

Thomason, Buffy

From: Shaffer, Joshua D CIV USARMY CELRP (US) <Joshua.D.Shaffer@usace.army.mil>
Sent: Friday, February 10, 2017 6:06 PM
To: Thomason, Buffy; Blohm, Shawn U CIV USARMY CELRB (US); Todd Surrena; Dickson, Nancy J; Barnett, Robert W CIV USARMY CELRH (US)
Cc: William S. Scherman (WScherman@gibsondunn.com); Shaffer, Joshua D CIV USARMY CELRP (US); Kevin Bowman
Subject: Re: [EXTERNAL] Tree Felling in Upland Areas

I have no objection to cutting trees in the uplands which occur outside of the Corps permit areas.

Thanks
Josh

From: Thomason, Buffy <Buffy.Thomason@energytransfer.com>
Date: February 10, 2017 at 5:24:25 PM EST
To: Dickson, Nancy J <Nancy.J.Dickson@wv.gov>, Blohm, Shawn U CIV USARMY CELRB (US) <Shawn.U.Blohm@usace.army.mil>, Shaffer, Joshua D CIV USARMY CELRP (US) <Joshua.D.Shaffer@usace.army.mil>, Todd Surrena <todd.surrena@epa.ohio.gov>, Barnett, Robert W CIV USARMY CELRH (US) <Wes.Barnett@usace.army.mil>
Cc: Kevin Bowman <Kevin.Bowman@ferc.gov>, William S. Scherman (WScherman@gibsondunn.com) <WScherman@gibsondunn.com>
Subject: [EXTERNAL] Tree Felling in Upland Areas

Agency Team,

Rover is planning to begin cutting trees using non-mechanized tree cutting methods on Monday, February 13, 2017. This activity will be limited to non-waters of the United States and will occur only in upland areas. Therefore, can you please provide a quick email concurrence that your agency does not have jurisdiction over or regulate this activity within upland areas?

Thank you for your quick response and your continued coordination on this project. It is greatly appreciated.

Thank you,

Buffy Thomason

Energy Transfer Company

1300 Main St., Houston, TX 77002

Office: 713-989-2844

Cell: 979-571-3113

Private and confidential as detailed [here](#). If you cannot access hyperlink, please e-mail sender.

Thomason, Buffy

From: Dickson, Nancy J <Nancy.J.Dickson@wv.gov>
Sent: Monday, February 13, 2017 6:18 AM
To: Thomason, Buffy; Barnett, Robert W LRH (Wes.Barnett@usace.army.mil); Blohm, Shawn U LRB (Shawn.U.Blohm@usace.army.mil); Shaffer, Joshua D CIV USARMY CELRP (US); Todd Surrena
Cc: Kevin Bowman; William S. Scherman (WScherman@gibsondunn.com)
Subject: RE: Tree Felling in Upland Areas

Buffy Thomason has been in contact with WVDEP regarding tree clearing in upland areas associated with the Rover Pipeline Project. The WVDEP 401 Certification Program does not have any authority regarding this activity unless actions result in material being placed in streams and/or wetlands. However, the WVDEP 401 Certification Program has advised Rover that the Individual State 401 Water Quality Certification for the project will contain a special condition requiring photographs be taken of each stream and wetland crossing prior to any impact and photographs are to be taken from the same location annually for monitoring purposes. Other than this, WVDEP 401 Certification Program does not have any issues with the clearing of trees. WVDEP 401 Certification Program; however, cannot speak for other programs within the WVDEP.

Thank you,
Nancy J. Dickson
WVDEP 401 Certification Program

From: Thomason, Buffy [mailto:Buffy.Thomason@energytransfer.com]
Sent: Friday, February 10, 2017 5:24 PM
To: Barnett, Robert W LRH (Wes.Barnett@usace.army.mil); Blohm, Shawn U LRB (Shawn.U.Blohm@usace.army.mil); Shaffer, Joshua D CIV USARMY CELRP (US); Todd Surrena; Dickson, Nancy J
Cc: Kevin Bowman; William S. Scherman (WScherman@gibsondunn.com)
Subject: Tree Felling in Upland Areas

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Thomason, Buffy

From: todd.surrena@epa.ohio.gov
Sent: Monday, February 13, 2017 7:10 AM
To: Thomason, Buffy; Barnett, Robert W LRH (Wes.Barnett@usace.army.mil); Blohm, Shawn U LRB (Shawn.U.Blohm@usace.army.mil); Shaffer, Joshua D CIV USARMY CELRP (US); Dickson, Nancy J
Cc: Kevin Bowman; William S. Scherman (WScherman@gibsondunn.com)
Subject: RE: Tree Felling in Upland Areas

Buffy Thomason has been in contact with Ohio EPA regarding tree clearing associated with the Rover Pipeline Project. The OEPA 401 Water Quality Certification Program does not have authority regarding this activity unless actions result in fill material being placed in streams and/or wetlands. There will be requirements in the 401 WQC to take pictures of streams and wetlands before clearing for mitigation/monitoring purposes. Rover is advised to consider this requirement before felling any trees in wetland and stream areas.



Todd Surrena
401 Coordinator
Division of Surface Water
Ohio EPA – Northeast District Office
2110 East Aurora Road, Twinsburg, OH 44087
P: 330-963-1255
F: 330-487-0769
E: Todd.Surrena@epa.ohio.gov

From: Thomason, Buffy [mailto:Buffy.Thomason@energytransfer.com]
Sent: Friday, February 10, 2017 5:24 PM
To: Barnett, Robert W LRH (Wes.Barnett@usace.army.mil) <Wes.Barnett@usace.army.mil>; Blohm, Shawn U LRB (Shawn.U.Blohm@usace.army.mil) <Shawn.U.Blohm@usace.army.mil>; Shaffer, Joshua D CIV USARMY CELRP (US) <Joshua.D.Shaffer@usace.army.mil>; Surrena, Todd <todd.surrena@epa.ohio.gov>; Dickson, Nancy J <Nancy.J.Dickson@wv.gov>
Cc: Kevin Bowman <Kevin.Bowman@ferc.gov>; William S. Scherman (WScherman@gibsondunn.com) <WScherman@gibsondunn.com>
Subject: Tree Felling in Upland Areas

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areas. Therefore, can you please provide a quick email concurrence that your agency does not have jurisdiction over or regulate this activity within upland areas?

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Thank you,

Buffy Thomason

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Thomason, Buffy

From: Blohm, Shawn U CIV USARMY CELRB (US) <Shawn.U.Blohm@usace.army.mil>
Sent: Monday, February 13, 2017 9:49 AM
To: Thomason, Buffy; Barnett, Robert W CIV USARMY CELRH (US)
Cc: Shaffer, Joshua D CIV USARMY CELRP (US); todd.surrena@epa.ohio.gov; Kevin Bowman
Subject: RE: Please

Buffy,

Under Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers has regulatory authority over construction, excavation, or deposition of materials in, over, or under navigable waters of the United States. Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers regulates the discharge of dredged or fill material into waters of the United States, including freshwater wetlands. Certain types of activities, such as landclearing using mechanized equipment and/or sidecasting, in a jurisdictional water would likely be regulated under Section 404 of the Clean Water Act. The Corps does not regulate activities that occur outside waters of the United States (i.e. uplands). A Preliminary Jurisdictional Determination identifying the waters of the U.S. within ET Rover's project corridor was completed on April 25, 2016 and on the Preliminary Jurisdictional Determination Revision submitted by ET Rover on September 12, 2016 .

Please contact me if you have questions,

Shawn

Shawn U. Blohm
U.S. Army Corps of Engineers
Buffalo District - Regulatory Branch
Ohio Application Evaluation Section
Stow Field Office
1100 Graham Road Circle
Stow, OH 44224
Phone: 330-923-8214
Fax: 330-923-8146
Direct: 716-879-4436
shawn.u.blohm@usace.army.mil

-----Original Message-----

From: Thomason, Buffy [mailto:Buffy.Thomason@energytransfer.com]
Sent: Monday, February 13, 2017 10:19 AM

To: Blohm, Shawn U CIV USARMY CELRB (US) <Shawn.U.Blohm@usace.army.mil>; Barnett, Robert W CIV USARMY CELRH (US) <Wes.Barnett@usace.army.mil>
Subject: [EXTERNAL] RE: Please

Any word yet, Gentlemen? It seems to be all we lack. Sorry again to push.

Thank you,
Buffy Thomason
Energy Transfer Company
O: 713-989-2844, C: 979-571-3113

-----Original Message-----

From: Blohm, Shawn U CIV USARMY CELRB (US) [mailto:Shawn.U.Blohm@usace.army.mil]
Sent: Monday, February 13, 2017 7:37 AM
To: Thomason, Buffy <Buffy.Thomason@energytransfer.com>; Barnett, Robert W CIV USARMY CELRH (US) <Wes.Barnett@usace.army.mil>
Subject: RE: Please

Buffy,

I need to run this by my Chief. A response is forthcoming shortly.

Shawn

Shawn U. Blohm
U.S. Army Corps of Engineers
Buffalo District - Regulatory Branch
Ohio Application Evaluation Section
Stow Field Office
1100 Graham Road Circle
Stow, OH 44224
Phone: 330-923-8214
Fax: 330-923-8146
Direct: 716-879-4436
shawn.u.blohm@usace.army.mil

-----Original Message-----

From: Thomason, Buffy [mailto:Buffy.Thomason@energytransfer.com]
Sent: Monday, February 13, 2017 8:21 AM
To: Barnett, Robert W CIV USARMY CELRH (US) <Wes.Barnett@usace.army.mil>; Blohm, Shawn U CIV USARMY CELRB (US) <Shawn.U.Blohm@usace.army.mil>

Subject: [EXTERNAL] Please

I am so sorry to push, but will you please respond to my other email as soon as possible this morning? FERC is maintaining that they will not give us permission to start felling trees in uplands without your responses, and I have guys pouring in from all over today to get started.

Please let me know if you have any questions.

Thank you!

Buffy Thomason

979-571-3113

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Thomason, Buffy

From: Barnett, Robert W CIV USARMY CELRH (US) <Wes.Barnett@usace.army.mil>
Sent: Monday, February 13, 2017 10:20 AM
To: Thomason, Buffy; Blohm, Shawn U CIV USARMY CELRB (US); Shaffer, Joshua D CIV USARMY CELRP (US); Todd Surrena; Dickson, Nancy J
Cc: Kevin Bowman; William S. Scherman (WScherman@gibsondunn.com); ROBINETTE, Lee A CIV USARMY CELRH (US)
Subject: RE: Tree Felling in Upland Areas (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Ms. Thomason,

Rover is requesting clarification and concurrence from the Corps regarding activities described in the e-mail below....

The United States Army Corps of Engineers' (Corps) authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Under Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act, the Corps has regulatory authority over construction, excavation, or deposition of materials in, over, or under navigable waters of the United States. Under Section 404 of the Clean Water Act, the Corps regulates the discharge of dredged or fill material into waters of the United States, including freshwater wetlands. Certain types of activities, such as landclearing using mechanized equipment and/or sidelaying, in a jurisdictional water would likely be regulated under Section 404 of the Clean Water Act. The Corps does not regulate activities that occur outside waters of the United States (i.e. uplands). A Preliminary Jurisdictional Determination identifying waters of the U.S. for the portions of the project occurring within the Huntington District Regulatory Boundary was completed April 20, 2016 and subsequently revised on October 16, 2016

Rover has indicated the activities would occur solely within upland areas not associated with a Corps permit area characterized by the discharge of dredged and/or fill material. Based on the limitations of the Corps' jurisdictional authorities, the Corps would not regulate the described activities.

If you have any further questions please contact me.

Wes Barnett

Regulatory - Huntington District

US Army Corps of Engineers

Phone: 304-399-6905

Wes.Barnett@usace.army.mil

http://secure-web.cisco.com/1mrAc2NILmKUbIHflr-tSg9IxYIHlrPPtrwe411Q77xfSExfQ2cVORL9mKfIYkV9cj4xXHlyt4uUWNiaSpJuIOEEX_pFDRittwpI2trncjyuxOmn-t6S0tkO63VRSI_10zmd4Irk-mhOEaMvS3g4Ie6xde14CoHO9UKRCHTbr-QT6mOJhocPTE7TWu923hEGWzMcO-8AfdlOzTlNdUq_u5GQ29WHxAGmP8itaNTE3FfmorhagdEjX9R4Hh2rPL1_H2uPzW8tTN7dwDKiZ5jGZjNB6

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-----Original Message-----

From: Thomason, Buffy [mailto:Buffy.Thomason@energytransfer.com]

Sent: Friday, February 10, 2017 5:24 PM

To: Barnett, Robert W CIV USARMY CELRH (US) <Wes.Barnett@usace.army.mil>; Blohm, Shawn U CIV USARMY CELRB (US) <Shawn.U.Blohm@usace.army.mil>; Shaffer, Joshua D CIV USARMY CELRP (US) <Joshua.D.Shaffer@usace.army.mil>; Todd Surrena <todd.surrena@epa.ohio.gov>; Dickson, Nancy J <Nancy.J.Dickson@wv.gov>

Cc: Kevin Bowman <Kevin.Bowman@ferc.gov>; William S. Scherman (WScherman@gibsondunn.com) <WScherman@gibsondunn.com>

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