



**ROVER PIPELINE**

An ENERGY TRANSFER Company

***ROVER PIPELINE LLC***

***Rover Pipeline Project***

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

***FERC Docket No. CP15-93-000***

***April 2016***

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**INTRODUCTION**

Provided below are comments to the FERC Draft Environmental Impact Statement (DEIS) issued on February 19, 2016.

**COMMENTS**

1. Section 1.2.4, pg 1-4. FERC may want to add Section 10 to the jurisdictional authority of the U.S. Army Corps of Engineers.
  
2. Section 2.2.1.2, pg. 2-17. The DEIS states, “Where the HDD method is used, the permanent rights-of-way would be 10 feet wide.” However, as consistently depicted on the alignment sheets and HDD plan and profile figures, Rover intends to purchase a standard 50-foot permanent right-of-way within HDDs involving single pipelines and a 60-foot permanent right-of-way where dual pipelines will be installed. However, Rover will not conduct vegetation maintenance along the permanent easement between the HDD entry and exit points during operation. This is also true for the temporary access paths within some HDDs.
  
3. Section 3.2.3, pg. 3-10. The paragraph states that the Leach Xpress Project “is about 10 miles from the Rover Project”; however, it will parallel and will abut the Rover Project along much of the Seneca Lateral in Monroe County, Ohio.
  
4. Section 3.5.2, pg. 3-48 and Section 4.11.2.3, pg 4-242. The DEIS states that Rover intends to install “gas-driven turbines”. However, Rover has not proposed turbines, but “internal combustion engines”.
  
5. Section 4.3.2.5, pg. 4-84. The DEIS states, “Hydrostatic testing would not be required at aboveground facilities.” However, all pressurized piping within the aboveground facilities will be hydrostatically tested in accordance with the requirements of U.S. Department of Transportation pipeline safety regulations (49 CR 192) and applicable permits. Rover is proposing to truck in water from a municipal source and haul the water off site for proper disposal after testing is complete. Quantities will range from 21,000 to 63,000 gallons depending on the size of the compression station. Meter stations and mainline valves will be included within the hydrostatic tests of the pipeline.
  
6. Section 4.4.1, pg. 4-89. The DEIS refers to the Wetland Delineation Reports submitted to the U.S. Army Corps of Engineer Districts; however, reference to the Huntington District is missing.
  
7. Section 4.7.2, pg. 4-132. The DEIS states in a few instances within this section that portal surveys are pending. Please note that Rover submitted the results of the portal surveys within the Draft Biological Evaluation submitted to the U.S. Fish and Wildlife and FERC in November 2015.

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---

8. Section 4.8.7.5, pg. 4-182. The DEIS states, “The Ohio and Erie Canalway Scenic Byway is a road that follows alongside the Ohio and Erie Canal. The road would be crossed at MP MAB 42.6 using a conventional bore.” However, the road will be crossed within the HDD crossing the Tuscarawas River.
9. Section 4.11.2.1, pg. 4-236, Table 4.11.2-1. The project is no longer located in Cohoctah or Howell Townships, Michigan.
10. The DEIS makes numerous statements regarding “compensatory mitigation” for migratory birds, as listed below.
- A. Executive Summary, pg. ES-5. The DEIS says, “Rover is developing a migratory bird conservation plan in consultation with the FWS that may include compensatory mitigation.” Then in a following paragraph, the DEIS states, “We are recommending that Rover consult with the FWS regarding measures to be included in Rover’s final Migratory Bird Conservation Plan, including avoidance, minimization, and compensatory mitigation.”
- B. Executive Summary, pg. ES-12. The DEIS states, “We are recommending that Rover finalize with the FWS a Migratory Bird Conservation Plan that includes documentation of its consultation with the FWS regarding avoidance, minimization, and compensatory mitigation.”
- C. Section 4.5.3, pg. 4-102. The DEIS states, “In order to minimize and reduce impacts on sensitive habitat, Rover has implemented a number of measures to reduce adverse effects of construction and operation of the Rover Project on forest species, including interior forest species:
- providing mitigation for impacts on sensitive environmental resources, including compensatory mitigation for impacts on migratory bird and listed species habitat;”
- D. Section 4.5.3, pg. 4-103. The DEIS states, “A final plan developed in coordination with the applicable agencies prior to construction would identify compensatory mitigation for forest habitat loss.”
- E. Section 4.6.1.3, pg. 4-112. The DEIS states, “Rover has committed to compensatory mitigation for forest habitat impacts in coordination with the FWS.”
- F. Section 4.6.1.5, pg. 4-120. The DEIS states, “Discussions at this meeting were focused on compliance with the Migratory Bird Treaty Act including adherence to right-of-way clearing windows and potential compensatory mitigation for any BCC habitat impacts. The FWS requested detailed information on impacted habitats in order to calculate compensatory mitigation requirements”
- G. Section 4.6.1.5, pg. 4-121 and Section 5.2, pg. 5-21. The DEIS includes the following recommendation:

**“Prior to construction, Rover should file with the Secretary, for 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.”**

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- H. Section 4.7.2, pg. 4-133. The DEIS states, “However, based on our recommendations that Rover adhere to the FWS clearing restrictions and that Rover finalize with the FWS its compensatory mitigation for lost migratory bird habitat (see section 4.6.1.5), we conclude that the Project *may affect, but is not likely to adversely affect* the Indiana bat.”
- I. Section 4.7.2, pg. 4-135. The DEIS states, "Based on Rover’s minimization measures as well as on our recommendations that Rover adhere to the FWS clearing restrictions and that it finalizes with the FWS compensatory mitigation for lost migratory bird habitat (see section 4.6.1.5), we conclude that the Project *may affect, but is not likely to adversely affect* northern long-eared bat.”
- J. Section 4.7.2, pg. 4-135 and Section 5.2, pg. 5-21. The DEIS states, “Therefore, **we recommend that:**
- Rover should not begin construction of the Rover Pipeline Project until:**
- b. species conservation plans and compensatory mitigation have been approved by the FWS or state regulatory authority;”**
- K. Section 5.1, pg. 5-6. The DEIS states, “In a teleconference with the FWS, Rover committed to providing compensatory mitigation to offset impacts on forested habitat. We are recommending that Rover submit a Migratory Bird Conservation Plan prior to construction.”
- L. Section 5.1, pg. 5-8. The DEIS states, “Based on adherence to the FWS clearing windows and compensatory mitigation measures proposed by FWS, as well as our recommendations, we determined that construction and operation of Rover’s Project *may affect, but would not likely adversely affect* the Indiana bat or northern long-eared bat, and would not have a significant impact on migratory birds.”

**Response:**

Rover opposes the reference to “compensatory mitigation” as being required for migratory birds or their habitat. Requiring “compensatory mitigation” for migratory birds or habitat is outside congressionally approved authorities and not required by any statute, regulation, or executive order. The DEIS even goes so far as to tie the recommendation for compensatory mitigation for migratory bird habitat to the conclusions that the Rover Pipeline Project will not adversely affect the Indiana or northern long-eared bats. However, mitigation for impacts to listed species is authorized pursuant to a separate regulatory authority and should not involve any connection to migratory birds.

Rover has implemented avoidance and minimization strategies to reduce the potential impacts to forested resources to benefit the threatened and endangered bats along the project route, including routing flexibility, adjustments in the construction schedule, protective maintenance and construction procedures, minimizing wetland impacts, etc. These efforts will benefit migratory birds along with the protected bat species.

In addition, Rover has committed to offset the loss of migratory bird habitat in areas that will not be addressed for bats. However, these measures are voluntary and should not be considered “compensatory” mitigation as that has a regulatory context is incorrect in this instance. Rover requests that all references to recommending or requiring “compensatory mitigation” for migratory bird habitat be replaced with “voluntary mitigation funding”.