

October 10, 2016

Nathaniel J. Davis, Sr.
Deputy Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Re: Revised or Supplemental Draft Environmental Impact Statement for the Atlantic Sunrise Pipeline Project (Docket No. CP15-138-000)

Deputy Secretary Davis:

On behalf of Allegheny Defense Project, Appalachian Mountain Advocates, Citizens for Pennsylvania's Future, Clean Air Council, Concerned Citizens of Lebanon County, Damascus Citizens for Sustainability, Eastern PA Coalition for Abandoned Mine Reclamation, Friends of Nelson, Heartwood, Lancaster Against Pipelines, Lebanon Pipeline Awareness, Lower Susquehanna Riverkeeper, Middle Susquehanna Riverkeeper, Shalefield Organizing Committee, Sierra Club, Waterkeepers Chesapeake, and Wild Virginia, we submit the following comments regarding the need for a Revised or Supplemental Draft Environmental Impact Statement for the proposed Atlantic Sunrise Pipeline Project (hereinafter "Atlantic Sunrise," the "Pipeline," or the "Project"). The Environmental Protection Agency ("EPA"), Department of Interior ("DOI"), and the environmental community submitted comments noting numerous defects in the Draft Environmental Impact Statement ("DEIS").

In the comments below, we outline many of the substantial defects in the DEIS that must be corrected in a Revised or Supplemental DEIS – including, but not limited to, substantial concerns regarding deficiencies in the DEIS outlined in comment letters submitted by EPA and DOI. Correcting these deficiencies will require significant new analysis and the incorporation of high quality and accurate information regarding the Project's impacts. Public scrutiny of environmental decisionmaking, informed by high quality and accurate information, is essential to the purposes of the National Environmental Policy Act ("NEPA"). 40 CFR § 1500.1(b). The Commission must allow public scrutiny of these substantial changes in a Revised or Supplemental DEIS.

We also identify significant new information associated with the Project that has come to light after the public comment period on the DEIS closed in June 2016. Additional information necessary for a fully informed evaluation of potential impacts remains undisclosed.

In light of these circumstances, we urge FERC to issue a Revised or Supplemental DEIS for Atlantic Sunrise, and provide sufficient opportunity for public comment. FERC must supply information and analysis regarding the Project in a manner that facilitates meaningful analysis and public participation. The Commission should use this as an opportunity to correct the substantial deficiencies in the DEIS, thereby furthering the purposes of NEPA.

I. Legal Requirements for a Revised or Supplemental Environmental Impact Statement

The National Environmental Policy Act EIS requirement “guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decisionmaking process and the implementation of that decision.” *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989). Information must be provided in a timely manner to ensure that the public can meaningfully participate in the decisionmaking process. *League of Wilderness Defenders/Blue Mountain Biodiversity Project v. Connaughton*, 752 F.3d 755, 761 (9th Cir. 2014) (“Informed public participation in reviewing environmental impacts is essential to the proper functioning of NEPA.”). An agency must “not act on incomplete information, only to regret its decision after it is too late to correct.” *Marsh v. Or. Natural Res. Council*, 490 U.S. 360, 371 (1989).

When an agency publishes a draft EIS, it “must fulfill and satisfy to the fullest extent possible the requirements established for final statements in section 102(2)(C) of the Act.” 40 C.F.R. § 1502.9(a). “If a draft statement is so inadequate as to preclude meaningful analysis, the agency *shall* prepare and circulate a revised draft of the appropriate portion.” *Id.* (emphasis added). “The agency shall make every effort to disclose and discuss at appropriate points in the draft statement all major points of view on the environmental impacts of the alternatives including the proposed action.” *Id.* An EIS that fails to provide the public a meaningful opportunity to review and understand the agency’s proposal, methodology, and analysis of potential environmental impacts violates NEPA. *See e.g., California ex rel. Lockyer v. U.S. Forest Service*, 465 F. Supp. 2d 942, 948-50 (N.D. Cal. 2006); *see also Idaho ex rel. Kempthorne v. U.S. Forest Service*, 142 F.Supp.2d 1248, 1261 (D. Idaho 2001) (“NEPA requires full disclosure of all relevant information before there is meaningful public debate and oversight.”).

Furthermore, NEPA requires a supplement to an EIS when significant new information or changes in a project implicate significant changes in the environmental analysis. The NEPA regulations require that:

- (1) [Agencies] . . . [s]hall prepare supplements to either draft or final environmental impact statements if: (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.
- (2) [Agencies] may also prepare supplements when the agency determines that the purposes of the Act will be furthered by doing so.

40 C.F.R. § 1502.9(c). The use of the word “shall” is mandatory; it creates a duty on the part of the agency to prepare a supplemental EIS if substantial changes are made or if there is significant new information relevant to environmental concerns. *Marsh v. Oregon Natural Res. Council*, 490 U.S. 360, 372 (1989) (recognizing the duty where there are significant new circumstances or information); *see also Dubois v. U.S. Dep’t. of Agric.*, 102 F.3d 1273, 1292 (1st Cir. 1996).

When determining if new circumstances or new information require an agency to issue a supplemental EIS, the following factors should be considered: (a) the environmental significance

of the new information; (b) its probable accuracy; (c) the degree to which the agency considered the new information and considered its impact; and (d) the degree to which the agency supported its decision not to supplement its impact statement with explanation or additional data. *Warm Springs Dam Task Force v. Gribble*, 621 F.2d 1017, 1025 (9th Cir. 1980); *Commonwealth of Massachusetts v. Watt*, 716 F.2d 946 (1st Cir. 1983).

II. The Commission Must Prepare a Revised or Supplemental Draft Environmental Impact Statement for the Atlantic Sunrise Project

A. FERC must prepare a Revised DEIS due to the substantial lack of information in the DEIS regarding the scope of Atlantic Sunrise and its environmental impacts.

1. Scope

The Commission must prepare a Revised DEIS for the Project to address the significant lack of information in the DEIS concerning the scope of Atlantic Sunrise and related pipeline projects that will utilize Atlantic Sunrise facilities to transport natural gas to the southeastern United States. These projects are part of a coordinated effort by the gas industry and the federal government, including FERC, to connect Marcellus and Utica shale gas to downstream markets. These projects should have been comprehensively analyzed as connected, cumulative, and similar actions in a single EIS to properly account for the direct, indirect, and cumulative impacts that will likely result, and to consider a broad range of alternatives. *See* 40 C.F.R. § 1508.25. Instead of preparing that comprehensive analysis, FERC presented the public with a fractured review that isolated various components of this larger project, thus frustrating the public disclosure and participation requirements of NEPA and its implementing regulations.

Atlantic Sunrise is but one step in a larger effort to transport Marcellus and Utica shale gas from northern Pennsylvania to the southeastern United States. According to Transcontinental Pipe Line Company's ("Transco") application, the Atlantic Sunrise Project will "provide 1,700,002 dt/day of incremental firm transportation capacity *from northern Pennsylvania in Transco's Zone 6 to Transco's Station 85 in Alabama*," where it "interconnects with existing pipelines serving the Florida market." Atlantic Sunrise Application at 3 (Mar. 31, 2015) (emphasis added). This would be accomplished by constructing nearly 200 miles of new pipeline in Pennsylvania to connect shale gas supplies to Transco's existing mainline and modifying that mainline for bi-directional flow capabilities so that shale gas can be transported in a north-to-south direction to Transco's Station 85 in Alabama. *See id.* at 5-6.

In its application for Atlantic Sunrise, Transco claimed that it was "not aware of any other application to supplement or effectuate its proposals set forth herein which must be or is to be filed by Transco, any of Transco's customers, or any other person with any other Federal, state or other regulatory body." *Id.* at 21. However, on November 14, 2014, just a few months before Transco filed its application for Atlantic Sunrise, it filed an application for the Hillabee

Expansion Project in Docket No. CP15-16-000.¹ *See Florida Southeast Connection, LLC, et al.*, 154 FERC ¶ 61,080, at P 2 (Feb. 2, 2016) (“FSC Order”). According to Transco:

The [Hillabee Expansion] Project will include construction of approximately 43.5 miles of pipeline looping facilities and 88,500 horsepower of compression at new or existing compressor stations, all in Alabama. These facilities will provide Sabal Trail with 1,131,730 dt/day of incremental firm capacity *from certain receipt points located at Transco’s Station 85* in Choctaw County, Alabama to a proposed point of interconnection between Transco and Sabal Trail in Tallapoosa County, Alabama.

Hillabee Expansion Application at 3 (emphasis added). The interrelatedness of Transco’s Atlantic Sunrise and Hillabee Expansion projects is evident to gas industry analysts. For example, according to RBN Energy:

. . . Williams’ Atlantic Sunrise . . . by the second half of 2017, will allow up to 1.7 Bcf/d to flow south on Transco to Station 85 in Choctaw County, AL. Atlantic Sunrise will consist of 178 miles of greenfield pipeline, two pipeline loops (new lines paralleling existing pipes) totaling 15 miles, and new compressor stations and other enhancements. Receipt points for the Marcellus/Utica gas delivered via Atlantic Sunrise will be along a prime stretch of Marcellus activity: Transco’s Leidy Line between the existing Grugan interconnect in Clinton County, PA, and Transco’s Station 515 in Luzerne County, PA. The gas will run to Transco’s mainline, which, with the Atlantic Sunrise Project’s improvements, will make the mainline bi-directional through Transco zones 4, 5 and 6 – that is, all the way to the Mississippi-Louisiana border.

A couple of other projects will then help move the gas further south. From Transco’s Station 85 . . . [Transco’s] 818-MMcf/d Hillabee Expansion . . . will provide the needed physical connection in Tallapoosa County, AL, to the northwest terminus of planned Sabal Trail Pipeline . . . The Sabal Trail Pipeline, whose ultimate capacity will be about 1.1 Bcf/d, will run 515 miles from Tallapoosa County (AL) to near Orlando, FL[.] . . [T]he Atlantic Sunrise-Hillabee-Sabal Trail combo will put Marcellus/Utica supply in direct competition with Gulf Coast and Midcontinent gas supply for the Florida market.

Sheetal Nasta, “Too Much Pipe On My Hands? – Marcellus/Utica Takeaway Capacity To The Southeast,” RBN Energy (Aug. 15, 2016) (emphasis added), *available at* <https://rbnenergy.com/too-much-pipe-on-our-hands-marcellus-utica-takeaway-capacity-to-midwest>. According to another RBN Energy article, “Williams (the owner of Transco . . .), is helping [Marcellus producers] by developing the Atlantic Sunrise project (*and the related Hillabee Expansion – a Station 85-to-Sabal-Trail connector* . . .) to help make Marcellus gas deliveries to the southeastern US possible.” Housley Carr, “Miami 2017 – Marcellus Gas Heading To Florida,” RBN Energy (Jan. 16, 2014) (emphasis added), *available at*

¹ The Hillabee Expansion and two other projects, Sabal Pipeline and Florida Southeast Connection, are part of the “Southeast Market Pipelines Project.” *See* FSC Order at P 226. Collectively, the three projects would involve the construction of over 685 miles of pipeline and 339,400 hp of compression in Alabama, Georgia, and Florida. *Id.* at PP 1-4.

<https://rbnenergy.com/miami-2017-marcellus-gas-heading-to-florida>. Despite the fact that industry analysts clearly view the Atlantic Sunrise, Hillabee Expansion, and Sabal Trail projects as a three-step “combo” to transport Marcellus/Utica shale gas to the Southeast, Transco presented its Atlantic Sunrise Project to FERC as if it was completely unrelated to the Hillabee Expansion. This resulted in a substantially flawed review of the direct, indirect, and cumulative effects of the “Atlantic Sunrise-Hillabee-Sabal Trail combo.”

For example, the FEIS that FERC published for the Sabal Trail, Hillabee Expansion, and Florida Southeast Connection projects made no mention of the Atlantic Sunrise Project. Similarly, the DEIS that FERC published for the Atlantic Sunrise Project made no mention of the Sabal Trail, Hillabee Expansion, or Florida Southeast Connection projects.

Nevertheless, FERC should have been aware of the relatedness of these projects. The two foundation shippers for the Sabal Pipeline are Florida Power & Light Company (“FPL”) and Duke Energy Florida, Inc. (“DEF”). *See* Sabal Pipeline Application at 2-3 (Docket No. CP15-17-000, Accession No. 20141121-5032). Both FPL and DEF filed motions to intervene in the Hillabee Expansion Project. *See* Docket No. CP15-16-000, Accession Nos. 20141222-5173 and 20141208-5245. Both companies also filed motions to intervene in the Atlantic Sunrise Project. *See* Docket No. CP15-138-000, Accession Nos. 20150429-5379 and 20150429-5499. The fact that two Florida utilities that are foundation shippers for Sabal Pipeline also sought to intervene in both the Hillabee Expansion and Atlantic Sunrise Projects should have alerted FERC to the interrelatedness of these projects.

In a proceeding before the Florida Public Service Commission, both FPL and DEF were asked to “identify and discuss any existing or planned natural gas pipeline expansion project, including new pipelines and those outside of the State of Florida, that would affect the Company for the period 2016 through 2025.” Florida Public Service Commission, Review of the 2015 Ten-Year Site Plans for Florida’s Electric Utilities – Supplemental Data Request #1, Request 67 (Attachment 1). In response, both companies identified Atlantic Sunrise. *See* DEF and FPL Responses to Request 67 (Attachment 2). DEF said that Atlantic Sunrise will “displace [] traditional Gulf Coast-to-Northeast flows” and that it “may benefit from incremental Marcellus shale gas supply that could be available at Transco Station 85 where DEP could access this supply to transport into Florida on downstream capacity on Sabal Trail[.]” *Id.* FPL said that Atlantic Sunrise will allow gas transport “from the prolific Marcellus and Utica shale regions of Pennsylvania and Ohio to the Southeast.” *Id.*

The Atlantic Sunrise proposal must also be considered in conjunction with the Magnolia Extension proposal, another part of the larger effort to transport Marcellus and Utica shale gas to the southeastern United States. The Magnolia Extension would allow for 500,000 Dth/d of natural gas to be transported from the Marcellus shale fields to the Southeast Market Pipelines Project. An industry publication for the Marcellus shale field recently made public American Midstream Partners' plans to extend its Magnolia Intrastate pipeline and connect it to the portion of the Transco pipeline in Alabama that is a critical part of the Southeast Market Pipelines Project. *See* “Marcellus/Utica Gas May Head to GA & FL via Alabama Pipeline,” Marcellus Drilling News (Feb. 2016), available at <http://marcellusdrilling.com/2016/02/marcellusutica-gas-may-head-to-ga-fl-via-alabama-pipeline> (noting that announcement from American Midstream

states that the proposed Magnolia Extension "is intended to offer supply diversity to growing demand areas in the Southeast market, and specifically, address infrastructure constraints associated with the rapid development of natural gas from the Marcellus and Utica Shale formations in the Appalachian Basin"). These pipeline projects are connected actions, and the full scope of their environmental effects must be considered together.

Thus, despite the fact that Transco's Atlantic Sunrise Project is clearly "related" to and part of a "combo" with the Hillabee Expansion, Sabal Trail, and Florida Southeast Connection projects, FERC impermissibly segmented its review of Atlantic Sunrise and, consequently, presented the public with an incomplete and inaccurate assessment of direct, indirect and cumulative effects. 40 C.F.R. § 1508.25(a); *see also Delaware Riverkeeper Network*, 753 F.3d 1304, 1313 (D.C. Cir. 2014) ("An agency impermissibly 'segments' NEPA review when it divides connected, cumulative, or similar federal actions into separate projects and thereby fails to address the true scope and impact of the activities that should be under consideration.").

"NEPA ensures that the agency will not act on incomplete information, only to regret its decision after it is too late to correct." *Marsh v. Oregon Natural Resources Council*, 490 U.S. 360, 371 (1989). Here, the DEIS precludes meaningful analysis because it "fails to address the true scope and impact of the activities that should be under consideration." 40 C.F.R. §§ 1502.9(a), 1508.25(a); *Delaware Riverkeeper Network*, 753 F.3d 1304, 1313. FERC should remedy this failure by preparing a Revised DEIS for Atlantic Sunrise that, at a minimum, discloses and analyzes the impacts of the Hillabee Expansion, Sabal Trail, and Florida Southeast Connection projects in the cumulative impacts section.

2. Lack of Relevant Environmental Information

In addition to FERC's failure to properly disclose and consider the true scope of Atlantic Sunrise and related pipeline projects, the DEIS lacked sufficient information about the Atlantic Sunrise Project and its potential environmental impacts on a wide variety of resources. The DEIS recommends that some of this missing information be supplied by Transco either by the end of the DEIS comment period or before construction begins. *See* DEIS at 5-25 – 5-32. That means the public will not have an opportunity to meaningfully review and comment on this information, which should have been included in the DEIS.

Only the issuance of a revised or supplemental DEIS that thoroughly analyzes this missing information will satisfy NEPA's public comment procedures, which "[encourage] public participation in the development of information during the decision making process." *Half Moon Bay Fishermans' Mktg. Ass'n v. Carlucci*, 857 F.2d 505, 508 (9th Cir. 1988). Simply adding this missing information in the FEIS is insufficient, as it does not allow the same degree of meaningful public participation. *Id.* (citing *California v. Block*, 690 F.2d 753, 770-71 (9th Cir. 1982)) ("It is only at the stage when the draft EIS is circulated that the public and outside agencies have the opportunity to evaluate and comment on the proposal.... No such right exists upon issuance of a final EIS."); 40 CFR § 1500.1(b).

Furthermore, the EPA and DOI identified significant deficiencies in the DEIS. For example, EPA expressed concern that "project need will not be vetted in the EIS, but outside of

the NEPA process by FERC.” EPA, *Comments on the Atlantic Sunrise DEIS – Cover Letter*, at 2 (June 27, 2016) (“EPA DEIS Comments”) (Attachment 3). Without assessing the need for the project in the DEIS, FERC undermines the development of alternatives, a “critical component of the NEPA process.” *Id.* EPA stated that without this information in the DEIS, FERC failed to “provide transparency in the decision-making process,” thereby frustrating the public’s “opportunity to provide comment” on the DEIS. *Id.*

In addition to the lack of a statement of need, EPA said it was “concerned about the amount of detailed information that has yet to be filed and is not evaluated in the DEIS.” *Id.* This includes:

surveys for land, rare, species, historic resources, water supplies, air modeling, mitigation measures to manage and dispose of contaminated groundwater, proposed mitigation measures for source water protection areas, geotechnical feasibility studies for HDD crossing locations and mitigation measures to minimize drilling risks, and a detailed aquatic resource compensatory mitigation plan.

Id. EPA explained that this information is both “relevant and critical to evaluation of potential impacts” and that “a fully informed decision may not be made without this information.” *Id.* EPA also stressed that this missing information needs to be “disseminated and appropriately evaluated with the resource agencies and public stakeholder participation prior to the issuance of any certificates by FERC.” *Id.* EPA specifically recommends that FERC do this “through the use of a revised DEIS.” *Id.*

The EPA’s comments on the Atlantic Sunrise DEIS echo comments it has submitted on other draft EISs that FERC has prepared for large natural gas pipeline projects. For example, in comments on the DEIS for the Sabal Pipeline, EPA said it had “very significant concerns over the FERC’s process and full and objective compliance with the NEPA regulations at 40 CFR Part 1500.” EPA, *Comments on the Southeast Market Pipeline Project DEIS*, at 1 (Oct. 26, 2015) (Docket No. CP15-17-000, Accession No. 20151102-0219). EPA even suggested that FERC “appear[ed] to be justifying decisions made prior to implementing the NEPA process.” *Id.* at 9. In comments on the DEIS for the PennEast Pipeline, EPA said it had “significant concerns regarding the alternatives analysis, a number of important topics for which *information is incomplete*, and the direct, indirect and cumulative impacts of the proposed action on the environment and public health, including impacts to terrestrial resources, including interior forests, aquatic resources, and rare, threatened and endangered species.” EPA, *Comments on the PennEast Pipeline DEIS*, at 1 (September 16, 2016) (Docket No. CP15-558-000, Accession No. 20160916-0013) (emphasis added). EPA emphasized that “[a] significant amount of information is omitted from the DEIS and is proposed to be filed by the project proponent at a future date.” *Id.* at 3. “Failing to consider this information in the DEIS leads to gaps in the data and lack of potentially important information for the decision maker.” *Id.* Like it did in comments on the Atlantic Sunrise DEIS, EPA specifically requested that FERC prepare a “revised DEIS” for the PennEast Pipeline to account for these significant deficiencies.

DOI was similarly critical of the Atlantic Sunrise DEIS for its lack of information and meaningful analysis. DOI said the cumulative impacts analysis should be “significantly revised” to disclose impacts on the Appalachian National Scenic Trail and Captain John Smith

Chesapeake National Historic Trail. DOI, *Draft Environmental Impact Statement (DEIS) for the Proposed Atlantic Sunrise Project*, at 6 (July 8, 2016) (Attachment 4). DOI explained that both trails “contain significant cultural resources and viewsheds that could be impacted by the Atlantic Sunrise Project and the myriad other past, present, and reasonably foreseeable projects, starting with those listed in Appendix P.” *Id.* Despite the cultural and scenic significance of these trails, the DEIS only looks at the “effects to single resources within historic districts and along discrete segments of the trails.” *Id.* DOI stressed that the cumulative impacts analysis “must be considered in the sense of the trails and their cultural resource properties *as a whole*[.]” *Id.* (emphasis added). This is critical since trails like the Captain John Smith Chesapeake National Historic Trail are located in an area in Pennsylvania that is “experiencing multiple pipeline projects.” *Id.* at 4.

DOI expressed further concerns that information regarding route deviations was omitted from the DEIS. *Id.* at 2-3. This information is needed “in order to give reviewers an opportunity to be *fully informed* regarding what is proposed and the impact analyses conducted.” *Id.* (emphasis added). DOI specifically “request[s] release of a supplemental EIS and opportunity for public review and comment once this additional information is available and incorporated.” *Id.*

Like the EPA and DOI, the environmental community submitted comments regarding the numerous defects in the Atlantic Sunrise DEIS. *See e.g.*, June 27, 2016 DEIS Comments at 5-8. Based on the analysis outlined in these comment, a Revised or Supplemental Draft EIS should, at a minimum, correct the following deficiencies:

- **FERC’s purpose and need statement and range of alternatives are inadequate.** According to FERC, “[w]hile this EIS briefly describes Transco’s stated purpose, it will not determine whether the need for the Project exists, because this will later be determined by the Commission.” DEIS at 1-2. This directly violates the plain language of the Council on Environmental Quality (CEQ) regulation requiring the Commission to “specify the underlying purpose and need” for the project in the EIS. 40 C.F.R. § 1502.13. Without performing an independent assessment of the need for the Project, FERC cannot determine the reasonable range of alternatives that must be analyzed in the DEIS.
- **The lack of complete information in the DEIS renders it legally deficient.** Throughout the DEIS, FERC indicates that information provided by Transco is incomplete. This incomplete information forms the basis for many of the proposed conditions that Commission staff recommends be attached to any certificate authorizing the Project. *See* DEIS at 5-21 – 5-32. These information gaps are detailed further in our June 27, 2016 comment letter. FERC requests that Transco provide information concerning impacts to, among other things, waterbodies and wetlands, drinking water supplies, threatened and endangered species, and other public resources. This information is relevant to FERC’s evaluation of “reasonably foreseeable significant adverse effects,” and it should have been included in the DEIS so that the public had an opportunity to review it and provide comments. 40 C.F.R. § 1502.22.

- **The DEIS fails to take a “hard look” at the direct and indirect effects of the Project.** For example, the DEIS fails to adequately analyze: the direct effects of the Project on waterbodies and wetlands; the direct effects of the Project on high-value lands protected from development in compliance with the Chesapeake Bay Total Maximum Daily Load; indirect effects of shale gas development that is causally related to and a reasonably foreseeable consequence of the Project; the direct and indirect effects of the Project on climate change; cumulative impacts to water resources, vegetation and wildlife, fisheries and other aquatic resources, special status species, air quality, and land use, recreation, special interest areas, and visual resources.

Furthermore, as outlined in more detail in our comment letter on the DEIS and discussed above, FERC must prepare a Programmatic EIS for infrastructure projects related to increasing takeaway capacity from the Appalachian Basin. FERC also has a duty to ensure no jeopardy to listed species under Section 7(a)(2) of the Endangered Species Act, and FERC and FWS must enter formal consultation on the northern long-eared bat and northeastern bulrush. FERC should also initiate formal consultation with FWS on the bog turtle.

3. Climate Change

As explained in our comments on the DEIS, FERC failed to take a hard look at climate change. *See* DEIS Comments at 34-41. EPA was similarly critical of FERC’s climate change analysis, explaining that FERC’s conclusion that the Atlantic Sunrise Project “would not significantly contribute to GHG cumulative effects of climate change . . . is not well supported[.]” EPA DEIS Comments, Enclosure 1 at 8. EPA urged FERC to consider “in further detail the potential impacts of the project contributing to climate change as well as the potential impact of climate change on the proposed action.” *Id.* EPA also urged FERC to consider and disclose emission estimates from methane leakage and from shale gas development “due to the reasonably close causal relationship of this activity to the project.” *Id.* at 8-9. These deficiencies strongly indicate the need for a Revised DEIS.

In a revised or supplemental DEIS, FERC should utilize the CEQ’s final guidance on consideration of greenhouse gas emissions and the effects of climate change in NEPA reviews, which was finalized on August 1, 2016. The guidance addresses federal agency review of greenhouse gas emissions as foreseeable direct and indirect effects of a proposed action. CEQ’s guidance “[r]ecommends that agencies quantify a proposed agency action’s projected direct and indirect GHG emissions, taking into account available data and GHG quantification tools that are suitable for the proposed agency action.” CEQ, *Final Guidance for Federal Departments on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews*, at 4 (Aug. 1, 2016). The CEQ climate guidance notes that “[q]uantification tools are widely available, and are already in broad use in the federal and private sectors, by state and local governments, and globally.” *Id.* at 12 (citing CEQ’s inventory of Greenhouse Gas Accounting Tools).

The CEQ guidance provides clear direction for FERC to conduct a lifecycle greenhouse gas analysis because the modeling and tools to conduct this type of analysis are readily available to the agency:

If the direct and indirect GHG emissions can be quantified based on available information, including reasonable projections and assumptions, agencies should consider and disclose the reasonably foreseeable direct and indirect emissions when analyzing the direct and indirect effects of the proposed action. Agencies should disclose the information and any assumptions used in the analysis and explain any uncertainties. To compare a project's estimated direct and indirect emissions with GHG emissions from the no-action alternative, agencies should draw on existing, timely, objective, and authoritative analyses, such as those by the Energy Information Administration, the Federal Energy Management Program, or Office of Fossil Energy of the Department of Energy. In the absence of such analyses, agencies should use other available information.

Id. at 16 (citations omitted). FERC should correct deficiencies in its greenhouse gas analysis by implementing this guidance in a Supplemental or Revised DEIS. This guidance served to clarify the obligations that NEPA already imposed on agencies; consequently, the fact that the finalized version had not been published when FERC released the DEIS does not relieve FERC of its obligation to conduct a thorough climate analysis.

In addition to violating NEPA, FERC's disregard of the climate impacts of natural gas infrastructure projects such as the Atlantic Sunrise Project is at odds with the nation's climate goals, including commitments in the Paris Agreement. *See, e.g., Oil Change Int'l et al., A Bridge Too Far: How Appalachian Basin Gas Pipeline Expansion Will Undermine U.S. Climate Goals* (July 2016), available at http://priceofoil.org/content/uploads/2016/08/bridge_too_far_report_v6.3.pdf. In December 2015, 197 nation-state and supra-national organization parties met in Paris at the 2015 United Nations Framework Convention on Climate Change Conference of the Parties and consented to an agreement ("Paris Agreement") committing its parties to take action so as to avoid dangerous climate change. United Nations Framework Convention on Climate Change, Adoption of the Paris Agreement, Proposal by the President, Draft decision -/CP.21 (2015) at Art. 2.

The Paris Agreement commits the United States, which signed the treaty on April 22, 2016, to critical goals that mandate bold action on domestic policy to reduce greenhouse gas emissions. The Paris Agreement commits signatories to an articulated target to hold the long-term global average temperature "to *well below* 2°C above pre-industrial levels and to *pursue efforts to limit the temperature increase to 1.5°C* above pre-industrial levels." *Id.* (emphasis added). The Paris consensus on a 1.5°C warming goal reflects the findings of the IPCC and numerous scientific studies that indicate that 2°C warming would exceed thresholds for severe, extremely dangerous, and potentially irreversible impacts.² Immediate and aggressive

² *See* Paris Agreement, Art. 2(1)(a); U); United Nations Framework Convention on Climate Change, Subsidiary Body for Scientific and Technical Advice, Report on the structured expert dialogue on the 2013-15 review, No. FCCC/SB/2015/INF.1 at 15-16 (June 2015); Intergovernmental Panel on Climate Change, 2014: Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change at 64 & Table 2.2 [Core Writing Team, R.K. Pachauri and L.A. Meyer (eds.)] ("IPCC AR5 Synthesis Report") at 65 & Box 2.4.

greenhouse gas emissions reductions are necessary to keep warming below a 1.5° or 2°C rise above pre-industrial levels. In recognition of established climate science, and global carbon budgeting, FERC cannot ignore the consequences that projects such as Atlantic Sunrise Pipeline will have on the nation’s climate goals and commitments. These issues should be thoroughly considered in a Revised or Supplemental DEIS.

* * *

Correcting these deficiencies in the DEIS, including defects in the assessment of the need for the Project, will require significant new analysis and the incorporation of high quality and accurate information regarding the Project and its impacts. FERC should work closely with EPA and DOI in the preparation of a Revised or Supplemental Draft EIS.

B. Alternatively, FERC must prepare a Supplemental DEIS.

As explained above, the DEIS is inadequate due to the substantial amount of incomplete information and analysis, which precludes meaningful review. 40 C.F.R. § 1502.9(a). Thus, FERC must prepare a Revised DEIS. Alternatively, due to the amount of information that Transco is required to submit after the close of the DEIS comment period, this information constitutes significant new information for which a Supplemental EIS “shall” be prepared. 40 C.F.R. § 1502.9(c)(1). This information is also likely to result in substantial changes to the proposed action. *Id.* At the very least, preparing a Supplemental DEIS that considers this new information will further the purposes of NEPA. *Id.* § 1502.9(c)(2).

Significant new information for which a Supplemental DEIS must be prepared has already come to light since the close of the DEIS comment period. On September 20, 2016, Transco submitted hundreds of pages of new information that should have been included in the DEIS. Also, new information from one of the project shippers demonstrates the need to consider the indirect effects of shale gas development. In addition, the Susquehanna River Basin Commission (“SRBC”) published applications for all of the water withdrawals associated with Atlantic Sunrise. Finally, the Pennsylvania Department of Environmental Protection (“DEP”) designated parts of the Susquehanna River and its tributaries as impaired under Section 303(d) of the Clean Water Act. This information must be considered in a Revised or Supplemental DEIS.

1. Significant New Information Provided by Transco After the Close of the DEIS Comment Period Requires FERC to Prepare a Supplemental DEIS.

On September 20, 2016, Transco submitted significant new information in response to a request for data and supplemental information regarding the Project. *See* Docket No. CP15-138-000, Accession No. 20160920-5019. This information includes the following:

- A “complete set of alignment sheets for all facilities”
- A 93-page “Historical Cultural Landscape Viewshed Analysis of the Proposed Atlantic Sunrise Natural Gas Pipeline in Relation to the Captain John Smith Chesapeake National Historic Trail”
- A 108-page “Migratory Bird Plan”

- Emission calculations for Compressor Stations 605 and 610
- Construction emission calculations
- Details and operating restrictions for Compressor Stations 190, 517, and 520
- Maps showing the proximity of the Central Penn Line to underground coal mines and fires
- Maps showing the “Location of Hemlock Mixed Hardwood Palustrine Forest Crossed by the Project”

All of this information should have been included in the DEIS or in attachments to the DEIS. Instead, it was supplied by Transco nearly *three months after* the close of the DEIS comment period. As recently as October 6, 2016, FERC sent an “Environmental Data Request” to Transco seeking information including 1) an air quality monitoring report for air monitors in operation near Compressor Stations 190, 517, and 520; 2) documentation from the Pennsylvania Department of Environmental Protection that the available emission reduction credits from Compressor Station 195 referenced in a September 29, 2016 filing from Transco can be used to demonstrate conformity for construction emissions in Lancaster County; 3) an environmental, engineering, and economic analysis of an alternative alignment along CPL North. Docket No. CP15-138-000, Accession No. 20161006-3000.

By allowing Transco to supply this information long after the comment period on the DEIS has closed, FERC is failing to supply information and analysis regarding the Project in a manner that facilitates meaningful analysis and public participation. *League of Wilderness Defenders/Blue Mountain Biodiversity Project v. Connaughton*, 752 F.3d 755, 761 (9th Cir. 2014). This information should have been included in the DEIS, and constitutes significant new information that is relevant to environmental concerns and thus requires a Revised or Supplemental DEIS. *See Marsh v. Oregon Natural Res. Council*, 490 U.S. 360, 372 (1989).

2. New information provided by Cabot Oil & Gas Corporation and Seneca Resources Corporation demonstrates that Atlantic Sunrise will induce further shale gas development in northern Pennsylvania.

Transco’s stated purpose for the Atlantic Sunrise Project is to “provide 1.7 million dekatherms per day of year-round firm transportation capacity *from the Marcellus Shale production area in northern Pennsylvania*.” DEIS at ES-2. FERC acknowledges that at the “median production rate” of a Marcellus shale well, “about 340 gas wells would be required to provide the 1.7 MMDth of gas required for the Atlantic Sunrise Project.” DEIS at 4-263. Moreover, FERC admits that “[b]ecause well production declines over time, the actual number of wells necessary to supply the Atlantic Sunrise Project over many years would be *much higher*.” *Id.* (emphasis added). Nevertheless, as explained in our DEIS comments, FERC failed to take a hard look at the indirect effects of induced gas drilling in “the Marcellus Shale production area in northern Pennsylvania” that would be “necessary to supply the Atlantic Sunrise Project over many years.” *Id.* This failure, particularly for a project of this magnitude, renders the DEIS deficient.

In our comments on the DEIS, we explained that induced gas development is both causally related to Atlantic Sunrise and reasonably foreseeable. *See* DEIS Comments at 22-34; *see also* EPA DEIS Comments, Enclosure 1 at 9 (explaining that there is a “reasonably close

causal relationship” between shale gas development and Atlantic Sunrise). In particular, we provided information about three gas producers who are shippers for Atlantic Sunrise. *See* DEIS Comments at 24-27. One of these companies, Cabot Oil & Gas Corporation (“Cabot”), has subscribed to half of the capacity that would be created if FERC authorizes Atlantic Sunrise. *See* DEIS at 1-2.

In a September 2016 presentation, Cabot included a chart showing its capacity subscriptions on multiple jurisdictional and non-jurisdictional projects. *See* Cabot, *Barclays CEO Energy-Power Conference*, at 22 (Sept. 8, 2016) (Attachment 5). The chart reveals that “Cabot has the ability to *double* its Marcellus production over time based on its previously announced firm transport and firm sales additions.” *Id.* (emphasis added). One of those “previously announced firm transport” additions is Atlantic Sunrise, which accounts for nearly 42% of Cabot’s capacity subscriptions. *Id.* The Atlantic Sunrise Project, if approved, will be a driving force in Cabot’s “ability to double its Marcellus production.” There is absolutely no analysis in the DEIS about this induced gas development.

Another company, Seneca Resources Corporation (“Seneca”), has specifically told its investors that it has limited its development activities on leases in north-central Pennsylvania “until firm transportation on Atlantic Sunrise (190 Mdth/d) is available in late 2017.” *Id.* at 25. Since the close of the DEIS comment period, more information has come to light about how Atlantic Sunrise will induce further development of Seneca’s leases in north-central Pennsylvania.

In an August 2016 presentation, Seneca’s parent company, National Fuel Gas Company (“National Fuel”), discussed Seneca’s shale gas development activities in its so-called Eastern Development Area (“EDA”) in Potter, Tioga, and Lycoming Counties. *See* National Fuel, *EnerCom The Oil & Gas Conference*, at 16 (Aug. 16, 2016) (Attachment 6), *available at* http://www.theoilandgasconference.com/downloads_TOGC_2016/National-Fuel-Gas.pdf. The presentation shows two of Seneca’s leased tracts in Lycoming County, the “DCNR Tract 100” and “Gamble” leases, connected to Transco’s Leidy Line³ via National Fuel’s Trout Run Gathering System. *Id.* National Fuel explains that one of Seneca’s drilling rigs will be returning to its DCNR Tract 100 and Gamble leases “in Q3 FY17 to drill 13 wells on 3 pads” as it “prepare[s] for Atlantic Sunrise capacity[.]” This is persuasive evidence that Atlantic Sunrise will induce further shale gas development.

Despite the close proximity and physical connectivity of Seneca’s leases to Transco’s Leidy Line, there is no discussion in the DEIS about shale gas development in this area, either as an indirect effect or a cumulative effect. This is a major oversight, especially considering that one of the leases, DCNR Tract 100, is on public land in Loyalsock State Forest. According to DCNR, this lease allows Seneca to construct up to 35 shale gas well pads. *See* DEIS Comments, Attachment 4, at 1. As of August 26, 2014, Seneca had constructed 10 well pads and 4

³ Transco’s Leidy Line is proposed for expansion as part of Atlantic Sunrise. *See* DEIS at 2-7.

freshwater impoundments. *Id*; see also Attachment 7 to these comments.⁴ Now, National Fuel has expressly stated that it is planning to drill 13 wells on 3 pads in “prepar[ation] for Atlantic Sunrise capacity.”

As Attachment 7 to these comments shows, Seneca has already impacted this part of Loyalsock State Forest with new road and well pad construction. Attachments 8-10 show how this once unfragmented tract of public forestland has been rapidly transformed into a fragmented, industrialized landscape.⁵ In 2008, prior to Seneca’s lease, this area was a large, intact part of Loyalsock State Forest. See Attachment 8. There were no gas wells, access roads, or freshwater impoundments. In 2010, Seneca constructed its first access road for Well Pad M and an associated freshwater impoundment. See Attachment 9. By 2013, several more access roads for additional well pads were constructed. See Attachment 10. This “before and after” shows how shale gas development is quickly degrading the wild character of Pennsylvania’s state forests.

To date, Seneca has constructed approximately 10 of its permitted 35 well pads on DCNR Tract 100. If Seneca constructs the remaining 25 well pads that it is permitted to on this lease, this part of Loyalsock State Forest will be further converted to an industrialized landscape for decades. The capacity created on Atlantic Sunrise will provide Seneca the opportunity to do just that. There is absolutely no analysis of such impacts in the DEIS. Therefore, FERC must prepare a Revised or Supplemental DEIS to account for this induced shale gas development.

3. SRBC published water withdrawal applications for Atlantic Sunrise after the close of the DEIS comment period.

As explained in comments to the Susquehanna River Basin Commission (“SRBC”), that agency should have been a cooperating agency from the beginning of the EIS process. See Aug. 16, 2016 Comments (Cross-filed in Docket No. CP15-138-000, Accession No. 20160816-5149). One of the purposes of NEPA is to “emphasize agency cooperation.” 40 C.F.R. § 1501.6. Agencies should be included in the NEPA process if they have “special expertise with respect to any environmental issue.” *Id.*

Despite the SRBC’s “expertise” in issues related to water quantity and quality within the Susquehanna River Basin, there appears to be little coordination between FERC and SRBC. For example, SRBC published the applications for all of the Atlantic Sunrise water withdrawals *after* the close of the DEIS comment period. See 81 Fed. Reg. 44,207, 44,407-44,408 (July 7, 2016). Only then did the public have an opportunity to review the environmental information regarding extensive water withdrawals for Atlantic Sunrise. This information should have been publicly disclosed before the beginning of the DEIS comment period, not after the comment period closed.

⁴ This is a map showing Seneca’s DCNR Tract 100 lease in Loyalsock State Forest. The large blue area is the leased acreage on Tract 100. The red rectangles are the shale gas wells that Seneca has already constructed.

⁵ These images were created using Google Earth and edited to show the location of DCNR Tract 100 in Loyalsock State Forest and Seneca’s shale gas development infrastructure (roads, well pads, freshwater impoundments).

EPA highlighted concerns related to water withdrawals associated with the Atlantic Sunrise Project. According to EPA:

Water withdrawal can affect recreational and biological uses, stream flow, and result in impacts to stream and wetland habitat. EPA recommends that FERC conduct further detailed analysis of specific streams and wetlands of concern or high sensitivity and work with the resource agencies to determine if additional avoidance and minimization efforts may be necessary to reduce impacts to these important resources.

EPA DEIS Comments, Enclosure 1, p. 3. EPA further stated that it was concerned that FERC's cumulative impacts analysis does not adequately consider the proposed Atlantic Sunrise water withdrawals in combination with other past, present, and reasonably foreseeable actions "at the watershed scale." *Id.* at 7.

The failure of FERC to properly coordinate with SRBC undermined the public's ability to meaningfully participate and comment on this important environmental issue during the DEIS comment period. While we submitted comments to SRBC and cross-filed those comments in the FERC docket for this proceeding, those comments will not be part of the record for the DEIS. FERC must prepare a Revised or Supplemental DEIS.

4. DEP designated parts of the Susquehanna River and some of its tributaries as impaired after the close of the DEIS comment period.

In August 2016, the Pennsylvania Department of Environmental Protection ("DEP") designated parts of the Susquehanna and its tributaries as impaired under Section 303(d) of the Clean Water Act. *See* DEP, 2016 Draft Pennsylvania Integrated Water Quality Monitoring and Assessment Report (Aug. 1, 2016) ("DEP Report"), *available at* http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-113834/2016_Draft_Pennsylvania_Integrated_Water_Quality_Monitoring_and_Assessment_Report_Updated_07-28-2016.pdf. Section 303(d) waters are those "waters that are too polluted or otherwise degraded to meet water quality standards." EPA, Implementing Clean Water Act Section 303(d): Impaired Waters and Total Maximum Daily Loads (TMDLs), *available at* <https://www.epa.gov/tmdl>.

In Transco's application for the Swatara Creek water withdrawal, it lists the creek as "attaining." The DEP's report now lists Swatara Creek as "impaired." DEP Report, at 35. This demonstrates that Transco's proposed pipeline is located in an area that is already environmentally stressed. The construction and operation of a major new 42-inch-diameter natural gas pipeline will compound that stress, not remedy it. This is significant new information that, combined with the lack of information about Transco's water withdrawals, requires the preparation of a Revised or Supplemental DEIS.

C. A Supplemental DEIS should be prepared to address the inadequacies of the DEIS in furtherance of the purposes of NEPA.

As explained above, FERC must prepare a Revised DEIS due to the substantial amount of information that was omitted from the DEIS. 40 C.F.R. § 1502.9(a). Alternatively, the submission of this missing information, in addition to other information that has come to light since the close of the DEIS comment period, constitutes significant new information for which a Supplemental DEIS “shall” be prepared. 40 C.F.R. § 1502.9(c)(1)(ii). Furthermore, in light of the substantial deficiencies of the DEIS, FERC should prepare a Supplemental DEIS because “the purposes of [NEPA] will be furthered by doing so.” 40 C.F.R. § 1502.9(c)(2).

D. The issuance of a Final EIS with a comment period is inconsistent with the requirements and purpose of NEPA

Issuance of a Final EIS (“FEIS”) with a comment period, in lieu of a Revised or Supplemental DEIS, would not satisfy the requirements and purpose of NEPA. NEPA was enacted to “insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.” 40 CFR § 1500.1(b). It is essential that that environmental information is high quality and based upon “accurate scientific analysis, expert agency comments and public scrutiny.” *Id.* Furthermore, part of the NEPA process includes the public’s opportunity to understand the agency’s response to these comments. Even with a comment period, an FEIS will not allow informed public scrutiny of and input into the decision making process before a “decision is made and before actions are taken.” *Id.* For the reasons outlined in this letter, FERC must prepare a Supplemental or Revised DEIS that corrects the significant deficiencies in the DEIS that have been identified above.

III. Conclusion

For the reasons outlined above, a Revised or Supplemental DEIS is required to address substantial deficiencies in the DEIS, as well as new information and circumstances which have arisen subsequent to the close of the DEIS comment period. In such circumstances, NEPA regulations require the issuance of a Revised or Supplemental DEIS. 40 CFR § 1502.9. Issuing a Revised or Supplemental DEIS will also further the intent and purposes of NEPA, which is to ensure that high quality, accurate environmental information is available to public officials and citizens before actions are taken. 40 CFR § 1500.1(b).

Thank you for taking these concerns into consideration. If you have any questions about these comments, please contact us.

/s/ Ryan Talbott

Ryan Talbott

Executive Director

Allegheny Defense Project

117 West Wood Lane

Kane, PA 16735

(503) 329-9162

rtalbott@alleghenydefense.org

/s/ Ben Lockett

Ben Lockett
Staff Attorney
Appalachian Mountain Advocates
P.O. Box 507
Lewisburg, WV 24901
(304) 645-0125
blockett@appalmad.org

/s/ Michael Helbing
Michael Helbing
Citizens for Pennsylvania's Future (PennFuture)
8 W. Market Street, Suite 901
Wilkes-Barre, PA 18701
(570) 208-4007
helbing@pennfuture.org

/s/ Joseph Otis Minott
Joseph Otis Minott
Executive Director & Chief Counsel
Clean Air Council
135 South 19th Street, Suite 300
Philadelphia, PA 19103
(215) 567-4004
joe_minott@cleanair.org

/s/ Pam Bishop & Doug Lorenz
Pam Bishop & Doug Lorenz
Principals
Concerned Citizens of Lebanon County
P.O. Box 275
Mt. Gretna, PA 17064
Concernedcitizenslebco@gmail.com

/s/ Jeff Zimmerman
Jeff Zimmerman
Zimmerman and Associates
13508 Mainstone Lane
Potomac, MD 20854
(240) 912-6685 (tel)
(301) 963-9664 (fax)
zimmermanjj@verizon.net
Counsel for Damascus Citizens for Sustainability

/s/ Robert E. Hughes
Robert E. Hughes
Executive Director

Eastern PA Coalition for Abandoned Mine Reclamation
101 S. Main Street
Ashley, PA 18706
(570) 371-3523
rhughes@epcamr.org

/s/ Ernest Q. Reed Jr.

Ernest Q. Reed Jr.
803 Stonehenge Avenue
Charlottesville, VA 22902
(434) 971-1647
lec@wildvirginia.org
Signatory for Friends of Nelson, Heartwood, and Wild Virginia

/s/ Malinda Clatterbuck, Tim Spiese & Eva Telesco

Malinda Clatterbuck, Tim Spiese & Eva Telesco
Lancaster Against Pipelines
(717) 284-4940
lancasteragainstpipelines@gmail.com

/s/ Ann Pinca

Ann Pinca
President
Lebanon Pipeline Awareness
1594 Cumberland St., Ste. 194
Lebanon, PA 17042-4532
(717) 274-0814
lebanonpipeline@gmail.com

/s/ Michael Helfrich

Michael Helfrich
Lower Susquehanna Riverkeeper
2098 Long Level Rd
Wrightsville, PA 17368

/s/ Carol Parenzan

Carol Parenzan
Middle Susquehanna Riverkeeper
217 Market Street
P.O. Box 252
Lewisburg, PA 17837
(570) 768-6300
midsusriver@gmail.com

/s/ Deirdre Lally

Deirdre Lally

Shalefield Organizing Committee
P.O. Box 242
Lewisburg, PA 17837
(570) 854-2288
dlally@cleanair.org

/s/ Elly Benson

Elly Benson
Staff Attorney
Sierra Club
2101 Webster Street, Suite 1300
Oakland, CA 94612
(415) 977-5723
elly.benson@sierraclub.org

/s/ Betsy Nicholas

Betsy Nicholas
Waterkeepers Chesapeake
P.O. Box 11075
Takoma Park, MD 20913-1075
(202) 423-0504
Betsy@WaterkeepersChesapeake.org

Enclosures (10)

cc: Ted Boling (CEQ, Associate Director for NEPA)
Shawn M. Garvin (EPA, Region 3 Administrator)
Jeffrey D. Lapp (EPA, Region 3, Office of Environmental Programs)
Lindy Nelson (Dept. of the Interior, Office of Environmental Policy and Compliance)
Mary Krueger (National Park Service)
Pamela Shellenberger (USFWS, PA Field Office)
Michael Dombroskie (Army Corps, Baltimore District)
Patrick McDonnell (PADEP, Secretary)
David Garg (PADEP, Northcentral Regional Office)
Scott Williamson (PADEP, Southcentral Regional Office)
Joseph Buczynski (PADEP, Northeast Regional Office)
Tom Wolf (Governor of Pennsylvania)

CERTIFICATE OF SERVICE

Pursuant to Rule 2010 of FERC's Rules of Practice and Procedure, 18 C.F.R. § 385.2010, I hereby certify that I have this day served the foregoing document upon each person designated on this official list compiled by the Secretary in this proceeding.

Dated: October 10, 2016

Respectfully submitted,

/s/ Ryan Talbott

Ryan Talbott

Executive Director

Allegheny Defense Project

117 West Wood Lane

Kane, PA 16735

(503) 329-9162

rtalbott@alleghenydefense.org