



February 8, 2018

Federal Energy Regulation Commission  
Attn: Mr. David Hanobic  
888 First Street, NE  
Washington, DC 20426

RE: Request for FERC Consideration  
Recommendation Regarding Vegetative Cover Alteration or Removal

Dear Mr. David Hanobic:

The Pennsylvania Department of Environmental Protection (PADEP), the Pennsylvania Department of Conservation and Natural Resources and the Pennsylvania Fish and Boat Commission are requesting assistance from the Federal Energy Regulatory Commission (FERC) to protect the rights of property owners in Pennsylvania when issuing Certificates of Public Convenience and Necessity (Certificates) for utility infrastructure including interstate natural gas pipeline projects. Because FERC issues its Certificates before PADEP completes its review of all required permits for these projects, applicants often begin what may later become the unnecessary clearing of land based on the location of the final approved project within Pennsylvania.

Pennsylvania's environmental regulatory programs require project applicants to perform proper planning, design, construction, maintenance and monitoring to protect natural resources. Primarily, the regulatory programs managed by PADEP require applicants to avoid and minimize impacts created by water obstructions, wetland encroachments, and earth disturbance activities. These projects will typically be constructed on private or non-applicant owned property. An applicant must obtain the FERC Certificate prior to completing the PADEP permit applications because state permit applications cannot be completed until an applicant has site access to survey, delineate wetlands and obtain other field information required to complete the technical portions of PADEP permit applications.

In Pennsylvania, a project cannot be constructed until *or unless* required state permits are authorized or issued to an applicant as required by conditions to the PADEP State Water Quality Certification. Until PADEP has completed its full review of the permit applications and can assure that the proposal's technical details comply with federal and state environmental law, any project that has been issued a FERC Certificate remains tentative and subject to changes based upon the information revealed by field information obtained after the FERC Certificate is issued.

Property rights flow from the Certificate based upon the original, but not yet final, project proposals and assumes that the construction of the project will proceed or occur without modifications to the project's location or technical details.

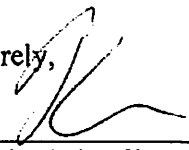
The problem arises when a Certificate holder is authorized to alter the vegetation in rights-of-way or easements that cross private and public property before the applicant has final state permits that delineate the final location of the project authorized by the FERC Certificate. This enables the Certificate holder to temporarily or permanently alter resources and environmental features based upon a premature assumption that the Certificate holder will be constructing its project along the proposed right-of-way or easement or, frankly, at all. In reality, the project location may change during the PADEP permit review process to minimize the impacts to sensitive resources and environmental features.

PADEP cannot prevent a Certificate holder from altering the resources and environmental features if the Certificate holder conducts its activities in a manner that does not necessitate the issuance of a state permit, e.g., cutting mature trees by hand. However, FERC has the authority to prevent the premature alteration of environmental features located in what can best be described as a tentative project location by not allowing such alteration until the entire project is properly permitted by the PADEP.

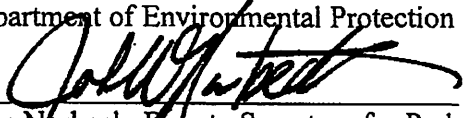
For the reasons articulated above, the Commonwealth of Pennsylvania requests that FERC prohibit or condition alteration or removal of vegetative cover along the proposed project rights-of-way or easements on PADEP's final approval and permitting of the project or portion of the project in Pennsylvania. Absent this prohibition, private and public property owners may experience the unnecessary alteration of their property and/or loss of resources for a project that may either ultimately not be constructed or not be constructed in the location originally proposed by the Certificate holder in its application to FERC.

If you have questions related to this request, please do not hesitate to contact PADEP's Aneca Atkinson at 717.772.1839.

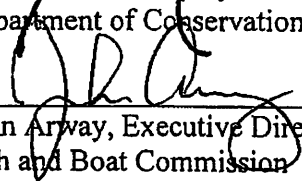
Sincerely,

  
\_\_\_\_\_  
Timothy Schaeffer, Acting Deputy Secretary for Water  
Department of Environmental Protection

2/8/18  
Date

  
\_\_\_\_\_  
John Norbeck, Deputy Secretary for Parks and Forestry  
Department of Conservation & Natural Resources

2/8/18  
Date

  
\_\_\_\_\_  
John Arway, Executive Director  
Fish and Boat Commission

15 Feb 2018  
Date