

Portland Natural Gas Transmission System Maritimes and  
Northeast Pipeline, L.L.C. and Portland Natural Gas  
Transmission System

Docket Nos. CP96-248-000 System through -004 CP96-249-000  
through -006, Docket No. CP97-238-000

FEDERAL ENERGY REGULATORY COMMISSION - COMMISSION

80 F.E.R.C. P61,345; 1997 FERC LEXIS 2012

ORDER ON COMPLIANCE FILING, ISSUING CERTIFICATES, SECTION 3  
AUTHORIZATION AND PRESIDENTIAL PERMIT, AND ON REHEARING

September 24, 1997

HISTORY: [\*\*1]

As Corrected October 2, 1997

CORE TERMS: pipeline, facilities, right-of-way, recommend, crossing, feet, mitigation, route, acre, wetland, miles, permanent, mainline, file, construction work, waterbody, crossed, certificate, construct, filed, environmental, upstream, configuration, proceeding, adjacent, offset, species, habitat, filing, variation

PANEL: Before Commissioners: James J. Hoecker, Chairman; Vicky A. Bailey, and William L. Massey.

OPINION: [\*62,145]

On July 31, 1997, the Commission issued a preliminary determination (1997 PD) n1 addressing the non-environmental issues raised in the above-captioned proceedings, and disposing of certain rehearing and clarification issues. Final certificate authority was reserved pending completion of the environmental review then being conducted. On September 2, 1997, PNGTS and North Atlantic Pipeline Partners, L.P. (North Atlantic) filed timely requests for rehearing and/or clarification of the preliminary determination.

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n1 80 FERC P61,134 (1997).

---End Footnotes---

The Commission has completed its environmental analysis, and we are granting the requested certificate authorizations, subject to the conditions set forth herein. We are also granting PNGTS' requests for rehearing and clarification, but denying the request for rehearing or clarification by North Atlantic.

BACKGROUND

On July 31, 1996, the [\*\*2] Commission issued an order setting forth its preliminary determinations on the applications by Portland Natural Gas Transmission System (PNGTS) to construct and operate international border crossing and import facilities and to construct and operate an interstate pipeline. n2 PNGTS subsequently amended its pending applications and also filed, jointly with Maritimes and Northeast Pipeline, L.L.C. (Maritimes), an additional construction application in Docket No. CP97-238-000.

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*n2 Portland Natural Gas Transmission System, 76 FERC P61,123 (1996).*

-----End Footnotes-----

In the amended applications in Docket Nos. CP96-248 and CP96-249, PNGTS proposes to construct and operate import facilities at the United States/Canada border that will connect with facilities to be constructed by TransQuebec & Maritimes Pipeline, Inc. (TQM); 142 miles of mainline from the border crossing facilities at Pittsburg, New Hampshire to Westbrook, Maine; and two laterals off the main line (PNGTS Project).

Under its proposal, PNGTS' above-described [\*\*3] mainline will interconnect at its southern, downstream end with mainline facilities that PNGTS proposed jointly with Maritimes (Joint Facilities) in Docket No. CP97-238-000. The joint Maritimes/PNGTS facilities include 35.2 miles of mainline from Westbrook, Maine to Wells, Maine, and one lateral (Phase II Joint Facilities), and approximately 66 miles of mainline from Wells, Maine, to Dracut, Massachusetts, and two laterals (Phase I Joint Facilities).

PNGTS also seeks blanket certificates under Part 284, Subpart G, and Part 157, Subpart F, of the Commission's regulations which authorize certain transportation and construction activities, respectively.

## DISCUSSION

In our July 31, 1997 order, the Commission made a preliminary determination, on the basis of all pertinent nonenvironmental issues, that the public convenience and necessity require issuance of a certificate to PNGTS under section 7(c) of the NGA to provide service using its capacity on the Wells, Maine to Dracut, Massachusetts facilities (Phase I Joint Facilities);

n3 to construct facilities and provide service using its capacity on the Wells, Maine to Westbrook, Maine facilities (Phase II Joint Facilities); and to construct [\*\*4] and operate the Pittsburg, New Hampshire to Westbrook, Maine facilities (PNGTS Project), as described and [\*62,146] conditioned in the 1997 PD. The 1997 PD also found that approval of the proposed border crossing facilities and the blanket certificates would be appropriate.

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n3 In an order issued simultaneously in Docket Nos. CP97-238-000 et al., the Commission issued to PNGTS a certificate to construct, and to Maritimes a certificate to operate the 66-mile Wells-to-Dracut portion of the joint facilities (Phase I Joint Facilities), subject to at-risk and other conditions. The certificate issued to PNGTS in that order, however, did not grant authority for PNGTS to use its capacity on the Wells-to-Dracut facilities. See *80 FERC P61,136 (1997)*.

-----End Footnotes-----

In this order, subject to the environmental conditions and other conditions discussed below, we will authorize PNGTS to construct and operate the facilities and perform the services described above. We are also authorizing Maritimes to construct and operate the [\*\*5] Phase II Joint Facilities (Wells to Westbrook). However, this order does not authorize Maritimes to use its capacity on the Phase II Joint Facilities. Authorization for service by Maritimes on the Phase II Joint Facilities will be addressed in a final order in Docket No. CP96-809-000 et al.

If the Maritimes project upstream of Wells is approved, both Maritimes and PNGTS will utilize the entire length of the joint facilities. Until then, however, PNGTS will use the Phase II Joint Facilities (in conjunction with the Phase I Joint Facilities) to provide up to a maximum of 178,000 Mcf/day. Thus, regardless of the outcome of the proceedings involving the Maritimes project upstream of Wells, the facilities certificated here are required by the public convenience and necessity, subject to certain conditions discussed below.

We note that PNGTS' rates are based only on its share of the costs of the joint facilities and Definitive Agreements contemplated by the parties have not been filed yet. Nevertheless, we are conditioning the certificates issued herein to put both applicants at risk for their portion of the cost of the Phase II joint facilities.

We also will condition the certificates [\*\*6] on Maritimes' and PNGTS' filing of the Definitive Agreements. We believe that the terms and conditions of the relationship between Maritimes and PNGTS with regard to the construction and operation of the joint facilities needs to be in place before construction is commenced in order to assure that the parties are willing and able to construct the authorized facilities. The Definitive Agreements, when filed, will be reviewed by the Commission, and the parties may not begin construction until the Commission approves them.

A. Requests for Intervention, Rehearing, and Clarification

PNGTS

PNGTS initially proposed a pipeline with a capacity of 178,000 Mcf/day. Subsequently, when it revised its proposal to reflect the joint facilities from Westbrook to Dracut, it proposed to increase the pressure on its upstream facilities between Pittsburg and Westbrook in order to deliver gas at the appropriate pressure at the interconnection with the Joint Facilities once Maritimes began flowing gas from Canada through its own upstream facilities to the Joint Facilities. n4 The increase in pressure necessarily caused an increase in the capacity of the Pittsburg to Westbrook segment.

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n4 The increase in pressure would result from a planned installation of compression by TQM, upstream from PNGTS facilities in Canada.

-End Footnotes----- [\*\*7]

Because Maritimes proposed that its upstream facilities go on line one year after PNGTS begins service, the 1997 PD requires PNGTS to revise its initial rates to reflect billing determinants based on 178,000 Mcf/day for the first year and to design the rates for the subsequent years to reflect billing determinants based on an estimated increased capacity of 210,000 Mcf/day. The 1997 PD also placed PNGTS at risk for unsubscribed capacity based on 178,000 Mcf/day for the first year of operation, and 210,000 Mcf/day in the following years.

In its rehearing request PNGTS contends that the Commission erred in requiring it to revise its rates to reflect 210,000 Mcf/day capacity after the first year of operation and in placing it at risk for the increased unsubscribed capacity. PNGTS points out that the 1997 PD assumes that the Maritimes upstream facilities will begin operating in 1999, but that exactly when these facilities will go on line cannot be determined precisely. The increase in pressure and the increased capacity capability will occur only when TQM installs the planned new compression on its system, but TQM will not do so until the compression is needed to match the line pressures [\*\*8] created by Maritimes' deliveries into the Joint Facilities. PNGTS avers that it is entirely possible that these events will occur more than 12 months after the PNGTS operation begins. Moreover, PNGTS states, even when TQM increases compression, the new compression may not increase the peak day capacity to 210,000 Mcf/day.

We will grant PNGTS' request for rehearing. Based on the facts before us, we find that it is premature to require PNGTS to revise its rates or to be placed at risk for higher capacity after its first year of operation. It is not certain at this time when the additional compression will go into service or the actual amount of increased compression and its effect on the capacity of the PNGTS system. We will instead review this matter when PNGTS makes its section 4 filing. [\*62,147]

PNGTS also requests clarification regarding when it must make its section 4 filing because of an apparent contradiction in ordering paragraph (C) in the 1997 PD. Ordering paragraph (C) requires that PNGTS make its section 4 rate filing "three years after" its in-service date, and that the rates reflected therein "be effective no later than three years after the in-service date. We clarify that PNGTS [\*\*9] should make its section 4 rate filing "within three years" of its service date so that the rates may be effective no later than the third anniversary of its in-service date.

North Atlantic

On August 13, 1997, North Atlantic filed a motion requesting permission to intervene in this proceeding out-of-time. North Atlantic does not yet own any facilities, nor does it engage in any natural gas transportation. However, North Atlantic anticipates filing with the Commission in the near future an application to construct and operate a new gas pipeline that would transport natural gas from offshore Canada, initially from the Sable Island area near Nova Scotia, to the Northeast United States. North Atlantic states that its proposed pipeline would extend under the Atlantic Ocean to a point near the Joint Facilities, and that it may seek to interconnect with the Joint Facilities. North Atlantic states that not until now have its plans become sufficiently definite to warrant intervention.

North Atlantic has demonstrated an interest in this proceeding and has shown good cause for seeking to intervene out-of-time. Granting the motion for late intervention will not disrupt the proceeding or otherwise [\*\*10] prejudice any party to it. No party opposes North Atlantic's intervention, accordingly, we will grant the untimely motion to intervene. n5 We note, however, that because of the late stage of this proceeding, North Atlantic must accept the record as it now stands. n6

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n5 A list of all intervenors in these proceedings is set forth in Appendix C.

n6 See 18 CFR § 385.214(d).

--End Footnotes-----

North Atlantic requests clarification or rehearing of the 1997 PD to require PNGTS to establish separately stated rates for its share of the Phase I Joint Facilities, based on PNGTS' share of capacity and costs on those facilities for shippers seeking transportation only on the Phase I Joint Facilities. n7 The Commission, it says, should not permit rates that roll in the costs of the Phase I Joint Facilities and PNGTS' upstream facilities between Wells, Maine and Pittsburg, New Hampshire. North Atlantic contends that such rates would leave PNGTS and Maritimes with the only economic rate, as shippers on other pipeline facilities (such as its own) [\*\*11] upstream of the Phase I Joint Facilities would bear not only the costs of the transporting pipeline, but also a share of PNGTS' upstream facilities costs. PNGTS, it argues, should not be allowed such a competitive advantage.

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n7 North Atlantic states that such a rate should be established whether or not facilities upstream of the Phase I Joint Facilities are constructed.

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In the 1997 PD we rejected a similar request by Central Maine Power that the Commission require distance-sensitive, zonebased rates: one rate for service over the Joint Facilities, and a different rate on PNGTS' upstream facilities. We explained that the Commission does not require that rates must reflect actual miles used, and we found that one zone reasonably reflected the cost of providing service on the approximately 243mile proposed PNGTS system. Although North Atlantic asserts that the issue it raises is different because North Atlantic is a potential competitor providing a source of gas at a midstream interconnect on the system, its argument does [\*\*12] not affect our finding in the previous order that zoned rates are neither appropriate nor necessary on a pipeline of this length. Moreover, as we noted in the 1997 PD, we approved the postage stamp type rate without any opposition from any party in the initial July 1996 PD, and to require PNGTS to engage in zoning now could upset the rate structure agreed to by PNGTS and its shippers that have executed precedent agreements or service contracts. We affirm our finding that separate rates for the Joint Facilities and the upstream facilities are not necessary.

North Atlantic also asserts that the Commission should impose a condition on any authority we issue requiring PNGTS and Maritimes to provide alternative pipelines a right to interconnect with the Phase I Joint Facilities on an open and nondiscriminatory basis. PNGTS may not discriminate unduly in providing services or in constructing facilities to receive gas supplies; however, North Atlantic does not state that it has proposed or been refused any interconnect by PNGTS. If at some future point North Atlantic actually proposes such an interconnect and believes it is

receiving unduly discriminatory treatment, it may then file a complaint [\*\*13] with the Commission. At this time, North Atlantic's issue is premature and not material to our decision. Accordingly, we will deny the request.

### B. Tariff

The 1997 PD found that PNGTS' revised pro forma tariff generally complied with the modifications specified in the July 31, 1996 PD. [\*62,148] However, the 1997 PD identified several areas where further revision was necessary. PNGTS filed its revised pro forma tariff on September 2, 1997. We are satisfied that PNGTS has complied with all of the Commission's requirements for tariff modifications specified in the 1997 PD, with one exception.

The 1997 PD noted that PNGTS' rate schedules, in permitting negotiated rates, provided that PNGTS and the shipper may mutually agree in writing to rates, rate components, charges, or "credits" for service that differ from the recourse rate. The 1997 PD noted that the Commission's Alternative Rate Policy Statement n8 does not authorize pipelines to negotiate other items such as the undefined term "credits" and required PNGTS to revise its tariff to remove all reference to the negotiation of contract terms other than rates.

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n8 74 FERC P61,076 (1996)

-----End Footnotes----- [\*\*14]

PNGTS responded in its September 2, 1997 compliance filing that it intends "credits" to be purely a rate component that refers to any reduction in rates or charges that PNGTS might otherwise be required to make. We find that this definition of "credits" comports with the Alternative Rate Policy Statement; however, in order to remove any ambiguity over its meaning, we will require PNGTS to revise its tariff to include this definition of "credits" in its General Terms and Conditions.

### C. Environmental Analysis

The Commission's staff prepared a final environmental impact statement (FEIS) to assess the environmental impacts of the two natural gas pipeline projects involved here: the PNGTS Project and the PNGTS/Maritimes Phase II Joint Facilities Project (Phase II Joint Facilities). The PNGTS/Maritimes Joint Facilities Project is addressed in the environmental review as a phased project with Phase I representing those facilities between Dracut, Massachusetts and Wells, Maine, and Phase II representing those facilities between Wells and Westbrook, Maine. As noted above, the Phase I Joint Facilities were approved by the Commission in an order issued July 31, 1997. n9 The FEIS here analyzes [\*\*15] the Phase II Joint Facilities, along with the PNGTS Project facilities between Westbrook and the U.S./Canadian border at Pittsburg, New Hampshire.

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n9 See 80 FERC P61,136 (1997).

--End Footnotes--

The specific facilities addressed here and in the FEIS are referred to as the:

. PNGTS Project, which includes 185.8 miles of interstate natural gas pipeline (141.6 miles of 24-inch-diameter mainline and 44.2 miles of 8- to 12-inch-diameter laterals), three new meter stations, and associated pipeline facilities, such as mainline block valves and scraper launchers and receivers; n10 and

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n10 The entire PNGTS Project also includes PNGTS' share of the jointly-owned pipelines, laterals, meters, and associated facilities proposed in Docket No. CP97-238.

. Phase II Joint Facilities Project, which includes 39.0 miles of interstate natural gas pipeline (35.2 [\*\*16] miles of 30-inch-diameter mainline and 3.8 miles of 12-inch-diameter lateral), three new meter stations, and associated pipeline facilities, such as mainline block valves and scraper launchers and receivers.

The FEIS addressed: the need for the proposal, geology, soils, groundwater, surface water, construction through major waterbody crossings and wetlands, the impact on wildlife and vegetation, endangered and threatened species, land use and residential impacts, recreation and public interest areas, socioeconomic, cultural resources, air and noise, and alternatives. The FEIS presented conclusions and recommended that the Commission include a total of 60 conditions on the projects proposed by PNGTS and Maritimes.

Based on information provided by the applicants and further developed from data requests, field investigations, literature research, alternatives analyses, and contacts described in the public files with Federal, state, and local agencies and the public, the FEIS concluded that construction and operation of the PNGTS Project and PNGTS/Maritimes Phase II Joint Facilities Project would result in limited adverse environmental impact and that most of these impacts would occur [\*\*17] during construction. As part of the analysis, the FEIS considered mitigation measures identified by the applicants and developed additional specific mitigation measures that we believe are appropriate and reasonable for construction and operation of the proposed facilities. The FEIS concluded that these measures would substantially reduce the environmental impact and that if these projects are constructed and operated in accordance with these mitigation measures, it would be an environmentally acceptable action. The FEIS recommended that the mitigation measures be attached as conditions to any Certificates issued by the

Commission. The FEIS also concluded that construction of the PNGTS/Maritimes Phase II Joint Facilities Project would be environmentally preferable to construction of two individual pipelines between Wells, and Westbrook, Maine. [\*\*62,149]

### 1. Preparation of the FEIS

The Commission issued a notice of intent (NOI) to prepare an EIS for the proposed PNGTS Project on May 23, 1996. The NOI for the Maritimes Phase I Project was issued on May 24, 1996. Following the amendment of the PNGTS Project, the Commission issued a Notice of Amendment on November 29, 1996. Copies of the NOIs [\*\*18] and Notice of Amendment were sent to organizations and individuals, including Federal, state, county, and local agencies; state and local conservation organizations; elected officials (U.S. Representatives, U.S. Senators, and state governors, local and state representatives); local newspapers and libraries; potential right-of-way grantors; and other individuals. The mailing list for the PNGTS Project included approximately 1,880 individuals and organizations; the mailing list for the Maritimes Phase I Project included approximately 1,190 individuals and organizations; and the mailing list for the Notice of Amendment included approximately 2,470 individuals and organizations. The NOIs and the Notice of Amendment were also published in the Federal Register.

The NOIs and Notice of Amendment requested written comments on the scope of the analysis for the EISs and also explained how to become an intervenor in the proceeding. A form was provided as part of the NOIs and Notice of Amendment for interested parties to request copies of the Draft Environmental Impact Statements (DEIS). Public meetings (called scoping meetings) were held to provide an opportunity for the general public to learn [\*\*19] more about the projects and to comment on environmental issues. Forms were available at the public meetings for comments and for requesting copies of the (DEIS). A transcript of each scoping meeting, as well as all written comments received, are part of the public record for the PNGTS and Maritimes Phase I Projects.

Eight public scoping meetings were conducted: one in Orleans, Vermont (June 17, 1996); one in Gorham, New Hampshire (June 18, 1996); two in Wells, Maine (both on June 19, 1996); two in Newton, New Hampshire (both on June 20, 1996); one in Berlin, New Hampshire (December 11, 1996), and one in Colebrook, New Hampshire (December 12, 1996). The meetings in Wells, Maine and Newton, New Hampshire were held jointly with the Maritimes Phase I Project.

Written scoping comments were received from 4 Federal agencies, 8 state agencies or offices, 12 county or town offices, 5 citizen organizations, and 54 individuals and businesses along the proposed PNGTS and Phase II Joint

Facilities routes. Issues and concerns raised in response to the NOIs and Notice of Amendment and in the public scoping meetings were addressed in a single DEIS covering both the PNGTS and the Phase II Joint Facilities [\*\*20] projects.

The Commission staff issued the DEIS on June 6, 1997, and initiated a 45-day comment period in accordance with the Council on Environmental Quality regulations implementing NEPA. The DEIS was mailed to 738 agencies, groups, and individuals. Comments were received from 5 Federal agencies, 3 state agencies, 7 local municipalities, and 48 organizations, groups, and individuals. In addition, public meetings to receive comments on the DEIS were held in Westbrook, Maine (July 7, 1997), Gorham, New Hampshire (July 8, 1997), and Colebrook, New Hampshire (July 9, 1997).

On September 12, 1997, the Commission issued the FEIS. Notification was published in the Federal Register by the EPA on September 19, 1997. Approximately 1,400 copies of the FEIS were circulated to the agencies, groups, and individuals on the environmental mailing list for the project and intervenors in the proceeding. As part of the FEIS, the staff included the public comments received on the DEIS, as well as the staff responses to these comments. The FEIS responds to the comments received on the DEIS. The numerous comments received were instrumental in revising and refining the analysis presented in the DEIS. The [\*\*21] following discussion summarizes some of the more significant topics addressed in the FEIS.

#### a. Construction and Operation Impacts

The FEIS evaluated the environmental impact associated with the construction and operation of the PNGTS Project and PNGTS/Maritimes Phase II Joint Facilities Project. This information is presented and summarized by individual resource category, in the following paragraphs. The potentially significant impacts are identified and discussed below.

##### i. Geology

The impact on exploitable mineral resources would be minimal. The PNGTS Project pipelines would cross or be adjacent to 23 active and 6 inactive or abandoned sand and/or gravel pits. The Phase II Joint Facilities pipeline would be adjacent to three active and two inactive gravel pits. During right-of-way procurement, parties could determine a value of exploitable mineral resources that would be lost and reach agreement on adequate compensation. Geologic hazards (seismicity, landslides, and karst terrain) would not pose a significant hazard for either project. Where blasting is required, the applicants would conduct pre-blast surveys of all structures with willing landowners and utilities within 200 feet [\*\*22] of the [62,150] construction work area to be able to assess any damage to existing structures.

##### ii. Soils

Construction of the pipeline projects would disturb soils and increase the potential for soil erosion, compaction, and loss of soil productivity. The applicants would minimize impact on soils by implementing measures contained in their Environmental Construction Plan (ECP) as supplemented by our recommendations. The FEIS states that implementation of these procedures would adequately minimize impact on soils.

Construction and operation of the aboveground facilities for both projects would not affect any prime farmland soils.

##### iii. Groundwater

The pipelines would cross confined and unconfined groundwater aquifers. No EPA-designated or petitioned sole source aquifers would be crossed. For the PNGTS Project, PNGTS identified about 10 public water sources and wellhead protection areas (WHPA), 51 private wells within 150 feet of construction work areas, and, between MPs 0.0 and 73.5/90.6, 47 springs within 150 feet of construction work areas that may be sources of water supply. For Phase II Joint Facilities, the applicants identified two municipal/public water supply wells and ten private [\*\*23] wells near the pipelines. As portions of the applicants' two projects have not been surveyed for nearby municipal/public water supply wells, private wells (within 150 feet), and/or springs (within 150 feet), the FEIS recommends that the applicants identify the locations of all wells and springs within 150 feet of the construction work area. In addition, the FEIS recommends that the applicants file with the Secretary the distances crossed for each WHPA and coordinate with the appropriate

authorities responsible for any WHPAs crossed to determine appropriate construction procedures and mitigation measures for maintenance of water quality in the WHPAs.

Where trench blasting is required, the applicants would conduct pre-blast well sampling within 200 feet of the construction work area and repair or replace any well that may be impaired as a result of blasting. Also, the FEIS recommends that the applicant perform pre- and post-construction monitoring of springs used for drinking water that are within 150 feet of construction work areas. Since the applicants have not indicated whether they would monitor wells where blasting is not required, the FEIS recommends that the applicants also offer [\*\*24] to perform pre- and post-construction monitoring of well or spring yields and water quality for all wells or springs within 150 feet of pipeline construction activities that are used for drinking water.

PNGTS has identified two potential contamination sites in the PNGTS Project vicinity. We recommend that PNGTS develop and file with the Secretary a plan to be implemented in the event that contamination is discovered during pipeline construction. This plan should include excavation, notification, and mitigation procedures.

The applicants have developed a Spill Prevention and Control Plan (SPCP) to address preventative and mitigative measures that would be used to minimize the potential impact of a hazardous waste spill. The FEIS recommends that the SPCP be revised to more clearly define the materials stored or used in the project area, and procedures for clean up and state agency notification in the event of a spill. Also, the FEIS recommends that the applicants modify the SPCP to include the prohibition of fuel storage and handling within a 200-foot-radius of private drinking water wells and springs.

Implementation of these measures would minimize impact on groundwater.

#### iv. Surface [\*\*25] Water

The pipeline projects would cross a total of 304 perennial waterbodies, some of which support coldwater, coolwater, warmwater, and diadromous fisheries. The PNGTS Project crosses 19 waterbodies with fisheries that are considered important or significant by New Hampshire and Maine. The Phase II Joint Facilities pipelines cross 11 waterbodies with fisheries that are considered important or significant by Maine. All waterbodies would be crossed using the applicants' ECP and our additional recommendations, which would ensure that impact on surface waters is minimized. Any of these that are less than 10 feet wide must be crossed by a dry crossing method. To monitor the implementation of these mitigation measures, the FEIS recommends that the applicants provide a schedule of when trenching or blasting would occur within each waterbody over 10 feet wide. To protect fishery resources in waterbodies where blasting is required, the FEIS recommends that the applicants use methods, such as delayed detonation and air bubble curtains, to reduce the total acoustic shockwave.

PNGTS reports that contaminated sediments may occur in the Mohawk River (MP 9.9) and Androsoggin River (mainline MPs [\*\*26] 59.1 and 101.9 and Jay Lateral MPs 10.5 and 16.1) near the crossings of the PNGTS Project pipeline; however, PNGTS has not provided documentation of the sediment quality at the crossings in New Hampshire and sediment quality has not been determined in Maine. The FEIS recommends that PNGTS continue to consult with the appropriate state agencies about sediment quality and file documentation [\*62,151] from appropriate agencies in New Hampshire confirming that contaminated sediments are not present and whether sampling is required. Also, the FEIS recommends that the applicants file the results of the quality sampling program in Maine, and any mitigation measures developed to avoid or minimize impact from resuspension of contaminated sediments.

#### v. Major Waterbody Crossings

The applicants propose to cross seven major waterbodies (11 crossings) during construction of the two projects. For the Phase II Joint Facilities Project, the applicants propose directional drill installation for the crossings of the Saco River (MP 83.1) and the Presumpscot River (MP 99.0). The remaining nine major waterbody crossings would be constructed using the open-cut method. PNGTS also proposes to directionally drill [\*\*27] one non-major waterbody, the Connecticut River (MP 0.9). Because there is some potential for directional drilling to fail, the FEIS recommends that the applicants file a Directional Drill Contingency Plan before construction for each waterbody crossed by directional drilling to address inadvertent releases of drilling mud, drill hole abandonment, and clean up. Should a directional drill be unsuccessful at a specific crossing, the FEIS also recommends that the applicants file a detailed sitespecific plan for

using the flume or open-cut techniques. The FEIS recommends that the applicants file detailed site-specific crossing plans for review and approval prior to construction for each major waterbody crossing that is not directionally drilled.

The PNGTS Project pipeline would cross two waterbodies with public drinking water intakes located downstream of the crossings: Kimball Brook (MP 22.9) and the Androscoggin River (MP 59.1). PNGTS proposes to flume the Kimball Brook crossing which the FEIS asserts would minimize impact on this water supply. Site-specific plans for the construction and impact mitigation of the Androscoggin River crossing has not been provided. Therefore, the FEIS [\*\*28] recommends that PNGTS consult with the appropriate authorities responsible for the two public water supplies and develop and file construction and mitigation plans for each crossing prior to construction.

The Phase II Joint Facilities pipeline would cross two waterbodies with nearby downstream public drinking water intakes: Branch Brook (MP 72.4) and the Saco River (MP 83.1). Potential impacts to water quality would be avoided at the Saco River crossing by the use of directional drilling; impacts would be minimized at the Branch Brook crossing by the use of a fluming technique in addition to standard crossing procedures in the applicants' ECP. The fluming technique would provide additional protection for the downstream water intake. The FEIS recommends that the applicants continue to consult public drinking water authorities to develop and file construction and mitigation plans for each crossing prior to construction.

The FEIS recommends that the applicants identify and file the volumes, discharge rates, and source and discharge locations of hydrostatic test water for all sections of both projects along with Federal and state approvals.

#### vi. Wildlife and Vegetation

Construction and [\*\*29] operation of the project would result in some short- and long-term impact on wildlife. Short-term impact would occur during the 8-month construction period and would not be significant. Long-term or permanent impact on wildlife as a result of the project would include the clearing of about 967.1 acres of forested upland and wetland habitat and the permanent conversion of about 804.3 acres of these forests to herbaceous and shrub cover. However, for most wildlife species in the project area, the loss of forest habitat would not be a significant impact with the possible exception of effects on deer in deer wintering areas (DWAs).

The PNGTS Project pipeline would cross a total of 10 DWAs. About 81 percent of the route would be adjacent to existing right-of-way through the DWAs. About 32.3 of the 57.2 acres cleared in actual and potential DWAs would be maintained as permanently cleared right-of-way. Wildlife management agencies in Vermont, New Hampshire, and Maine have indicated concerns about potential impacts on deer habitat, requested additional information, and/or recommended additional mitigation measures beyond those described in the ECP. PNGTS has indicated that it is coordinating [\*\*30] with the state wildlife management agencies to minimize impacts on DWAs. PNGTS completed and submitted to the MEDIFW an intensive survey of DWAs crossed in Maine. In addition, PNGTS completed and filed a preconstruction winter survey of the DWAs that would be crossed in New Hampshire to determine intensity of use and locations of concern, in consultation with the NHFGD. The FEIS recommends that PNGTS develop in consultation with the state agencies and file a mitigation plan for each DWA affected.

The Phase II Joint Facilities pipeline would cross a total of two DWAs. About 64 percent of the route would be adjacent to existing right-of-way through the DWAs, however, Line Change No. 7 would avoid the DWA that would be crossed by new right-of-way. The applicants have evaluated the habitat quality and deer utilization of the two DWAs, but MEDIFW has yet not filed comments on the applicants' [\*62,152] report and conclusions. Therefore, the FEIS recommends that the applicants file any comments from MEDIFW regarding the DWAs crossed by the Phase II Joint Facilities mainline.

#### vii. Endangered and Threatened Species

Although the Federally threatened bald eagle and Federally endangered peregrine falcon [\*\*31] may occur in the project area, the FEIS concludes that neither would be affected by construction or operation of the two projects because disturbance would be temporary and limited to the construction right-of-way. However, the Federally endangered dwarf wedge mussel and Federally threatened small whorled pogonia may occur in the vicinity of the PNGTS pipeline. Surveys have been requested by the FWS for both species in areas of suitable habitat for the mussel (Connecticut River and its tributaries) and along the entire pipeline for the small whorled pogonia. PNGTS has conducted surveys along a

portion of the route for the small whorled pogonia. Therefore, the FEIS recommends that PNGTS complete timely surveys and submit detailed reports, where necessary, for the dwarf wedge mussel and small whorled pogonia in appropriate habitats.

The small whorled pogonia may also occur in the vicinity of the Phase II Joint Facilities pipeline. Again, surveys have been requested by the FWS and the applicants have conducted surveys along portions of the route. Therefore, we recommend that the applicants conduct the necessary timely surveys for the small whorled pogonia in their appropriate habitats [\*\*32] along the Phase II Joint Facilities rights-of-way during the appropriate survey period so that avoidance or other mitigation can be planned.

Other special status species that may be affected by the two projects include three Federal species of concern and 57 statelisted or proposed species. PNGTS has identified habitat for two of the Federal species during previous surveys along the PNGTS Project pipeline; the FWS has recommended additional surveys for the brook floater prior to construction. The FWS has also recommended that the applicants conduct surveys for the variable sedge (Federal species of concern) along the Phase II Joint Facilities before construction and identified specific mitigation procedures for two of these species. The applicants did not observe the variable sedge during surveys in 1996.

The applicants plan to consult with the FWS and state agencies and will complete or conduct new surveys as necessary to characterize the potential occurrence and habitat of other special status species for both projects and to develop and/or finalize mitigation measures to minimize project impacts for those species/habitat found to occur along both projects.

#### viii. Wetlands

According [\*\*33] to field delineations completed by the applicants and our reviews of the NWI maps, the pipelines would cross about 934 vegetated wetlands with a combined crossing length of 49.2 miles (22 percent of the total length of the pipelines). The construction rights-of-way would affect a total of about 448.8 acres of wetlands, including 204.9 acres classified as forested wetlands. About 9.1 acres of additional wetlands would be affected by extra work areas that must be placed in wetlands because of the location of the wetland with respect to road, rail, or waterbody crossings, the need for topsoil segregation in agricultural areas, or construction work area requirements at major pipe bends. None of the aboveground facilities would be within delineated wetland boundaries.

Operation of the pipeline would affect about 95.7 acres of wetlands and would result in the permanent conversion of 80.9 acres of forested or partially forested wetland to scrub-shrub and emergent wetlands along the pipeline rights-of-way. The applicants would monitor forested wetlands to determine the type and quantity of natural recolonization of tree and shrub species with pre-determined threshold success criteria. If [\*\*34] the revegetation does not meet or exceed the predetermined standard, a supplemental planting plan would be developed and implemented in consultation with the appropriate Federal and state agencies.

All construction and restoration in wetlands would be in accordance with the applicants' ECP as supplemented by their additional mitigation and our recommendations. These procedures would minimize short- and long-term impact on the wetlands and wetlands habitats.

#### ix. Land Use and Residential

Pipelines for both projects would generally be installed within a 75-foot-wide construction right-of-way, of which 50 feet would be maintained for operation. However, in areas where there would be roadside construction, a 40-foot-wide construction right-of-way would be used. Construction of the PNGTS Project would affect about 1,870.9 acres of land: 1,689.0 acres for the construction right-of-way, 91.9 acres for extra work areas, 86.7 acres for pipe storage/contractor yards, 1.8 acres for access road modifications, and 1.5 acres for new meter stations. Following construction, about 1,126.1 acres would be retained as new permanent right-of-way for operation of the pipelines and 1.5 acres would be retained [\*\*35] for operation of the meter stations. The remaining 741.3 acres of land would be returned to previous use. [\*62,153]

Construction of the Phase II Joint Facilities Project would affect a total of about 412.0 acres of land: 352.3 acres for the construction right-of-way, 28.9 acres for extra work areas, 26.0 acres for one pipe storage/contractor yard, 0.6 acre

for a new permanent access road, and 4.2 acres for the new meter stations. Following construction, about 236.4 acres would be retained as new permanent right-of-way for operation of the pipelines, 0.6 acre would be retained for a new access road to the meter stations on the mainline, and 4.2 acres would be retained for operation of the meter stations. The remaining 170.8 acres of land would be returned to previous use.

About 84 percent (155.2 miles) of the PNGTS Project pipeline would be installed adjacent to existing rights-of-way. About 93 percent (36.2 miles) of the Phase II Joint Facilities pipelines would be installed adjacent to existing rights-of-way. Segments of new right-of-way would be distributed throughout the length of the mainlines and laterals and were incorporated into the proposed route because of topography, engineering, [\*\*36] or residential constraints of areas adjacent to the existing rights-of-way.

PNGTS has identified 128 residences or structures that would be within 50 feet of the construction work area for the PNGTS Project. Of these, 72 are between 25 and 50 feet of the construction work area, 50 are between 0 and 25 feet of the construction work area, and 6 are within the construction work area. The applicants would implement mitigation measures contained in their ECP during construction adjacent to these residences. These measures would include fencing the construction work area, preserving mature trees and landscaping, reducing the construction work area as necessary to maintain 25 feet between the residence and the construction work area, and using drag section or sewer line construction techniques to install the pipeline. The applicants would also repair or replace any septic system that is damaged during construction. We believe that the proposed mitigation would lessen impact on residences from construction and operation of the pipeline. Also, the FEIS recommends additional mitigation for certain residences and submittal of detailed site-specific plans for all residences within 25 feet of [\*\*37] construction work areas. The FEIS recommends that PNGTS work with concerned landowners to finalize route alignment on individual properties to minimize impact of the pipeline on land development in the future.

For the Phase II Joint Facilities, the applicants have identified 23 residences within 50 feet of the construction work area: 14 residences between 25 and 50 feet and 9 residences between 0 and 25 feet. With implementation of the proposed mitigation, the FEIS states that impact on residences would be minimized.

The pipeline would also cross residential and/or industrial developments that are under construction or under review. Most of these would be crossed adjacent to existing rights-of-way. The impacts to these areas will not be significant.

#### x. Recreation and Public Interest Areas

The PNGTS Project pipelines would cross about 1.4 miles of U.S. Forest Service (FS) lands of the White Mountain National Forest affecting about 4.2 acres of forested lands. About 3.8 miles of state forest lands would be crossed affecting about 13.9 acres of forested lands. Construction would overlap onto existing right-of-way for much of these crossings of Federal and state forests which would minimize [\*\*38] tree clearing. The FEIS states there would be no significant impact on the Connecticut River which is listed as a proposed candidate river in the National Rivers Inventory. PNGTS is working with the Appalachian Mountain Club (AMC) to develop mitigation plans for the crossing of the Mahoosuc and Roosevelt Trails to be filed before construction. Also, the FEIS recommends that PNGTS consult with the AMC and the National Park Service (NPS) to develop a mitigation plan for crossing the Appalachian Trail to be filed before construction. Although the mainline would cross four designated scenic roads a total of 12 times, the FEIS states that visual impacts would generally be minor due to proximity to existing rights-of-way and crossings of open or residential/commercial lands. Several municipal and town lands are crossed by the pipelines; however, no recreational facilities would be affected and implementation of the appropriate erosion control and restoration procedures would minimize impact on these areas.

The Phase II Joint Facilities pipelines would cross two nature preserves/wildlife management areas and two rivers that are state-listed for their recreational values. The FEIS recommends [\*\*39] a route variation to minimize impacts to the Kennebunk Plains Preserve. The FEIS states that the use of existing right-of-way, mitigation measures in the ECP, and development of a mitigation plan with The Nature Conservancy (TNC) would minimize impact on this preserve and the MEDIFW-owned wildlife management area. Directional drilling of the Saco River and implementation of the applicant's proposed crossing techniques and measures contained in their ECP would likely result in minimal long-term impact on the Saco and Kennebunk Rivers. Other recreation and public interest areas crossed by the mainline include a campground, golf course, water district, [\*62,154] baseball fields, hospital, town forest, and school. Impact on these areas is expected to be minimal due to effective routing, use of existing corridors, minimizing width of construction

right-of-way, and timing of construction activities based on the applicant's consultations with appropriate local government and owner representatives.

The pipeline would cross parts of the designated coastal zone management area in Maine. The applicants have applied to the Maine Office of State Planning for determinations that the proposed project is consistent [\*\*40] with these federally-approved coastal zone management plans. The FEIS recommends that prior to construction of any facilities, the applicants provide a statement from the Maine Office of State Planning that the project is consistent with coastal zone management plans.

#### xi. Socioeconomics

Construction and operation of the project would not significantly increase total employment or population along the proposed route. Consequently, there would be little additional demand on housing or public services; short-term limitations on the availability of hotel/motel rooms may occur in the vicinity of construction spreads. Some traffic congestion could result when bulk equipment and materials are moved onto the construction right-of-way and when workers commute to and from a work site; however, this impact would be mostly temporary at any one location due to the migration of construction activity down the pipeline route. During construction, the project would generate a positive economic stimulus as a direct result of local expenditures for labor, materials, and equipment. During operation, the project would contribute to the tax base of the towns crossed by the pipeline.

With the implementation [\*\*41] of the applicants' ECP, proposed mitigation measures, and the FEIS' recommendations, the construction and operation of the project would not result in a significant impact on urban or residential areas. In addition, the FEIS does not identify any disproportionately high and adverse human health or environmental effects on minority and low-income communities or Native American groups.

#### xii. Cultural Resources

The applicants have consulted with the appropriate State Historic Preservation Officers (SHPOs), and have completed cultural resource surveys of most of the proposed route along the mainlines. PNGTS has identified 25 archeological and historic sites. Eligibility for listing on the National Register of Historic Places (NRHP) has yet to be determined as PNGTS is awaiting comments from the Vermont, New Hampshire, and Maine SHPOs. On September 5, 1997, PNGTS filed a cultural resources report for the Rumford and Jay laterals. Also, PNGTS has identified 14 aboveground structures that may be visually affected by the project and are potentially eligible for the NRHP. Comments from New Hampshire and Maine SHPOs are pending. Cultural resource survey results have not yet been provided for [\*\*42] the Groveton Lateral.

The applicants have identified four archaeological/historic sites within the Phase II Joint Facilities Project's area of potential effect and 22 historic structures which may be visually affected by the project. Classifications of sites and eligibility for NHRP listing await comments from SHPOs. Cultural resource survey results have not yet been provided for the Westbrook Lateral.

The FEIS recommends that construction be deferred for both projects until the FERC staff and SHPOs have reviewed and approved all cultural resource surveys for both projects, determined the nature of effects and mitigation for each identified NRHP-eligible property, and afforded the ACHP an opportunity to comment.

The applicants have contacted Native American Groups resident in, or with traditional ties to, the two project areas and requested assistance identifying traditional cultural properties. Groups contacted by PNGTS include the Cowasuck Band/Abenaki People, the Abenaki Family Alliance, and the Dawnland Alliance for the PNGTS Project. Groups contacted by the applicants include the Penobscot Indian Nation and the Passamaquoddy Indian Nation in Maine.

#### xiii. Air and Noise

The FEIS [\*\*43] identified no significant short- or long-term impact on air quality or noise as a result of construction and operation of the project. There would be a beneficial impact on air quality of local and regional airsheds if natural gas were to replace current and continued use of more-polluting fuels. The FEIS has not quantified this effect.

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TABLE 1  
 Alternatives Recommended for Incorporation into the Proposed Route  
 Applicant/  
 Alternative Name

| Alternative Name                  | Mileposts         | State/<br>County     |
|-----------------------------------|-------------------|----------------------|
| PNGTS PROJECT                     |                   |                      |
| Beecher Falls Route Variation     | 0.6 to 0.9        | VT/Essex<br>NH/Coos  |
| Shelburne Route Variation         | 68.8 to 73.5/90.6 | NH/Coos              |
| State Line Variation              | 92.9 to 95.9      | NH/Coos<br>ME/Oxford |
| East Bethel Road Rt. Variation 1  | 9.8 to 10.3       | ME/Oxford            |
| East Bethel Road Rt. Variation 2  | 11.5              | ME/Oxford            |
| Line Change No. 1                 | 0.0 to 1.2        | VT/Essex             |
| Line Change No. 2                 | 92.8 to 93.1      | NH/Coos              |
| Line Change No. 3                 | 95.5 to 95.8      | ME/Oxford            |
| Line Change No. 4                 | 104.8 to 106.2    | ME/Oxford            |
| Line Change No. 6                 | 116.0 to 117.1    | ME/Oxford            |
| Line Change No. 7                 | 118.9 to 122.3    | ME/Oxford            |
| Line Change No. 8                 | 140.3 to 141.3    | ME/Oxford            |
| Line Change No. 9                 | 152.8 to 153.3    | ME/Oxford            |
| Line Change No. 10                | 157.5 to 158.2    | ME/Oxford            |
| PHASE II JOINT FACILITIES         |                   |                      |
| Kennebunk Plains R Oute Variation | 72.4 - 73.0       | ME/York              |

[\*62,155]

#### xiv. Alternatives

The FEIS reviewed one major route alternative, 15 route variations, and 10 PNGTS-proposed line changes for the PNGTS Project. Of these, the major route alternative and 10 route variations offered limited or no significant environmental advantage over the proposed facilities and the FEIS does not recommend their use. The FEIS does recommend five of the route variations and nine of the ten PNGTS-proposed line changes as set forth in Table 1.

For the Phase II Joint Facilities, the FEIS reviewed two route variations, one of which is recommended, as set forth in Table 1.

Portland has expressed concern regarding PNGTS' proposed right-of-way configuration adjacent to the existing Portland right-of-way. PNGTS proposes to share a portion of Portland's right-of-way, and install the new pipeline with a 25-foot offset from the nearest Portland [\*44] pipeline. Portland contends that the offset should be at least 50 feet. Portland argues that a 50-foot offset would result in less environmental impact, would minimize interference with Portland's cathodic protection system, would reduce issues of safety and existing pipeline integrity, and would allow for Portland to install an additional future oil pipeline between the proposed PNGTS gas pipeline and Portland's existing oil pipeline. Portland has also expressed concern regarding pipeline crossovers where PNGTS proposes to cross to the opposite side of Portland's right-of-way.

The FEIS does not treat Portland's suggestion as a route alternative or variation, but rather as a modified construction plan which it addresses in section 5.8.1-2 of the FEIS. The FEIS' consideration of the issues raised by Portland and the FEIS' recommendations are summarized below.

A 50-foot offset would not result in less environmental impact than a 25-foot offset. Although Portland has presented extensive argument that a 50-foot offset would result in a smaller area of land affected than would a 25-foot offset, there is a significant flaw in this argument because Portland bases its analysis on a 25-foot-wide [\*45] permanent right-of-way. PNGTS has proposed, and the FEIS has evaluated, however, a 50-foot-wide permanent right-of-way. A 50-foot-wide permanent right-of-way is the industry standard, and is acceptable. A fair comparison of Portland's suggested

configuration with the proposed configuration (i.e., assuming a 50-foot-wide permanent right-of-way for both) results in a greater permanent area affected by Portland's suggestion than the proposed configuration since the new permanent right-of-way would not overlap the maintained Portland right-of-way in the Portland scenario.

By using Portland's suggested 50-foot offset, the amount of land converted to permanent utility easement would be doubled as there would be no overlapping of the existing Portland right-of-way, thereby increasing the permanent impact on private landowners. Also, using a 50-foot offset would increase permanent impacts on forests and wetlands by about one third over the proposed right-of-way configuration. This would increase permanent impacts on about 6.6 miles of wetlands and about 29.1 miles of forests that would be crossed.

Portland's concern regarding impact to its cathodic protection is inconsistent with industry practice. New pipeline installation adjacent to existing pipelines, pipeline crossovers, and the design of associated cathodic protection systems, however challenging, are a relatively common industry occurrence. The reduction in environmental impact that would result from a 25-foot offset justifies any additional cathodic protection design requirements. Further, Portland avers that at some time in the future it may want to install another oil pipeline along [\*62,156] this right-of-way and that it may want to install it between its existing pipeline and the PNGTS line which it would like installed with a 50-foot offset. This would place the hypothesized Portland line within 25 feet of Portland's line. Presumably, Portland would not consider this configuration if the technology did not exist to mitigate concerns about cathodic protection.

With regard to pipeline crossovers, Portland expressed concern that new pipeline construction within 25 feet of its existing pipelines would present an unacceptable risk of damage. Crossing over or under other existing pipelines is a common practice during installation of a new pipeline and is successfully managed in construction projects throughout the United States. PNGTS proposes specific measures to prevent damage to Portland's existing pipelines during construction. Portland also noted that outside forces are a common cause of pipeline damage. Outside forces that do damage pipelines are typically those that are the result of excavations by parties that are unaware of the buried pipeline and not the result of deliberate excavations for the purpose of crossing under an existing pipeline. Adjacent pipeline construction activities are generally not considered outside forces. In the event Portland were to construct a future pipeline, there would be more safety issues associated with Portland's suggested configuration, which would require construction of a new pipeline within a 50-foot-wide corridor between two large diameter pipelines.

## 2. Comments by Central Maine Power

Central Maine Power (CMP) filed timely comments on the DEIS which were inadvertently overlooked during preparation of the FEIS. CMP expresses concern about the safety of construction of the 12-inch-diameter Rumford Lateral (from MPs 25.8 to 26.9) and the 12-inch-diameter Jay Lateral (from MPs 0.0 to 16.6) where construction would be along and within the south side of the [\*48] existing CMP right-of-way. On September 5, 1997, CMP filed a request for a technical conference on this issue. We will address CMP's comments here. Because the record before us contains sufficient information and data for us to resolve the issue, we will deny the request for a technical conference. CMP states that 15 feet of the proposed 75-foot-wide construction right-of-way would be directly below its 115 kilovolt (kV) power line towers and conductors. Since PNGTS' proposed working side of the construction right-of-way would be between the power lines and the trench, CMP is concerned about the safety of personnel working under the power lines and the possibility of power outages affecting its customers if construction equipment were to contact power lines, or if towers or guy wires were damaged.

Pipelines have been successfully installed along and beneath power lines in many other areas such as New York, New Jersey, and Florida. No evidence has been provided that in this project the proposed construction practices are imprudent. Nonetheless, CMP's concerns about safety of workers and maintaining reliable service during construction of the PNGTS pipeline are reasonable and should [\*49] be accommodated if they do not create significant additional environmental impact. CMP suggested that the construction right-of-way be modified so that instead of having the 50-foot-wide working side between the trench and the power lines, it be placed on the opposite (south) side of the trench away from the towers. Under the CMP-suggested configuration, the pipeline would remain 50 feet from the center of the towers, the 40-foot-wide permanent pipeline right-of-way would remain the same, but there would be no construction activity directly below the towers and conductors. CMP's proposal, however, would require approximately 25 feet of additional clearing along the 17.7 miles of CMP corridor.

In general, we agree that switching the working side of the construction right-of-way from the north to the south side of the pipeline is appropriate; however, additional clearing along the entire 17.7-mile-long CMP corridor would result in environmental impact. Therefore, we find that it would be preferable to use an overlapping right-of-way configuration which would not require any additional clearing.

To accommodate CMP, PNGTS should reconfigure its right-of-way and reverse the working side [\*\*50] of the construction right-of-way along the Rumford Lateral from MPs 25.8 to 26.9 and the Jay Lateral from MPs 0.0 to 16.6. This should be done by moving the location of the pipeline in the construction right-of-way from 50 feet away from the center line of the towers to 35 feet from the center line and by having the working side of the construction right-of-way along the outside edge of the power line corridor. Also, the position of the pipeline should be adjusted so that it does not interfere with the position of CMP's transmission line guy wires and anchors. This would place the PNGTS pipeline about 20 feet outside the nearest conductor and would leave at least 40 feet on the working side without clearing additional workspace beyond that proposed by PNGTS. This configuration is similar to that proposed between mainline MPs 144.7 and 151.7 and MPs 152.8 and 155.9 where a 35-foot offset between the PNGTS pipeline and the center line of the power line is proposed, [\*62,157] which both PNGTS and CMP have found acceptable.

Historically, smaller diameter pipelines have been installed with smaller sized construction equipment which require less working area. In addition, less area is needed for [\*\*51] spoil storage for smaller diameter pipelines since trench size is reduced. Therefore, in order to stay within the same proposed area of disturbance, the construction right-of-way along the Rumford Lateral from MPs 25.8 to 26.9 and the Jay Lateral from MPs 0.0 to 16.6 should be reduced from 75 feet to 60 feet. Spoil storage should be along the north side of the trench in a 20-foot-wide workspace between the trench and the CMP power lines. The working side of the construction right-of-way should be 40 feet wide and along the south side of the trench. This right-of-way configuration can be accomplished within the existing cleared CMP right-of-way with minimal additional clearing.

If PNGTS determines that it requires additional temporary workspace for the recommended construction right-of-way configuration, or if it cannot construct the pipeline with smaller sized equipment, it may file a request for a modification with the Secretary for review and written approval by the Director of OPR under environmental condition 5 of this order.

### 3. Additional Late-filed Comments

Several parties filed comments to the DEIS after the

July 21, 1997 due date and too late to be included in the FEIS. [\*\*52] We will note them here.

The towns of Gilead, Maine and Shelburne, New Hampshire support a pipeline route that follows the existing pipeline corridor along the State Line Variation. This is the route the FEIS recommends.

The towns of Shelburne and Gorham, New Hampshire commented that PNGTS has not allowed them to provide input into the location of the Androscoggin River crossing along the Shelburne Variation. Gorham also indicates that it has some objections to the pipeline route, but it does not provide any specific information. The FEIS recommends that PNGTS use the Shelburne Variation, as modified in the FEIS, and that PNGTS be required to file with the Secretary for review and approval by the Director of OPR the alignment sheets and related environmental information for the Shelburne Variation, prior to construction. Evidence of coordination with the towns of Shelburne and Gorham regarding the final alignment of the Androscoggin River crossing on the Shelburne Variation should be included in PNGTS' compliance filing.

A. W. Bowden, P. and L. Santmire, N. E. Howe, D. Meisner, and K. Carstens objected to the proposed Line Change No. 5 through their properties. The FEIS recommends [\*\*53] that PNGTS not use Line Change No. 5, and that, instead, PNGTS follow the original proposed route.

Several individuals (L. McPherson, S. Lincoln, P. Carter, and C. Piawlock), and the Board of Selectmen of Bethel, Maine, requested that the proposed route for the Rumford Lateral not be used, and that either the Route 2 or Bird Hill Variations be considered instead. The FEIS evaluated these route variations, but did not consider them to be reasonable

alternatives. The FEIS recommends the proposed route, with additional mitigation measures, and two new route variations.

C. PIAwlock also expressed concern that gas from the pipeline might pollute groundwater. The FEIS addresses impacts on groundwater.

C. PIAwlock suggested that timber harvesting has caused the water table to rise in the area. She states that if all the trees within 40 feet of East Bethel Road, which will be used as part of the construction right-of-way along a portion of the Rumford Lateral, are cut down, the water table would be affected. Clearing a 40-foot-wide strip of trees along the road would not be required, however. As stated in the FEIS, tree clearing will be minimized along this corridor, particularly near residences. [\*\*54]

C. PIAwlock commented that a power plant may be constructed in Rumford, Maine, and that the 12-inch-diameter line may not be sufficient to supply it. The Commission, however, has received no information about the siting of a power plant in Rumford.

The Vermont Department of Public Service filed a final version of its timely filed preliminary comments on the DEIS. Its comments raise no new issues that the FEIS does not consider.

P. Lawrence filed comments for T. Richardson concerning relocation of a CMP power pole that may be affected by the proposed pipeline construction and that would be part of the reclamation of Mr. Richardson's presently active gravel pit. There appears to be a dispute over who should pay for the relocation -- CMP, the landowner, or PNGTS. Issues of compensation are not addressed by the Commission, but must instead be resolved by the parties involved, or in court.

Finally, T. Acker filed additional comments restating her concern about the routing of the pipeline through her residential property. The FEIS addresses this matter. [\*62,158]

#### 4. Conclusions

The Commission finds that the PNGTS Project and the PNGTS/Maritime Phase II Joint Facilities Project, if constructed [\*\*55] and operated in accordance with the recommended mitigation measures contained in the FEIS, as supplemented immediately above regarding CMP's right-of-way along the Rumford and Jay Laterals, are environmentally acceptable. The mitigation measures are included as conditions in this order. n11

-----Footnotes-----

n11 The conditions appear as Appendix B.

-----End Footnotes-----

Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of the certificate. The Commission encourages cooperation between interstate pipelines and local authorities. However, this does not mean that state and local agencies, through application of state or local laws, may prohibit or unreasonably delay the construction or operation of facilities approved by this Commission. n12

-----Footnotes-----

n12 See, e.g., *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293 (1988); *National Fuel Gas Supply v. Public Service Commission*, 894 F.2d 571 (2d Cir. 1990); and *Iroquois Gas Transmission System, L.P., et al.*, 52 FERC P61,091 (1990) and 59 FERC P61,094 (1992).

-----End Footnotes----- [\*\*56]

PNGTS shall notify the Commission's environmental staff by telephone or facsimile of any environmental noncompliance identified by other Federal, state, or local agencies on the same day that such agency notifies PNGTS. PNGTS shall file written confirmation of such notification with the Secretary of the Commission within 24 hours.

The Commission orders:

(A) A certificate of public convenience and necessity is issued to PNGTS in Docket No. CP96-249-000, et al. authorizing the construction and operation of the proposed facilities between Pittsburg, New Hampshire and Westbrook, Maine described herein as the PNGTS Project, and as more fully described in the July 31, 1997 order and in PNGTS' applications.

(B) A certificate of public convenience and necessity is issued to PNGTS and Maritimes in Docket No. CP97-238-000 authorizing the construction and operation of the proposed joint facilities between Westbrook, Maine and Wells, Maine, described herein as the Phase II Joint Facilities, and as described in the July 31, 1997 order, and as more fully described in the applications.

(C) A certificate of public convenience and necessity is issued to PNGTS in Docket No. CP97-238-000 authorizing [\*\*57] the operation of the proposed joint facilities between Wells, Maine and Dracut, Massachusetts, described herein as the Phase I Joint Facilities, and as described in the July 31, 1997 order, and as more fully described in PNGTS' applications.

(D) (1) The certificates issued in Ordering Paragraphs (A), (B), and (C) are conditioned as discussed in this order and in the July 31, 1997 order in this proceeding, as modified herein, and on the following conditions:

(i) compliance with all parts of the Commission's regulations, particularly Parts 154, and paragraphs (a), (c), (e), and (g) of Part 157.20 of the Commission's regulations;

(ii) completion of construction of the facilities and actual operation to begin within 2 years from the date of a final order in this proceeding;

(2) The certificates issued in Ordering Paragraphs (B) and (C) also are subject to the filing of Definitive Agreements between PNGTS and Maritimes.

(E) The authorization granted herein is subject to PNGTS' and Maritimes' compliance with the environmental conditions listed in Appendix B to this order.

(F) PNGTS and/or Maritimes shall notify the Commission's environmental staff by telephone and/or facsimile of any [\*\*58] environmental noncompliance identified by other Federal, state, or local agencies on the same day that such agency notifies PNGTS or Maritimes, and PNGTS and/or Maritimes shall file written confirmation of such notification with the Secretary of the Commission within 24 hours.

(G) A Presidential Permit is issued to PNGTS as discussed in the July 31, 1997 order in this proceeding and set forth in Appendix A to this order.

(H) PNGTS is authorized under section 3 of the NGA to site, construct, operate, maintain, and connect the proposed facilities at the border between the United States and Canada at or near Pittsburg, New Hampshire as discussed and conditioned above.

(I) PNGTS shall sign and return the Testimony of Acceptance of all the provisions, conditions, and requirements of the Presidential Permit to the Secretary prior to construction.

(J) PNGTS is authorized to charge initial rates, as discussed herein, and shall make a section 4 rate filing within 3 years of its in-service date to either justify its existing rates or propose alternative rates to be effective no later than 3 years after the in-service date.

(K) The pro forma tariff submitted by PNGTS, as modified in its September [\*\*59] 2, 1997 [\*62,159] compliance filing is accepted, subject to the additional modification discussed herein.

(L) Blanket certificates pursuant to Part 284, Subpart G, and Part 157, Subpart F, respectively, of the Commission's regulations are issued to PNGTS in Docket No. CP96-249-000 authorizing it to transport gas in interstate commerce, and to construct certain eligible facilities.

(M) The motion to intervene out-of-time by North Atlantic is granted.

(N) The request for rehearing or clarification by North Atlantic is denied.

(O) The requests for rehearing and clarification by PNGTS are granted.

(P) The request by CMP for a technical conference is denied.

(Q) The following proposals by PNGTS to construct and operate pipeline facilities are superseded by the authorizations herein and are dismissed:

(a) in Docket No. CP96-249-000, a 20-inch diameter pipeline from North Troy, Vermont to Haverhill, Massachusetts;

(b) in Docket No. CP96-249-003, a 20-inch diameter pipeline from Pittsburg, New Hampshire to Haverhill, Massachusetts; and

(c) in Docket No. CP96-249-003, a 24-inch diameter pipeline from Pittsburg, New Hampshire to Westbrook, Maine, and a solely owned 30-inch diameter pipeline from Westbrook, [\*\*60] Maine to Haverhill, Massachusetts.

By the Commission.

#### APPENDIX:

##### APPENDIX A

##### PERMIT AUTHORIZING PORTLAND NATURAL GAS TRANSMISSION SYSTEM

##### TO CONSTRUCT, OPERATE AND MAINTAIN NATURAL GAS

##### FACILITIES AT THE INTERNATIONAL BOUNDARY

##### BETWEEN THE UNITED STATES AND CANADA

##### FEDERAL ENERGY REGULATORY COMMISSION

DOCKET NO. CP96-248-004

(Issued September 24, 1997)

Portland Natural Gas Transmission System (PNGTS), a general partnership organized and existing under the laws of the State of Maine, and comprised of six partners (East Coast Pipeline Company, Gas Metro Portland Corporation, JMC Portland (Investors) Inc., Natural Gas Development Corporation, TCPL Portland Inc., and Tenneco Portland Corporation), filed in Docket No. CP96-248004 on May 19, 1997, an application pursuant to Executive Order Nos. 10485 and 12038 and the Secretary of Energy's Delegation Order No. 0204-112, for a Permit authorizing Permittee to construct, operate, and maintain natural gas transmission facilities described in Article 2 below at the International Boundary between the United States and Canada.

By letter dated July 2, 1997, the Secretary of State, and by letter dated July 1, 1997, the Secretary of Defense favorably recommended [\*\*61] that the Permit be granted. The Federal Energy Regulatory Commission finds that the issuance of a Permit is appropriate and consistent with the public interest.

Pursuant to the provisions of Executive Order Nos. 10485 and 12038, dated September 3, 1953, and February 3, 1978, respectively, the Secretary of Energy's Delegation Order No. 0204-112, effective February 22, 1984, and the Commission's regulations, permission is granted to Permittee to construct, operate, and maintain the natural gas transmission facilities described in Article 2 below, upon the terms and conditions of the Permit.

Article 1. It is expressly agreed by the Permittee that the facilities herein described shall be subject to all provisions and requirements of this Permit. This Permit may be modified or revoked by the President of the United States or the Federal Energy Regulatory Commission, and may be amended by the Federal Energy Regulatory Commission, upon proper application therefor.

Article 2. The following facilities are subject to this Permit:

A natural gas transmission pipeline consisting of approximately 750 feet of 24-inch diameter pipeline, with appurtenant facilities, with a capacity of 178,000 Mcf/day, [\*\*62] extending from a point on the United States-Canada International Boundary line near Pittsburg, New Hampshire and ending at a valve assembly.

Article 3. The natural gas facilities authorized herein, or which may subsequently be included herein by modification or amendment, may be utilized for the transportation of natural gas between the United States and Canada only in the amount, at the rate, and in the manner authorized under Section 3 of the Natural Gas Act.

Article 4. The operation and maintenance of the aforesaid facilities shall be subject to the inspection and approval of representatives of the United States. The Permittee shall allow officers and employees of the United States, showing proper credentials, free and unrestricted access to the land occupied by the facilities in the performance of their official duties.

Article 5. If in the future it should appear to the Secretary of the Army that any facilities or [\*\*62,160] operations permitted hereunder cause unreasonable obstruction to the free navigation of any of the navigable waters of the United States, the Permittee may be required, upon notice from the Secretary of the Army, to remove or alter the same so as to render navigation [\*\*63] through such waters free and unobstructed.

Article 6. The Permittee shall be liable for all damages occasioned to the property of others by the operation or maintenance of the facilities, and in no event shall the United States be liable therefor. The Permittee shall do everything reasonable within its power to prevent or suppress fires on or near land occupied under this Permit.

Article 7. The Permittee agrees to file with the Commission, under oath and in such detail as the Commission may require, such statements or reports with respect to the natural gas exported, imported, or the facilities described herein, as the Commission may, from time to time, request. Such information may be made available to any federal, state, or local agency requesting such information.

Article 8. Neither this Permit nor the facilities, nor any part thereof, covered by this Permit shall be voluntarily transferred in any manner, but the Permit shall continue in effect temporarily for a reasonable time in the event of the involuntary transfer of the facilities by operation of law (including transfer to receivers, trustees, or purchasers under foreclosure or judicial sale) pending the making of an application [\*\*64] for a permanent Permit and decision thereon, provided notice is promptly given in writing to the Commission accompanied by a statement that the facilities authorized by this Permit remain substantially the same as before the involuntary transfer. The Permittee shall maintain the facilities in a condition of repair for the efficient transportation of natural gas and shall make all necessary renewals and replacement.

Article 9. Upon the termination, revocation, or surrender of this Permit, the transportation facilities herein authorized shall be removed within such time as the Commission may specify, and at the expense of the Permittee. Upon failure of the Permittee to remove such transportation facilities or any portion thereof, the Commission may direct that possession of the same be taken and the facilities be removed, at the expense of the Permittee, and the Permittee shall have no claim for damages by reason of such possession or removal.

Article 10. The Permittee agrees that when, in the opinion of the President of the United States, evidenced by a written order addressed to it as holder of this Permit, the safety of the United States demands it, the United States shall have the

[\*\*65] right to enter upon and take possession of any of the facilities, or parts thereof, maintained or operated under this Permit, and all contracts covering the transportation or sale of natural gas by means of said facilities, to retain possession, management, and control thereof for such length of time as may appear to the President to be necessary to accomplish said purposes, and then to restore possession and control to the Permittee; and in the event that the United States shall exercise such right it shall pay the Permittee just and fair compensation for the use of said facilities upon the basis of a reasonable profit in time of peace, and the cost of restoring said facilities to as good condition as existed at the time of taking over thereof, less the reasonable value of any improvements that may be made thereto by the United States and which are valuable and serviceable to the Permittee.

Article 11. This Permit is subject to any action which the Government of the United States may in the future deem expedient or necessary to take in case any part of the aforesaid facilities comes into the control of any foreign government.

Article 12. The Government of the United States shall [\*\*66] be entitled to the same or similar privileges as may by law, regulation, agreement, or otherwise, be granted by the Permittee to any foreign government.

By direction of the Commission.

#### Appendix B

#### Environmental Conditions

As recommended in the FEIS, this authorization includes the following conditions:

#### PNGTS Project and Phase II Joint Facilities

1. The applicants shall follow the construction procedures and mitigation measures described in their applications and supplements (including responses to staff data requests) and as identified in the environmental impact statement (EIS), unless modified by this Order. The applicants must:

- a. request any modification to these procedures, measures, or conditions in a filing with the Secretary of the Commission (Secretary);
- b. justify each modification relative to site-specific conditions;
- c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
- d. receive approval in writing from the Director of the Office of Pipeline Regulation (OPR) before using that modification.

2. The Director of OPR has delegated authority to take whatever steps are necessary to insure the protection of all environmental resources [\*62,161] during construction and operation of the project. This authority shall allow:

- a. the modification of conditions of this Order; and
- b. the design and implementation of any additional measures deemed necessary (including stop work authority) to assure continued compliance with the intent of the environmental conditions as well as the avoidance or mitigation of adverse environmental impact resulting from project construction and operation.

3. Prior to any construction, the applicants shall file affirmative statements with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors, and contractor personnel will be informed of the environmental inspector's authority and have been or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs before becoming involved with construction and restoration activities.

4. The authorized facility location(s) shall be as shown in the EIS, as supplemented by filed alignment sheets, and shall include all of the staff's recommended route variations and applicant-proposed line changes identified on table 7.1-1, as described in sections 6.2 and 6.3 of the EIS. As soon as they are available, and before the start of construction, the applicants shall file with the Secretary any revised detailed survey alignment maps/sheets at a scale not smaller than 1:6,000 with station positions for all facilities approved by this Order. All requests for modifications of environmental conditions of this Order or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets.

The applicants shall update tables for wells, springs, streams, wetlands, and residences with the modified milepost information prior to construction.

The applicants' exercise of eminent domain authority granted under Natural Gas Act (NGA) section 7(h) in any condemnation proceedings related to this Order must be consistent with these authorized facilities and locations. The applicants' right of eminent domain granted under the NGA, section 7(h) does not authorize them to increase the size of their natural gas pipeline to accommodate future needs or to acquire a right-of-way for a pipeline to transport a commodity other than natural gas.

5. The applicants shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and staging areas, pipe storage yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. This includes any alteration to facility locations filed with the Commission. Approval for each of these areas must be explicitly requested in writing. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director of OPR before construction in or near that area.

This requirement does not apply to route variations required herein or minor field realignments per landowner needs and requirements which do not affect other landowners or sensitive environmental areas such as wetlands.

Examples of alterations requiring approval include all route realignments and facility location changes resulting from:

- a. implementation of cultural resources mitigation measures;
- b. implementation of endangered, threatened, or special concern species mitigation measures;
- c. recommendations by state regulatory authorities; and
- d. agreements with individual landowners that affect other landowners or could affect sensitive environmental areas.

6. Within 60 days of the acceptance of this certificate and before construction begins, the applicants shall file initial Implementation Plans with the Secretary for review and written approval by the Director of OPR describing how it/they will implement the mitigation measures required by this Order. The applicants must file revisions to the plan as schedules change. The plan shall identify:

- a. how the applicants will incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and specifications), and construction drawings so that the mitigation required at each site is clear to onsite construction and inspection personnel;
- b. the number of environmental inspectors assigned per spread, and how the company will ensure that sufficient personnel are available to implement the environmental mitigation;
- c. company personnel, including environmental inspectors and contractors, who will receive copies of the appropriate material;
- d. what training and instructions the applicants will give to all personnel involved with construction and restoration (initial and refresher training as the project progresses [\*62,162] and personnel change), with the opportunity for OPR staff to participate in the training session(s);

e. the company personnel (if known) and specific portion of the applicant's organization having responsibility for compliance;

f. the procedures (including use of contract penalties) the applicant will follow if noncompliance occurs; and

g. for each discrete facility, a Gantt or PERT chart (or similar project scheduling diagram), and dates for:

i. the completion of all required surveys and reports;

ii. the mitigation training of onsite personnel;

iii. the start of construction; and

iv. the start and completion of restoration.

7. The applicants shall employ a team of (i.e., two or more or as may be established by the Director of OPR) environmental inspectors per construction spread. The environmental inspectors shall be:

a. responsible for monitoring and ensuring compliance with all mitigative measures required by this Order and other grants, permits, certificates, or other authorizing documents;

b. responsible for evaluating the construction contractor's implementation of the environmental mitigation measures required in the contract (see condition 6 above) and any other authorizing document;

c. empowered to order correction of acts that violate the environmental conditions of this Order, and any other authorizing document;

d. a full-time position, separate from all other activity inspectors;

e. responsible for documenting compliance with the environmental conditions of this Order, as well as any environmental conditions/permit requirements imposed by other Federal, state, or local agencies; and

f. responsible for maintaining status reports.

8. The applicants shall file updated status reports prepared by the lead environmental inspector with the Secretary on a weekly basis until all construction-related activities, including restoration and initial permanent seeding, are complete. On request, these status reports will also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:

a. the current construction status of each spread, work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally sensitive areas;

b. a listing of all problems encountered and each instance of noncompliance observed by the environmental inspector(s) during the reporting period (both for the conditions imposed by the Commission and any environmental conditions/permit requirements imposed by other Federal, state, or local agencies);

c. corrective actions implemented in response to all instances of noncompliance, and their cost;

d. the effectiveness of all corrective actions implemented;

e. a description of any landowner/resident complaints which may relate to compliance with the requirements of this Order, and the measures taken to satisfy their concerns; and

f. copies of any correspondence received by the applicants from other Federal, state or local permitting agencies concerning instances of noncompliance, and the applicant's response.

9. The applicants must receive written authorization from the Director of OPR before commencing service from the project. Such authorization will only be granted following a determination that rehabilitation and restoration of the right-of-way is proceeding satisfactorily.

10. Within 30 days of placing the certificated facilities in service, the applicants shall file affirmative statements with the Secretary, certified by senior company officials:

a. that the facilities have been constructed in compliance with all applicable conditions, and that continuing activities will be consistent with all applicable conditions; or

b. identifying which of the certificate conditions it/they have complied with or will comply with. This statement shall also identify any areas along the right-of-way where compliance measures were not properly implemented, if not previously identified in filed status reports, and the reason for noncompliance.

11. The applicants shall develop site-specific plans and construction details for each active quarry crossed in consultation with appropriate state agencies and the quarry owner or operator and file the plans with the Secretary for review and written approval by the Director of OPR prior to construction.

12. The applicants shall file with the Secretary, for review and written approval of the Director of OPR, a detailed plan if they intend to spread more than 1 ton per acre of wood chips on the construction right-of-way, either [\*62,163] during or after construction, describing the steps they would take to minimize the effect such an addition would have on soil chemistry.

13. The applicants shall incorporate the following mitigation measures into their ECP:

a. Ensure that appropriate erosion control materials, including erosion control fabric, are available and onsite before conducting any construction activities across waterbodies;

b. Offer to each owner or manager of forested lands the installation and maintenance of measures to control unauthorized vehicle access to the right-of-way (these measures shall be one or more of those listed in section 4.1.6 of the ECP);

c. Ensure that equipment pads that are used as construction bridges across waterbodies be installed over culverts or span the waterbody from bank to bank above the water level. If the waterbody is too wide for spanning with a single section of equipment pad, a pier (e.g., concrete saddle weight or similar device) may be used to support the joint of the two sections of equipment pad. The pier shall not be so large as to obstruct streamflow;

d. If topographic conditions prohibit pipe installation with a flume in place, the applicants shall use the dam-and-pump method described in their ECP (crossing method 2B) to construct the crossing of the waterbody. The applicants shall prepare a stream-specific dam-and-pump plan as outlined in their ECP for all waterbodies that they propose to dam and pump. This plan shall be filed with the Secretary for the review and written approval of the Director of OPR before construction. For a flumed crossing, flumes shall stay in place until pipe installation and backfilling are complete;

e. Dewater trenches in such a manner that no heavily siltladen water flows into any wetland or waterbody;

f. Use no access roads in wetlands that require modification or would otherwise impact the wetland;

g. Limit construction equipment operating in wetland areas to that needed to clear the right-of-way, dig the trench, fabricate and install the pipeline, backfill the trench, and restore the right-of-way. All other construction equipment shall use access roads located in upland areas to the maximum extent practicable. Where access roads in upland areas do not provide reasonable access, limit all other construction equipment to one pass through the wetland using the right-of-way. If site-specific conditions make this measure unsafe, the applicants shall file a site-specific request for review and written approval by the Director of OPR for modification of this requirement, including a description of how the applicants would ensure the maximum level of protection to the wetland;

h. Where the pipeline trench may drain a wetland, construct trench breakers and/or seal the trench bottom as necessary to maintain the original wetland hydrology; and

i. Develop specific procedures in coordination with the appropriate land management or state agency, where necessary, to prevent the invasion or spread of undesirable exotic vegetation (such as purple loosestrife and phragmites).

14. Before construction the applicants shall file with the Secretary the finalized ECPs that would be used in New Hampshire and Maine. These ECPs shall incorporate all agreed-upon state comments and our additional recommendations. Where these ECPs involve less protective measures than the Upland Erosion Control, Revegetation, and Maintenance Plan (Plan) and Wetland and Waterbody Construction and Mitigation Procedures (Procedures), the applicants shall specifically identify the measures and request written approval of the Director of OPR in accordance with recommendation number 1 to implement the measures.

15. The applicants shall file with the Secretary, for review and written approval by the Director of OPR, before construction a revised SPCP that identifies the following:

a. fuel, lubricants, and hazardous materials stored or used in the project area, and the location, quantity, and method of storage;

b. emergency notification procedures in the event of a spill;

c. procedures regarding collection and disposal of waste generated during spill cleanup or equipment maintenance and procedures regarding excavation and disposal of any soil or materials contaminated by a spill; and

d. names and telephone numbers of all state agencies and individuals that will be contacted in the event of a spill.

16. The applicants shall modify the "Refueling Operations" and "Storage" sections of its SPCP to include the prohibition of fuel storage and handling within a 200-foot radius of private drinking water wells and springs, except as necessary for site-specific reasons. When site-specific constraints require that refueling occur within these exclusion zones, the impact minimization measures of the SPCP shall be implemented, including the installation of impermeable containment devices under the refueling operation.

17. Prior to construction the applicants shall file with the Secretary the locations of all wells [\*62,164] and springs identified within 150 feet of the construction work area. The applicants shall indicate the distance and direction of each well or spring from both the pipeline centerline and construction work area and indicate whether they are public or private.

18. The applicants shall file with the Secretary the location and distance crossed for each WHPA and coordinate with the appropriate authorities responsible for the WHPAs crossed and determine appropriate construction procedures and mitigation measures for maintenance of water quality in the WHPA. The applicants shall file this WHPA construction and mitigation plan with the Secretary before construction.

19. The applicants shall conduct, with the well- or springowner's permission, pre- and post-construction monitoring of well or spring yield and water quality for all wells or springs within 150 feet of pipeline construction activities that are used for drinking water. Within 30 days of placing the facilities in service, the applicants shall file a report with the Secretary discussing any complaints concerning well or spring yield or water quality and how they were resolved.

20. The applicants shall prepare a schedule identifying when trenching or blasting would occur within each waterbody greater than 10 feet wide, or within any coldwater fishery. The applicants shall file the schedule with the Secretary within 30 days of acceptance of the Certificate and revise it as necessary to provide at least 14 days advance notice. Changes within this last 14-day period must provide for at least 48 hours advance notice.

21. The applicants shall identify the volumes, discharge rates, and the source and discharge locations of hydrostatic test water for all sections of the project where they have not been already identified. This information along with the required Federal or state approval shall be filed with the Secretary before construction.

22. If underwater blasting is required, the applicants shall use methods such as delayed detonation and air bubble curtains to reduce the total acoustic shockwave intensity to the greatest extent possible, based on site-specific conditions. The applicants shall coordinate detonation plans with state biologists, conduct pre- and post-detonation monitoring, and submit fish kill reports to the pertinent state fisheries departments, if kill reports are requested by the state. Additionally, before detonation in major waterbodies (greater than 100 feet wide), the applicants shall employ a disturbance, such as a series of scare charges, to cause fish to move out of the area.

23. The applicants shall construct the Crooked River (PNGTS MP 110) and the Kennebec River (Joint Facilities MP 78) using a dry crossing method, or file with the Secretary, for review and written approval by the Director of OPR, supporting evidence that the dry crossing method is technically not feasible at this location, or that the responsible state agency has specifically approved an alternate crossing method, in cognizance of this requirement.

24. If the applicants develop wetland compensatory mitigation plans in response to U.S. Army Corps. of Engineers (COE), or any other agency, recommendations, they shall file a copy of the plan with the Secretary for review and written approval by the Director of OPR before implementation.

25. Surface rocks or boulders excavated from the trench during construction shall not be placed in wetlands within temporary extra work space areas.

26. If the applicants develop a forested wetland revegetation plan, the applicants shall file this plan and the COE and appropriate state agency approvals with the Secretary before implementation. The applicants shall file any relevant correspondence with the COE, (Environmental Protection Agency (EPA), U.S. Fish & Wildlife Service (FWS), and state agencies regarding restoration and revegetation of forested wetlands.

27. Before construction of any facilities, the applicants shall file with the Secretary evidence that the project is consistent with the Maine Coastal Zone Management Plan.

28. When a septic system or leach field is disturbed during construction, the applicants shall provide each affected residence a temporary alternative means for collection and disposal of wastewater. Any septic systems or leach fields which are adversely affected by construction activities, should be repaired to full working order immediately after backfilling the trench.

29. The applicants shall minimize the clearing of trees and vegetation which provide important visual screening of an existing right-of-way from adjacent residences. Where screening must be removed for safety consideration, the applicants shall offer to plant fast growing trees or shrubs within the temporary work areas in all areas where vegetative screening is removed between a residence and an existing right-of-way.

30. Where aboveground facilities are visible from scenic areas the applicants shall plant tree screens around the facility.

31. The applicants shall defer construction of facilities and use of all staging, storage, and [\*62,165] temporary work areas, and new or to-be-improved access roads until:

a. the applicants file with the Secretary cultural resource reports and treatment plans, as appropriate, and the SHPO's comments; and

b. the Director of OPR reviews and approves all reports, considers the comments of the Advisory Council on Historic Preservation, and notifies the applicants in writing that they may proceed.

Note: For additional information see "OPR's Guidelines for Reporting on Cultural Resource Investigations" (December, 1994).

All material filed with the Commission containing location, character, and ownership information about cultural resources must have the cover and any relevant pages therein clearly labeled in bold lettering: "CONTAINS PRIVILEGED INFORMATION--DO NOT RELEASE."

32. The applicants shall file copies of all correspondence with Indian tribes, Native American groups, ethnic groups, and other interested persons and all resulting documentation with the Secretary for review by the Director of OPR.

All material filed with the Commission containing location, character, and ownership information about cultural resources must have the cover and any relevant pages therein clearly labeled in bold lettering: "CONTAINS PRIVILEGED INFORMATION--DO NOT RELEASE."

33. The applicants shall file with the Secretary for review and written approval of the Director of OPR, proof that necessary state and local approvals have been obtained by the downstream customer(s) prior to construction of the lateral serving the customer(s).

#### PNGTS Project

34. Prior to Construction, PNGTS shall develop and file with the Secretary a plan to be implemented in the event that ground water contamination is discovered during pipeline construction. This plan shall include excavation and notification procedures as well as any special mitigation procedures designed to reduce the potential for spread of any contamination discovered during construction. Any abandoned hazardous waste materials discovered during construction shall not be disturbed and shall be promptly reported to the respective state authorities or the EPA.

35. PNGTS shall submit a Directional Drill Contingency Plan for the Connecticut River. The Directional Drill Contingency Plan shall address how PNGTS would:

- a) handle any inadvertent release of drilling mud into the waterbody or areas adjacent to the waterbody, including procedures to contain inadvertent releases;
- b) seal the abandoned drill hole; and
- c) clean up any inadvertent releases.

PNGTS shall file each plan with the Secretary for review and written approval by the Director of OPR before construction.

36. PNGTS shall cross the Connecticut River using the directional drill method. If the directional drill is infeasible or unsuccessful, PNGTS shall file with the Secretary a dry crossing (flumed) plan for the Connecticut River. This shall be a site-specific plan that includes scaled drawings identifying all areas that would be disturbed by construction. PNGTS shall file this plan concurrent with its application for a permit to the COE, requesting the construction of the crossing using the flume method. The Director of OPR must review and approve this plan in writing before construction of the flume crossing.

37. Prior to construction of the Mohawk and Androscoggin River crossings in New Hampshire (mainline MPs 9.9 and 59.1, respectively), PNGTS shall file with the Secretary documentation of consultation with the state of New Hampshire confirming that contaminated sediments are not present at these waterbody crossings. PNGTS shall file with the Secretary, before construction, the results of its sediment quality sampling program and resulting proposed mitigation measures, developed to avoid or minimize impact from resuspension of contaminated sediments, for the crossings of the Androscoggin River in Maine (mainline MP 101.9 and Jay Lateral MPs 10.5 and 16.1). PNGTS shall file this same information for the crossings of the Mohawk and Androscoggin River crossings in New Hampshire (MPs 9.9 and 59.1, respectively) and any new waterbody crossings that are added because of a route variation or line change, if it cannot provide documentation that these river crossings do not contain contaminated sediments.

38. PNGTS shall consult with the authorities responsible for the public water supplies on the Androscoggin River (MP 59.1) to develop a construction and mitigation plan for the crossing of this waterbody. This plan shall include, at a minimum, notification of the water supply authorities one week before beginning instream construction at this waterbody. This plan and copies of all related correspondence shall be filed with the Secretary before construction.  
[\*62,166]

39. PNGTS shall consult with the NHFGD and the MEDIFW to develop site-specific mitigation plans, if necessary, for each significant fishery that would be crossed by open cutting. These plans shall be filed with the Secretary for review and approval by the Director of OPR, prior to construction.

40. Prior to construction, PNGTS shall file each deer wintering area (DWA) mitigation plan developed in consultation with the appropriate state agencies with the Secretary for review and approval by the Director of OPR.

41. PNGTS shall conduct surveys, where necessary, for the federally endangered dwarf wedge mussel and federally threatened small whorled pogonia in the appropriate habitats along the project facilities during the appropriate survey period. If facilities are not constructed within 1 year from the date of issuance of the certificate, PNGTS shall consult with the appropriate office of the FWS to update the species list and to determine if additional surveys are required. The survey reports and any FWS comments on the survey and its conclusions shall be filed with the Secretary. The survey reports shall include the following information:

- a. name(s) and qualifications of the person(s) conducting the survey;
  - b. method(s) used to conduct the survey;
  - c. date(s) of the survey;
  - d. area surveyed (including the mileposts surveyed); and
  - e. proposed mitigation that would substantially minimize or avoid the potential impacts.
- PNGTS must receive written approval from the Director of OPR before implementing any mitigation measures.

In addition, PNGTS shall not begin construction activities until:

- a. the staff receives comments from the FWS regarding the proposed action;
- b. the staff completes formal consultation with the FWS, if required; and
- c. PNGTS has received written notification from the Director of OPR that construction or use of mitigation may begin.

42. PNGTS shall file with the Secretary, for review and approval by the Director of OPR, prior to construction, a wetland crossing plan and techniques to be employed during construction through the floodplain wetlands associated with Halls Stream (MP 0.0), Simms Stream (MP 11.9), Lyman Brook (MP 19.4), Upper Ammonoosuc River (MPs 35.4 and 40.0), Phillips Brook (MP 45.5), Pleasant River (MPs 103.8 and 105.3), and Crooked River (MPs 110.0 and 127.7) and any new floodplain wetland crossings that are added because of use of a route variation or line change.

43. For each site-specific residential construction plan that PNGTS files with the Commission for review and written approval by the Director of OPR, PNGTS shall discuss the specific plans with each affected landowner, and include documentation showing whether the affected landowner concurs with the plan.

44. PNGTS shall modify its construction plans for crossing these residential properties as described below. PNGTS shall discuss our additional mitigation with each affected landowner and file revised site-specific plans with the Secretary for review and written approval by the Director of OPR prior to construction. If PNGTS has negotiated with any of the affected landowners about crossing residential properties, it shall file documentation showing landowner concurrence.

a. PNGTS shall revise its site-specific crossing plan for the Connecticut River (MP 0.9). The plan shall identify the entry and exit locations of the directional drill, and the relation of all proposed work space to adjacent residential properties. The plan shall clearly show that the property at MP 0.8 would not be directly affected;

b. For the residential property at MP 6.1 (5.8) the pipeline right-of-way shall cross over to the west side of the existing Public Service of New Hampshire (PSNH) power line right-of-way through this residential property;

- c. PNGTS shall use a drag section or stove pipe installation method in this area and reduce the separation between the pipeline and the PSNH powerline from 35 to 25 feet through the property at MP 9.3 (8.9) and extend the area of reduced right-of-way width south of the tree line;
- d. For the residential property at MP 18.4 (18.05 and 18.08) PNGTS shall file a copy of the recorded easement showing the landowner's agreement with the route;
- e. The modified plan for the residence at MP 19.6 shall be filed with the Secretary for review and approval of the Director of OPR before construction;
- f. For the residence at MP 113.3 the permanent right-of-way shall be limited to 40 feet and that it only extend 25 feet to the north of the pipeline and that the reduced right-of-way be extended by 25 feet on both sides of the residence;
- g. The reduced construction right-of-way shall be extended an additional 40 feet on the south side of the residence at MP 113.3 and the permanent right-of-way on the west side [\*62,167] of the pipeline be limited to 20 feet through the yard area of this property;
- h. PNGTS shall minimize the removal of tree screening at the residential property near MP 126.3;
- i. The construction right-of-way shall only extend 45 feet from the pipeline past the grove of pines between the gravel driveway and the residence at MP 127.7;
- j. PNGTS shall locate the pipeline on the east side of the powerline when crossing Main Street at MP 144.1 to avoid use of the extra work area adjacent to the residence on the south side of Main Street. Alternatively, PNGTS may file a site-specific plan for another minor modification to the proposed route to minimize impact on the residences at MPs 144.0 and 144.1; and
- k. The construction right-of-way near the 16-inch-diameter apple tree near Chute Road shall be reduced by 5 feet to protect this tree.
45. Prior to construction PNGTS shall file with the Secretary for review and approval of the Director of OPR, the locations where the Rumford Lateral would deviate from roadways to avoid culverts or other constraints. For each location, PNGTS shall describe the reason for the deviation, any known landowner concerns, and PNGTS' efforts to address the concerns.
46. PNGTS shall comply with Forest Service (FS) criteria and recommendations for construction, operation, and maintenance of the pipeline when crossing FS land. In the event these recommendations differ from our recommendations, or PNGTS' ECP, PNGTS shall implement the measures required by the FS on National Forest land.
47. PNGTS shall continue to consult with the National Park Service (NPS), Appalachian Mountain Club (AMC) and Appalachian Trail Conference (ATC) regarding mitigation measure for the Shelburne Variations crossing of the Appalachian Trail.
48. PNGTS shall restore stone walls affected by construction to their pre-construction condition during restoration of the right-of-way.
49. PNGTS shall file with the Secretary, for review and written approval by the Director of OPR, the minor route realignment offered to the landowner at MP 27.5 of the mainline, prior to construction. Also, PNGTS shall indicate the status of negotiation with the landowner regarding use of this realignment.
50. PNGTS shall evaluate use of the route modification of the State Line Variation (figure B-1, sheet 28 of 47) that would remain on the south of North Road, and would maintain tree screening between the right-of-way and North Road. Prior to construction, PNGTS should file with the Secretary, for review and written approval of the Director of OPR, revised alignment sheets and detailed maps incorporating the modified State Line Variation.

51. PNGTS shall use the Shelburne Variation, as identified in this FEIS and, prior to construction, file with the Secretary for review and written approval by the Director of OPR, revised alignment sheets and detail maps incorporating the Shelburne Variation.

52. PNGTS shall reconfigure its construction right-of-way from Rumford Lateral MP 25.8 to 26.9 and Jay Lateral MP 0.0 to 16.6 as follows:

a. the pipeline shall be constructed at a distance of 35 feet from the center line of the CMP towers and the permanent right-of-way shall be moved accordingly;

b. the construction right-of-way shall be 60 feet wide consisting of a 20-foot-wide spoil storage side and a 40-foot-wide working side; and

c. the working side of the construction right-of-way shall be on the south side of the pipeline.

The position of the pipeline should be adjusted so that it does not interfere with CMP's transmission line guy wires and anchors.

#### Phase II Joint Facilities

53. The joint applicants shall file a Directional Drill Contingency Plan for each waterbody crossed by directional drilling. Each Directional Drill Contingency Plan shall address how the applicants would:

a) handle any inadvertent release of drilling mud into the waterbody or areas adjacent to the waterbody, including procedures to contain inadvertent releases;

b) seal the abandoned drill hole; and

c) clean up any inadvertent releases.

The joint applicants shall file each plan with the Secretary for review and written approval by the Director of OPR before construction.

54. The applicants shall file with the Secretary an open-cut plan for each waterbody if the directional drill of a waterbody is unsuccessful. This shall be a site-specific plan that includes scaled drawings identifying all areas that would be disturbed by construction. The applicants shall file this plan concurrent with its application for a permit to the COE, requesting approval of the construction of the crossing using the open-cut method. The Director of OPR must review and approve this plan in writing before construction of the open-cut crossing.

55. The applicants shall consult with the State of Maine and file with the Secretary, before construction, the results of its sediment quality sampling program and resulting [\*62,168] proposed mitigation measures, developed to avoid or minimize impact from resuspension of contaminated sediments, for the crossing of the Presumpscot River on the Westbrook Lateral (MP 3.3).

56. The joint applicants shall consult with the MEDIFW to develop site-specific mitigation plans, if necessary, for each significant fishery that would be crossed by open cutting, with the exception of the Presumpscot River crossing on the Westbrook Lateral. These plans shall be filed with the Secretary for review and approval by the Director of OPR, prior to construction.

57. The joint applicants shall consult with the MEDIFW and file with the Secretary any comments and recommended mitigation from the MEDIFW regarding the DWAs crossed by the Phase II Joint Facilities mainline. The joint applicants shall indicate specifically to what extent they would comply with those recommendations.

58. The applicants shall conduct surveys for the small whorled pogonia in their appropriate habitats along the Phase II Joint Facilities rights-of-way during the appropriate survey period. If facilities are not constructed within 1 year from the date of issuance of the certificate, the applicants shall consult with the appropriate office of the FWS to update the

species list and to determine if additional surveys are required. The survey reports and any FWS comments on the survey and its conclusions shall be filed with the Secretary. The survey reports shall include the following information:

- a. name(s) and qualifications of the person(s) conducting the survey;
- b. method(s) used to conduct the survey;
- c. date(s) of the survey;
- d. area surveyed (including the mileposts surveyed); and
- e. proposed mitigation that would substantially minimize or avoid the potential impacts.

The applicants must receive written approval from the Director of OPR before implementing any mitigation measures.

In addition, the applicants shall not begin construction activities until:

- a. the staff receives comments from the FWS regarding the proposed action;
- b. the staff completes formal consultation with the FWS, if required; and
- c. the applicants has received written notification from the Director of OPR that construction or use of mitigation may begin.

59. The joint applicants shall file a revised alignment sheet depicting the route that would be followed by the proposed new permanent access road to the PNGTS/Maritimes Meter Station site at MP 101.3. If any wetland would be affected by the road alignment, we recommend that the joint applicants delineate the entire boundary of the affected wetland. This delineation shall show the entire extent of the wetland that would be disturbed by construction. The joint applicants shall also file measures to be implemented to protect this wetland during construction and operation of the new permanent access road. The alignment sheet, delineation, and mitigation measures shall be filed with the Secretary for review and written approval by the Director of OPR, prior to construction.

60. For each site-specific residential plan that has been filed, as well as those not yet filed, the applicants shall discuss the plan with each affected landowner, and include documentation whether the landowner concurs with the plan. These plans shall also include detailed information on tree/shrub screening, road surface types, road crossing methods, location of septic systems/leach fields, etc.

61. The applicants shall either use the Kennebunk Plains Variation described in this FEIS, or file for review and written approval of the mitigation plan and proposed route developed with and agreed to by The Nature Conservancy. For either route, the applicants shall file revised alignment sheets and detailed maps with the Secretary, for review and written approval by the Director of OPR, prior to construction. [\*62,169]

## APPENDIX C -- INTERVENORS

Docket No. CP96-248-000

Alberta Department of Energy

Algonquin Gas Transmission Company

Amoco Energy Trading Corporation and Amoco Canada Petroleum Company Ltd.

Bethel, Barbara

Bezanson, Mark J.  
Boise Cascade  
Bowden, A.W. Jr. and Florine E. \*  
Carstens, Kenneth \*  
Central Maine Power Company \*  
Central Vermont Public Service Corporation \*  
Chase, Linwood and Rolinda \*  
Columbia Gas Transmission Corporation  
Guilford Rail System  
Great Lakes Gas Transmission Limited Partnership  
Gregoire, Harv and Sara \*  
Howe, Nancy E. \*  
Independent Petroleum Association of America  
Iroquois Gas Transmission System, L.P.  
JMC Fuel Services, Inc.  
Joint Shipper Group  
Kennebec Valley Chapter of Trout Unlimited \*  
Maine Council-Atlantic Salmon Federation \*  
Manoogian, Edward and Virginia \*  
Meisner, Deborah \*  
Maritimes & Northeast Pipeline, L.L.C.  
Midcon Gas Services Corporation  
Morin, Edward G. Jr. \*  
National Fuel Gas Supply Corporation  
[\*\*67]  
Natural Gas Pipeline Company of America  
Natural Gas Clearinghouse  
New England Power Company  
New England Customer Group

Northeast Utilities System

Northern New England Industrial Gas Users Association

Nova Scotia, Province of \*

PanEnergy Trading and Market Services, L.L.C.

Pickering, Lulu and William Gilbert \*

Portland Pipe Line Corporation

Reed, Philip G. Jr. \*

Robillard, Ellen and Robert \*

Romoser, Dr. George K. \*

SableEast Corporation

Santmir, Paul and Laurel \*

Southern Connecticut Gas Company

Tennessee Gas Pipeline Company

TransCanada Pipelines Limited

TransCanada Gas Services, Div. of TransCanada Energy, Ltd.

Union Gas Limited

Vermont Department of Public Service

Windham, Maine

Docket No. CP96-249-000

Alberta Department of Energy

Algonquin Gas Transmission Company

Amoco Energy Trading Corporation and Amoco Canada Petroleum Company Ltd.

Appalachian Mountain Club

Bay State Gas Company

Biddeford, Maine \*

Boise Cascade

Bethel, Barbara

Bowden, A. W. Jr. and Florine E. \*

Canada, Vermont  
Carstens, Kenneth \*  
Central Maine Power Company  
Central Vermont Public Service Corporation \*  
Chancey, Robert and Bonnie  
[\*\*68]  
Chase, Linwood and Rolinda \*  
CNG Transmission Corporation  
Coffin, David W. Jr. and Catherine McDermott-Coffin  
Columbia Gas Transmission Corporation  
Conway, Donald W. and Mary J. \*  
Council for the Public, New Hampshire Department of Justice \*  
Distrigas of Massachusetts Corporation  
East Kingston, New Hampshire  
Eliot, Maine  
Eno, Paul A. and Russell A.  
Enron Capital & Trade Resources Corporation  
Filgate, Nancy A. \*  
Filgate, Bruce D. \*  
Fowler Energy Company  
Georgia-Pacific Corporation [\*62,170]  
Gorham, New Hampshire \*  
Granite State Gas Transmission, Inc.  
Great Lakes Gas Transmission Limited Partnership  
Gregoire, Harv and Sara \*  
Guilford Rail System  
Hannigan, Waltraud  
Howe, Nancy E. \*  
International Paper Company

Iroquois Gas Transmission System, L.P.

Jay, Maine

JMC Fuel Services, Inc.

Joint Shipper Group

Kennebec Valley Chapter of Trout Unlimited \*

Maine Council-Atlantic Salmon Federation \*

Maine Oil Dealers Association

Maine Public Utilities Commission

Maine State Planning Office

Maine, State of

Manoogian, Edward and Virginia \*

Maritimes & Northeast Pipeline, L.L.C.

Martin, Frederick W. \*

Massachusetts Energy Facilities [\*\*69] Siting Board

Meisner, Deborah \*

Midcon Gas Services Corporation

Morin, Edward G. Jr. \*

Muller, Charles and Andrea

National Spiritual Assembly of the Baha'is of the United States \*

National Fuel Gas Supply Corporation

Natural Gas Pipeline Company of America

Natural Gas Clearinghouse

Nature Conservancy \*

New Hampshire Energy Facility Siting Evaluation Committee \*

New Hampshire Office of State Planning

New Hampshire Public Utilities Commission

New Hampshire, State of \*

New England Power Company

New England Customer Group

Newington, New Hampshire

No Tanks, Inc.

Nova Scotia, Province of \*

North Atlantic Pipeline Partners, L.P. \*

Northeast Utilities System

Northern Utilities, Inc.

Northern New England Industrial Gas Users Association

PanEnergy Trading and Market Services, L.L.C.

Pease Development Authority

Pickering, Lulu and William Gilbert \*

Plastow, New Hampshire

Poirier, Caro

Portland Pipe Line Corporation

Public Advocate, State of Maine

Reed, Philip G. Jr. \*

Robillard, Ellen and Robert \*

Rocky Hill Quarry Nominee Trust \*

Romoser, Dr. George K. \*

Santmire, Paul and Laurel \*

SableEast Corporation

[\*\*70] Shelburne, New Hampshire \*

Tasha, Paul \*

Tennessee Gas Pipeline Company

TransCanada Gas Services, Div. of TransCanada Energy, Ltd.

TransCanada Pipelines Limited

Transcontinental Gas Pipe Line Corporation

Union Gas Limited

Vermont Gas Systems, Inc.  
Vermont Department of Public Service  
Wells, Maine  
Westbrook, Maine \*  
Windham, Maine \*  
Yankee Gas Services Company  
Zimmerman, Roger  
Docket No. CP97-238-000  
ANR Pipeline Company \*  
Bay State Gas Company  
Bergeron, Gerard and Sheila \*  
Central Maine Power Company \*\*  
Richard Clark \*  
CNG Transmission Corporation  
Columbia Gas Transmission Corporation  
Donald and Mary Conway \*  
Duke Energy Trading and Marketing, L.L.C. (formerly, PanEnergy  
Trading and Market Services, L.L.C.)  
Enron Capital & Trade Resources Corporation  
Georgia-Pacific Corporation [\*62,171]  
Maine Public Advocate  
Maine Public Utilities Commission  
Maine State Planning Office  
Frederick W. Martin \*  
Massachusetts Energy Facility Siting Board \*  
Reid Merrill \*  
Mobil Natural Gas, Inc.  
National Fuel Gas Supply Corporation

National Spiritual Assembly of the Bahais of the United States  
New England Customer Group  
New Hampshire [\*71] Department of Justice (Counsel for the Public,  
Maritimes/PNGTS)  
New Hampshire Energy Facility Site Evaluation Committee  
Town of Newington, New Hampshire  
New York Public Service Commission  
New York State Electric & Gas Corporation  
North Atlantic Pipeline Partners, LP \*  
Northeast Utilities Service Company  
Northern New England Industrial Gas Users Association  
Northern Utilities, Inc.  
No Tanks, Inc.  
Province of Nova Scotia  
William Roberge \*  
Donald S. and Mary Robie  
Rockingham (NH) Planning Commission  
Dr. Geroje Romoser and Shipmast Farm \*  
Tennessee Gas Pipeline Company  
TransCanada Gas Services,  
A Division of TransCanada Energy Limited  
TransCanada Pipelines Ltd.  
Vermont Department of Public Service  
Yankee Gas Services Company  
\* Motion to intervene out-of-time  
\*\* Protest