



ROVER PIPELINE

An ENERGY TRANSFER Company

ROVER PIPELINE LLC

Rover Pipeline Project

***Comments and Responses to the
Draft Environmental Impact Statement***

FERC Docket No. CP15-93-000

April 2016

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1.0 INTRODUCTION

Provided below are comments and responses to the FERC Draft Environmental Impact Statement (DEIS) issued on February 19, 2016. Where appropriate, revised alignment sheets, tables and figures and/or reports are included in the attachments to these comments as listed below. Changes are noted in the tables in the attachments in red text and deletions are noted with strike-through. Only those tables with changes are included in this submittal.

1. *The applicants shall each follow the construction procedures and mitigation measures described in its application and supplements, including responses to staff data requests and as identified in the EIS, unless modified by the 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 OEP **before using that modification.***

Response:

Rover, Trunkline, and Panhandle will comply with this request.

2. *The Director of OEP has delegated authority to take whatever steps are necessary to ensure the protection of all environmental resources during construction and operation of the Projects. This authority shall allow:*
 - a. *the modification of conditions of the Order; and*
 - b. *the design and implementation of any additional measures deemed necessary (including stop-work authority) to ensure continued compliance with the intent of the environmental conditions as well as the avoidance or mitigation of adverse environmental impact resulting from construction and operation of the Projects.*

Response:

Rover, Trunkline, and Panhandle will comply with this request.

3. ***Prior to any construction**, the applicants shall each file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, EIs, and contractor personnel will be informed of the EIs' 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.*

Response:

Rover, Trunkline, and Panhandle will comply with this request.

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4. *The authorized facility locations shall be as shown in the EIS, as supplemented by filed alignment sheets. As soon as they are available, and before the start of construction, the applicants shall file any revised detailed survey alignment maps/sheets at a scale not smaller than 1:6,000 with station positions for all facilities approved by the Order. All requests for modifications of environmental conditions of the Order or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets.*

Rover's exercise of eminent domain authority granted under NGA Section 7(h) in any condemnation proceedings related to the Order must be consistent with these authorized facilities and locations. Rover's right of eminent domain granted under NGA Section 7(h) does not authorize it to increase the size of its 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.

Response:

Trunkline and Panhandle will comply with this request if any changes are proposed.

Rover has incorporated 67 route variations into the proposed route to accommodate landowner requests, reduce or avoid impacts on cultural or biological resources, and resolve constructability concerns. In addition, Rover incorporated the following modifications at aboveground facilities to improve design and/or accommodate customer deliveries or receipts:

- Minor pipeline and/or facility adjustments at the Seneca, Clarington, and Majorsville Compressor Stations;
- Added the REX Delivery Meter Station to the Seneca Compressor Station, including 0.19 mile of interconnect pipeline;
- Eliminated the Hall Receipt Meter Station on the Seneca Lateral;
- Added the Madison Receipt and Clarington A Receipt Meter Stations on the Seneca Lateral;
- Relocated the CGT Delivery Meter Station (CGT Lateral), Gulfport Receipt Meter Station (Seneca Lateral), Majorsville Receipt Meter Station (Majorsville Lateral) and Vector Meter Station (Market Segment);
- Relocated the CGT Tie-In on the Sherwood Lateral; and
- Relocated 13 mainline valves.

These modifications are tabulated in Table 10J, Pipeline Route Variations, and Table 10K, Aboveground Facility Modifications in Volume IIA, Appendix 10J and Appendix 10K, respectively. Appendices 10J and 10K also include comparison tables and maps of each modification. The attachments in Volume IIA provides updated Resource Report tables reflecting the results of these changes as well as any FERC Staff revisions identified in the following DEIS conditions.

5. *The applicants shall file 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, contractor yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, and documentation of landowner approval, whether any cultural resources or federally listed threatened or endangered species would be affected, and whether any other environmentally sensitive*

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*areas are within or abutting the area. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director of OEP **before construction in or near that area.***

This requirement does not apply to extra workspace allowed by the applicants' Plans and/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*

Response:

Rover, Trunkline, and Panhandle will comply with this request.

6. ***Within 60 days of the acceptance of the Certificate and before construction begins, the applicants shall file their respective Implementation Plans for review and written approval by the Director of OEP. The applicants must file revisions to their plans as schedules change. The plans shall identify:***
 - a. how the applicants will implement the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests), identified in the EIS, and required by the Order;*
 - b. 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;*
 - c. the number of EIs assigned, and how the company will ensure that sufficient personnel are available to implement the environmental mitigation;*
 - d. company personnel, including EIs and contractors, who will receive copies of the appropriate material;*
 - e. the location and dates of the environmental compliance training and instructions the applicants will give to all personnel involved with construction and restoration (initial and refresher training as the Projects progress and personnel change) with the opportunity for OEP staff to participate in the training sessions;*
 - f. the company personnel (if known) and specific portion of the applicant's organization having responsibility for compliance;*
 - g. the procedures (including use of contract penalties) the applicants will follow if noncompliance occurs; and*
 - h. 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 environmental compliance training of onsite personnel;*
 - iii. the start of construction; and*
 - iv. the start and completion of restoration.*

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Response:

Rover, Trunkline, and Panhandle will comply with this request.

7. **Rover shall employ at least one EI per construction spread. Trunkline and Panhandle shall employ at least one EI per major aboveground facility modification. The EIs shall be:**
- a. *responsible for monitoring and ensuring compliance with all mitigation measures required by the 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 the 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 the Order, as well as any environmental conditions/permit requirements imposed by other federal, state, or local agencies; and*
 - f. *responsible for maintaining status reports.*

Response:

Rover, Trunkline, and Panhandle will comply with this request.

8. **Beginning with the filing of its Implementation Plan, Rover shall file updated status reports with the Secretary on a *weekly basis until all construction and restoration activities are complete*. Panhandle and Trunkline shall file updated status reports with the Secretary on a *monthly basis until construction and restoration activities 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. *an update on the applicant's efforts to obtain the necessary federal authorizations;*
 - b. *the construction status of the their respective Project facilities, work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally sensitive areas;*
 - c. *a listing of all problems encountered and each instance of noncompliance observed by the EIs 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);*
 - d. *a description of corrective actions implemented in response to all instances of noncompliance, and their cost;*
 - e. *the effectiveness of all corrective actions implemented;*
 - f. *a description of any landowner/resident complaints that may relate to compliance with the requirements of the Order, and the measures taken to satisfy their concerns; and*
 - g. *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.*

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Response:

Rover, Trunkline, and Panhandle will comply with this request.

9. *Prior to receiving written authorization from the Director of OEP to commence construction of their respective Project facilities, the applicants shall file documentation that they have received all applicable authorizations required under federal law (or evidence of waiver thereof).*

Response:

Rover, Trunkline, and Panhandle will comply with this request.

10. *The applicants must receive written authorization from the Director of OEP **before placing their respective Projects into service**. Such authorization will only be granted following a determination that rehabilitation and restoration of areas affected by the Projects are proceeding satisfactorily.*

Response:

Rover, Trunkline, and Panhandle will comply with this request.

11. ***Within 30 days of placing the authorized facilities in service**, each applicant shall file an affirmative statement with the Secretary, certified by a senior company official:*
- 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 the applicant has complied or will comply with. This statement shall also identify any areas affected by their respective Projects where compliance measures were not properly implemented, if not previously identified in filed status reports, and the reason for noncompliance.*

Response:

Rover, Trunkline, and Panhandle will comply with this request.

12. *Rover shall not exercise eminent domain authority granted under Section 7(h) of the NGA to acquire a permanent right-of-way greater than 60 feet between MP SEL 0.0 and MP SEL 0.1 where dual pipelines would be constructed in a single right-of-way. (section 2.2.1.2)*

Response:

Rover has amended the permanent right-of-way width to 60 feet at this location. Please refer to the alignment sheets in Volume IIB, Attachment 1A.

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13. *Rover shall reduce the width of access road MI-WA-056.000-PAR-5 from 75 feet to 20 feet, and incorporate this change into its Project alignment sheets as required by condition 5. (section 2.2.4)*

Response:

Please refer to the revised Table 1A-4 (DEIS Appendix F), Permanent and Temporary Access Roads, in Volume IIA, Appendix 1A.

14. *Rover shall adopt Berne Lateral Alternative Sections 1, 2, and 3 into its Project design. (section 3.4.1.1)*

Response:

Rover is unable to adopt the Berne Lateral Alternative Sections 1, 2, and 3. In Section 1, the Berne Lateral is adjacent to an existing Blue Racer pipeline. An active mine lies on the northeast side of the existing pipeline and overhead transmission line, preventing Rover from moving to that side to more closely parallel the overhead transmission line.

In the southern part of Section 2, the Berne Lateral will be parallel to the existing Blue Racer line to the extent possible. Then severe side-slopes on the southwest side forced a crossover to the northeast side, where it is parallel to the overhead transmission line. Then severe side-slopes on the northeast side forced another crossover back to the southwest side at the northern end of Section 2.

In Section 3, the Berne Lateral as proposed is parallel to the existing Blue Racer pipeline and then adjacent to the proposed Seneca Lateral, which is in turn parallel to the existing Texas Eastern Pipelines.

It is Rover's understanding that the proposed Alternative Sections are intended to increase the percentage of the Berne Lateral that is parallel to existing rights-of-way. However, the Berne Lateral has been designed to parallel existing utilities to the extent possible. Table 1A-1 details the exact locations where the Berne Lateral lies parallel to existing utilities, which accounts for 2.2 miles of the 3.7-mile lateral. In addition, the Berne Lateral will also be adjacent to the proposed Seneca Lateral between Mileposts 2.4 and 3.7. Accounting for an overlap between existing utilities and the Seneca Lateral, the Berne Lateral will parallel existing and proposed rights-of-way for approximately 2.7 miles or 73% of the proposed route.

15. ***Prior to the end of the draft EIS comment period, Rover shall file a report with the Secretary on the status of its negotiations with ITC on the potential to collocate the proposed pipeline with the ITC corridor. (section 3.4.1.3)***

Response:

Rover has made slight revisions to the proposed route submitted in the July 2015 Supplemental Filing following comments provided by ITC as shown in the current alignment sheets provided in Volume IB, Attachment 1A. ITC and Rover continue to discuss contract specifics, and Rover is confident that an

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agreement will be reached, and Rover is proposing the preferred route detailed in Volume IIA, Appendix 10J for consideration by FERC.

16. *Prior to the end of the draft EIS comment period, Rover shall file with the Secretary any route adjustments, workspace modifications, or mitigation measures as developed through Rover's ongoing consultations with landowners or as directed by the FERC Staff for parcels with a status of pending in appendix I of the draft EIS. Rover shall also include updated alignment sheets incorporating any route adjustments and associated modifications of construction methods and mitigation. (section 3.4.3)*

Response:

Please refer to the Appendix I-1 table in Volume IIB, Attachment 1E, which has been updated to include all easements that have been closed and details of reroutes or ongoing discussions with landowners. Please refer to the enclosed alignment sheets in Volume IIB, Attachment 1A and updated Residential Implementation Plans in Volume IIA, Appendix 8B depicting the reroutes as described in the table. Rover will continue to update FERC on efforts regarding the properties.

17. *Rover shall adopt the route variation for each residence as identified in table 3.4.3-1 and depicted in the corresponding figure in appendix I2, or file with the Secretary written documentation that Rover and the landowner have reached an alternative agreement. If an agreed-upon alternative arrangement involves a variation not filed, Rover shall file with the Secretary any updated alignment sheets, site-specific plans, and/or landowner agreements. (section 3.4.3)*

Response:

Please refer to Table 3.4.3-1 in Volume IIB, Attachment 1F, which has been updated to include all easements that have been closed and details of reroutes or ongoing discussions with landowners. Please refer to the enclosed alignment sheets in Volume IIB, Attachment 1A and updated Residential Implementation Plans in Volume IIA, Appendix 8B depicting the reroutes as described in the table. Rover will continue to update FERC on efforts regarding the properties.

18. *Rover shall adopt the Burgettstown Compressor Station Alternative Site 1 into its Project design. (section 3.5.1.1)*

Response:

Rover discussed purchase of the Burgettstown Compressor Station Alternative Site 1; however, the landowner was not willing to sell the site. The same landowner was instead willing to allow Rover to purchase the currently proposed site, which Rover has since purchased in fee.

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19. ***Prior to construction***, Rover shall file with the Secretary all outstanding geotechnical feasibility studies for trenchless crossing locations. (section 4.1.1.4)

Response:

Please refer to Volume IIB, Attachment 6C for the remainder of the geotechnical reports not previously supplied. The accompanying Geotech Report Status table also in Attachment 6C has been updated.

20. ***Prior to the end of the draft EIS comment period***, Rover shall file with the Secretary all outstanding geotechnical studies and recommendations related to potential hazards from landslides, underground mines, and surface mines. (section 4.1.3.4)

Response:

Please refer to Volume IIB, Attachment 6D for the Geohazard Evaluation Report including recommendations for construction and restoration.

21. ***Prior to the end of the draft EIS comment period***, Rover shall file with the Secretary all outstanding geotechnical studies and recommendations related to karst topography and associated hazards. (section 4.1.3.6)

Response:

Please refer to Volume IIB, Attachment 6A for the *Aerial Photograph and Digital Elevation Model Review of Karst Prone Areas (Aerial Photograph)* and *Field Reconnaissance of Karst Prone Areas (Field Reconnaissance)* reports. In the *Aerial Photograph* report, Rover reviewed the proposed route within the areas identified in the *Characterization of Karst Prone Areas* report previously supplied to FERC using aerial photography to further refine the extent of the areas potentially containing karst. In the *Field Reconnaissance* report, Rover reviewed the areas identified in the *Aerial Photograph* report using pedestrian surveys. The *Field Reconnaissance* report also details the mitigation techniques Rover intends to employ during construction should karst be encountered.

22. ***Prior to construction***, Rover shall file with the Secretary a revised *Blasting Plan* to include testing of wells and springs within 150 feet of blasting for yield both pre- and post-construction. (section 4.1.5)

Response:

Rover's Blasting Plan submitted in February 2015 includes Section 2.1 (Pre-Blast Survey) and Section 2.2 (Post-Blasting Inspections). This plan has been updated to include sampling for yield for wells and springs within 150 feet of any area which requires blasting. Please refer to Volume IIA, Appendix 1Bi.

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23. *Prior to the end of the draft EIS comment period, Rover shall file with the Secretary an updated site-specific HDD crossing plan for the Ohio River (Burgettstown Lateral) and State Route 52 (Austin Road; Market Segment) crossings. (section 4.3.2.1)*

Response:

Rover has included revised HDD crossing plans for the Ohio River (Burgettstown Lateral) and State Route 52 (Market Segment) in Volume IIB, Attachment 1A.

24. *Prior to the end of the draft EIS comment period, Rover shall file with the Secretary site specific plans for the proposed access road crossings of waterbodies and agency consultations regarding these plans. (section 4.3.2.1)*

Response:

Table 2A-5b, in Volume IIA, Appendix 2A provides a complete list of permanent and temporary access roads that cross waterbodies or wetlands, and selected characteristics of each waterbody or wetland crossed. In total, there are 48 access roads that cross 67 streams and 8 wetlands. All but five of these roads are existing with existing bridges already in place.

For waterbodies where there is no existing bridge, Rover will install equipment pad bridges as shown in Volume IIB, Attachment 1B on Figure 36, or bridges with flumes and stone or native material, as needed, as shown on Figure 37. The quantity and diameter of flumes will be sized for maximum flow based on the ordinary high water mark and observed flow, and the flumes will be maintained clear of debris throughout construction. Wetlands along access roads will be matted. No permanent access roads will be installed across wetlands and no trees will be cut within forested wetlands, although some branch trimming may be required to allow passage of construction equipment.

Rover is consulting with agencies regarding all aspects of the Project, including access roads. Agency comments or concerns relative to crossings of waterbodies or wetlands along permanent or temporary access roads will be addressed as part of the permit application and any comments will be filed with the Secretary.

25. *During construction of the Project, Rover shall use dry-ditch crossing methods for all waterbodies designated in appendix L as sensitive waterbodies and/or coldwater fisheries except those already proposed as an HDD crossing. (section 4.3.2.5)*

Response:

The DEIS states that “Given that this [implementation of open-cut crossing methods] could result in significant impacts on sensitive waterbodies and fisheries, we recommend that during construction of the Project, Rover should use dry-ditch crossing methods for all waterbodies designated in Appendix L as sensitive waterbodies and/or coldwater fisheries except those already proposed as an HDD crossing.” Appendix L includes waterbodies classified as designated fisheries or exceptional habitat, and those listed by the states under the Total Maximum Daily Load (TMDL) program established under Section 303(d) of the Clean Water Act. The TMDL program focuses on identifying and restoring polluted rivers, streams,

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lakes, and other surface waters. In developing the list of sensitive waterbodies listed in DEIS Table L-5 in Appendix L, Rover included any and all named surface waters and their tributaries that were either designated by the state as fisheries or listed in the state TMDL programs.

Rover will use a dry crossing method for crossings of perennial waterbodies classified as designated fisheries or exceptional habitats, except those already proposed as HDD crossings. Because it is unlikely that ephemeral or intermittent tributaries to the designated perennial waterbody provide crucial habitat for fish, Rover proposes to cross the ephemeral or intermittent tributaries designated as fisheries or exceptional habitats using an open cut when no flow is present. Crossing of the waterbodies when no flow is present would eliminate the potential for instream impact to the tributary or downstream uses during the installation procedure. If flow is present, ephemeral and intermittent tributaries to designated fisheries or exceptional habitats will be crossed using a dry crossing method. These crossing methods are included in the revised Table 2A-5 (DEIS Table L-1) provided in Volume IIA, Appendix 2A.

Rover compiled the remaining streams listed in DEIS Table L-5 in Appendix L from named waterbodies (and their tributaries) as listed in the state TMDL program Section 303(d) reports. This approach overstates the number of waterbodies that may be impaired as it includes streams where the assessment of use attainment has not yet been completed or includes streams in which the actual impaired segment may be at a significant distance downstream of Rover's proposed crossing. As described below, at the Rover crossings, the listed causes of impairment are associated with impairments in the water column not with contamination of stream sediments.

Impaired water designations for the West Virginia waterbody crossings primarily relate to elevated fecal coliform and iron concentrations in the water column. Fecal coliform impairments are attributed to point and nonpoint sources including discharge of effluent from sewage treatment plants, direct discharges of untreated sewage, failing on-site septic systems, and precipitation runoff from agricultural and residential areas. Iron impairments are similarly attributed to point and nonpoint sources, with nonpoint source discharges associated with runoff from abandoned mine lands, roads, oil and gas operations, and agriculture and point sources associated with discharges from mining and non-mining industrial activities.

Impaired water designations for the Ohio waterbody crossings primarily relate to dissolved oxygen deficits, fecal coliform, and organic enrichment/nutrients, with primary causes associated with discharge of sewage and/or agricultural runoff. Impaired water designations for the Michigan waterbody crossings are primarily associated with polychlorinated biphenyls (PCB) (and in some cases mercury) in the water column and fish tissue. The Michigan 303(d) report attributes elevated levels of PCBs and mercury in the water column and fish tissue to atmospheric deposition and notes 100 percent of the assessed river miles in Michigan are not attaining PCB water quality standard and 95 percent of the assessed river miles do not support the associated PCB and/or mercury in fish tissue standard.

The primary advantage of the dry-crossing method (e.g., flume or dam and pump) is that it can reduce downstream sediment loads, although it does not eliminate it, since there is some downstream sedimentation associated with installation and removal of the dams or flumes, or if the dam is breached or culverts washed out during installation of the pipeline, and they have to be reinstalled. The benefit is greater for streams where a wet ditch open cut and pipeline installation method would result in many days of instream construction activities, since there is a greater length of time that water flows through the work area. The benefit is actually negated in small streams, since the length of time involving instream work to install the dam and pump or flume system, and then remove them after the pipeline is installed, exceeds the length of time of an open cut.

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In accordance with its Procedures, Rover will complete all instream construction activities for open-cut crossings of minor waterbody crossings (crossing width at water's edge of 10 feet or less) within 24 hours. Instream construction activities for open-cut crossings of intermediate waterbody crossings (crossing width greater than 10 feet but less than 100 feet) will be completed in 48 hours. As such, use of a dry crossing method would not significantly reduce impacts associated with impairment of the water column and in fact could result in greater impacts for minor streams. Since the pipeline construction is a one-time episodic event, and impairment reflects a chronic condition where water quality is degraded much of the time throughout the year, downstream impacts associated with an open-cut crossing method of these waterbodies would be minor and temporary and would not likely impact the impairment status of the waterbodies crossed. Therefore, Rover believes that completing these waterbody crossings using an open-cut crossing method would be sufficiently protective of the water quality and designated use attainment status of these waterbodies and that implementation of an alternate dry-ditch crossing method would not substantially reduce potential impacts or improve instream conditions, and in the event of minor streams, probably would provide negligible benefits.

26. *During construction of the Project, Rover shall not clear any trees between the workspaces for HDD entry and exit sites. Rover may conduct minor brush clearing, less than 3 feet wide, using hand tools only, to facilitate the use of the HDD tracking system or acquisition of water for the makeup of the HDD slurry. During operation, Rover shall not conduct any routine vegetation maintenance along the HDD segments. (section 4.4.3)*

Response:

Rover previously reduced the number of HDDs where the temporary access paths are requested to only those locations where water from a perennial water source is required for the drill and, in many cases, for the hydrostatic test of a pipeline segment. While Rover can comply with the hand-cutting as requested by FERC, Rover requests the 10-foot width in order to accommodate equipment to place the appropriate size of pumps near the water, as required. The HDD contractor needs to place a 50-100 horsepower centrifugal diesel powered pump approximately 20 feet from the water source. A pump of this type typically weighs approximately 3,000 pounds. Information concerning the equipment anticipated for this activity provided by a potential Rover contractor is included in Volume IIA, Appendix 1E. The equipment is 8-foot wide, and an extra foot on either side would facilitate movement and avoid damage to trees along the path. In addition, continuous access for a pick-up truck to the pump must be maintained to allow for maintenance. Table 1A-7 in Volume IIA depicts the HDD locations where the temporary access paths are proposed. The locations are also shown on the alignment sheets and HDD plans included in Volume IIB, Attachment 1A.

Rover also requests the ability to hand-clear paths parallel to the centerline through all HDD areas to facilitate the HDD tracking system, as previously requested. These paths will not require cutting of any trees greater than 3 inches diameter at breast height and the widths of the paths will not exceed 3 feet.

27. *Prior to construction, Rover shall file with the Secretary, for review and approval by the Director of OEP, updated information on the wetland areas identified in appendix M of the draft EIS. The*

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information shall include all appropriate details in a consistent manner for each area, updated site-specific justifications for the requested extra right-of-way width, and revised alignment sheets, as necessary. (section 4.4.4)

Response:

Provided in Volume IIA, Appendix 1A is DEIS Table M-2 (Issues Regarding Wetlands) with additional columns responding to the issues identified and an updated Table 2, Justification for Construction Right-of-Way Widths in Wetlands. There are three basic configurations for situations where the construction right-of-way crosses a wetland: 1) the wetland extends across the entire construction right-of-way, 2) the wetland encroaches into the construction right-of-way but does not cross the entire construction right-of-way, and 3) the wetland is an isolated wetland of relatively small dimensions that is located within the construction right-of-way. In accordance with Rover's Procedures, Rover will provide justification for use of a construction right-of-way greater than 75 feet in wetlands. Therefore, if a wetland encroaches into the construction right-of-way and is less than 75 feet, it would not require site-specific justification. Similarly, if an isolated wetland is less than 75 feet, it would not require site-specific justification.

Provided in Volume IIA, Appendix 2A, in response to Condition No. 4, is an updated Table 2A-11 (Wetlands Crossed by the Rover Pipeline Project).

28. ***Prior to construction**, Rover shall file with the Secretary, for review and approval by the Director of OEP, an Invasive Species Mitigation Plan developed in consultation with appropriate agencies to prevent the introduction or spread of invasive species, noxious weeds, and soil pests resulting from construction and restoration activities. (section 4.5.4)*

Response:

An Invasive Species Plan is provided in Volume IIA, Appendix 1Bm.

29. ***Prior to the end of draft EIS comment period**, Rover shall file updated information that accurately reports the dimensions of the proposed work areas at MPs MAB 23.94 and MAB 23.95. (section 4.5.5.1)*

Response:

The updated Table 1A-3, Additional Temporary Workspace Requirements (DEIS Appendix E) is included in Volume IIA, Appendix 1A. The revised table provides the requested dimensions.

30. ***Prior to the end of the draft EIS comment period**, Rover shall file with the Secretary an updated table that accurately reports the number and type of all access roads required for construction and operation of the proposed Project and also file revised alignment sheets, as necessary. (section 4.5.5.4)*

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Response:

Table 1A-4 in Volume IIA, Appendix 1A (DEIS Appendix F) has been updated to accurately report the number and type of all access roads required for construction and operation. In addition, updated alignment sheets are included in Volume IIB, Attachment 1A.

31. ***Prior to construction***, Rover shall file with the Secretary, for the review and written approval of the Director of OEP, its final Migratory Bird Conservation Plan that includes documentation of its consultation with the FWS regarding avoidance and minimization measures, as well as compensatory mitigation. (section 4.6.1.5)

Response:

Rover continues to work with the U.S. Fish and Wildlife Service (USFWS) to finalize its Migratory Bird Conservation Plan that will be filed for review and approval by the Director of OEP prior to construction.

32. ***Prior to construction***, Rover shall file with the Secretary a revised Blasting Plan (see condition 22 above) to include protocols for in-stream blasting and the protection of the fisheries and aquatic resources and habitats. (section 4.6.2.3)

Response:

Rover has added protocols for in-stream blasting and the protection of the fisheries and aquatic resources and habitats to the Blasting Plan. Please refer to the revised plan in Volume IIA, Appendix 1Bi.

33. ***During construction of the Project***, Rover shall adhere to the FWS tree clearing window for listed bat species and restrict tree clearing activities to **between October 15 and March 31** for the entire Project. (section 4.7.2)

Response:

Rover stated in the third draft of the Biological Evaluation (BE) submitted to the USFWS and FERC in November 2015 that it intends to comply with the clearing windows for the protected bat species within the Project area. It is Rover's understanding that this window is between October 15 and March 31 in Pennsylvania, Ohio, and Michigan. The USFWS West Virginia Ecological Services Office has stated that the clearing window in West Virginia is November 15 through March 31. Rover intends to comply with the West Virginia clearing window as well, as stated in the BE.

34. ***Rover shall not begin construction of the Rover Pipeline Project until:***
a. *all outstanding bat surveys have been completed;*

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- b. *species conservation plans and compensatory mitigation have been approved by FWS or state regulatory authority;*
- c. *the FERC staff completes any necessary ESA Section 7 consultation with the FWS;*
- d. *Rover has received written notification from the Director of OEP that construction and/or use of mitigation (including implementation of conservation measures) may begin. (section 4.7.2)*

Response:

- a. *all outstanding bat surveys have been completed:*

Rover submitted the third draft of the Project-specific Biological Evaluation to the USFWS on November 20, 2015. This third draft incorporated some additional results from the stand-level habitat assessment and the results of the portal surveys.

- b. *species conservation plans and compensatory mitigation have been approved by FWS or state regulatory authority;*

Rover has prepared a Myotis Bat Conservation Plan (MBCP) pursuant to USFWS West Virginia Field Office requirements. The draft MBCP was submitted to USFWS on January 21, 2016. To date, Rover has not received comments or approval of the plan.

- c. *the FERC staff completes any necessary ESA Section 7 consultation with the FWS; and Conclusions And Recommendations 5-22*

As described above, Rover has submitted a Draft BE (dated 20 November 2015) to the USFWS for review and comment. The BE has been prepared pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (ESA) and Federal (50 Code of Federal Regulations [CFR] Part 402.12) to evaluate potential effects of the proposed action on federally listed species. The BE provides a comprehensive description of the proposed action, defines the action area, describes those species potentially impacted by the proposed action, and provides an analysis and determination of how the proposed actions may affect listed species and their habitats. As required, the best scientific and commercial information available was used to assess potential effects to species covered in the BE. The BE addresses potential effects of the proposed action on 12 federally listed species pursuant to comments on the Project received from the US Department of the Interior (USDOI), Office of the Secretary (dated 18 December 2014). Additionally, the eastern hellbender (*Cryptobranchus a. alleganiensis*), a state-endangered species in Ohio, is currently being evaluated for federal candidate status and is included in the BE.

The DEIS includes five species in its analysis that do not have the potential to occur within areas affected by the Rover Pipeline Project based upon on-going consultation with local USFWS Field Offices in Michigan, Ohio, Pennsylvania, and West Virginia, as well as the U.S. Department of Interior Office of the Secretary (USDOI). These species are discussed below.

1) Virginia big-eared bat (*Corynorhinus townsendii virginianus*)

The USFWS lists only five counties in West Virginia where the species is known, or reasonably likely to occur: Fayette, Grant, Pendleton, Randolph, and Tucker (USFWS 2016a). The closest of these counties is Randolph County, which is approximately 40 miles to the southeast of the Sherwood and CGT laterals at their closest point. Virginia big-eared bats are thought to be a relatively sedentary species, with the longest recorded migration distance from a hibernaculum to a maternity cave being approximately 40 miles

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(Barbour and Davis 1969, Mitchell 2002, USFWS 1982). The USFWS does not believe that Virginia big-eared bats are reasonably likely to occur in any counties crossed by the proposed Rover alignment since the Project is at the longest known migration distance for the species from a county where the species is reasonably likely to occur. Comments received from the USDOJ Office of the Secretary (dated 18 December 2014) did not include the Virginia big-eared bat as a species of concern.

2) Copperbelly water snake (*Nerodia erythrogaster negelecta*)

The USFWS, Columbus Field Office commented that the proposed pipeline does not cross any townships where copperbelly water snakes are known to occur in Ohio; therefore, there will be no impacts to this species in Ohio (e-mail from K. Lott dated 16 April 2015 provided in Volume IIB, Attachment 1D). Copperbelly water snake is not listed in any county crossed by the Rover pipeline in Michigan.

3) Northern Riffleshell Mussel (*Epioblasma torulosa rangiana*)

The USFWS lists 27 counties in six states where the northern riffleshell is known, or reasonably likely to occur (USFWS 2016b). Of these, Defiance County, Ohio is the only county crossed by the proposed Rover alignment. The species was once widespread in the Ohio and Maumee River Basins, but currently is known only from a short reach of Big Darby Creek in Ohio (USFWS 1994), which is well over 100 miles to the southeast of the proposed Rover pipeline. Comments from the USFWS Ohio Field Office (dated 23 July 2014 and 11 September 2014) and comments received from the USDOJ (dated 18 December 2014) did not include the northern riffleshell as a species of concern.

4) White catspaw pearl mussel (*Epioblasma obliquata perobliqua*)

The USFWS lists only three counties where the white cat's paw pearl mussel is known or reasonably likely to occur. Of these, only Defiance County, Ohio is crossed by the proposed Rover pipeline (USFWS 2016c). Historic distribution of the species, compiled from published distribution data, includes 10 river systems from New York to Indiana and Lake Erie, though there is some dispute as to the validity of some of the identified specimens (USFWS 1990). Currently, the species is restricted to a three-mile reach of Fish Creek, a tributary to the St. Joseph River, in Williams County, Ohio (USFWS 2013). At its closest point, Fish Creek is over 20 miles from the proposed Rover pipeline alignment. The last observation of a live individual in Fish Creek occurred in 1999 (Watters 2000). Comments from the USFWS Ohio Field Office (dated 23 July 2014 and 11 September 2014) and comments received from the USDOJ (dated 18 December 2014) did not include the white cat's paw pearl mussel as a species of concern.

5) Hine's emerald dragonfly

The USFWS lists five counties in Michigan where Hine's emerald dragonfly is known or reasonably likely to occur, none of which are crossed by the proposed Rover alignment (USFWS 2016d). Currently, Hine's emerald dragonfly is known from nine sites in Will, Cook, and Du Page counties, Illinois; 20 sites in Door, Kewaunee, and Ozaukee counties, Wisconsin; 10 sites in Mackinac, Presque Island and Alpena counties, Michigan; and three sites in Reynolds and Iron counties, Missouri (USFWS 2001). The closest of these is Alpena County, Michigan, approximately 155 miles north of the end of the Market Segment. Comments from the USFWS Michigan Field Office (dated 2 June 2015) and comments received from the USDOJ Office of the Secretary (dated 18 December 2014) did not include Hine's emerald dragonfly as a species of concern.

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With the exception of the five species described above, Rover is currently working with local and regional USFWS field offices, as well as with the USDOJ to address all federally listed and candidate species identified during on-going consultation that are reasonably likely to occur within the proposed Rover alignment and may potentially be affected by the proposed action. Rover will conclude ESA Section 7 consultation with the USFWS prior to project construction.

Literature Cited:

- Mitchell, W. A. 2002. Cave- and crevice-dwelling bats on USACE projects: Townsend's big-eared bat (*Corynorhinus townsendii*). EMRRP Technical Notes Collection (ERDC TN-EMRRP-SI-27), U.S. Army Engineer Research and Development Center, Vicksburg, MS. 9 pp.
- U.S. Fish and Wildlife Service (USFWS). 1984. A recovery plan for the Ozark and Virginia big-eared bats. North-Central Regional Office, Twin Cities, MN. 69 pp + appendices
- _____. 1994. Clubshell (*Pleurobema clava*) and Northern Riffleshell (*Epioblasma torulosa rangiana*) recovery plan. U.S. Fish and Wildlife Service, Hadley, Massachusetts. 68 pp.
- _____. 2011. Draft protocol for assessing abandoned mine/caves for bat use. U.S. Fish and Wildlife Service West Virginia Field Office. 3 pp.
- _____. 2012. National White-Nose Syndrome decontamination protocol. U.S. Fish and Wildlife Service. 5 pp.
- _____. 2013. White Cat's Paw Pearly Mussel (*Epioblasma obliquata perobliqua*). 5-Year Review: Summary and Evaluation. US Fish and Wildlife Service, Columbus, Ohio. 14 pp.
- _____. 2014. Northern long-eared bat interim conference and planning guidance. USFWS Regions 2, 3, 4, 5, & 6. January 6. 10 pp + appendices.
- _____. 2016a. Environmental Conservation Online System: Virginia Big-Eared Bat (*Corynorhinus (=Plecotus) townsendii virginianus*). Available at https://ecos.fws.gov/tess_public/profile/speciesProfile.action?scode=A080. Accessed 26 February 2016.
- _____. 2016b. Environmental Conservation Online System: Northern Riffleshell (*Epioblasma torulosa rangiana*). Available at https://ecos.fws.gov/tess_public/profile/speciesProfile.action?scode=F02Z. Accessed 1 March 2016.
- _____. 2016c. Environmental Conservation Online System: White catspaw (*Epioblasma obliquata perobliqua*). Available at https://ecos.fws.gov/tess_public/profile/speciesProfile.action?scode=F007. Accessed 1 March 2016.
- _____. 2016d. Environmental Conservation Online System: Hine's Emerald Dragonfly (*Somatochlora hineana*). Available at https://ecos.fws.gov/tess_public/profile/speciesProfile.action?scode=I06P. Accessed 2 March 2016.
- _____. 2016e. Environmental Conservation Online System: Mitchell's Satyr Butterfly (*Neonympha mitchellii mitchellii*). Available at https://ecos.fws.gov/tess_public/profile/speciesProfile.action?scode=I00K. Accessed 2 March 2016.
- Watters, G.T. 2000. Three year freshwater mussel life requirement investigation. Final report to The Fish Creek Trust Committee. Ohio Biological Survey and Ohio State University. 30 pp. in USFWS. 2013. White Cat's Paw Pearly Mussel (*Epioblasma obliquata perobliqua*). 5-Year Review: Summary and Evaluation. US Fish and Wildlife Service, Columbus, Ohio. 14 pp.

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35. ***Prior to construction***, Rover shall file with the Secretary, the results of completed habitat and species surveys for the copperbelly water snake and Rover's consultation with FWS regarding the results. Rover shall file avoidance/minimization measures that it would use in the event that copperbelly water snakes are found. Rover shall not begin construction of the Rover Pipeline Project ***until***:
- a. the FERC staff completes any necessary ESA Section 7 consultation with the FWS; and
 - b. Rover has received written notification from the Director of OEP that construction and/or use of mitigation (including implementation of conservation measures) may begin. (section 4.7.2)

Response:

The USFWS, Columbus Field Office commented that the proposed pipeline does not cross any townships where copperbelly water snakes are known to occur in Ohio; therefore, there will be no impacts to this species in Ohio (e-mail from K. Lott dated 16 April 2015 provided in Volume IIB, Attachment 1D). It is not listed in any county crossed by the Rover pipeline in Michigan.

36. *If any of the geotechnical investigations for the proposed HDDs (see condition 19 above) identify either a low degree of success or a high risk of inadvertent release, Rover shall file with the Secretary a revised HDD Contingency Plan that includes the measures it will implement (e.g., dry-ditch construction and/or mussel relocation) to avoid or minimize impacts on federally listed mussel species. This plan should also include Rover's consultation with the FWS on these measures. Rover shall not begin construction of the Rover Pipeline Project until:*
- a. the FERC staff completes any necessary ESA Section 7 consultation with the FWS; and
 - b. Rover has received written notification from the Director of OEP that construction and/or use of mitigation (including implementation of conservation measures) may begin. (section 4.7.2)

Response:

None of the geotechnical investigations for the proposed HDDs have identified either a low degree of success or a high risk of inadvertent release as Rover has designed the HDDs to maximize the probability of success and minimize the risk of inadvertent releases (frac-outs). For example, the HDDs extend deeper than what is required and the entry and exit angles are steeper than necessary, which minimizes the risk of frac-outs. We have conducted geotechnical investigations to assess the geological components of each HDD location to aid in the specific design parameters for each drill site. All of these components facilitate the most successful probabilities possible. This includes all waterbodies being crossed via HDD, including those with federally listed mussel species.

37. *Rover shall not begin construction of the Rover Pipeline Project until:*
- a. surveys for the Mitchell's Satyr Butterfly have been completed;
 - b. the FERC staff completes any necessary ESA Section 7 consultation with the FWS; and
 - c. Rover has received written notification from the Director of OEP that construction and/or use of mitigation (including implementation of conservation measures) may begin. (section 4.7.2)

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Response:

The USFWS lists nine counties in Michigan and one county in Ohio where Mitchell's satyr butterfly is known or reasonably certain to occur (USFWS 2016e). Of these, only Washtenaw County, Michigan is crossed by the proposed Rover alignment. However, as described in the USFWS Species Recovery Plan, the Mitchell's Satyr butterfly (*Neonympha mitchellii mitchellii*) is extirpated from the two sites where it historically occurred in Washtenaw County (USFWS 1998). Additionally, per communication from Michigan USFWS regarding the project (dated 2 June 2015 in Volume IIB, Attachment 1D) surveys are not required due to lack of proximity to known extant records and a lack of potentially suitable habitat crossed by the proposed project route. While no field presence / probable absence surveys for the species were conducted, Mitchell's satyr butterfly is addressed in the project specific BE, as described above.

38. ***Prior to construction, Rover shall incorporate into its construction plans requirements that worksites be maintained in a neat and orderly manner, with all personal trash items disposed of properly; and that construction debris be removed from all work areas in a timely manner and disposed of in a state-approved off site location by the end of each work day. (section 4.7.3)***

Response:

Rover will include the requested statement in the environmental training materials provided to all employees prior to construction.

39. ***Prior to removing barns or other structures that represent potential barn owl habitat, Rover shall evaluate and assess each barn or similar structure for the presence of barn owls. Rover shall file with the Secretary the results of the surveys and identify any additional mitigation measures developed in consultation with the OHDNR, for review and written approval of the Director of OEP. (section 4.7.3)***

Response:

Prior to the removal, Rover will assess these structures by a qualified biologist for potential use by barn owls. Rover will coordinate with the Ohio Department of Natural Resources (ODNR) to determine appropriate survey methodology and will submit the results to the ODNR.

40. ***Prior to construction, Rover shall continue to consult with applicable state agencies to identify any additional mitigation measures for state-protected species and the need for additional surveys for Ohio, Michigan, West Virginia, and Pennsylvania. The results of such consultations and any outstanding surveys shall be filed with the Secretary. (section 4.7.3)***

Response:

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As recommended by the ODHR in Ohio (18 November 2015), Rover will conduct presence/probable absence surveys in 2016 within potentially suitable habitat for the eastern spadefoot at one location in Stark County and four locations in Tuscarawas County, and for the spotted turtle at two locations in Wayne County. The results of these surveys, and any conservation measures developed with the ODNR if any individuals are found, will be filed with the Secretary before construction.

Rover would conduct additional presence-absence surveys for the eastern massasauga prior to construction at four locations identified along the Market Segment in Michigan. The four sites are within an approximately 3.5-mile stretch between southern Livingston and northern Washtenaw counties, located between MPs 83.9 and 84.0 in Washtenaw County; and between MPs 85.20 and 85.25, 85.7 and 86.0, and 87.10 and 87.85 in Livingston County.

41. *Prior to the end of the draft EIS comment period, Rover shall consult with the owners and operators of the existing rights-of-way identified in table 2.2.1-1, regarding the feasibility of using portions of these rights-of-way during Project construction. Rover shall file with the Secretary documentation of this consultation including associated Project updates where it is feasible to make use of these rights-of-way and explanations as to why an owner or operator has denied the use of its existing right-of-way (or portion thereof). (section 4.8.1.2)*

Response:

Please refer to Table 1A-1 in Volume IIB, Appendix 1A, which has been enhanced to include information concerning the status of discussions with each of the parallel utilities.

42. *Prior to the end of the draft EIS comment period, Rover shall file with the Secretary the current status of its easement negotiations for the Clarington Compressor Station. If Rover has been unable to negotiate an acceptable easement or purchase agreement, Rover shall identify alternative compressor station sites and provide an analysis which includes relevant environmental, engineering, economic factors, and status of landowner negotiations associated with use of the alternative site. The analysis shall include a table which compares/contrasts the alternative sites' characteristics (environmental, engineering, economic) with the proposed aboveground facility site. (section 4.8.2)*

Response:

The Clarington Compressor Station has been purchased in fee from the landowner.

43. *Prior to the end of the draft EIS comment period, Rover shall file with the Secretary updated site-specific residential plans for the residences at MPs MS 71.48, MS 85.47, and MS 88.35, the earthen lodge at MP MS 84.9, and the block building/hunting cabin at MP SWL 35.5 that are within the construction workspace. Rover shall also file documentation of any comments from the landowner on the plan. (section 4.8.3.1)*

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Response:

Residential Implementation Plans for the residences at Market Segment MPs 71.48, 85.47, and 88.35 are included in Volume IIA, Appendix 8B. A Residential Implementation Plan for the earthen lodge is also included, although it is located at MP 84.85, and the plan is titled accordingly. The hunting cabin at Sherwood Lateral MP 35.5. Similarly, a Residential Implementation Plan for the hunting cabin is included, although referenced at MP 35.81, and the plan is titled OH-MO-SHC-006.000.

These tracts listed above, with the exception of the hunting cabin on the Sherwood Lateral, have been purchased by Rover.

44. ***Prior to construction**, Rover shall file with the Secretary, for the review and written approval of the Director of OEP, evidence of landowner concurrence with the site-specific residential construction plans for all locations where construction work areas would be within 10 feet of a residence. (section 4.8.3.1)*

Response:

Please refer to updated Table 3.4.3-1 from the DEIS, included in Volume IIB, Attachment 1F, which has been updated to include all easements that have been closed and details of reroutes or ongoing discussions with landowners. Rover will continue to update FERC on efforts regarding the residences within 10 feet of the construction workspace.

45. ***Prior to construction**, Rover shall file with the Secretary a 5-year post-construction monitoring program to evaluate crop productivity in areas impacted by the construction of the Project. Rover shall include in the program a commitment to file with the Secretary quarterly reports for a period of 5 years following construction documenting any crop-related problems, including soil heating near compressor stations identified by the company or landowner, and describing any corrective action taken to remedy those problems. The program shall stipulate that if any landowner agrees that revegetation and crop productivity are successful prior to the 5-year requirement, Rover shall provide documentation in its quarterly reports, indicating which landowners have agreed that monitoring is no longer necessary. This documentation shall include the landowner name, tract number, and the date of agreement. (section 4.8.4.1)*

Response:

The Rover Upland Erosion Control, Revegetation and Maintenance Plan (Rover Plan), as adopted from the FERC Upland Erosion Control, Revegetation and Maintenance Plan (FERC Plan) specifies in Section VII.A.1 that at a minimum, conduct inspections after the first and second growing seasons. However, in the easement agreements Rover is entering into with the landowners of agricultural land, Rover is committing to compensate landowners for a full three years of productivity for the land affected by construction. In addition, if it is demonstrated by the landowner that, when compared to the yield on the adjacent, undisturbed land, the crop yield reduction on the easements exceeds the estimates during the first

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five years, or is below 100% of the crop yield after the initial five-year period, Rover will compensate the landowner for the difference and may enact additional measures to enhance the productivity of the disturbed land.

In Section VII.A.2, the Rover Plan states, “in agricultural areas, revegetation shall be considered successful when upon visual survey, crop growth and vigor are similar to adjacent undisturbed portions of the same field, unless the easement agreement specifies otherwise. Continue revegetation efforts until revegetation is successful.” And in Section VII.A.3, the Rover Plan states, “Monitor and correct problems with drainage and irrigation systems resulting from pipeline construction in agricultural areas until restoration is successful.

By these means Rover will comply with the FERC regulations for post-construction monitoring and ensure the continued productivity of the agricultural lands affected by construction. Rover will file in the quarterly reports any crop-related problems, including soil heating near compressor stations identified by the company or landowner, and describing any corrective action taken to remedy those problems.

*46. **Prior to construction**, Rover shall commit to hire local drain tile contractors to install/repair drain tiles that are damaged or need to be rerouted due to construction activities. (section 4.8.4.1)*

Response:

Rover is making a good-faith effort to employ local drain tile contractors to install/repair drain tiles to the extent possible, and will use its construction contractor for the remainder. Many landowners are opting to submit a drain tile relocation and reclamation plan, which Rover is funding upon approval. In this option, landowners are directly hiring local drain tile contractors to complete the work.

*47. **Upon completion of construction**, Rover shall provide information on encountered, severed, and/or damaged drain tile lines to the landowner, the local county Soil and Water Conservation District, and the information shall be kept in the company’s landowner records for future reference. (section 4.8.4.1)*

Response:

Rover will provide information on encountered, severed, and/or damaged drain tile lines to the landowner and local county Soil and Water Conservation District. Rover will keep the information in the landowner records for future reference.

*48. **Prior to construction of the Burgettstown Compressor Station and Mainline Compressor Stations 1 and 3**, Rover shall file with the Secretary, for the review and written approval by the Director of OEP, a visual screening plan for these three compressor stations that minimizes the visual impacts on nearby property owners and residences. The plan shall include (but not be limited to) measures to retain existing vegetation buffers, planting of new vegetation screening, and design of structures to mimic the character of existing structures in the area. (section 4.8.7.2)*

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Response:

Rover believes that this comment refers to the Burgettstown Alternative Site 1, which FERC requested in Comment 18 above. That site was not available for purchase and Rover has since purchased the proposed location from the same landowner. The proposed location of the Burgettstown Compressor Station is visually separated from all surrounding residences by existing forested areas and tree breaks, and Rover believes a visual screening plan is not necessary for the currently proposed location.

As requested, Rover has developed a visual screening plan for the Compressor Station 1 based on the revised site plan included in Volume III_CEI, Attachment 1A. Rover intends to paint all compressor station, motor control center (MCC) building, and instrument air buildings charcoal gray with polar white roofs and trim. Aboveground piping, equipment, tanks, and vessels will be pearl gray. The visual screening plan for Compressor Station 1 includes planting a tree line between Azalea Road SW and the existing pipeline that runs parallel to and north of the road. This tree line will extend north along the west side of the tract to near the existing tree line to screen the site from a residence to the southwest of the facility, south of Azalea Road SW. In addition, the tree line will extend north along the east side of the tract; however, existing pipelines and overhead electrical lines will preclude some areas from being planted. Rover is proposing to utilize Colorado blue spruce (*Picea pungens*) at a 60-ft spacing. Colorado blue spruce are proposed because they provide thick foliage to ground level, grow to approximately 50 feet in height, and are popular in the region. Rover intends to plant trees at least 4 feet in height at the time of planting. Please see Volume IIA, Appendix 8D for the U.S. Department of Agriculture species fact sheet. In addition, Rover proposes to insert slats in the chain-link fence surrounding the tap site at this location to visually screen that equipment, which will be shorter than the Rover's standard 6-foot security fence. Rover intends to use gray slats to match the buildings and appurtenances as closely as possible.

Similarly, the visual screening plan for Compressor Station 3 includes surrounding the facility with Colorado blue spruce at a 60-ft spacing except where not possible due to proposed access roads into and within the site. The tree line is generally proposed at 60 feet from the security fence to facilitate maintenance of the facility and trees; however, some adjustments were required to accommodate the upland drainages located within the tract outside of the proposed fence. Rover intends to plant trees at least 4 feet in height at the time of planting. In addition, Rover proposes to insert slats in the chain-link fence surrounding the tap site at this location to visually screen that equipment, in a slat color to match the gray color of the buildings and appurtenances as closely as possible.

Figures for Compressor Stations 1 and 3 depicting the approximate locations and spacing of trees and the area where slats are proposed are included in Volume IIA, Appendix 8E. All trees will be maintained during operation of these stations and will be replaced in kind if lost to drought or other factors.

49. ***Prior to construction, Rover shall file a revised HDD plan and alignment sheet for the Norfolk Southern Railroad HDD that adjusts the exit pit so that traffic on Balford Road is not impeded. (section 4.9.4.1)***

Response:

Revised Drawing Nos. ML-P3-3030 and ML-P4-08 are provided in Volume IIB, Attachment 1A.

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50. *Rover shall file with the Secretary reports describing any documented complaints from affected landowners that a homeowner's insurance policy was either cancelled or voided due directly to the grant of the pipeline right-of-way or installation of the pipeline and/or that the premium for the homeowner's insurance increased materially and directly as a result of the grant of the pipeline right-of-way or installation of the pipeline. The reports shall also identify how Rover has mitigated the impact. These reports shall be included in Rover's weekly construction status reports and in its quarterly reports for a 2-year period following in-service of the Project. (section 4.9.6)*

Response:

Rover will address any such issues and shall file reports as requested.

51. *Rover shall not begin implementation of any treatment plans/measures (including archaeological data recovery); construction of facilities; or use of staging, storage, or temporary work areas and new or to-be-improved access roads **until**:*
- a. *Rover files with the Secretary, the Ohio and Michigan SHPOs' comments on the survey reports for their respective states;*
 - b. *Rover files all outstanding cultural resources survey/testing reports and any required evaluation reports, and the SHPOs' comments on the reports;*
 - c. *Rover files any necessary treatment plans or site-specific protection plans, and the appropriate SHPO's comments on the plans;*
 - d. *the ACHP is provided an opportunity to comment on the undertaking if historic properties would be adversely affected; and*
 - e. *the FERC staff reviews and the Director of OEP approves all cultural resources survey reports and plans, and notifies Rover in writing that treatment plans/mitigation measures may be implemented or construction may proceed. (section 4.10.4)*

*All material filed with the Secretary 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."** (section 4.10.4)*

Response:

Rover will continue to work with the State Historic Preservation Officers (SHPOs) concerning cultural resources as requested and will provide an update on the status of cultural resources by or before April 1, 2016.

52. ***Prior to construction**, Rover shall file with the Secretary, for the review and written approval of the Director of OEP, a Fugitive Dust Control Plan that specifies the precautions that Rover would take to minimize fugitive dust emissions from construction activities, including additional mitigation measures to control fugitive dust emissions of Total Suspended Particulates and PM10. The plan shall include (but not limited to) and clearly explain how Rover would implement the following measures:*
- a. *watering the construction workspace and access roads;*
 - b. *providing measures to limit track-out onto the roads;*
 - c. *identifying the speed limit that applicants would enforce on unsurfaced roads;*

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- d. covering open-bodied haul trucks, as appropriate;
- e. clarifying that the EI has the authority to determine if/when water or a palliative needs to be used for dust control; and
- f. clarifying the individuals with the authority to stop work if the contractor does not comply with dust control measures. (section 4.11.1.3)

Response:

Rover has developed the Fugitive Dust Control Plan included in Volume IIA, Appendix 1 Bn.

53. ***Prior to the end of the draft EIS comment period, Rover shall file with the Secretary a revised HDD noise mitigation plan for all HDD entry or exit points where predicted HDD noise levels at an NSA are greater than 55 dBA L_{dn}. The revised plan shall identify the specific mitigation measures that Rover commits to implementing at each entry or exit location and the resulting projected noise level at the NSAs with implementation of the mitigation measures. (section 4.11.2.2)***

Response:

Rover has updated Table 1A-7 regarding HDDs proposed along the Project (Volume IIB, Appendix 1A) to indicate any changes in entry or exit points or HDDs that have been added or removed from the Project. Please see the attached HDD Noise Impact Report, Revision 1, included as Volume IIA, Appendix 9F, for the revised HDD sound level evaluation that includes calculations of the projected noise levels with the implementation of the proposed mitigation measures. This report includes details such as the height and location of the noise barriers proposed for those HDD work areas at which the predicted HDD noise levels are greater than 55 dBA L_{dn}.

54. ***Rover shall file in the weekly construction status reports the following for each HDD entry and exit site:***
- a. *the noise measurements from the nearest NSA for each drill entry/exit site, obtained at the start of drilling operations;*
 - b. *the noise mitigation that Rover implemented at the start of drilling operations; and*
 - c. *any additional mitigation measures that Rover would implement if the initial noise measurements exceeded an L_{dn} of 55 dBA at the nearest NSA and/or increased noise is over ambient conditions greater than 10 decibels. (section 4.11.2.2)*

Response:

Rover proposes to perform construction sound level testing for those HDD sites at which the HDD Noise Impact Report, Rev 1 (Volume IIA, Appendix 9F) predicts sound levels from HDD activity in excess of 55 dBA L_{dn}. These measurements will consist of short term (one to five minute) sound level measurements taken soon after standard HDD activities commence. If the measured sound levels exceed 55 dBA L_{dn}, then Rover will implement noise mitigation treatments to reduce the sound levels to 55 dBA L_{dn} or lower. These mitigation measures might include: additional noise barrier length or height if barriers are already in place, upgraded engine exhaust mufflers on equipment, partial enclosures on equipment, and/or additional silencers on engine radiators.

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Comments and Responses to the Draft Environmental Impact Statement

At HDD sites where the ambient noise level was measured at greater than 55 dBA, every effort will be made to determine only the contribution from the HDD activities, excluding the influence of other ambient sources. This can be done by measuring closer to the HDD work area and then calculating the corresponding sound levels at the NSA locations.

Rover will provide these noise measurements to FERC in the weekly construction status reports, including all mitigation measures, or improvements to mitigation measures required.

55. *Rover shall file a noise survey with the Secretary **no later than 60 days** after placing each of the Rover Project compressor stations in service. If a full load condition noise survey of the entire station is not possible, Rover shall instead file an interim survey at the maximum possible horsepower load and file the full load survey **within 6 months**. If the noise attributable to the operation of all of the equipment at any compressor station under interim or full horsepower load conditions exceeds 55 dBA Ldn at any nearby NSAs, Rover shall file a report on what changes are needed and shall install the additional noise controls to meet the level **within 1 year** of the in-service date. Rover shall confirm compliance with the 55 dBA Ldn requirement by filing a second noise survey with the Secretary **no later than 60 days** after it installs the additional noise controls. (section 4.11.2.3)*

Response:

Rover will comply with this request.