



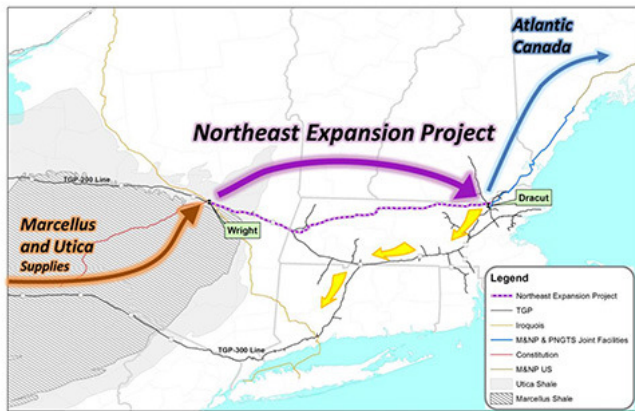
Ashby TGP
Pipeline Meeting

Jay Duffy
jduffy74@gmail.com



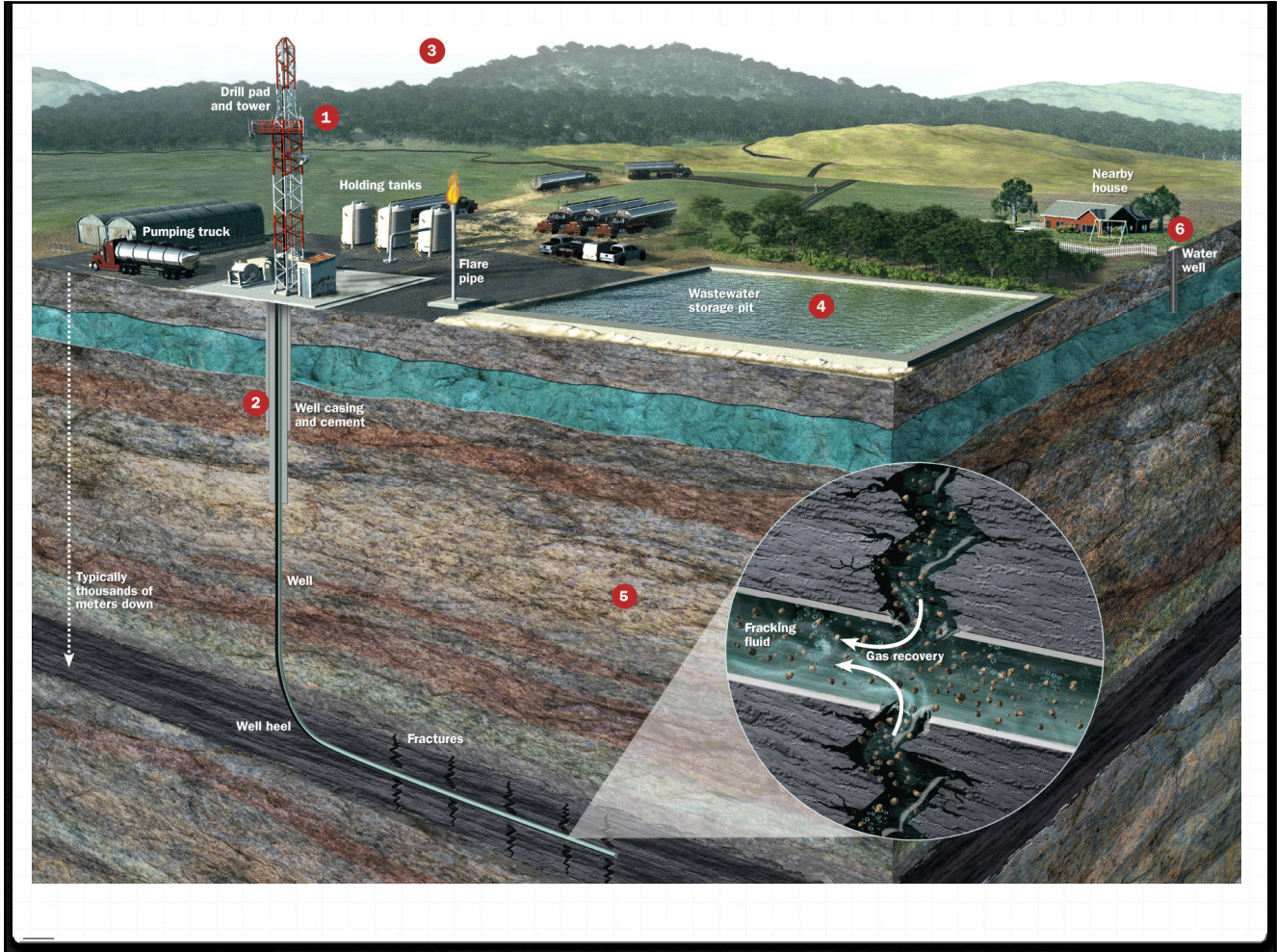
DISCLAIMER

- I am a licensed attorney in New York and Pennsylvania, NOT Massachusetts.
- I work for an environmental non-profit, but I am here in my private capacity.
- I will give you information to the best of my ability and I will answer your questions but my legal background is helpful I am not here to give you legal advice. You should consult an attorney with whom you establish an attorney-client relationship before making any decisions about the pipeline and your property.



As currently configured, the Project facilities would consist of (1) approximately 179 miles of pipeline from Wright, New York, to Dracut, Massachusetts, 50 miles of which would be constructed along the same right of way as Tennessee's existing 200 Line system in New York and Massachusetts; and (2) sufficient horsepower of new compression to efficiently transport the volume for which the Project is ultimately subscribed. Based on shipper interest, the Project may also be configured to add, or interconnect with, pipeline facilities from Tennessee's 300 Line in Bradford and Susquehanna Counties in Pennsylvania to Wright, New York, to provide more direct access to the Marcellus and Utica shale production areas.

The project is proposed to begin construction in November 2016 and have in-service date as early as November 1, 2018.



Production & Processing

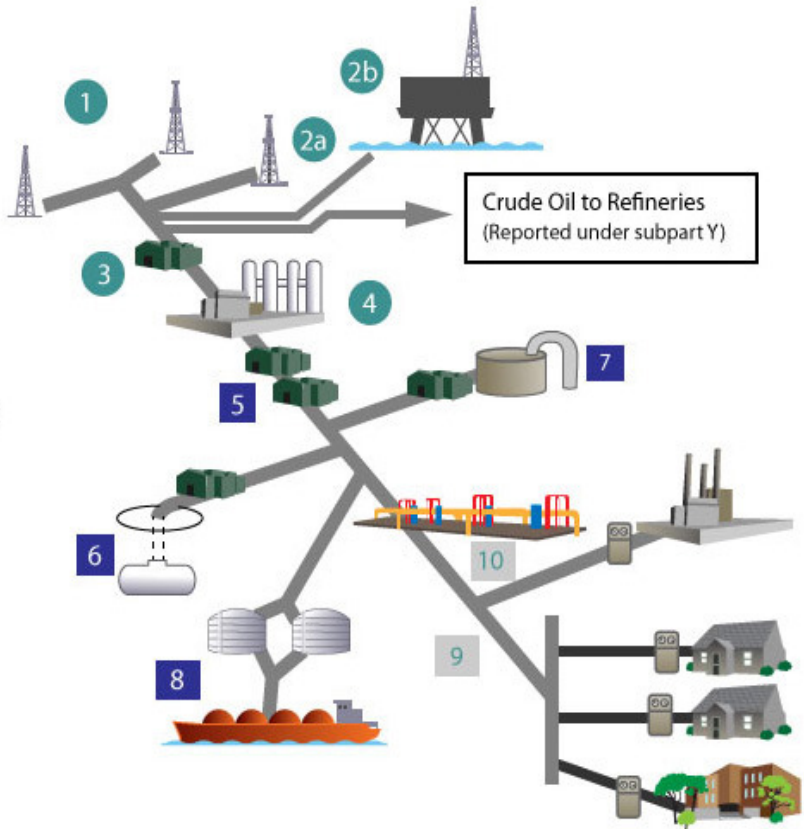
- 1. Drilling and Well Completion
- 2. Producing Wells
 - a. Onshore Wells
 - b. Offshore Wells
- 3. Gathering and Boosting (not covered by Subpart W)
- 4. Gas Processing Plant

Natural Gas Transmission & Storage

- 5. Transmission Compressor Stations
- 6. Underground Storage
- 7. LNG Storage
- 8. LNG Import-Export Equipment

Distribution

- 9. Distribution Mains/Services
- 10. Regulators and Meters





IMPACTS

- Water Resources
- Air Quality
- Climate Change
- Environment Segmentation
- Naturally Occurring Radioactive Material
- Socioeconomic Impacts
- Visual Impacts
- Transportation Impacts
- Noise
- Community Character Impacts
- Seismicity

We Need Electricity: But Not From Fracked Gas

- o **Brayton Point closing in 2017. Vermont Yankee Nuclear is closing. Salem Harbor Power Plant will close this summer and repower with natural gas, reopening in 2016.**
- o **We will hear arguments that this gas is necessary to keep the lights on: Not True**
- o **<http://thesolutionsproject.org/infographic/#ma>**

Photo by Frank C. Grace www.trigphotography.com

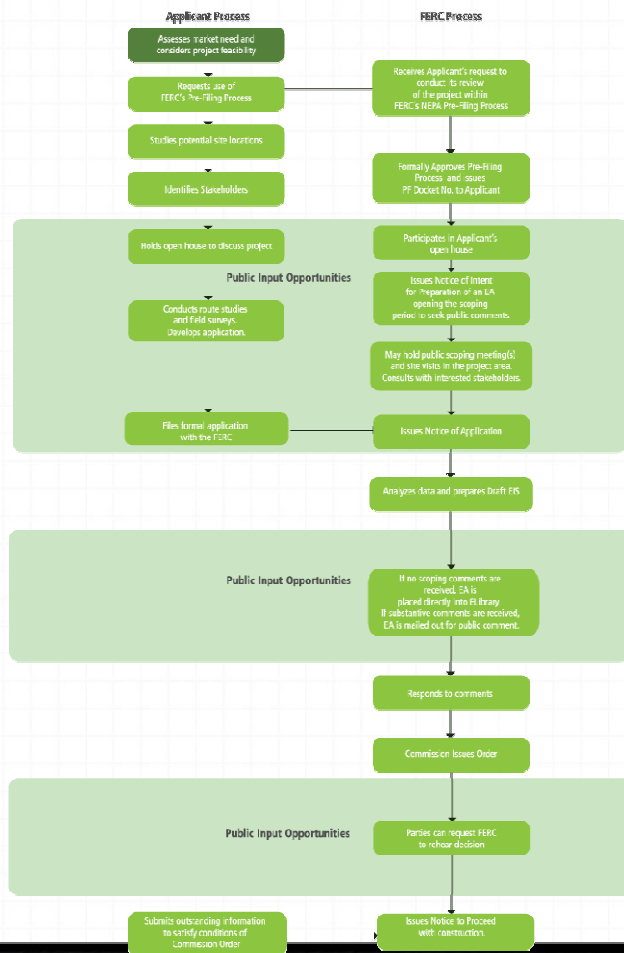
The FERC Process

- o Under Sec. 7 of the Natural Gas Act, FER has the power to issue a certificate of public necessity and convenience for the construction and operation of natural gas companies pipelines to use to transport gas in interstate commerce.
- o FERC must find that the project is in the public interest and, that overall, the benefits of the project outweigh the adverse impacts.
 - o NEPA
 - o DOT
 - o State permits

PROCESSES FOR NATURAL GAS CERTIFICATES
Applicant's Planning Process



EA Pre-Filing Environmental Review Process



Permit/Approval	Agency	Preempted?
Section 106, National Historic Preservation Act (federal)	State Historic Preservation Offices (SHPOs) – must consult with FERC on impacts to historic structures.	No (though FERC may defer consultation until after issuance of permit but before construction can commence).
Section 7, Endangered Species Act (federal)	US Fish and Wildlife Service	No (though FERC may defer consultation until after issuance of permit but before construction can commence).
Essential Fish Habitat Clearance (federal)	National Marine Fisheries Service	No.
Water Quality Certificate, Section 401 Clean Water Act	State environmental or water quality agency	No, but if state fails to act in a year permit is deemed waived.
Section 404 Permit (dredge/ fill) (federal)	U.S. Army Corps of Engineers	No.
Coastal Zone Management Act consistency determination (federal)	State office (likely a division of an environmental protection branch.	No, but adverse finding can be overturned by Secretary of Commerce.
Clean Air Act (emissions compliance – federal)	State environmental agency	No but may be deferred post-certificate
Pipeline Safety Act (federal)	Dept. of Transportation	No.
State endangered species statutes (state)	State environmental or game agencies	Preemption not likely since only consultation is required. Proposed mitigation subject to preemption (again, not likely)
Certificate of Necessity and Convenience (state)	State public utility commission	Preempted as duplicative
NPDES Discharge Permit (state)	State water quality	Issued under Section 402 of water quality act, not likely to be preempted (but may be deadlines for action to avoid waiver)
Soil erosion control plans (local)	Local agencies	FERC may require submission of plan but may preempt certain recommendations in the plan
Zoning laws (local)	State zoning board	Preempted as duplicative or obstructive

	Role	Intervention Required?	Waivable by FERC?	Preempted?
State agency carrying out federal program	Has authority under federal law to implement federal program (e.g., Clean Water Act Section 401, CZMA consistency)	Yes, to challenge FERC Order, no to act on permits.	No, unless state fails to act on permits within deadlines required by federal statute.	No.
State agency carrying out state program	Authority under state law to ensure compliance with state programs for environmental protection or safety.	Yes to challenge FERC order, no to act on permits	No, unless state law provides for waiver.	No if obtaining state permit is condition of FERC certificate; yes, if permit duplicates or conflicts w/ FERC process and requirements.
County or municipality	Empowered by state law or constitution to carry out county or municipal provisions to protect environment or safety.	Yes to challenge FERC order, no to act on permits	No, unless state or local law provides for waiver.	No if complying with local requirements are condition of FERC certificate; yes, if permit duplicates or conflicts with FERC process and requirements.
Non-governmental organization (NGO)	Protects special interests (environment, business, etc...) that are subject of its charter	Yes. But note – some NGOs may not have standing to seek judicial review because of indirect nature of interest.	Intervention and ability to file comments waived if untimely.	N/A
Landowner w/lands directly affected	Protecting property.	Yes to preserve ability to seek rehearing and judicial review.	Intervention and ability to file comments waived if untimely.	State eminent domain preempted.

Easement: Things to Consider

- ◊ How many pipelines?
- ◊ Where will the pipelines be?
- ◊ What else will the company want on your land besides the pipeline?
- ◊ What runs through the pipeline?
- ◊ Temporary impositions
- ◊ Roads
- ◊ Reclamation
- ◊ Maintenance
- ◊ Access
- ◊ Surface restrictions and uses
- ◊ Title warranty
- ◊ Liability
- ◊ Abandonment/how long does the easement last?
- ◊ Removal
- ◊ How much should I get paid?
- ◊ Taxes

**Questions?
Comments?
Next Steps...**

Get TGP Out Of

INC.



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ASHBY