

**Comments on the Draft EIS and Responses**

**COMPANIES AND ORGANIZATIONS**

# Companies/Organizations

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Magalie Salas  
US Federal Energy Regulatory Commission  
Office of the Secretary  
888 1st Street NE, Room 1A  
Washington, DC WA 20426

RE: Docket Nos. CP05-32-000, 001  
Applicant : Northwest Pipeline Corporation

April 21, 2005

Dear Ms. Salas,

I am the owner of a business located at 809 238<sup>th</sup> Ave NE Sammamish, WA 98074, known as "Premier Gentle Care", an Adult Family Home, licensed under the laws and regulations of the WA state, Department of Social and Health Services. The business provides health care for vulnerable adults ("residents"), including persons with Dementia, Mental Illness which need care 24 hours a day, 7 days a week, all year long, (please see attached license).

The Capacity Replacement Project of Northwest Pipeline Corporation, specifically the activities related with pipe/ valve construction at Mile 1383, traffic on 238<sup>th</sup> Ave NE, and temporary work area at 809 238<sup>th</sup> Ave NE would affect my business in many defavorable ways. I would like to stress that this business is the only source of income of my family.

Also, any impact from the construction, affects not only on my livelihood, but also on the safety and livelihood of other 6 (six) residents, and their families.

The following are concerns that I would like to have resolved BEFORE the construction begins:

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# Companies/Organizations

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CO1-1 **1. DIRECT IMPACT FROM CONSTRUCTION – WATER AVAILABILITY**

We, as a business, depend on the water supplied from the shared private well known as Saddleback, situated approx. 500 ft. from the house, at the north boundary of the property. Besides the need for water as a regular house, we have need for water for running the business, water that cannot be provided by a temporary source.

Because the temporary work area proposed by NWP surrounds, and crosses the water lines on a length of approx. 248-ft. (water lines being only 1-2 ft. from surface), we believe that water disruption would be frequent and unavoidable.

The impact is greatly increased when taking in consideration that because the water lines are on a slope of approx. 50 ft. difference, any breakage in water lines due to traffic of heavy equipment, would amplify the backflow of contaminated water (gasoline, hydraulic fluid, etc) into the well, leading to long-term proscription of the well.

It is our belief that, within current temporary work area, because of access of heavy equipment in/out of 238<sup>th</sup> St NE, and traffic over the water lines, the water would not be available in quantity and quality to ensure good running of the business.

**Summary:**

- Any disruption in water supply is of a great impact to business. Because of the heavy traffic over the water lines within the temporary work area, the water would not be available in quantity and quality to ensure good running of the business.

- NWP should find a secure and permanent source of water (as City Water), and prepare to have the connection to the house in place before any construction begins.

- Alternatively, this situation can be avoided by diverting the traffic and work to an area that can accommodate traffic and does not affect the water lines or the well -westside of pipeline easement and has minimal impact of the surroundings (8th St. NE connection directly to the valve position).

CO1-2 **2. SAFETY OF RESIDENTS**

The residents I have in the house, have medical and mental issues, and need supervision on a 24-hour basis. This does not restrain them from enjoying walks and trips within the property and spending time outdoors as they wish, with friends and families, or alone.

In reviewing the documents available from NWP (Draft of Environmental Impact Statement, as well as personal correspondence received from them), I am very concerned that there are no safety measures to protect the landowners, their families, children and especially vulnerable adults that do not comprehend the dangers and risks associated with being in the proximity of heavy and noisy equipment.

CO1-1 Section 4.8.3.1 has been revised to include a discussion of the Saddleback Subdivision, including impacts associated with use of the proposed temporary extra workspaces on well number 752102 and its associated water lines, and alternatives to the proposed access road and temporary extra workspaces.

CO1-2 Section 4.8.3.1 has been revised to include the FERC staff's recommendation that Northwest file a Residential Area Work Plan for the Saddleback Subdivision that includes proposed construction and mitigation measures to minimize impacts on this area (see also mitigation measure number 22 in section 5.4). Section 4.8.3.1 also explains how the public can view the plan once it is filed.

# Companies/Organizations

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CO1-2  
(cont'd)

The personnel required to help and supervise each resident, would have a great impact on the business, and on the day-by-day operation. This is escalated by the fact that this site would be under permanent access for equipment and personnel of NWP for an extended period of time (6 to 9 months, or more)

**Summary:**

- Safety devices would have to be in place before NWP personnel/ equipment would be present on work site, and restrict access in and out from temporary work area.
- NWP would need to provide resources to ensure the safety of the residents within my property.
- Such measures might be minimal if the work area is restricted toward the westside of the pipeline easement, with access from 8th St NE directly to the valve position.

CO1-3

### 3. QUALITY OF LIFE OF RESIDENTS

The residents living at Premier Gentle Care have specific exigencies and medical issues, which reflects in their daily life in needs like: extended periods of rest, during the day and night, no exterior/unknown elements like noise, traffic, personnel.

It is not unusual for residents to rest late during the morning time (past 8-9 am), to have rests in the afternoon, or to go to bed early (6-8pm). The noise caused by machineries, trucks and heavy equipment, would be of a great disturbance to the residents. Most of these people panic easily at any noise, and could be distressed to a catastrophic level that could cause them to suffer heart attack, stroke or nervous break. Disturbance to residents would lead to extra personnel to supervise and provide comfort and alleviate fear of noise and large number of "strangers" (workers) on site.

**Summary:**

- NWP must provide resources to ensure that the quality of life of the residents does not diminish. The residents are most likely to experience aggravated behavioral problems, that will lead to frequent hospitalization, and finally the residents will leave the facility.
- This situation can be avoided by diverting the traffic and work to an area which is not populated, and has minimal impact of the surroundings (8th St NE connection directly to the valve position).

CO1-4

### 4. LOSS OF BUSINESS DUE TO NOISE AND TRAFFIC

Although the care services are of great importance when choosing a facility as ours, many prospective families are looking for a non-institutional, very friendly environment, including amenities related with outdoor activities.

CO1-3

As discussed in section 4.8.3.1, Northwest would comply with all local noise ordinances. The King County Noise Ordinance allows construction between 7:00 AM and 7:00 PM Monday through Friday and from 8:00 AM to 7:00 PM on weekends. In addition, section 4.8.3.1 has been revised to include a discussion of the Saddleback Subdivision and alternatives to the proposed access road and temporary extra workspaces.

CO1-4

Northwest would be required to obtain an easement for the use of the temporary extra workspaces on the property. As discussed in section 4.8.2, the easement agreement between the company and a landowner typically specifies compensation for losses resulting from construction. The acquisition of an easement is a negotiable process that would be carried out between Northwest and the landowner and is beyond the scope of this EIS. Section 4.8.3.1 has been revised to include a discussion of the Saddleback Subdivision and alternatives to the proposed access road and temporary extra workspaces.

CO1-4  
(cont'd)

The business will be greatly impacted, as the families would not even consider placing their heirs in a disruptive setting with heavy equipment traffic and loud noise.

The prospect of receiving a new resident, when his/her family would see the traffic, the noise, the dust and the proximity of the business to such construction, is very slim. As the construction would last for months, I have great concerns that even the current residents/ their families might look for a different place.

**Summary:**

**-NWP would need to provide resources to compensate for loss of business due to disturbance of quiet neighborhood.**

**- As alternative, this situation can be avoided by diverting the traffic and work to an area which is not populated, and has minimal impact of the surroundings (8th St. NE connection directly to the valve position).**

**5. LOSS OF BUSINESS DUE TO BAD PUBLICITY**

Premier Gentle Care strives to offer a unique care, which combined with a "park like setting" offers a very unique environment for the residents. The house is located on an over 5 acre lot, landscaped, with great views and wildlife. Is this setting that attracts families, which are looking for a placement for their loved siblings (mother, father, sister, etc).

When a family is researching a place for their heirs, they are looking for such amenities, as shown above. We are unique in this regard. We are spending great resources to advertise our business in the community, hospitals, doctor offices, phone books, direct marketing, and other means.

We work closely with the families, and train extensively to comply with the laws and regulations. As result we have a proven record of providing excellent care and services to our residents (please see attached letter relating with inspection results).

**Summary:**

**-NWP would need to compensate for loss of business, and offer to re-list, re-advertise the business to the extent that will allow to run the business levels before the construction started.**

I hope that these concerns would be reviewed, analyzed and taken in consideration.

Other alternatives, as proposed by NWP representatives, including transfer of residents to hotel, are not viable. Such settings are not licensed by state and are not adequate with the care and services provided by our business. However we could consider compensation that would allow the operation of the business at the current levels.

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We would like to work closely with NorthWest Pipeline Corporation to find alternatives and solutions, which would be mutually agreed upon.

Sincerely,

Premier Gentle Care  
Julian Mart – Owner

809 238<sup>th</sup> Ave NE  
Sammamish, WA 98074

Tel: (425) 836-1661  
Fax: 425) 836-8991  
e-mail: [y007m@hotmail.com](mailto:y007m@hotmail.com)

encl: Premier Gentle Care – License  
Premier Gentle Care – Inspection Report

# Companies/Organizations

  
**ADULT FAMILY HOME LICENSE**

License Number: **641300**

Pursuant to the laws of the State of Washington and the Minimum Licensing Requirements of the Department of Social and Health Services, a license is hereby granted to

**PREMIER GENTLE CARE LLC**  
**IF Partnership Corporation, represented by JULIAN MART**  
 to conduct and maintain at **809 238TH AVE NE**  
 City of **SAMMAMISH**, Zip Code **98074** County of **KING** State of **Washington**  
 an Adult Family Home for the care and supervision of adults as follows:  
 24 hour care for no more than **6** adults.

This license shall be in force from the 3rd of **July, 2005** subject to suspension or revocation for due cause.  
 This home has a special designation to provide service to persons with: **Dementia Mental Illness**  
 Conditions on License, if any:

\_\_\_\_\_  
*Oliver Kueck*  
 Licensing Authority

NOTE: This department reserves the right to prohibit the department from making any action under WAC 368-76-205, based on inspection. This license is not transferable, and is valid only for use by the corporation, partnership or individual(s) in whose name it is issued and at the location above described.  
 Issued by Authority of Chapter RCW 70.12

# Companies/Organizations

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
AGING AND DISABILITY SERVICES ADMINISTRATION  
1737 Airport Way South, Suite 160 • Seattle, Washington 98134-1636

February 14, 2005

CERTIFIED MAIL  
7003225000700685938

Julien Mart  
Premier Gentle Care  
809 238<sup>th</sup> Ave. NE  
Sammamish, WA 98074

Dear Mr. Mart:

On February 11, 2005 Aging and Disability Services Administration, Residential Care Services staff conducted an unannounced follow-up licensing inspection to determine if your home was in compliance with State licensing requirements.

Team members were:

Gregory J. Smick MPH, Adult Family Home Licensor

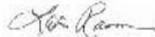
From:

DSSH, Aging and Disability Services Administration  
Residential Care Services, Region 4 Unit B  
1737 Airport Way South  
Seattle, WA 98134  
(206) 341-7798

**There were no deficiencies noted during the inspection.**

If you have any questions concerning the information contained in this letter, please contact me at (phone).

Sincerely,



Lois Rasmussen, Field Manager  
Region 4, Unit B  
Residential Care Services

cc: Region File

# Companies/Organizations

Magalie R. Salas, Secretary  
US Federal Energy Regulatory Commission  
888 First Street, NE, Room 1A  
Washington, DC WA 20426

April 17, 2005

RE: Docket Nos. CP05-32-000, -001  
Applicant: Northwest Pipeline Corporation

Dear Secretary Salas,

This comment on filing is in regard to the Northwest Pipeline Corporation (NWP) "Capacity Replacement Project" folder for the Saddleback subdivision located in Sammamish WA. The folder, provided by Northwest Pipeline to two residents with pipeline easements, describes a proposed temporary work area (approx. 0.75 acres) and use of our privately owned road for access to the work area and valve station (see cross-hatched area in Figure 1) from the east.

The proposed temporary work area would be located on Mr. Tim Gray's property (867 238<sup>th</sup> Ave NE) and Mr. Julian Mart's property (809 238<sup>th</sup> Ave NE). Our subdivision of 10 families believes that granting access to this proposed work area via our private asphalt road would result in damage to the road due to the many tons of construction equipment and supplies that would move along our road to the work area. Our road was designed for light vehicle use and not to be utilized as planned by NWP. It is unimproved (no sidewalks) with culverts for water diversion on both sides of the road. If not driving, residents must walk on the road to enter or exit our subdivision. Our road is maintained solely at the expense of the families that live in this neighborhood.

CO2-1 We believe that public road alternatives exist that provides a high degree of access for NWP. These public roads were designed for all types of vehicles including heavy construction equipment. The alternative routes, which provide direct access to the pipeline easement and valve station from the west (figure 4), are as follows:

- NE 8<sup>th</sup> St to 233<sup>rd</sup> Ave NE to NE 10 PL (figures 2, 3, & 6)
- 228<sup>th</sup> Ave NE to NE 14<sup>th</sup> St to 236<sup>th</sup> Ave NE (figures 2, 3, & 5)
- NE 8<sup>th</sup> St to 235<sup>th</sup> Ave NE to gravel access road (figure 2, 7, & 8)

It's very difficult for us to understand the rationale behind NWP's plan to clear cut 80 plus trees on Mr. Gray's property when there is an abundance of open space immediately to the west of the valve station (figure 2). In addition, there is at least 1/2 mile of cleared pipeline easement just south of NE 8<sup>th</sup> St. No cutting of trees is necessary and their would be plenty of storage and parking area.

The bottom line is that Northwest Pipeline has the choice to access the valve station from either the west or from the east. From our perspective, a fair assessment summary of the negative environmental impact of both choices is as follows:

# Companies/Organizations

CO2-1 Section 4.8.3.1 has been revised to include a discussion of the Saddleback Subdivision and alternatives to the proposed access road and temporary extra workspaces.

6-253

CO2-1  
(cont'd)

West:

- Heavy construction traffic through neighborhoods with improved public roads and all the dust, noise, fumes, etc. that go with it.
- Re-graveling if the gravel road from the west is chosen.

East:

- Heavy construction traffic through our neighborhood with un-improved private road and all the dust, noise, fumes, etc. that go with it.
- Re-building and re-surfacing of our asphalt road for the expected damage.
- Clear cutting 87 trees (many 70 to 80 years old).
- Pipeline vehicles, equipment, supplies being located in the immediate vicinity of a water well supplying water to 4 of the 10 families in our neighborhood. Access to the valve station requires driving over shallow water pipes from the water well that goes north, south, and northeast.

We believe that it is the job of FERC to require Northwest Pipeline Company to make decisions that have the minimum negative environmental and socioeconomic impact on our neighborhood. Isn't that the purpose of the Environmental Impact Statement? At this time, company representatives refuse to consider obvious alternatives. Why?

We, as indicated by our signatures, want to go on public record opposing the use of our privately owned road to access this proposed work area. We believe there are other viable access alternatives using public roads that were designed to carry heavier vehicles. We will not grant Northwest Pipeline Corporation right of way over our private road for access to the proposed work area until other alternative routes are researched and valid reasons for not using them are provided. The research results should be shared with all residents in the neighborhood.

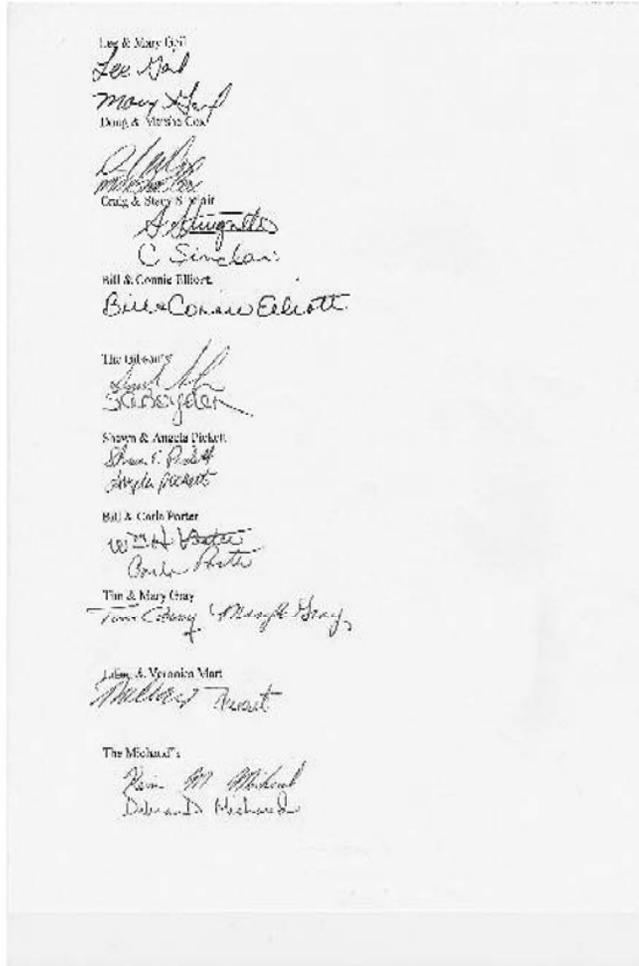
Sincerely,

Residents of the 800 block of 238<sup>th</sup> Ave NE:

# Companies/Organizations

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# Companies/Organizations



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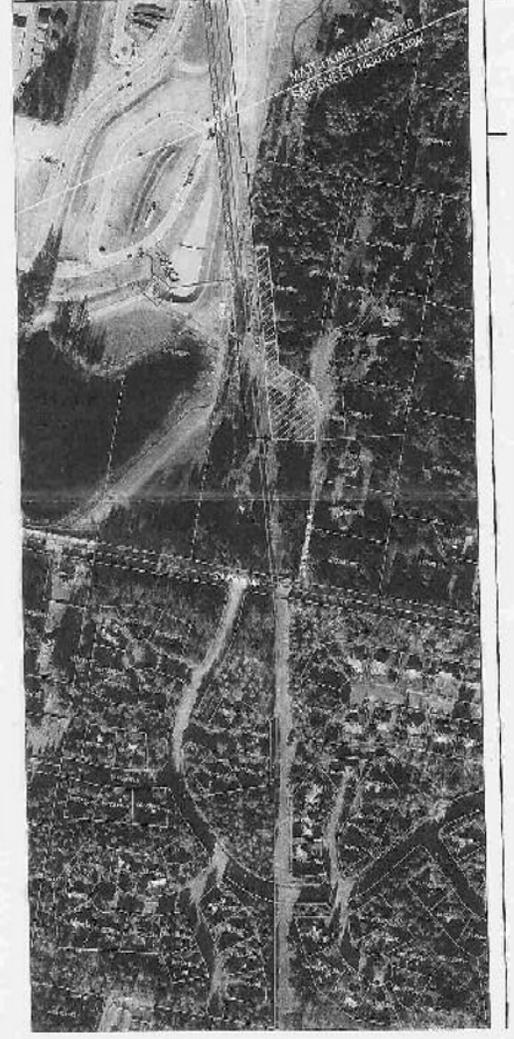


Figure 1.

# Companies/Organizations

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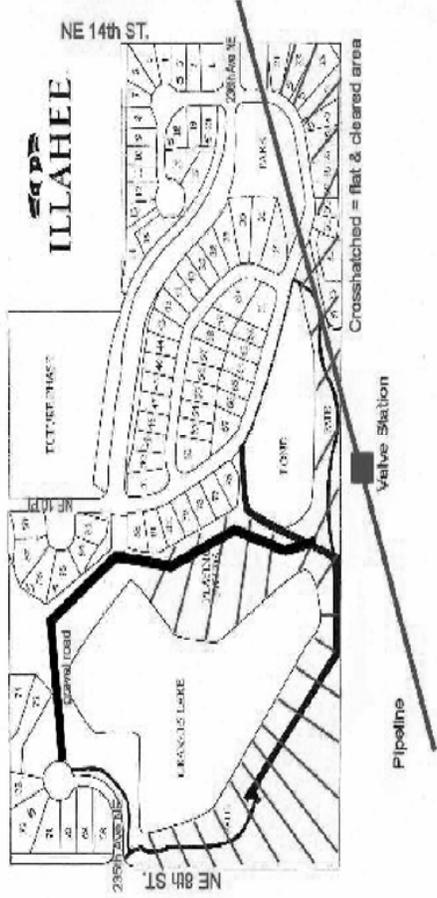


Figure 2.

# Companies/Organizations

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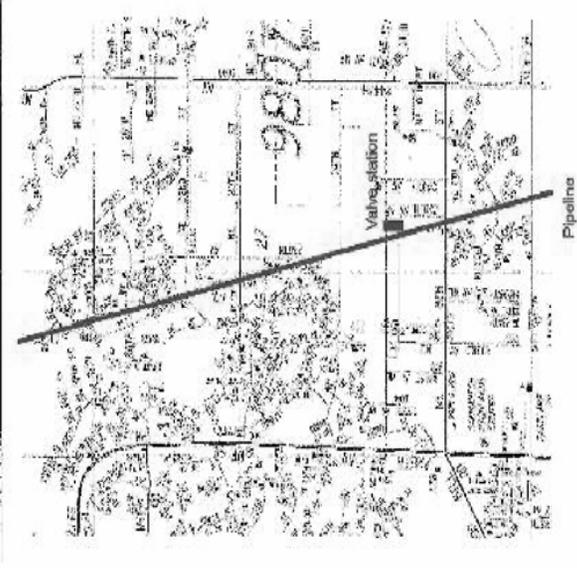


Figure 3.

# Companies/Organizations



Figure 4. Looking from the west access point on 236 Ave NE, this is a picture of the pipeline easement with direct access to the valve station. Note that the valve station is located behind the yellow bushes in the background. Note the open area this side of the bushes.

## Companies/Organizations



Figure 5. Looking north along 236 Ave NE from the west pipeline easement entrance. Note the sidewalks available.

## Companies/Organizations



Figure 6. Looking south along 236 Ave NE from the west pipeline easement entrance. Note that 236 Ave NE becomes NE 10 PL.

## Companies/Organizations



Figure 7. Entrance to gravel road from 235<sup>th</sup> Ave NE.

## Companies/Organizations



Figure 8. This is the end of the gravel road (whose entrance is from 235<sup>th</sup> Ave NE) looking east toward the valve station. Note the abundance of open work area. Note the large trees to the east of the valve station. NWP is proposing to cut up to 87 of these trees for a work area that already exists on the west side. How can this be protecting the environment?

# Companies/Organizations

Magalie R. Salas, Secretary  
US Federal Energy Regulatory Commission  
888 First Street, NE, Room 1A  
Washington, DC WA 20426

April 23, 2005

RE: Docket Nos. CP05-32-000, -001  
Applicant: Northwest Pipeline Corporation

MOTION TO INTERVENE BY SADDLEBACK SUBDIVISION RESIDENTS

Dear Secretary Salas,

CO3-1 Pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214), Lee Geil moves to intervene on behalf of the Saddleback subdivision residents, from Sammamish WA, in the Williams Northwest Pipeline Corporation (NWP), Capacity Replacement Project proceeding, draft Environmental Impact Statement (FERC/EIS - 0178D) The residents affected by plans to use our private road wish to intervene. They are:

1. Lee and Mary Geil  
810 238<sup>th</sup> Ave NE  
Sammamish, WA 98074
2. Julian and Veronica Mart  
809 238<sup>th</sup> Ave NE  
Sammamish, WA 98074
3. Doug and Marsha Cox  
822 238<sup>th</sup> Ave NE  
Sammamish, WA 98074
4. Craig Sinclair and Stacy Strugnell  
838 238<sup>th</sup> Ave NE  
Sammamish, WA 98074
5. Bill and Connie Elliott  
854 238<sup>th</sup> Ave NE  
Sammamish, WA 98074
6. Gerald Gibson and Susan Boyden  
866 238<sup>th</sup> Ave NE  
Sammamish, WA 98074

CO3-1 Comment noted.

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CO3-1  
(cont'd)

- 7. Tim and Mary Gray  
867 238<sup>th</sup> Ave NE  
Sammamish WA, 98074
- 8. Shawn and Angela Pickett  
869 238<sup>th</sup> Ave NE  
Sammamish WA 98074
- 9. Kevin and Deb Michaud  
868 238<sup>th</sup> Ave NE  
Sammamish, WA 98074
- 10. Bill and Carla Porter  
870 238<sup>th</sup> Ave NE  
Sammamish, WA 98074

Justification of request for intervener or "out of time" intervener status, whichever applies

Until March 15<sup>th</sup> 2005 two residents of our subdivision (Julian Mart and Tim Gray) with pipeline easements were told that the pipeline construction was to have minimal impact on their property and neighborhood. On March 15<sup>th</sup> 2005, representatives from Northwest Pipeline presented Mr. Mart and Mr. Gray "Capacity Replacement Project" folders detailing substantial impact to their property and use of our private road to access a proposed temporary work, storage, and parking area straddling their property. The Snohomish loop ends on Mr. Gray's property at the current valve station.

On April 5<sup>th</sup> 2005, Mr. Mart distributed copies of the "Notice of Availability of the Draft Environmental Impact Statement (EIS) for the Proposed Capacity Replacement Project", dated March 1, 2005 to the other 8 families in our community. At no time has Northwest Pipeline representatives personally contacted the other 8 families in our community regarding their plans for the area including the use of our private road owned equally by every family in our community. Since then residents have been writing and posting their concerns on the FERC website. Many of us have forwarded our comments to representatives from Northwest Pipeline. At this writing we have seen no attempts to address our concerns from Northwest Pipeline representatives. These comments include concerns over impacts to property, impacts to a community water well directly in the middle of the proposed work area, impacts to our private road, and questions as to why Northwest Pipeline will not consider avoiding environmental impacts identified in our letters by accessing the valve station from the west side of the pipeline.

Because of the late notice, the absence of detailed mitigation plans for our private road, the lack of concern or response from Northwest Pipeline representatives, and errors, omissions, and inconsistencies in the draft EIS in regard to our subdivision, we respectfully request "out of time" intervener status.

6-265

Draft EIS errors, omissions, and inconsistencies

As stated earlier, the Southern end of the Snohomish loop is located on Mr. Gray's property. According to the draft EIS, Northwest Pipeline is planning a mainline valve and pig receiver station here. This implies major construction, major heavy traffic during the construction period, and heavy trucks accessing this area in the future to retrieve "pig" devices. The following are draft EIS sections in error, inconsistencies with portions of the "Capacity project folder" that has been shared with us, and omissions:

Draft EIS Capacity Replacement Project Document- March 2005  
Docket Nos. CP05-32-000, -001  
FERC/EIS - 0178D

- CO3-2 | 1. Table D-2, page D-30, Access Roads Associated with the Capacity Replacement Project, Milepost 1382  
  
Although NWP is proposing major environmental impact to our community, our private road, 238<sup>th</sup> Ave NE, is not listed. Our road is paved with no sidewalks.
- CO3-3 | 2. Table D-2, page D-30, Access Roads Associated with the Capacity Replacement Project, Milepost 1382  
  
The section of table D-2 from milepost 1382 going northwest until milepost 1382.31 needs to be redone to reflect new and existing public access roads with sidewalks which would provide all Ingress/Egress. There is also a new gravel access road directly to the valve station that should be listed. They are:
  - Milepost 1382, NE 8<sup>th</sup> ST, Paved-improved (in some areas), Ingress/Egress All-WTC
  - Milepost 1382, 235<sup>th</sup> Ave NE, Paved-improved, Ingress/Egress All-WTC
  - Milepost 1382, 233<sup>rd</sup> Ave NE, Paved-improved, Ingress/Egress All-WTC
  - Milepost 1382.01, accessed from 235<sup>th</sup> Ave NE, Gravel, Ingress/Egress All
  - Milepost 1382.05, NE 10<sup>th</sup> PL, Paved-improved, Ingress/Egress All
  - Milepost 1382.10, 236<sup>th</sup> Ave NE, Paved-improved, Ingress/Egress All
  - Milepost 1382.18, NE 14<sup>th</sup> ST., Paved-improved, Ingress/Egress All-WTC
- CO3-4 | 3. Table R-1, page R-5, Roads crossed by the Loops Associated with the Capacity Replacement Project
  - Milepost 1382.21, 236<sup>th</sup> Ave NE, Paved-improved
  - Milepost 1382.23, NE 14<sup>th</sup> ST., Paved-improved
- CO3-5 | 4. Pages ES-15, 2-36, 4-166, 4-167, 4-168, 4-169, and 4-183

# Companies/Organizations

- CO3-2 | Table D-2 in Appendix D has been revised to include 238<sup>th</sup> Avenue.
- CO3-3 | Table D-2 in Appendix D has been revised to include additional information on access roads associated with the Capacity Replacement Project.
- CO3-4 | Table R-1 in Appendix R has been revised to clarify that the development roads crossed at MPs 1382.18 and 1382.10 are actually two crossings of 14<sup>th</sup> Street; however, 236<sup>th</sup> Avenue was not added to the table because the centerline of the proposed loop would not cross this road. This road would be used for access to the construction right-of-way. See also the response to comment CO3-3.
- CO3-5 | Section 4.8.3.1 has been revised to include a discussion of the Saddleback Subdivision, including the FERC staff's recommendation that Northwest file a Residential Area Work Plan for the Saddleback Subdivision that includes proposed construction and mitigation measures to minimize impacts on this area (see also mitigation measure number 22 in section 5.4). Section 4.8.3.1 also explains how the public can view the plan once it is filed.

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# Companies/Organizations

CO3-5  
(cont'd)

These pages mention site-specific residential construction mitigation plans. NWP informed Mr. Mart and Mr. Gray 6 weeks before final comment on the draft EIS closes (April 25<sup>th</sup> 2005) that NWP was planning a mainline valve and pig receiving station on Mr. Grays property, that they propose to use approximately 0.75 acres for a temporary work area clear cutting 87 trees in the process, and using our private road to move heavy construction equipment and personnel to the work site. The remaining 8 residents were informed by Mr. Mart of the above details 3 weeks before final comments on the draft EIS closes because NWP representatives refused to do so. At this writing NWP representatives have not approached this community with a mitigation plan. If other viable alternatives with less environmental impact are ignored and their plan is forced upon us then there should be detailed plans in place before final approval of the EIS is made.

5. Pages 2-15, 4-91, 4-99, 4-161

CO3-6

Section 2.2.2 on page 2-15 mentions four pig receivers to be constructed for the Capacity Replacement Project. The statement is made, ..."two of the pig receivers would be collocated with other aboveground facilities within Northwest's existing right-of-way and would not require any additional land outside the right-of-way during construction and operation.". Since the pig receiver at MP 1382 on Mr. Gray's property is not called out as an exception in this paragraph, the above excerpt must apply. The above statement is inconsistent with the plans communicated to us by NWP.

Section 4.5.1 on page 4-91 states, ..."The majority of the pig launchers/receivers and MLVs associated with the proposed loops would be collocated with other existing aboveground facilities. These facilities would require only a minor expansion in the footprint of the existing facility and would primarily affect the grassland/herbaceous cover type." Again this is inconsistent with the plan presented by NWP.

Table 4.8.1-3 on page 4-160 and note 'g' on page 4-161 mentions the pig receiver at milepost 1382 on Mr. Gray's property. Note 'g' says, "This facility would be collocated with an existing aboveground facility within the pipeline right-of-way so no additional land would be affected during construction and operation (the acreage of disturbance is included in the acreage calculations for the pipeline right-of-way); however, the facility would require an expansion of the existing facility and the permanent conversion of 0.3 acres of developed land consisting of the grassland/herbaceous vegetation cover type within the pipeline right-of-way to an industrial use (i.e. graveled and fenced)." This is again inconsistent with plans brought forth from NWP representatives, which include much more affected land and clear-cutting of 87 trees, some 70 to 80 years old.

Conclusion

CO3-6

The proposed pig receiver and MLV at MP 1382.0 would be collocated with an existing aboveground facility within Northwest's existing right-of-way. Construction of the facility would require temporary extra workspace outside Northwest's existing right-of-way; however, the acreage of disturbance associated with the construction of the facility is included in the acreage calculations for temporary extra workspace associated with the pipeline facilities. Sections 2.2.2, 4.5.1, and 4.8.1 have been revised to clarify that while temporary extra workspace would be required outside the existing pipeline right-of-way in order to construct the proposed facility, the acreage of disturbance is included in the calculations for the pipeline facilities as a whole. Although the proposed pig receiver and MLV would be collocated with an existing aboveground facility within Northwest's existing right-of-way, it would require an expansion of the existing footprint of the facility. Northwest originally stated that the expanded footprint would affect about 0.3 acre within its permanent right-of-way; however, Northwest has reduced the proposed expansion of the facility footprint to 0.1 acre (35 feet by 120 feet or 4,200 square feet).

6-267

For the unresolved issues above, the Commission should grant this motion to intervene. In addition, we request the commission to require Northwest Pipeline representatives to immediately take proactive measures to address our environmental and socioeconomic impacts.

## Companies/Organizations

April 24, 2005

Magalie R. Salas, Secretary  
US Federal Energy Regulatory Commission  
888 First Street, NE, Room 1A  
Washington, DC WA 20426

RE: Docket Nos. CP05-32-000, -001  
Applicant: Northwest Pipeline Corporation

Dear Secretary Salas:

This letter is in regard to the Northwest Pipeline Corporation "Capacity Replacement Project" folder for the Saddleback subdivision located in Sammamish WA. This folder, provided by Northwest Pipeline describes a proposed temporary work area (approx. 1.25 acres) to stage construction work and to provide access to the valve station. The proposed temporary work area identified would be located on Mr. Tim Gray's property (867 238<sup>th</sup> Ave NE) and Mr. Julian Mart property (809 238<sup>th</sup> Ave NE).

This area contains a single, private Group B community well (Saddleback Well #752102) that is the source of water for four families in this subdivision. Additionally this well provides the source of water for the maintenance of the common areas of the community. The location of this well inside the proposed work area is identified in Figure 1. Our subdivision of 10 families is concerned with the impact of this proposal on our well and subsequent water supply and would like to provide the following comments and concerns for consideration and submission into the public record.

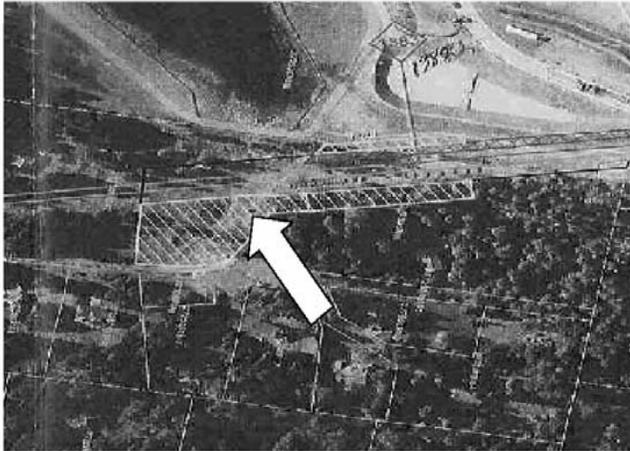


Figure 1 - Location of Well House in Proposed Temporary Work Area.

## Companies/Organizations

CO4-1 1 Inadequate Notice:

First of all, we would like to offer up a concern with regard to notification regarding this proposed temporary work area. The "Notice of Availability of the Draft Environmental Impact Statement for the Proposed Capacity Replacement Project" was provided by Northwest Pipeline Corporation only to Mr. Julian Mart and Mr. Tim Gray, both of whom are the property owners that have the current pipeline located on their properties. However, after recognizing that our well is located in the proposed construction area, there was no attempt made to inquire as to the purpose of the well and the impact on other parties. Subsequently our only notification regarding these impacts were provided via the diligence of Mr. Mart and Mr. Gray who contacted the rest of the neighborhood to ensure that we received notice - which of course we had not. This lack of information has provided us little time to research and understand the issues prior to the deadline for public comments to be submitted.

CO4-2 2 Impact to Saddleback Well #752102

A temporary work area consisting of approximately 1.25 acres will be created by the bulldozing of eighty-seven, seventy year old, second growth trees and the grading of a hillside that has an approximate slope of twenty-two percent (fifty feet rise over two hundred thirty feet) for the use as a parking lot, work area and pipe storage facility. At the lowest point in this area is the Saddleback Well.

2.1 Construction Phase

According to information gathered from the Environmental Protection Agency and other sources, protecting soil structure and natural vegetation are among the best ways to protect water quality and quantity. Using techniques that enable water to flow naturally above and below the surface without adding pollutants provide the most benefits for the continued health of a community well. These techniques are described below along with our concerns that they are not being met.

- **Design and construct with minimal impact on site topography and natural drainage ways**  
The grading of a twenty percent slope after all vegetation has been removed is not minimal impact.
- **Design terrain to drain away from wellhead**  
This temporary area is in direct contrast to this rule as the wellhead is located almost directly at the low point of this area and the modified area will drain directly to the wellhead.
- **Maintain a naturally vegetated buffer next to streams, lakes, ponds and wetlands**  
All vegetation will be cleared as a result of this construction.
- **Replace topsoil removed during construction; replant exposed areas as soon as practical**  
The documentation mentions no specifics regarding the restoration of the temporary area.
- **Use silt fencing or biofiltration**  
This consists of permeable bags filled with chips, compost or bales of straw to control erosion during construction. There is no mention of any of these methods in the documentation. A barren, twenty percent slope in the Pacific Northwest will erode over the course of the project because of the amount of rainfall received in the area.
- **Immediately repair all equipment and vehicle leaks**  
Any fuel leaks from the numerous vehicles present in this space will undoubtedly enter the aquifer because of the slope and flow toward the wellhead.
- **Use biodegradable detergents and chemicals; minimize the amount used**  
Again, this is not mentioned in the documentation as a safeguard that will ensure the quality of our drinking water.

# Companies/Organizations

CO4-1 Northwest began meeting with individual landowners directly affected by the proposed permanent and temporary land requirements associated with the Capacity Replacement Project in January 2005. The landowners affected by the use of access roads or otherwise indirectly affected are not typically notified until the negotiations with the directly affected landowner(s) reach a point where access issues have been discussed. Once the uses of the proposed access roads have been determined, Northwest attempts to discuss the effects of its construction activities with other landowners. Even though Northwest did not begin meeting with individual landowners until January 2005, extensive efforts to notify the public and give them opportunities to comment on the project have been ongoing since June 2004 as described in section 1.3.

CO4-2 Section 4.8.3.1 has been revised to include a discussion of the Saddleback Subdivision, including impacts associated with use of the proposed temporary extra workspaces on well number 752102.

6-270

CO4-2  
(cont'd)

- **Minimize driving on mud**  
Due to the fact that the area directly surrounding the well will be utilized as a traffic corridor for the heavy machinery, this will compact the soil and will impact the natural flow of surface water.

2.2 Pipeline Replacement Phase

2.2.1 Worker Traffic

The busing of between fifty to two hundred pipeline workers through the neighborhood and into the temporary work site on a daily basis will continue to inflict damage on the surface area directly surrounding the wellhead for the duration of the project. This damage could, at any time during or after this phase, cause contamination to the well and/or its ability to supply the quantity and quality of water necessary to sustain the four households dependent upon its existence.

2.2.2 Community Waterlines

The small diameter pipelines that transport water from the well to our homes are generally within twelve to eighteen inches of the surface. Because the soil is predominately sand and loose till, the weight of the construction traffic repeatedly traversing these pipelines will result in numerous fractures and the subsequent disruption of water to the corresponding household.

2.2.2 Existing Pipeline Abandonment

The current twenty-six inch pipeline is going to be abandoned. There are several concerns centered on this process:

CO4-3

- **Ground Subsidence**  
The long term structural deterioration of a pipeline abandoned in place may lead to some measure of ground subsidence. This is a primary consideration for larger-diameter pipelines. More particularly, ground subsidence could create the potential for water channeling and subsequent erosion, lead to topsoil loss, impact on land use and land aesthetics, and/or pose a safety hazard. Erosion may cause direct siltation to a watercourse, or cause slope failures and subsequent siltation.

The rate and amount of ground subsidence over time is difficult to predict as it depends on a complex combination of site-specific factors, such as the corrosion mechanics in the vicinity of the pipeline, the thickness and diameter of the pipeline, the quality of the pipeline's coating, burial depth, soil type, the failure mechanics of the pipeline material, and soil failure mechanics.

CO4-4

- **Pipeline Corrosion**  
The rate of corrosion of an abandoned pipeline can vary significantly due to the many factors which must be present for corrosion to take place. Corrosion of buried pipelines occurs through an electrochemical reaction that involves the loss of metal in one location (called the anode) through the transfer of the metal ions to another location on the pipeline (called the cathode). The rate of metal transfer depends on a number of factors such as the quality of the pipeline coating, soil aeration (which supplies oxygen to the pipe to allow the corrosion process to occur), types and homogeneity of soils, soil moisture, and electrical factors which create the potential differences for a corrosion cell to be established. These impacts may not appear in the water for several years afterwards, and will require our community to perform extensive and costly tests for elements beyond those normally tested for during the course of regular maintenance.

CO4-5

- **Surface Pollutants**  
Oil and chemicals derived from oil are used for fuel, lubrication, and many other purposes. These petroleum products get into water mainly by means of accidental

# Companies/Organizations

CO4-3 Northwest intends to protect its existing 26-inch-diameter pipeline from structural deterioration so that, if technology becomes available that would more accurately detect stress corrosion cracking, it could be put back in service for future gas deliveries (see section 2.7). The 26-inch-diameter pipeline would be filled with nitrogen to inhibit internal corrosion and the cathodic protection would be maintained to prevent exterior corrosion. In addition, the 26-inch-diameter pipeline is collocated with active pipeline(s) along its route; therefore, Northwest would monitor the 26-inch-diameter pipeline for potential problems, such as subsidence, at the same time it monitors the in-service pipelines.

CO4-4 The 26-inch-diameter pipeline would be filled with nitrogen after it is taken out of service, which would inhibit internal corrosion. Northwest would maintain cathodic protection on the 26-inch-diameter pipeline after it is taken out of service so that it could be eventually put back in service for future gas deliveries if approved by the DOT and other agencies. Maintaining cathodic protection on the pipeline would ensure that the pipeline would not rust and fail; therefore, ground subsidence or groundwater would not be able to penetrate into the pipeline. Because the 26-inch-diameter pipeline is collocated with the active pipeline(s) along Northwest's system, it would be monitored for potential problems at the same time as the in-service pipelines.

CO4-5 Northwest developed an SPCC Plan that contains an inventory of oils and other hazardous substances typically expected to be onsite during construction (see Appendix H). The SPCC Plan includes preventive and mitigative measures that would be implemented by Northwest to avoid or minimize the potential impact of petroleum or hazardous material spills during pipeline construction and abandonment activities and to contain and respond to spills if they occur.

As discussed in section 2.1.3, Northwest has indicated that the abandoned 26-inch-diameter pipeline would be emptied of natural gas and filled with nitrogen, an inert gas. This would eliminate the potential for liquid slugs caused by pipeline volume surges. No water would be used or discharged during the purging activities. Additionally, section 2.7 describes Northwest's proposal to leave as much of the 26-inch-diameter pipeline intact as possible to allow the pipeline to be put back in service for future gas deliveries if new technology is developed to accurately detect stress corrosion cracking. Although the exact technology that Northwest would use to determine compromised portions of the pipeline is unknown at this time, the testing would likely be a one-time effort and routine pigging and other in-use pipeline maintenance procedures would not be conducted on the abandoned pipeline. As a result, the potential for contamination from the abandoned facilities is considered to be minimal.

CO4-5  
(cont'd)

spills. Many petroleum products are poisonous if ingested. In addition, spilled oil may be contaminated with other harmful substances, such as polychlorinated biphenyls (PCBs).

Pipeline contaminants can be in the form of "down-hole" corrosion inhibitors or other "treating" chemicals, liquid slugs caused by pipeline volume surges or line pigging. These contaminants can consist of hydrogen sulfide (H2S) and carbon dioxide (CO2). CO2 and H2S are also termed "acid gases" because when absorbed in water, they form an acidic solution.

2.3 Post Project Phase

CO4-6

2.3.1 Enlarged Station Supporting Pigging Operations

Pipeline pigs are used to de-wax and remove debris from pipelines. They can be used to remove liquids that build up in gas lines. NWP will be installing a station where the pigs are introduced and/or removed from the pipeline within two hundred feet of this community well. This station will increase the potential for chemical and toxic waste accidents which may render our well unusable.

CO4-7

2.3.2 Post Abandonment Responsibilities

After a pipeline has been abandoned, the owner/operator retains a number of responsibilities. More particularly, the owner/operator may be responsible for ensuring that the right-of-way and any facilities left in place remain free of problems associated with the abandonment. For that reason, a right-of-way monitoring program should be included in the post-abandonment plan and accounted for in the abandonment budget.

Additionally, the owner/operator may be responsible for maintaining post-abandonment information about the pipeline. This information should be recorded in a post-abandonment log book, so that it is available when needed and can be turned over to an alternate responsible authority if required by future regulations. The post-abandonment log book should contain items such as regulatory permits and conditions attached to permits, including reclamation certificates; full particulars on any pipeline facilities abandoned in place, including a physical description, location and depth of cover, plug locations, and details of any sections filled with a solid material; records of any changes in pipeline state from the original abandonment plan and records of any areas that become contaminated after the abandonment and reclamation work is complete.

These records and log book should be available to us to provide to the Washington Department of Ecology when performing testing and certification of this well.

CO4-8

2.3.3 Alternative Water Sources

In the event of permanent loss of this well, NWP states in their document that they will be responsible for attaining a permanent, alternative water solution for each household impacted. This responsibility must include but not be limited to:

- Costs associated with City of Sammamish water allotment process
- Costs associated with the installation of water meter.
- Costs associated with any necessary pipeline from the meter to the house.
- Continuing (monthly) costs associated with the integration of our households to the city water system, which otherwise would not have been necessary because of our use of the Saddleback Well.
- Unforeseen costs associated with the integration into the city water supply that

# Companies/Organizations

CO4-6

Only very small quantities of natural gas residuals are generated during pigging operations and these materials are typically contained and taken offsite for disposal. Pipeline companies also typically use an impermeable covering to protect the ground surface during the activity. See also the response to comment CO4-5.

CO4-7

The 26-inch-diameter pipeline would be filled with nitrogen after it is taken out of service, which would inhibit internal corrosion. Northwest would maintain cathodic protection on the 26-inch-diameter pipeline after it is taken out of service so that it could be eventually put back in service for future gas deliveries if approved by the DOT and other agencies. Maintaining cathodic protection on the pipeline would ensure that the pipeline would not rust and fail; therefore, ground subsidence or groundwater would not be able to penetrate into the pipeline. Because the 26-inch-diameter pipeline is collocated with the active pipeline(s) along Northwest's system, it would be monitored for potential problems at the same time as the in-service pipelines.

Following abandonment, Northwest would maintain monitoring records as required for interstate pipelines regulated by the DOT's OPS. Northwest also works closely with the WUTC. Records and other information on all facilities would be provided to these agencies.

CO4-8

As discussed in section 4.3.1.3, if a water supply well or spring were adversely affected by the project, Northwest would work with the landowner to ensure the water supply is replaced. Under a worst-case scenario (i.e., if the well or spring were permanently affected), Northwest would permanently replace a water supply. The source of the water supply would depend on the particular situation and the landowner's specific needs, but would most likely consist of providing potable water until a new well can be drilled. Section 4.8.3.1 has been revised to include a specific discussion of the Saddleback Subdivision, including impacts associated with use of the proposed temporary extra workspaces on well number 752102 and its associated water lines.

6-2772

CO4-8  
(cont'd)

are unknown at this time but can be proven to be necessary as a result of our need to integrate into the city water system.

CO4-9

While it appears that there has been some consideration regarding our concerns we do not feel that we have been provided appropriate details to assuage our issues. Additionally, we believe that other alternatives for locating the temporary work location exist that have minimal impact on established neighborhoods like ours.

The main alternative that we see is a work area immediately to the west of the valve station. This area is currently cleared and flat. Access to this work area would be from NE 14<sup>th</sup> St and 236<sup>th</sup> Ave NE (see Figure 2) or from NE 8<sup>th</sup> St. Another alternative is the existing pipeline easement south of NE 8<sup>th</sup> St (see Figure 1). In addition there is another section of land adjacent to the pipeline that is undeveloped and its use should be explored (see Figure 3).

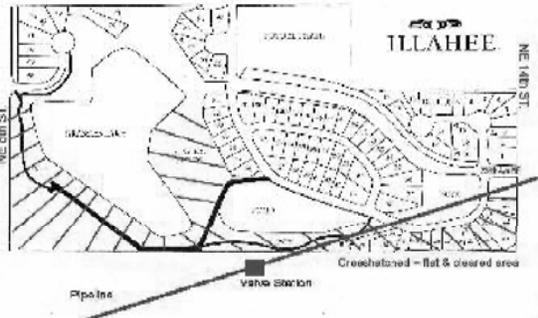


Figure 2 - Proposed Alternate Site for Proposed Temporary Work Area

# Companies/Organizations

CO4-9

Section 4.8.3.1 has been revised to include a discussion of the Saddleback Subdivision and alternatives to the proposed access road and temporary extra workspaces.

6-273

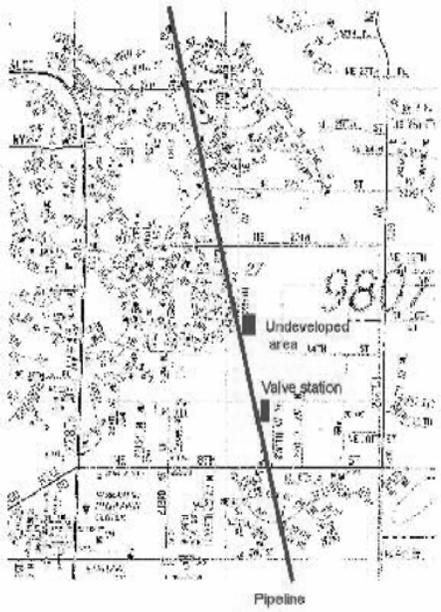


Figure 3 - Proposed Alternate Site for Proposed Temporary Work Area

# Companies/Organizations

6-274

• Page 7

April 24, 2005

We, as indicated by our signatures, want to go on public record with our concerns as stated in the preceding paragraphs. We will not grant Northwest Pipeline Corporation right of way over our private road for access to the proposed work area until other alternatives are researched. The research results should be shared with all residents in the neighborhood.

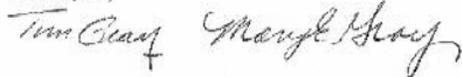
Sincerely,

Residents of the 800 block of 238<sup>th</sup> Ave NE:

Tim Gibson's



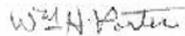
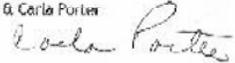
Tim & Mary Gray



William & Veronica Mart



Bill & Carla Porter



Cc: Marianne Scharping, Senior Land Representative, Northwest Pipeline Corporation  
Rex Johnson, acquisition supervisor, Northwest Pipeline Corporation

## Companies/Organizations



**ORIGINAL**

April 22, 2005

FILED  
OFFICE OF THE  
SECRETARY  
2005 APR 25 A 10:15  
FEDERAL ENERGY  
REGULATORY COMMISSION

**BY FEDEX**

Ms. Magalie R. Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Room 1A  
Washington, DC 20426

**Re: DRAFT ENVIRONMENTAL IMPACT STATEMENT  
NORTHWEST PIPELINE CORPORATION  
CAPACITY REPLACEMENT PROJECT  
OEP/DG2E/Gas Branch 2  
Docket Nos. CP05-32-000, -001**

Dear Ms. Salas:

I serve as general counsel of The Humane Society of the United States Wildlife Land Trust (hereinafter "the Trust"), an international 501(c)(3) wildlife and habitat protection organization based in Washington, D.C. The Trust wishes to comment on the referenced project.

**INTRODUCTION:**

The Trust would like to register its strong objections to portions of the proposed project that will have a long-term detrimental impact on one of our protected wildlife sanctuaries. It is our strongly held position that this impact is not adequately addressed in the referenced Draft Environmental Impact Statement including, but not limited to: its failure to acknowledge the Trust's protective interest in property effected by the project as evidenced by the restrictions, terms, and other conditions of a recorded conservation easement on that property; its failure to acknowledge adverse impacts on the property that is the subject of that conservation easement; and its failure to propose adequate mitigation measures for even those impacts that have been identified.

In addition, we would respectfully invite FERC's attention to the fact that Northwest Pipeline Corporation is actively engaged in efforts to acquire additional right-of-way for this project, including temporary easements as discussed below. Such acquisitions will limit the choice of reasonable alternatives to that which is proposed, particularly insofar as it relates to the property in which the Trust has an interest.

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**BACKGROUND:**

Incorporated in 1993 and an affiliate of The Humane Society of the United States, the nation's largest animal protection organization, the Trust's mission is to permanently protect wildlife habitat for all species of animals. The Trust does so through a variety of legal means, including the ownership of property and holding of permanent conservation easements on property. Conservation easements are permanent legal restrictions on the use of the property. The Trust treats all protected properties as permanent wildlife sanctuaries. Toward that end, the Trust's conservation easements are geared to the protection of habitat and include broad restrictions on the alteration of protected property, including the removal of vegetation, as well as restrictions on recreational and commercial hunting and trapping of any animals.

One of the permanent wildlife sanctuaries that the Trust currently protects comprises approximately 60 acres of land in Woodinville, King County, Washington, as a result of three conservation easements donated by the owners, Gwendolyn Walsh and Douglas Weber in 2000 (hereinafter "the Walsh-Weber Sanctuary"). (Ms. Walsh and Mr. Weber own various parcels of the combined 60-acres singly and together, necessitating the three conservation easements. The entire parcel is managed as a single unit.) These conservation easements have been recorded in the land records of King County and are readily ascertainable during a title examination of the Walsh-Weber Sanctuary.

The Walsh-Weber Sanctuary is an important and permanently protected riparian forest in the Bear Creek watershed. The sanctuary protects a reach of Bear Creek that is an important spawning area for anadromous fishes (chinook and sockeye), rainbow and cutthroat trout and supports a remnant population of endangered freshwater mussels. Although portions of the sanctuary were high-graded for timber in the early 20th century, the vast majority of the remaining timber is old growth and supports a diverse community of fauna and flora (including Barred Owls, and mountain beavers), particularly along the edge systems of Bear Creek, neighboring fields and the existing right-of-way. In addition, the area of the proposed Temporary Easement is heavily wooded.

**NEGATIVE IMPACT OF PROPOSED PROJECT ON PROTECTED WILDLIFE SANCTUARY:**

The referenced project involves the replacement of a gas pipeline in an existing right-of-way across the Walsh-Weber Sanctuary, specifically across a portion of that property owned by Ms. Walsh, individually. However, one particular aspect of that project will have a significant impact. In addition to the use of the existing right-of-way, Northwest Pipeline Corporation is seeking a 20 foot wide, "temporary extra work space" easement (hereinafter "Temporary

CO5-1

CO5-1

Section 4.8.4 has been revised to include a discussion of the conservation easement (referred to as the Walsh-Weber Sanctuary) that would be crossed by the Capacity Replacement Project.

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CO5-1  
(cont'd)

Easement”) along the western edge of the existing 75 foot right-of-way. This is depicted on the attached drawing, incorporated in this letter as Exhibit A. It appears from the Draft Environmental Impact Statement that the proposed Temporary Easement in this area is intended primarily for the placement of soil removed for the actual pipeline replacement prior to it being backfilled. (See Figure 2.2.1-1, “Working Side Over Existing Lines”.) It is our understanding that, notwithstanding its “temporary” nature, these proposed uses will require the removal of *all* trees and vegetation in the Temporary Easement. That removal will have a long-term, and perhaps permanent, damaging effect on the wildlife and habitat characteristics of the Walsh-Weber Sanctuary that the Trust’s conservation easements are in place to protect.

Given the ecological importance of the Walsh-Weber Sanctuary, its protection is critically important. To their credit, the owners have recognized this importance and ensured its protection with two successive conservation easements: the first to King County, Washington, and the second to the Trust. The proposed activities in the Temporary Easement, notably the clearing of all vegetation in the area, would directly violate the Trust’s conservation easement. Most notably, those activities would violate enumerated prohibitions D, F, G, H, J, L and O of the conservation easement, which, respectively, prohibit: logging, construction, alteration of the land, the creation of erosion or water pollution, the removal of trees or other vegetation, the expansion of utilities, and disrupting wildlife on the property. More critical than the violations themselves would be the tremendously detrimental impact on wildlife and habitat those activities would represent. While the project plan does include restoration efforts, including the planting of new trees, those efforts are not of a scale that would realistically replace the amount, quality, and value of the habitat destroyed.

**SUGGESTED ALTERNATIVES AND MITIGATION:**

CO5-2

However, the Trust believes that that the harm to wildlife and habitat can be mitigated, if not eliminated entirely, by either (1) conducting necessary replacement operations entirely within the existing 75 foot right-of-way, or (2) relocating the proposed Temporary Easement to the eastern side of that existing right-of-way.

As to the former alternative, it appears to be possible as construction within an existing 75 foot right-of-way is suggested for other portions of the project. (See Figure 2.2.1-1, “Non-Agricultural Wetlands” where construction operations are limited to an existing 75 foot right-of-way.) Construction of the replacement pipeline adjacent to the Walsh-Weber Sanctuary could, therefore, be conducted without acquiring any additional right-of-way, including the proposed Temporary Easement.

CO5-2 See the responses to comments PM2-3 and CO5-1.

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CO5-2  
(cont'd)

As to the latter alternative, the Trust's conservation easement does extend to the portion of the Walsh-Weber Sanctuary east of the existing right-of-way; however, the negative impacts on wildlife and habitat would be much less if the Temporary Easement is placed in that area. Among other factors, the amount of trees and vegetation that would need to be removed is much less and would not be as critical to the overall health of the balance of the sanctuary. Proposed restoration efforts would be of greater value in this area.

**REQUESTED ACTION:**

According, we respectfully request that FERC and Northwest Pipeline modify the construction plans to either (1) eliminate the proposed Temporary Easement entirely and conduct all construction operations within the existing 75 foot right-of-way, or (2) relocate the Temporary Easement to the eastern edge of the existing right-of-way. Either alternative would lessen the negative impact on wildlife and their habitat, will comply with the spirit of the Trust's conservation easement restrictions more closely, and would be agreeable to the Trust.

CO5-3

**NORTHWEST PIPELINE'S ACQUISITION OF ADDITIONAL RIGHT-OF-WAY AS LIMITING CHOICE OF REASONABLE ALTERNATIVES:**

Northwest Pipeline is engaged in active efforts to acquire right-of-way related to this project. In that regard, they have communicated with Gwendolyn Walsh, the owner of the property on which the Trust holds its conservation easement, proposing to purchase rights for an amendment to the existing right-of-way agreement (a contractual obligation under that agreement), for timber on the property, and for the proposed Temporary Easement. One such communication has been a formal written offer to purchase these rights. We assume that Northwest Pipeline is similarly approaching other owners including, presumably, owners of property north and south of the Walsh-Weber Sanctuary.

The federal regulations applicable to the implementation of the National Environmental Policy Act's requirements regarding draft environmental impact statements restrict an applicant's activities prior to final agency action on the EIS. Specifically, 40 CFR, § 1506.1 provides as follows:

***Limitations on actions during NEPA process.***

*(a) Until an agency issues a record of decision as provided in § 1505.2 (except as provided in paragraph (c) of this section), no action concerning the proposal shall be taken which would:*

CO5-3

In order for Northwest to submit an application to the FERC, the application must include certain minimum filing requirements, including the configuration of the proposed permanent and construction rights-of-way needed to construct and operate the project. This information then becomes the proposed action and is the subject of the environmental review the FERC conducts to satisfy its NEPA responsibilities. It is common for companies to try and obtain easements based on the proposed right-of-way configurations before final approval is received due to constraints in the project schedule; however, companies do so at their own risk. Northwest cannot begin project-related activities using any of the proposed workspace until it receives final approval from the FERC and other applicable agencies even if it has obtained easements for the workspace. The acquisition of easements is not taken into consideration by the FERC when analyzing the environmental aspects of the project and in preparing an EIS. See also the response to comment PM2-3.

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CO5-3  
(cont'd)

- (1) *Have an adverse environmental impact; or*
- (2) *Limit the choice of reasonable alternatives.*

The Trust suggests that the acquisition of Temporary Easements such as that which is the subject of this comment from adjoining property owners will limit Northwest Pipeline's ability to modify its plans with regard to the Walsh-Weber Sanctuary, limit reasonable alternatives that are available to it, and is, therefore, a prohibited activity at this stage in the process. As one example of the negative impacts such right-of-way acquisition activities may have, the option of relocating the proposed Temporary Easement from the western side of the existing right-of-way to the eastern side may be rendered impractical or impossible by Northwest Pipeline acquiring temporary easements on the western side of that right-of-way from the owners of adjacent properties north and south of the Walsh-Weber Sanctuary.

We respectfully request that FERC direct Northwest Pipeline to halt all acquisition activities in the area of this property until there is a decision of record on the Draft Environmental Impact Statement.

**OTHER MATTERS:**

Lastly, I would note two related points.

CO5-4

First, under the provisions of applicable law and the conservation easement, the Trust is entitled to compensation for the acquisition of its property interests as reflected in the conservation easement. Nothing in this letter is intended to constitute a waiver of the Trust's rights to receive compensation for its property rights.

CO5-4

Comment noted. As discussed in section 4.8.2, the easement agreement between the company and a landowner typically specifies compensation for losses resulting from construction. The acquisition of an easement is a negotiable process that would be carried out between Northwest and the landowner and is beyond the scope of this EIS.

CO5-5

Second, I would advise you that Williams Northwest Pipeline has never contacted the Trust with regard to this project notwithstanding the Trust's legal rights with regard to the property affected by the proposed Temporary Easement. Again, that conservation easement is recorded in the King County, Washington, land records and is, therefore, a matter of public record. Moreover, the property owner advised Northwest Pipeline's agents of the Trust's interest in the property. Northwest Pipeline did not initiate any communications with the Trust. Rather, on its own initiative, the Trust did speak directly with Mr. Rex Johnson at Northwest Pipeline to relay our concerns regarding the siting the proposed Temporary Easement. Mr. Johnson advised that he would look into the situation but we have received no further direct communication from him. As an international organization with a direct interest in this property and this project, we find that lack of communication troubling.

CO5-5

Northwest has indicated that it made its initial contact with Ms. Walsh on February 1, 2005 to discuss the project and was informed about the Humane Society. On March 18, 2005, a Northwest representative contacted Mr. Michael Swartz of the Humane Society to discuss the project. Since March 18, Northwest has had ongoing discussions with Ms. Walsh regarding the project. Section 4.8.4 has been revised to include a discussion of the conservation easement (referred to as the Walsh-Weber Sanctuary) that would be crossed by the Capacity Replacement Project.

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April 22, 2005  
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Thank you for your consideration of this comment. Please feel free to contact me or James M. Reed, the Trust's Director of Sanctuaries, if we can assist you or your staff in any way with regard to this matter. Both Mr. Reed and I can be reached via the Trust's toll-free number, 1-800-729-SAVE [7283] between 9:00 a.m. and 5:00 p.m. Eastern time. Outside that time frame, my direct dial number is 301-548-7735 and Mr. Reed's is 301-258-3137. We can also be reached via e-mail at SSwartz@hsus.org and JReed@hsus.org, respectively.

Sincerely,



Stephen W. Swartz  
General Counsel

Enclosure

cc: BY FED EX: FERC, Attn: Gas Branch 2, DG2E.

cc: BY FIRST CLASS MAIL

Olivia H. Romano, U.S. Army Corps of Engineers, Regulatory Branch

P.O. Box 3755, Seattle, WA 98124-3755

Re: USACE Reference No. 200400304

Rex Johnson, Supervisor, Williams Northwest Pipeline

11120 Evergreen Way, Suite H, Everett, WA 98204

Ted Williams, PBRS and Timberland Coordinator

National Resources and Parks, Water and Land Resources Division

King County, Washington

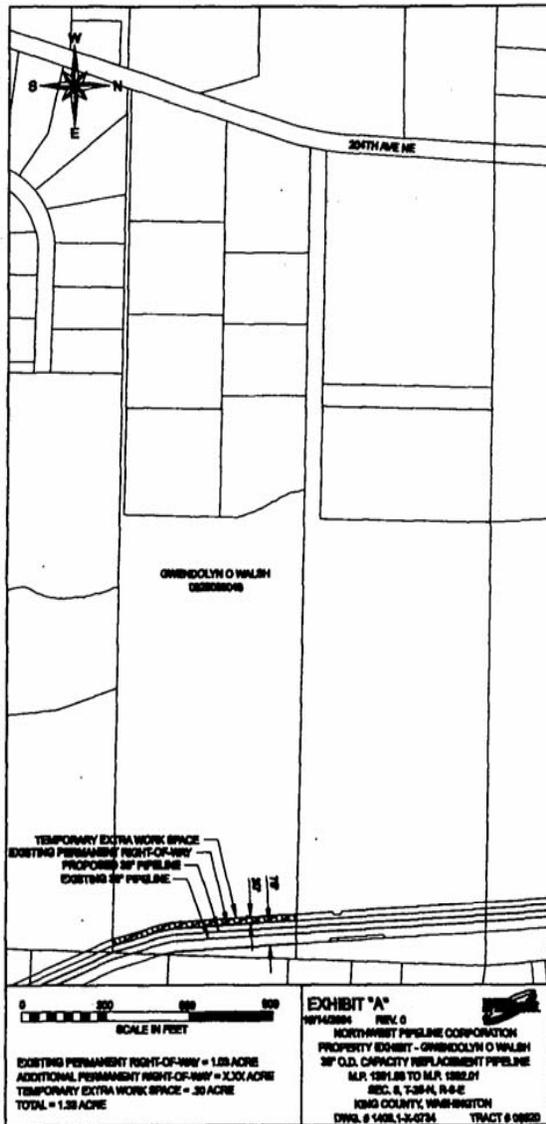
King County Courthouse, 16 Third Avenue, Seattle, WA 98104

Gwendolyn Walsh

Douglas Weber

cc: James M. Reed, Director of Sanctuaries, The HSUS Wildlife Land Trust

## EXHIBIT A



DOCKET NOS. CP05-32-000, -001  
 COMMENTS OF THE BSUS WILDLIFE LAND TRUST

6-282

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

Northwest Pipeline Corporation ) Docket Nos. CP05-32-000  
CP05-32-001

COMMENTS OF  
CHEHALIS POWER GENERATING, L.P.  
ON DRAFT ENVIRONMENTAL IMPACT STATEMENT

Pursuant to the Federal Energy Regulatory Commission's ("Commission" or "FERC") "Notice of Availability of the Draft Environmental Impact Statement for the Proposed Capacity Replacement Project," issued on March 1, 2005, Chehalis Power Generating, L.P. ("Chehalis") hereby submits the following comments on the Draft Environmental Impact Statement ("DEIS") issued in the captioned proceeding. Chehalis respectfully requests that the Final Environmental Impact Statement ("FEIS") reflect the comments set forth herein.

I. Comments of Chehalis

A. General Comments on Alternatives

In its motion to intervene and protest, Chehalis initially raised concerns regarding the environmental impact of Northwest Pipeline Corporation's ("Northwest") Capacity Replacement Project.<sup>1</sup> Chehalis asserted that the reverse open season instituted by Northwest to solicit shippers to permanently relinquish capacity was materially flawed and prevented shippers, including Chehalis, from potentially turning back and permanently relinquishing capacity. This, in turn, allowed Northwest to improperly size and scope the magnitude of the Capacity Replacement Project and not adequately mitigate the environmental impacts emanating from the project. These incorrect dimensions of the Capacity Replacement Project has the potential to affect numerous

<sup>1</sup> Northwest Pipeline Corporation, Docket No. CP05-32-000; "Motion of Chehalis Power Generating, L.P. to Intervene and Protest" at p. 8 (filed December 29, 2004).

property owners that might otherwise not be disturbed by Northwest if the project was properly sized and scoped.

Northwest, through a series of pleadings, attempted to dismiss criticisms of the size and scope of its Capacity Replacement Project and refused to consider the demand levels of its customers by stating that protesting parties had not considered the hydraulic

CO6-1

engineering realities of Northwest's system.<sup>2</sup> The DEIS reflects the assumptions of Northwest regarding the amount of capacity that needs to be replaced with the abandonment of the 26-inch pipeline. It states: "Abandoning the 26-inch-diameter pipeline without replacement would reduce Northwest's Sumas to Washougal design capacity by 360 Mtdh/d."<sup>3</sup> Based upon this design capacity, Northwest estimated that 92.3 million Dth-miles is the capacity designed to be replaced by the base case Capacity Replacement Project.<sup>4</sup>

Given the claims by Northwest that parties protesting the Capacity Replacement Project had not considered the hydraulic engineering realities of Northwest's system, Duke Energy Trading and Marketing, L.L.C. and Duke Energy Marketing America, L.L.C. ("Duke") and Chehalis (collectively, "Duke and Chehalis") retained an international pipeline engineering consulting firm to perform various hydraulic flow modeling simulations of Northwest's system using the same Exhibit K and Exhibit G-II information in the Capacity Replacement Application and pipeline flow equation<sup>5</sup> that Northwest itself claimed to have used in performing the Illustrative Turn Back Cases in Attachment 1B.<sup>6</sup> Duke and Chehalis' hydraulic flow studies confirmed that Northwest's

<sup>2</sup> Northwest Pipeline Corporation, Docket No. CP05-32-000; "Answer of Northwest Pipeline Corporation to Pleading of Chehalis Power Generating, L.P. and Duke Energy Trading and Marketing, L.L.C. and Duke Energy Marketing America, L.L.C." (Second Answer of Northwest) at p. 8 (dated February 17, 2005).

<sup>3</sup> Northwest Pipeline Corporation, Docket Nos. CP05-32-000, -001; "Draft Environmental Impact Statement," Section 1.1 at p. 1-2 (DEIS).

<sup>4</sup> Northwest Pipeline Corporation, Docket No. CP05-32-000; "Answer of Northwest Pipeline Corporation to Pleadings of Snohomish County Public Utility District, Chehalis Power Generating, L.P., and Duke Energy Trading and Marketing, L.L.C. and Duke Energy Marketing America, L.L.C." at p. 13 (First Answer of Northwest) (dated January 13, 2005).

<sup>5</sup> Second Answer of Northwest at pp. 6, 8.

<sup>6</sup> First Answer of Northwest at Attachment 1B.

# Companies/Organizations

CO6-1

On May 31, 2005, the FERC issued a Preliminary Determination on Non-Environmental Issues (PD) to Northwest. The PD indicates that Northwest's application under sections 7(b) and 7(c) of the NGA to construct, operate, and abandon natural gas facilities would, on the basis of all pertinent non-environmental issues, be required by the public convenience and necessity. Therefore, the FERC staff does not believe that a re-evaluation of alternatives to the Capacity Replacement Project based on the hydraulic flow studies conducted by Chehalis Power Generating, L.P. and Duke Energy Marketing America, L.L.C. is warranted.

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CO6-1  
(cont'd)

estimated 92,334 MDth-miles for the Capacity Replacement Project was overstated because the effective capacity of the 26-inch line was 300 MDth/day, not the 360 MDth/day as claimed by Northwest. This meant that the correct Dth-mile capacity figure for the Capacity Replacement Project is 76,184 MDth-miles.<sup>7</sup>

The DEIS states that the "criteria for selecting potentially reasonable and environmentally preferable alternatives include whether they: are technically and economically feasible and practical; offer significant environmental advantage over the proposed project; and meet the project objectives of replacing the required delivery capacity of Northwest's existing 268-mile-long, 26-inch-diameter pipeline between Sumas and Washougal, Washington."<sup>8</sup> Chehalis respectfully requests that Commission, as part of the FEIS for Northwest's Capacity Replacement Project, re-evaluate the alternatives presented in Section 3 of the DEIS based upon the above-stated criteria in light of the Duke and Chehalis hydraulic flow studies submitted in the Critical Energy Infrastructure Information version of their Joint Request. Correctly defining the amount of capacity to be replaced by reducing this amount from 360 MDth/day to 300 MDth/day significantly alters the size, scope and environmental impact of the Capacity Replacement Project. This decrease may very well change the conclusions reached in Section 3.2.2.2 of the DEIS regarding the Alternative Configurations of the Northwest System.<sup>9</sup> If a viable alternative can be obtained, numerous comments and concerns filed by property owners may be alleviated by either reducing or eliminating facility modifications within their rights-of-way.

## II. Conclusion

<sup>7</sup> See Northwest Pipeline Corporation, Docket No. CP05-32-000; Joint Request of Duke Energy Trading and Marketing, L.L.C., Duke Energy Marketing America, L.L.C. and Chehalis Power Generating, L.P. for Technical Conference and Supplement to Protests (Joint Request) at p. 4 (filed April 15, 2005—Public Version).

<sup>8</sup> DEIS at Section 3.0, p. 3-1.

<sup>9</sup> See id at Section 3.2.2.2, pp. 3-4 to 3-11.

Accordingly, for the foregoing reasons, Chehalis respectfully request that the FEIS for Northwest's Capacity Replacement Project reflect the comments set forth herein.

Respectfully submitted,

/s/ Mark R. Haskell (submitted electronically)  
Mark R. Haskell  
Bryan L. Clark  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Timothy R. Dunne  
Chehalis Power Generating, L.P.  
Suite 1900  
1990 Post Oak Boulevard  
Houston, Texas 77056

Dated: April 25, 2005 Attorneys for Chehalis Power Generating, L.P.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list complied by the Secretary in this proceeding.

Dated at Washington, D.C. this 25th day of April, 2005.

/s/ Bryan L. Clark (submitted electronically)  
Bryan L. Clark  
Morgan, Lewis & Bockius LLP  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
e-mail: bryan.clark@morganlewis.com  
phone: 202-739-5803  
facsimile: 202-739-3001



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Magalie R Salas, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE, Room 1A  
Washington, DC 20426

4/25/2005

RE: Docket Nos. CP05-32-000, -001  
Northwest Pipeline Corp. – Capacity Replacement Project

Dear Ms, Salas:

The following comments are made on behalf of the Pipeline Safety Trust regarding the Capacity Replacement Project of the Northwest Pipeline Corporation.

CO7-1 | First and foremost we would like to state our support for the overall replacement project. The current levels of stress corrosion cracking found along the existing 26 inch pipeline makes such replacement a prudent action to ensure the safety of those living along this pipeline. That being said we do have some suggestions for making this an even safer project, and for ensuring environmental integrity during the construction process.

**Section 4.12.1** discusses the relationship between FERC and the Office of Pipeline Safety (OPS) within the Department of Transportation. The memorandum of Agreement between the Commission and the Department states that FERC will:

- “Promptly alert the Department when the Commission becomes aware of an existing or potential safety problem involving natural gas transmission facilities.”
- “Establish a means to notify the Department when significant safety issues have been raised during the preparation of environmental assessments or environmental impact statements.”

CO7-2 | We are concerned about the lack of required internal testing requirements for much of the proposed pipeline, and think this warrants FERC notifying the OPS about this safety issue, and we ask that the project not be approved until OPS addresses this safety concern. The majority of this pipeline will run through class 1 and 2 areas where internal inspection is not required, and where less rigorous construction techniques apply. Even so many residences will be within the commonly accepted hazard area of the pipeline as determined

1155 North State Street, Suite 609 Bellingham, WA 98225 Phone 360-543-5686 Fax 360-543-0978

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# Companies/Organizations

CO7-1 Thank you for your comment.

CO7-2 See the responses to comments PM1-3 and PM1-5.

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# Companies/Organizations

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CO7-2 (cont'd) | by such models as the Model for Sizing High Consequence Areas Associated with Natural Gas Pipelines prepared for the Gas Research Institute by C-Fer Technologies (<http://dmses.dot.gov/docimages/p56/120467.pdf>).

Allowing rural residents to live in such hazard area, while at the same time not requiring internal testing or construction materials that are required in more urban areas, effectively shows that OPS, and the companies that follow their regulations, value the lives of those in rural areas less than those in urban areas. This is a serious safety issue that appears to run counter to what both the current Administration and Congress have clearly shown to be their belief that every life is equally important. For this reason we ask that you forward this concern on to the Department of Transportation, and not approve this project until it is addressed. One easy way to address this issue would be to require the pipeline be constructed, tested, and inspected using the same standards as pipelines in High Consequence Areas.

CO7-3 | **Section 4.8.2** is confusing because it states that the applicant "would only expand the existing permanent easement if the landowner agrees to the expansion," yet in the very next paragraph FERC states that if the landowner does not agree to the expansion of the easement the applicant may use the right of eminent domain. We do not believe that eminent domain is justified in this case since the current easement is obviously large enough for two pipelines, and there is no justification of need of future gas deliveries using the 26 inch line given. For this reason we ask that FERC remove all mention of eminent domain regarding expansion of current easements and allow the applicant to work out agreements with landowners cooperatively as they suggested.

CO7-4 | **Section 4.3.2.3** talks about various methods to be used for crossing water bodies. Many of these streams are already listed on the 303d list as impaired, and are also important to ongoing efforts to restore salmon in the Northwest. All crossing methods come with potential associated problems, and in particular we are concerned with the wet open cut methods proposed for use on Pilchuck Creek and the Nisqually River. We ask that FERC and the proponent work closely with, and take the advice of, local watershed planning groups, as well as state and local government all of who have years of first hand knowledge about these critical water resources.

CO7-5 | **Section 4.1.3** describes geologic hazards and talks about the Everson Slide where the Northwest Pipeline ruptured in 1997 because of earth movement. Recent, more intensive review of this area because of increased blasting near the pipeline from a rock quarry has brought into question whether the pipeline was actually "rerouted above the head of the landslide." At least two licensed geologists have stated that the pipeline still lies within the landslide area, and for this reason we ask that the pipeline be rerouted above the slide area, and that the current use of strain gauges be continued.

CO7-6 | **One last comment** regarding the public comment meeting that was held in Arlington, WA on April 11<sup>th</sup>. We were in attendance at the meeting, and thought that it was

CO7-3 | In its comments on the draft EIS, Northwest indicated that it does not currently plan on purchasing additional permanent right-of-way in residential areas where the current easements are less than 75 feet wide. Northwest may, however, require additional permanent right-of-way to accommodate non-standard parallel offsets or crossovers of the existing pipelines to avoid terrain features or structures on or near the existing permanent right-of-way. In general, if the new 36-inch-diameter loop is closer than 10 feet to the edge of the current permanent right-of-way, Northwest has indicated that it may need to acquire additional permanent right-of-way. Northwest would make every effort to negotiate in good faith with affected landowners but if an easement cannot be negotiated with a landowner and the project has been certificated by the FERC, Northwest may use the right of eminent domain as described in section 4.8.2. Section 2.7 includes a discussion of the justification for leaving as much of the 26-inch-diameter pipeline intact as possible.

CO7-4 | Throughout the EIS process, the FERC has worked extensively with Northwest; other federal, state, and local agencies; and Native American tribes to develop acceptable site-specific crossing plans and mitigation requirements for the waterbodies that would be crossed by the Capacity Replacement Project. Section 4.3.2.3 has been revised to provide the most current information regarding Northwest's proposed Mitigation Plan for Waterbody Crossings. Appendix S contains the April 2005 draft of this plan. Section 4.3.2.3 also discusses Northwest's coordination with the Nisqually Tribe, the COE, and the WDOE to finalize a mitigation plan that would address the tribe's concerns regarding the project, including the proposed wet open-cut crossing of the Nisqually River.

The revised section 4.3.2.3 includes the FERC staff's recommendation that Northwest continue consultations with the applicable agencies and Native American tribes and file the final site-specific waterbody crossing plans and final Mitigation Plan for Waterbody Crossings with the Secretary for the review and written approval of the Director of OEP before construction at each applicable waterbody (see also mitigation measure number 17 in section 5.4). These final plans may incorporate new information that may become available as Northwest continues consultations with the COE, the WDOE, the WDFW, various county agencies, and Native American tribes. The FWS and NOAA Fisheries may impose additional mitigation as well as part of their Biological Opinions (see section 4.7) that also should be included in Northwest's Mitigation Plan for Waterbody Crossings. The FERC staff believes these continued consultations will result in the development of acceptable site-specific crossing plans and mitigation requirements for the waterbodies that would be crossed by the Capacity Replacement Project. Section 4.3.2.3 also explains how the public and other agencies can view the final plans once they are filed.

CO7-5 | See the response to comment LA1-4.

CO7-6 | Section 1.3 describes in detail the opportunities for public participation during the environmental review process for the Capacity Replacement Project both in the form of public meetings and opportunities to submit written comments.

# Companies/Organizations

CO7-6 (cont'd) At Northwest's open houses and at the FERC's scoping meetings, Northwest presented a detailed description of the project. After the conclusion of the formal portion of each scoping and public comment meeting, the FERC, the WDOE, and Northwest representatives stayed to talk with individual landowners and answer their questions.

CO7-6  
(cont'd)

unfortunate that there was not a period before the actual public comments were taken that either FERC or the proponent could briefly describe the project or answer questions. The majority of the people in attendance were not prepared to give testimony, and for the most part had relatively simple questions that could have been answered. By not allowing questions to be answered many of the public went away feeling angry and as if their concerns were not important. In the future it would be good if FERC would set aside 30-60 minutes before the actual public hearing to address the needs of people like this. To the credit of Williams, their staff on hand did try to answer most of these questions after the "official" meeting was over.

Thank you for this opportunity to comment.

Sincerely,

QuickTime™ and a  
TIFF (LZW) decompressor  
are needed to see this picture.

Carl Weimer  
Executive Director

## Bricklin ♦Newman ♦Dold, LLP

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April 25, 2005

Magalie R. Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, D.C. 20426

Re: Northwest Pipeline Corporation's Capacity Replacement Project Draft Environmental Impact Statement, Docket Nos. CP05-32-000 - 001

Dear Ms. Salas:

This comment letter is submitted on behalf of Tim and Mary Gray, Julian Mart, Lee and Mary Geil, Carla and William Porter, Doug Cox, Gerald Gibson, and other neighbors living on 238<sup>th</sup> Avenue NE in Sammamish, Washington ("Sammamish Residents"). The purpose of this letter is to highlight some of the concerns of the Sammamish Residents in the context of the National Environmental Policy Act's ("NEPA") requirements for the Draft Environmental Impact Statement ("DEIS"). This letter is intended to supplement those letters already submitted by some of the individuals listed above.

The DEIS for the Capacity Replacement Project ("Project") was prepared by the Federal Energy Regulatory Commission ("FERC") staff to fulfill the requirements of NEPA, FERC's implementing regulations, and "the Council on Environmental Quality Regulations for implementing NEPA." DEIS at ES-1. "NEPA . . . makes environmental protection a part of the mandate of every federal agency and department," including FERC. Calvert Cliffs Coordinating Committee, Inc. v. United States Atomic Energy Commission, 449 F.2d 1109 (D.C. Cir. 1971). "NEPA requires that agencies consider the environmental impact of their actions 'to the fullest extent possible.'" Id. (emphasis in original). The Sammamish Residents believe that the DEIS for this Project has failed to fulfill this requirement.

NEPA "places upon an agency the obligation to consider every significant aspect of the environmental impact of a proposed action." Baltimore Gas & Electric Co. v. Natural Resources

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Magalie R. Salas  
April 25, 2005  
Page 2

Defense Council, Inc., 462 U.S. 87, 103 S.Ct. 2246, 76 L.Ed.2d 437 (1983), citing Vermont Yankee Nuclear Power Corp. v. NRDC, 435 U.S. 519, 98 S.Ct. 1197, 55 L.Ed.2d 460 (1978). To ensure the public that the agency has “indeed considered environmental concerns in its decision making process,” the agency is required to take “a hard look” at the environmental consequences before taking a major action.” Id. at 97. However, in this case the immediate impacts of the project on the Sammamish Residents have been glossed over, postponed for review at a later time, and/or completely ignored. The DEIS should be revised to include analysis of the following:

- CO8-1 1. The April 10, 2005 letter from Julian and Veronica Mart indicates there is a well, serving four of the Sammamish Residents’ households, located directly within the temporary work space proposed for the Project at mile post 1382. The work space also covers water lines that provide service from the well. Clearly an impact to the well or any of the lines would significantly impact the liveability of the homes they service. However, the DEIS postpones any determination of the specific locations of wells within the pipeline right-of-way to a later date. DEIS at 4-34 to 4-35. The DEIS also indicates that a groundwater monitoring and mitigation plan will be implemented to protect wells. Id. However, this document makes no reference to wells located in temporary work spaces, and does not provide for protection of wells or water lines, from industrial vehicle activity like that planned for the temporary work space near mile post 1382.
- CO8-2 2. DEIS § 4.8.6 covers visual resources, but does not discuss impacts to Tim and Mary Gray’s property due to the removal of many significant trees. These trees provide the Grays and their neighbors a substantial aesthetic buffer from the pipeline right-of-way and a new subdivision being built to the west. The size and age of the existing trees cannot likely be replaced during the Grays’ lifetime.
- CO8-3 3. Noise impacts from pipeline construction and traffic activity along 238<sup>th</sup> Avenue NE have not been addressed by the DEIS. Similarly, impacts to the Sammamish Residents from dust generated by these same activities and work in the temporary work space have not been addressed in the DEIS.
- CO8-4 4. The DEIS does not discuss the safety issues raised by the proposed connection of a valve station to the pipeline near mile post 1382.
- CO8-5 The failure of the DEIS to discuss these issues and others raised in letters and comments from the Sammamish Residents indicates that FERC has failed to take the requisite “hard look” at the Project’s impacts. The DEIS has also failed to meet NEPA requirements to the degree that the DEIS postpones analysis of these issues to a later date (e.g., not locating the wells until a later time). “A central purpose of an EIS is to force the consideration of environmental impacts in the

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# Companies/Organizations

- CO8-1 Section 4.8.3.1 has been revised to include a discussion of the Saddleback Subdivision, including impacts associated with use of the proposed temporary extra workspaces on well number 752102 and its associated water lines. In addition, as discussed in section 4.3.1.3, Northwest’s Groundwater Monitoring and Mitigation Plan would apply to all water supply wells and springs within 200 feet of the construction work area, which includes both the construction right-of-way and temporary extra workspaces.
- CO8-2 Section 4.8.3.1 has been revised to include a discussion of the Saddleback Subdivision and alternatives to the proposed access road and temporary extra workspaces.
- CO8-3 Section 4.8.3.1 has been revised to include the FERC staff’s recommendation that Northwest file a Residential Area Work Plan for the Saddleback Subdivision that includes proposed construction and mitigation measures to minimize impacts on this area (see also mitigation measure number 22 in section 5.4). Section 4.8.3.1 also explains how the public can view the plan once it is filed.
- CO8-4 See the response to comment CO8-3.
- CO8-5 A detailed analysis of the project’s impacts is contained in the EIS. To address the referenced example of the failure of the EIS to identify the specific locations of wells, the FERC staff does not believe it is necessary to identify the specific location of each individual water supply well to be able to evaluate the impact of the project on wells. Section 4.3.1.3 contains a discussion of potential impacts on water supply wells and measures that would be implemented to minimize these impacts. Northwest’s Groundwater Monitoring and Mitigation Plan for the project is provided in Appendix M.  
  
Section 4.8.3.1 has been revised to include a discussion of the Saddleback Subdivision and alternatives to the proposed access road and temporary extra workspaces. The revised section 4.8.3.1 includes the FERC staff’s recommendation that Northwest file a Residential Area Work Plan for the Saddleback Subdivision that includes proposed construction and mitigation measures to minimize impacts on this area (see also mitigation measure number 22 in section 5.4). Section 4.8.3.1 also explains how the public can view the plan once it is filed. The public has the opportunity to comment on this plan after it is filed. Comments received after issuance of the final EIS would be addressed in the Order Issuing Certificate and Permitting and Approving Abandonment under section 7 of the NGA that would be issued by the FERC if it decides to approve the project.

Magalie R. Salas  
April 25, 2005  
Page 3

CO8-5  
(cont'd) decisionmaking process." Thomas v. Peterson, 753 F.2d 754 (9<sup>th</sup> Cir. 1985). This requires analysis of impacts "at the earliest possible time." Id. By postponing review of Project impacts until a later date when the EIS may already be complete, FERC is circumventing NEPA's requirement for early review of impacts, and the ability of individuals to comment and be fully informed.

Finally, under NEPA, "the agency is directed to apply its own expertise and imagination in exploring less drastic alternatives." Scenic Hudson Preservation Conference v. Federal Power Commission, 407 U.S. 926, 92 S.Ct. 2453, 32 L.Ed.2d 813 (1972). The DEIS for the Project in this case has failed to adequately review alternatives for the temporary work space proposed near mile marker 1382 for the Snohomish Loop Facility. The DEIS does not indicate that other locations for this temporary work space were examined, which may have had a lesser impact on the Sammamish Residents. Thus, FERC has also failed to fulfill its duty under this aspect of NEPA.

The Sammamish Residents request that FERC revise the DEIS to include analysis that responds to the issues raised above and in the Residents' additional correspondence. The Residents also request that FERC provide a written response to these comments in the Final EIS.

Very truly yours,

BRICKLIN NEWMAN DOLD, LLP



Ryan P. Vancil

RPV:psc

cc: Clients