



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Northeast Region
United States Custom House
200 Chestnut Street
Philadelphia, PA 19106

L6015 (NERO-NRS-NWSR)

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Re: Notice of Intent to Prepare an Environmental Assessment for the Proposed White Oak Mainline Expansion Project, FERC Docket No. CP15-18-000; NPS ER-15/0058

Dear Secretary Bose:

The Eastern Shore Natural Gas Company's (ESNG) White Oak Mainline Expansion Project (FERC Docket CP15-18-000) proposes to build approximately 7.2 miles of 16-inch-diameter natural gas pipeline looping in two segments--Daleville and Kemblesville, and appurtenant facilities in Chester County, Pennsylvania. The Kemblesville segment includes construction of approximately 3.9 miles of new pipeline partially within the White Clay Creek watershed and proposes to cross two streams that are tributaries to the West Branch of White Clay Creek. The two tributaries and the West Branch itself are federally designated as part of the White Clay Creek National Wild & Scenic River (P.L. 106-357). The National Park Service Northeast Region administers this National Wild & Scenic River.

National wild and scenic rivers are protected by Section 7(a) of the Wild & Scenic Rivers Act. Pursuant to Section 7(a): "no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established." The National Park Service considers water resource projects to include dams, diversion projects, bridge and roadway projects involving construction in the bed or on the banks of the river, pipeline crossings, bank stabilization projects, fisheries habitat and watershed restoration or enhancement projects, and activities that require a section 404 permit from the Army Corps of Engineers. Thus, the proposed construction of the Kemblesville segment falls under Section 7(a) review by the NPS due to the proposed crossings of the two tributaries and construction within the watershed of the West Branch.

In evaluating impacts to the National Wild & Scenic River from a proposed project, the National Park Service (NPS) considers the following factors: free flow, water quality, and "Outstandingly Remarkable Values (ORVs)." ORVs constitute those values for which the river was designated into the National Wild & Scenic Rivers System. For White Clay Creek, the ORVs potentially pertinent to the project area include the federally listed endangered bog turtle (*Glyptemys Muhlenbergii*); the cerulean warbler (*Setophaga cerulea*), a federal species of conservation concern; and six plant species of special concern listed by the Commonwealth of Pennsylvania--leather flower (*Clematis viorna*), tawny ironweed (*Vernonia glauca*), and elephant's foot (*Elephantopus carolinianus*), all of which are state-endangered; fall witch grass (*Digitaria cognatum*), a state-threatened species; and crane-fly orchid (*Tipularia discolor*), a state-listed rare

species. We understand that a Phase I survey for suitable bog turtle habitat determined that such habitat was not present in the vicinity of the proposed Kemblesville pipeline loop. For the other ORV species listed above (cerulean warbler and plant species of special concern), the Environmental Assessment for the proposed project and alternatives should identify the potential presence of these species, their suitable habitats within and adjacent to the project area, and identify ways to avoid impacts.

According to ESNG's Resource Report 3-Fish, Wildlife & Vegetation (November 21, 2014), ongoing consultations with US Fish and Wildlife Service are needed regarding the potential for impacts to migratory birds: "According to the USFWS Division of Migratory Bird Management-Birds of Conservation Concern (2008), birds of conservation concern within the region include but are not limited to the bald eagle (*Haliaeetus leucocephalus*), red-headed woodpecker (*Melanerpes erythrocephalus*), sedge wren (*Cistothorus platensis*), wood thrush (*Hylocichla mustelina*), and whip-poor-will (*Caprimulgus vociferous*)." We encourage this consultation with our sister bureau within the Department of Interior.

Crossing the designated streams and wetlands should be avoided to the extent possible. Alternatives 1 and 2 identified in ESNG's Resource Report 10 would locate the proposed pipeline outside of the White Clay Creek drainage and therefore avoid impacts to the National Wild & Scenic River from the proposed open trench excavation. Alternative 2 would be the preferable alternative to the NPS as it results in less overall disturbance. Horizontal directional drilling (HDD) under the designated streams would be preferable to open trench construction should avoiding the White Clay Creek drainage altogether prove impossible. We request that the Environmental Assessment consider alternatives that reduce or eliminate the need for excavation along or in the Wild & Scenic River.

We note that a letter referencing the FERC pre-application process, dated October 18, 2013, was sent to the Chester County Conservation District from ESGN. This letter identifies the proposed White Oak Mainline Expansion project as part of a larger project (First State Revolution) that proposes to construct approximately 25 miles of additional 16-inch pipeline. This pipeline would commence at ESGN's compressor facility in Londonderry Township, Chester County, Pennsylvania and terminate at ESGN's existing facility in Glasgow, Delaware. This pipeline looping would traverse Chester County, Pennsylvania; New Castle County, Delaware; and Cecil County, Maryland. ESGN should disclose whether the additional elements of the First State Revolution project are still planned. If so, FERC should consider the cumulative effects of both projects on the White Clay Creek National Wild & Scenic River.

In addition to the potential for direct impacts to the designated streams, we are concerned that the proposed Kemblesville pipeline loop alternative would directly impact open space preserved through federal funding assistance from the Wild and Scenic River program of the National Park Service. The properties potentially affected are the Franklin Preserve (72 acres) and adjacent Echo Hills and McMaster properties (127 acres) in Franklin Township, Pennsylvania. We recommend that FERC and ESGN coordinate with the Brandywine Conservancy and Franklin Township (the easement holders) to avoid or minimize impacts to this open space.

ESGN's Resource Report 8 – Land Use, Recreation & Aesthetics incorrectly asserts that there are no nature preserves, parklands, trails, significant cultural resources, or designated natural or scenic areas within 0.25 miles of the proposed pipeline. The Kemblesville pipeline loop proposes to cross preserved open space as noted above, as well as the southwest corner of Crossan Park, at the park entrance. This 125-acre park includes trails, a playground, tennis courts and various amenities, and would be defined as a High Consequence Area (49 CFR 192.903). There is also a 2-mile loop trail that includes approximately 4/10 of a mile along the Walker Road right-of-way that is part of the proposed new pipeline right-of-way. This loop trail is associated with the historic Ford Farm and part of preserved property owned by the township. Fox Chase Farm, privately preserved with an agricultural easement, is also located adjacent to Walker Road and includes a loop trail. We note these areas to help correct the Resource Report error, and

encourage FERC and ESNG to contact the appropriate managers to ensure the Environmental Assessment for the project considers impacts to these types of recreational and scenic resources.

In addition, the White Clay Creek Watershed Management Plan (NPS, amended 2001) includes a goal to “protect and preserve the existing form and integrity of watershed cultural resources” and “provide buffer zones for significant cultural resources.” According to the map for the proposed project, the Kemblesville Historic District, identified as National Register-eligible by the Pennsylvania Historical and Museum Commission, would be directly impacted through routing the pipeline along Walker Road along the southern boundary of the Historic District. Other historic and archeological resources within and near the pipeline right-of-way could also be impacted by the proposed project. According to JMA’s Phase IA/IB Archeological Survey for the White Oak Mainline Expansion project (draft, December 2014), 64 Shovel Test Units for the Kemblesville pipeline segment were positive for either historic (54) or prehistoric artifacts (10). Per the goals of the White Clay Creek Watershed Management Plan, NPS requests that potential alternative pipeline routes consider and seek to avoid impacts to these historic and archeological resources.

In summary, the Environmental Assessment should fully explore the potential for using the existing ESNG right-of-way (Alternative 2) so as to avoid impacts to the White Clay Creek and the ORV’s for which the Creek was designated under the Wild and Scenic Rivers Act.

Thank you for providing the National Park Service with the opportunity to comment on the proposed White Oak Mainline Expansion project. If you have any questions, please contact Mary Krueger, Northeast Region Energy Specialist at 617-223-5066 or mary_c_krueger@nps.gov.

Sincerely,



Maryanne Gerbauckas
Associate Regional Director, Resource Stewardship
Northeast Region