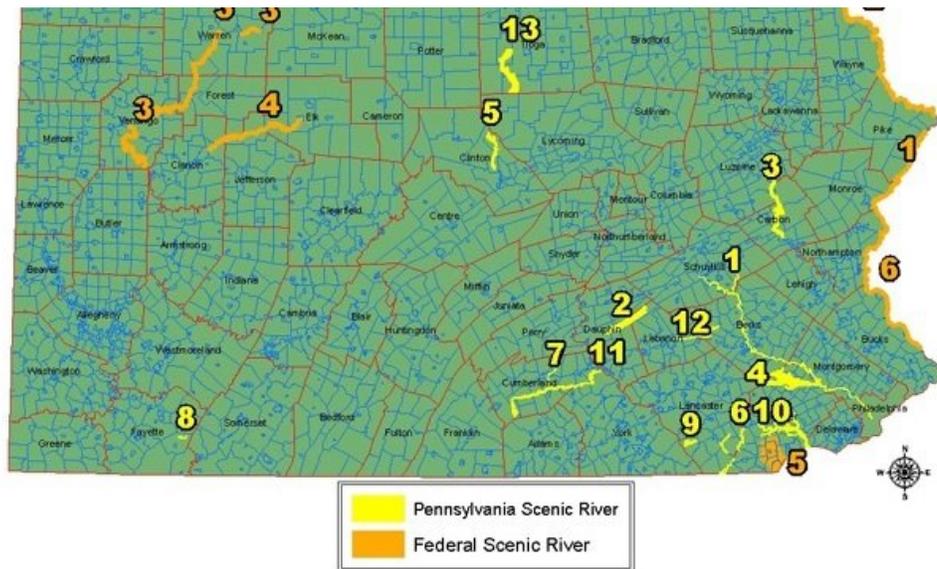
“We recently received comments from 89 Conestoga Township residents suggesting that the initially planned pipeline route across Shenk’s Ferry Wildflower Preserve and Tucquan Glen Nature Preserve would be preferable to the proposed route. The residents identified the Conestoga Alternative Route, which would follow an alignment similar to the initially planned CPL South pipeline route by Transco in Conestoga Township. The Conestoga Alternative Route is similar in length to the proposed route, but would cross Tucquan Glen Nature Preserve, Pequea Creek Campground, Shenk’s Ferry Wildflower Preserve, and the Conestoga River Park. In addition, the Conestoga Alternative Route would cross two Pennsylvania scenic rivers (Tucquan Creek and Clark Run). While the proposed route would also cross Tucquan Creek, the crossing location is in an area surrounded by agricultural land and would not require significant tree clearing adjacent to the water body.”

***(5) The FERC has now received 643 comments, largely from Conestoga residents who are familiar with the Shenk’s Ferry area, asking the FERC to reconsider moving the path away from the existing electrical corridor and co-locate this new ROW with the existing one.***

***According to the DCNR State of Pennsylvania, Clark Run is not a registered Scenic River, while Tucquan Creek is. Please note, Tucquan Creek is already to be crossed regardless of which route is chosen.***

Honorable Chairman Norman C. Bay

Page 5



### Pennsylvania Designated Rivers

Name	Date Designated	Name	Date Designated
1 <a href="#">Schuylkill River</a>	November 1978	8 <a href="#">Bear Run</a>	December 1988
2 <a href="#">Stony Creek</a>	March 1980	9 <a href="#">Tucquan Creek</a>	December 1988
3 <a href="#">Lehigh River</a>	April 1982	10 <a href="#">Lower Brandywine</a>	June 1989
4 <a href="#">West (Northwest) French Creek</a>	April 1982	11 <a href="#">Yellow Breeches Creek</a>	December 1992
5 <a href="#">Lick Run</a>	December 1982	12 <a href="#">Tulpehocken Creek</a>	December 1992
6 <a href="#">Octoraro Creek</a>	October 1983	13 <a href="#">Pine Creek</a>	December 1992
7 <a href="#">Le Tort Spring Run</a>	March 1988		

From [DCNR.State.Pa.US](http://DCNR.State.Pa.US)

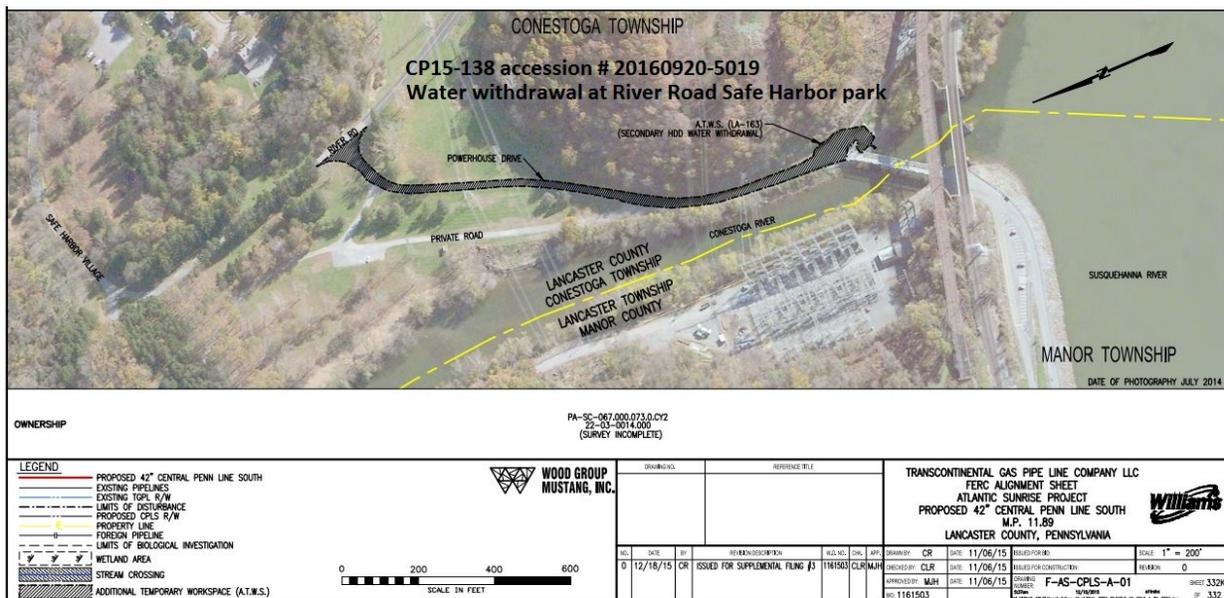
“Another disadvantage of the Conestoga Alternative Route is the limited amount of workspace available adjacent to the Conestoga River to complete an HDD crossing. River Road, Safe Harbor Park, and residential development are located immediately east of Conestoga River, which would limit the amount of space available to stage HDD equipment. In addition, the pullback section would need to be assembled on the west side of the crossing within the Conestoga River Park. There is about 200 feet of elevation change between these two locations, which would increase the potential for HDD complications including the risks of hole collapse and a significant return of drilling fluid to the low side of the crossing. In contrast, sufficient workspace is available along the proposed route and the entry and exit sides of the HDD are comparable in elevation. Because the Conestoga Alternative Route does not have any overwhelming advantages and would increase the complexity of construction and increase impacts on public lands and scenic rivers, we do not find that the Conestoga Alternative Route is environmentally preferable to the proposed route.”

Honorable Chairman Norman C. Bay

Page 6

*(6) From Innovative Pipeline crossings website listing the benefits of the DirectPipe® method of river crossings which was the hoped for method of crossing the Conestoga river and was listed as one of the methods of river crossing by Transco. Clearly, as all equipment and pipe stringing is done only on one side of the river, there is room on the west side of the Conestoga river at the Safe Harbor park crossing requested by the Conestoga township residents.*

*The environmental benefits are apparent and with the planned water withdrawal site #2 now planned at Safe Harbor park and a mere 1000' away from where the DirectPipe® rig could be set up perhaps another environmental advantage would be to pump the water directly from the planned withdrawal point to the rig, thereby eliminating the need for the trucking of thousands of gallons of water to the Witmer Road and Main Street / Conestoga boulevard entry and exit points.*



*Doing so would eliminate the truck traffic, diesel smoke, potential for “frac-outs” and inadvertent release of drilling fluids on the now proposed two sites. All of the other environmental benefits such as 80% less water required etc. seem a considerable environmental benefit.*

*This method of trenchless crossings seems to be the future and we ask you to bring it into the present as it has already been proven in many crossings and was used by the Williams Company in crossing the Aquashicola and wetlands in Monroe County Pennsylvania for the Williams Northeast Supply Link project in 2013.*

[https://www.waternz.org.nz/Attachment?Action=Download&Attachment\\_id=286](https://www.waternz.org.nz/Attachment?Action=Download&Attachment_id=286)

Honorable Chairman Norman C. Bay

Page 7

www.waternz.org.nz

*I'm not an Engineer and make no such claim; just a desperate landowner hoping the FERC will consider these benefits and seriously look in to them for the sake of our town. There are benefits of using the DirectPipe® method of trenchless construction which are outlined below. There are several American companies who are experienced in the use of this method. (See attached PDF), and as another municipality discovered, the German company who invented this technology makes available for rent the rigs to accomplish this crossing.*

<http://ipipecrossings.com/company/advantages/>

## COMPARED TO HDD, IPC'S POTENTIAL COST SAVINGS INCLUDE:

- 60% Less Fuel Consumption
  - 90% Less Bentonite Use
- 80% Less Water Consumption
  - 65% Less Mud Disposal Cost
- 30% Less Cuttings Disposal Cost
  - 50% Less Working Space on Entry Side
- 70% Less Working Space on Exit Side
  - 100% Less Buoyancy System

*(7) Although Clark Run in the Shenk's Ferry area was cited as a "Pennsylvania Scenic River" in the argument against the CAR, it is not listed as such on the PADCNR website. Please note, the unnamed tributary to Trout Run (WW-RS-001 MP 5.3 is a HQ-CWF, MF water body that would be crossed by the current route, but not by the CAR.*

TABLE 4.3.2-5 (cont'd) Sensitive Surface Waters Crossed by the Atlantic Sunrise Project

CPL South				
WW-T10-004	Tucquan Creek	3.9	HQ-CWF, MF	Dam-and-pump
WW-RS-001	Unnamed Tributary to Trout Run	5.3	HQ-CWF, MF	Flume

*The Conestoga Alternate Route clearly crosses far fewer water bodies than the current route. There are as many as 9-10 fewer water bodies would require crossing which is itself an*

Honorable Chairman Norman C. Bay

Page 8

*environmental benefit. Water bodies crossed labeled WB are noted on the map below. Metadata file is available at Lancaster County.gov GIS division.*



#### 4.5.2 Vegetation Communities of Special Concern or Value

##### Pennsylvania State-Threatened Plant Species

“In addition to the vegetation communities described above, the PADCNr identified the Safe Harbor East Woods – County Natural Heritage Inventory (SHEW-CHNI) as being in the area of the proposed route. The SHEW-CHNI site is dominated by a tulip tree-beech-maple hardwood forest (PNHP, 2008) and contains two large interior forest patches. It also includes core habitat for a population of puttyroot (*Aplectrum hyemale*), a Pennsylvania rare plant species, and adjacent blocks of forestland. The PADCNr

Honorable Chairman Norman C. Bay

Page 9

recommended avoiding this area but, if avoidance is not possible, the PADCNR recommended botanical surveys, as well as mitigation and monitoring for rare and threatened plants (Bowen, 2014).”

“The CPL South route would cross the northern edge of the SHEW-CHNI in two locations between MPs 10.4 and 12.3 for a total of 1.5 miles. About 0.1 mile of the 1.5 miles within the SHEW-CHNI is designated as Supporting Natural Landscape within the Natural Heritage Area. The remaining 1.4 miles is in areas designated as Supporting Natural Landscape outside the Natural Heritage Area (see figure 4.5.2-1). The CPL South route would not cross any areas within the SHEW-CHNI that are designated as Species of Concern Core Habitat. Most of the proposed route within the SHEW-CHNI would cross agricultural land. Transco selected this route as the result of an alternative analysis that showed it would reduce upland forest effects within the Natural Heritage Area by about an acre compared to the originally proposed route.”

***(8) The original 2014 route as proposed would have also traversed the SHEW-CHNI at around MP12.3 and the arboretum at Safe Harbor. As of the announced location change for the HDD crossing of the Conestoga River entry and exit points, (MOC-0297) the HDD path is proposed to cross under the SHEW-CHNI Safe Harbor woods east and a portion of the SHEW-CHNI on the Capiello farm. Should a contingency plan for the HDD Conestoga River crossing include using the DAM and Pump method as before, the SHEW-CHNI now planned to crossed under would be at risk for an open trench crossing if the same contingency plan as proposed for the original crossing between MP12.1 and MP13.0 were to be used.***

***The Conestoga Alternate Rout avoids the SHEW-CHNI east woods altogether. The portion of the Safe Harbor west woods that would be crossed by the Conestoga Alternate Route follows an existing ROW (Gravel Road) that already traverses the woods.***

“During citing and development of the pipeline routes, Transco implemented routing strategies to avoid and minimize effects on forest habitat and interior forests including, but not limited to, the following:

- selecting a route through non-forested areas wherever possible;
- co-locating the pipeline routes with existing utility and transportation infrastructure to the extent practicable;
- utilizing already disturbed, cleared, discontinuous, or fragmented portions of forest

“Transco attempted to avoid and minimize effects on interior forest habitat by routing the proposed pipelines adjacent to existing right-of-way corridors when possible. About 45 percent of CPL North would be co-located with existing pipeline and electric transmission line rights-of-way. About 11 percent of CPL South would be co-located with pipeline and electric transmission line rights-of-way, and 100 percent of Chapman and Unity Loops would be co-located with the existing Transco Leidy Line system.

Honorable Chairman Norman C. Bay

Page 10

Transco is also proposing to reduce the width of the construction right-of-way in some forested wetlands to minimize effects.”

***(9) Utilizing the existing electrical ROW along the CAR would increase and improve upon this effort. The Conestoga Alternate Route (CAR) would lengthen the collocated miles by around 5.5.***

#### **4.8.6.1 Recreation and Special Interest Areas**

“In general, the effects of the Project on recreational and special interest areas occurring outside of forestland would be temporary and limited to the period of active construction, which typically lasts several weeks or months in any one area. These effects would be minimized by implementing the measures in Transco’s ECP, BMPs, and other construction plans. In addition, Transco would implement specific mitigation measures as described below for some of the recreation and special interest areas that would be affected by the Project. Following construction, most open land uses would be allowed to revert to their former uses.”

“We conclude that the Project would not result in significant impacts on these areas.”

***(10) I completely agree with this FERC staff statement. While the recreation areas would return easily to their previous use of hiking etc. the owner of private property will be forever restricted in their use of the property crossed by the easement. Clearly the founders of our country and the signatories to the Constitution recognized the foundational aspects of property rights. The idea of “public use” property came along later in our country’s history, and while we agree with providing public use property, we firmly believe that without the sanctity of private property being preserved to the greatest extent possible, there would be no “public use” property to preserve.***

***FERC policy statement PL99-3-000 is instructive in the balancing environmental impacts against the adverse impacts to landowners. We are pleading for the FERC to instruct the pipeline company to adopt the Conestoga Alternate Route in conjunction with the recently submitted Manor Township route variation in order to minimize the adverse impacts to the largest number of Property owners while still accomplishing the project purpose and minimizing the environmental impact.***

“C. Eminent Domain Considerations

*The Policy Statement notes that, as part of its environmental review of projects, the Commission will work to take landowners' concerns into account, and to mitigate adverse impacts where possible and feasible.”*

Honorable Chairman Norman C. Bay

Page 11

Taking a paraphrased quote from a recent submission by attorney Carolyn Elefant concerning route variation 12A “one wouldn’t build an entirely new parking lot if one could simply repave and widen an existing parking lot.”

While route variation 12A is being considered and newly impacted landowners notified and given the opportunity to comment, we request the same for our route variation request.

Please reconsider, while there is still time, the implementation of the Conestoga Alternate Route in conjunction with the recently submitted Manor Township route variation which also follows an existing electrical corridor beginning at around MP14.0 and joins the Conestoga Alternate Route at the Safe Harbor park.

Sincerely,

Gary R. Erb and 643 Conestoga petitioners

Conestoga, PA

Document Content(s)

FERC comment from gary Erb3.DOCX.....1-11