

1.0 INTRODUCTION

The environmental staff of the Federal Energy Regulatory Commission (FERC or Commission) prepared this Environmental Impact Statement (EIS) to assess the environmental impacts associated with the construction and operation of the facilities proposed by CenterPoint Energy Gas Transmission Company (CEGT or Applicant).¹ The facilities proposed by CEGT are hereafter collectively referred to as the Carthage to Perryville Project, or the proposed Project, in this EIS.

On March 10, 2006, CEGT filed an application for the proposed Project with the FERC, pursuant to Section 7(c) of the Natural Gas Act (NGA), as amended, and Parts 157 and 284 of the FERC's regulations. Under Docket No. CP06-85-000, CEGT seeks a Certificate of Public Convenience and Necessity (Certificate) to construct, own, operate, and maintain an interstate natural gas pipeline and associated ancillary facilities. The FERC issued a notice of CEGT's application in the Federal Register (FR) on March 17, 2006.

The proposed Project would consist of an approximately 171.9-mile-long, 42-inch-diameter, interstate natural gas pipeline, two new compressor stations totaling 41,240 horsepower (hp), and associated ancillary facilities. The proposed pipeline would extend from multiple receipt points with intrastate natural gas pipeline facilities near Carthage in Panola County, Texas (see Section 1.5), to interconnects with four existing, interstate pipelines in Ouachita and Richland Parishes, Louisiana. CEGT proposes to construct the Carthage to Perryville Project in two phases, with planned in-service dates of February 2007 (Phase I) and October 2008 (Phase II). Following completion of Phase II, the proposed Project would receive and transport up to about 1.2 billion cubic feet per day (Bcf/d) of natural gas.

1.1 PROJECT PURPOSE AND NEED

CEGT indicates that the primary purpose of the proposed Project is to provide the pipeline capacity needed to connect new domestic, onshore natural gas supplies with markets in the Midwest and Northeastern regions of the United States that can be accessed through interconnects with existing pipeline infrastructure. Specifically, the proposed Project would facilitate the transport of natural gas received from the Barnett Shale and Bossier Sand production areas in eastern Texas, as well as the Elm Grove and Vernon Field production areas in Louisiana, to these markets through interconnects with four interstate pipeline systems. CEGT believes that the addition of incremental supply at the proposed interconnect locations would help meet growing energy demands, enhance reliability, and result in supply diversification by providing access to domestic, unconventional natural gas supplies.

Energy demand in the United States has been growing and continues to increase steadily. The Energy Information Administration (EIA) *Annual Energy Outlook 2006 Overview*, estimates that total energy consumption in the United States will increase from 99.7 quadrillion British thermal units (BTU) per year in 2004 to 127.0 quadrillion BTU per year in 2025, representing an annualized increase of 1.2 percent (EIA 2006a). Although this energy will be obtained from a variety of sources (e.g., coal, petroleum, hydropower and other renewable sources), natural gas usage will represent about 22 percent of all energy consumption in the United States by 2025. To maintain pace with growing energy demands, the EIA anticipates that consumption of natural gas in the United States will grow from 22.4 trillion cubic feet (Tcf) per year in 2004 to 27.0 Tcf by 2025, an increase of more than 20 percent. The growth in natural gas demand is being driven primarily by increased use of natural gas for electricity generation and

¹ CenterPoint Energy Gas Transmission Company is a wholly owned subsidiary of CenterPoint Energy, Inc.

industrial applications, which together account for 62 percent of the projected demand growth from 2004 to 2025 (EIA 2006a).

The United States natural gas supply currently comes from three main sources: domestic production, pipeline imports from Canada and Mexico, and imports of liquefied natural gas (LNG). Net pipeline imports of natural gas from Canada and Mexico are expected to decline in coming years, and although LNG represents an increasingly important source of natural gas, LNG imports are only expected to account for about 15 percent of total United States natural gas consumption by 2025. Domestic production of natural gas will continue to account for the majority of total United States consumption, with onshore production expected to account for the bulk of that supply, growing to 14.7 Tcf by 2025 (EIA 2006a). Onshore production of natural gas from unconventional sources (e.g., shale, tight sands, and coal bed methane) is expected to be a major contributor to that growth. The EIA (2006a) projects that unconventional natural gas production in the lower 48 states will account for about 45 percent of total domestic production by 2030.

1.2 PURPOSE AND SCOPE OF THIS EIS

The FERC is the federal agency responsible for evaluating applications filed for authorization to construct and operate interstate natural gas pipeline facilities. As such, the FERC is the lead federal agency for the preparation of this EIS, in compliance with the requirements of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 Code of Federal Regulations [CFR] 1500–1508), and the FERC regulations implementing NEPA (18 CFR 380).

The U.S. Fish and Wildlife Service (FWS) and the U.S. Army Corps of Engineers (COE) are federal cooperating agencies for the development of this EIS. A federal cooperating agency has jurisdiction by law or special expertise with respect to any environmental impact involved with the proposal and is involved in the NEPA analysis.

Our² principal purposes in preparing this EIS are to:

- identify and assess potential impacts on the natural and human environment that would result from implementation of the proposed action;
- describe and evaluate reasonable alternatives to the proposed action that would avoid or minimize adverse effects on the human environment;
- identify and recommend specific mitigation measures, as necessary, to minimize the environmental impacts; and
- facilitate public involvement in identifying the significant environmental impacts.

The topics addressed in this EIS include geology; soils; water use and quality; vegetation and wetlands; fish and wildlife resources; threatened and endangered species; land use, recreation and special use areas, and visual resources; socioeconomics; cultural resources; air quality and noise; reliability and safety; cumulative impacts; and alternatives. The EIS describes the affected environment as it currently exists, addresses the environmental consequences of the proposed Project, and compares the proposed

² The pronouns “we,” “us,” and “our” refer to the environmental staff of the Office of Energy Projects (OEP), part of the FERC staff.

Project's potential impacts to those of alternatives. The EIS also presents our conclusions and recommended mitigation measures.

After a Final EIS is prepared, the Commission will determine whether or not the proposed Project should be approved. A final approval will be granted only if, after a consideration of both environmental and non-environmental issues, the FERC determines that the Project is consistent with the public interest. The environmental impact assessment and mitigation development discussed in this EIS will be important factors in that final determination.

Currently, we have received one other proposal to construct and operate an interstate pipeline in the general vicinity of the proposed Project. The East Texas Expansion Project (Docket No. PF06-17-000) proposed by Gulf South Pipeline Company, LP (Gulf South) would share a similar purpose to that of the proposed Project and would also traverse northern Louisiana. Although these projects are on similar schedules, the FERC is preparing separate EISs for each. The Commission does not consider the East Texas Expansion Project to represent a mutually exclusive alternative to the Carthage to Perryville Project. Rather, we view each of these projects to be potentially complementary for the purpose of meeting the United States' projected demands for natural gas. In addition, the FERC has a regulatory responsibility to act on each of the projects that are filed with it in a timely manner. Linking the environmental analyses of both projects into a single EIS could result in delaying action on one or more of the projects based on insufficient data or unresolved issues associated with just one of the projects. The potential cumulative environmental effects of the Carthage to Perryville and East Texas Expansion Projects, as well as other past, present, and reasonably foreseeable projects and activities are addressed in Section 3.13 of this EIS.

1.3 PERMITS, APPROVALS AND REGULATORY REQUIREMENTS

A number of federal, state, or local regulatory agencies have permit or approval authority or consultation requirements for portions of the proposed Project (see Table 1.3-1). The FERC states in its orders that applicants should cooperate with state and local agencies. However, any state or local permits issued with respect to jurisdictional facilities must be consistent with the conditions of any Certificate the FERC may issue. The FERC encourages cooperation between interstate pipeline companies and local authorities, but state and local authorities may not prohibit or unreasonably delay the construction or operation of facilities approved by the FERC through application of state and local laws.

As the lead federal agency for the proposed Project, the FERC has certain obligations under Section 7 of the Endangered Species Act (ESA) and Section 106 of the National Historic Preservation Act (NHPA). At the federal level, required permits and approval authority outside of the FERC's jurisdiction include compliance with the Clean Water Act (CWA), the Rivers and Harbors Act of 1899, and the Clean Air Act (CAA). Each of these statutes has been taken into account in the preparation of this document.

Section 7 of the ESA, as amended, states that any project authorized, funded, or conducted by a federal agency (for example, the FERC) should not "jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined...to be critical" (16 United States Code (USC) § 1536[a][2]). The FERC, or CEGT as a non-federal party, is required to consult with the FWS to determine whether any species federally listed or proposed for listing as endangered or threatened, or their designated critical habitat occur in the vicinity of the proposed Project. If, upon review of existing data or data provided by CEGT, the FERC determines that these species or habitats may be adversely affected by the proposed Project, the FERC is required to prepare a biological assessment to identify the nature and extent of the adverse impact and to recommend measures that would avoid the habitat and/or species, or would reduce potential impacts to acceptable levels. If the FERC determines that no federally listed or proposed

endangered or threatened species or their critical habitat would be adversely affected by the proposed Project, then no further action is necessary. See Section 3.7 of this EIS for further discussion of our ESA review.

TABLE 1.3-1 Summary of Major Permits, Approvals and Consultations for the Carthage to Perryville Project		
Agency	Permit/Approval/ Consultations	Agency Action (Status)
FEDERAL		
Advisory Council on Historic Preservation	Consultations under Section 106 of the National Historic Preservation Act (NHPA)	Has the opportunity to comment on the undertaking. (Consultation pending.)
Federal Energy Regulatory Commission	Certificate of Public Convenience and Necessity under Section 7(c) of the Natural Gas Act	Determine whether the construction and operation of the proposed natural gas pipeline is in the public interest. (Application submitted on March 10, 2006.)
U.S. Army Corps of Engineers (COE)	Permits under Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act of 1899	Consider issuance of Section 404 permits for the placement of dredge or fill material into all waters of the United States, including wetlands. Considers issuance of Section 10 permit for work in or affecting navigable waters of the United States. (Pre-construction notification submitted March 3, 2006.)
U.S. Department of Agriculture, Natural Resources Conservation Service	Compatible Use Permit	Consider issuance of a permit for crossing of lands enrolled in the Wetlands Reserve Program. (Application pending.)
U.S. Department of the Interior		
Fish and Wildlife Service	Consultations under Section 7 of the Endangered Species Act, the Migratory Bird Treaty Act, and the Fish and Wildlife Coordination Act	Consult on endangered and threatened species and migratory birds; general consultation regarding conservation of fish and wildlife resources. (Concurrence letters of no adverse effect to federally endangered or threatened species issued on February 17 and April 27, 2006.)
National Park Service	Consultations under the Wild and Scenic Rivers Act	Review for impacts on designated Natural Resource Inventory Streams. (Consultation on-going.)
U.S. Department of Transportation Federal Highway Administration	Encroachment permit	Consider issuance of permit to work within road right-of-way. (Application pending.)
U.S. Environmental Protection Agency	Compliance with Sections 401, 402, and 404 of the CWA.	Consider issuance of water use and crossing, National Pollutant Discharge Elimination System (NPDES) discharge, stormwater, and wetland dredge-and-fill permits. Permitting authority delegated to the states.

TABLE 1.3-1 (continued)
Summary of Major Permits, Approvals and Consultations for the Carthage to Perryville Project

Agency	Permit/Approval/ Consultations	Agency Action (Status)
STATE		
Louisiana		
Louisiana Department of Culture, Recreation, and Tourism, Division of Archaeology and Historic Preservation	Consultations under Section 106 of the NHPA	Review and comment on project activities potentially affecting cultural resources. (Concurrence requested March 7, 2006.)
Louisiana Department of Environmental Quality	Water Quality Certification under Section 401 of the CWA	Consider issuance of a permit for stream and wetland crossings in conjunction with COE Section 404 permit. (Consultations on-going.)
	Stormwater Discharge Permit	Consider issuance of a Section 402 permit regulating discharge of stormwater from the construction work area. (Application pending.)
	Hydrostatic Test Water Discharge Permit	Consider issuance of a Section 402 permit regulating hydrostatic test water discharge, and construction dewatering to waters of the state. (Application pending.)
	Minor Source Air Permit	Consider issuance of a permit to construct and operate facilities with the potential for air emissions. (Application submitted December 16, 2005.)
Louisiana Department of Transportation	Road Crossing Permits	Consider issuance of permits to cross and work within the right-of-way of state highways. (Application pending.)
Louisiana Department of Wildlife and Fisheries	Consultations regarding special status species	Review and comment on activities potentially affecting state-listed species. (Protected species report submitted February 13, 2006; consultations on-going.)
	Scenic Rivers Permit	Consider issuance of a permit for proposed crossings of the Saline Bayou and Black Lake Bayou. (Applications submitted on March 27, 2006.)
Louisiana Levee Board	Levee Crossing Permit	Consider issuance of a permit for proposed crossings of the Red River and Ouachita River levees. (Application filed with Tensas Levee District on March 6, 2006; letter of request for application submitted to Red River Levee District on March 1, 2006.)

TABLE 1.3-1 (continued)
Summary of Major Permits, Approvals and Consultations for the Carthage to Perryville Project

Agency	Permit/Approval/ Consultations	Agency Action (Status)
Texas		
Texas Commission on Environmental Quality	Water Quality Certification under Section 401 of the CWA	Consider issuance of a permit for stream and wetland crossings in conjunction with COE Section 404 permit. (Consultations on-going.)
	Stormwater Discharge Permit	Consider issuance of a Section 402 permit regulating discharge of stormwater from the construction work area. (Application pending.)
	Hydrostatic Test Water Discharge Permit	Consider issuance of a Section 402 permit regulating hydrostatic test water discharge, and construction dewatering to waters of the state. (Application pending.)
	Minor Source Air Permit	Consider issuance of a Permit by Rule authorizing construction and operation of facilities with the potential for air emissions. (Permit by Rule authorization received January 26, 2006.)
Texas Department of Transportation	Road Crossing Permits	Consider issuance of permits to cross and work within the right-of-way of state highways. (Application pending.)
Texas Historical Commission	Consultations under Section 106 of the NHPA	Review and comment on project activities potentially affecting cultural resources. (Concurrence requested March 7, 2006.)
Texas Parks and Wildlife Department	Rare Resources Review	Review and comment on activities potentially affecting state-listed species. (Concurrence requested on March 3, 2006; consultations on-going.)
	Stream Disturbance Permits	Consider issuance of a permit for disturbance of state-owned streambed and/or removal of streambed materials. (Application pending.)

Section 106 of the NHPA requires the FERC to take into account the effects of its undertakings on properties listed in, or eligible for listing in, the National Register of Historic Places (NRHP), including prehistoric or historic sites, districts, buildings, structures, objects, or properties of traditional religious or cultural importance, and to afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on the undertaking. The FERC has requested that CEGT, as a non-federal party, assist in meeting the FERC's obligations under Section 106 by preparing the necessary information and analyses as required by the ACHP procedures in 36 CFR 800. Additional information on Section 106 consultation is provided in Section 3.10 of this EIS.

CEGT is required to comply with Sections 401, 402, and 404 of the CWA. The U.S. Environmental Protection Agency (EPA) has delegated water quality certification (Section 401) to the jurisdiction of individual state agencies, but the EPA may assume this authority if no state program exists, if the state program is not functioning adequately, or at the request of a state. Water used for hydrostatic testing of pipelines that is point-source discharged into waterbodies requires a National Pollutant Discharge Elimination System (NPDES) permit (Section 402) issued by the state with EPA oversight.

The COE has responsibility for determining compliance with the regulatory requirements of Section 404 of the CWA. The EPA also independently reviews Section 404 wetland dredge-and-fill applications for the COE and has Section 404(c) veto power for wetland permits issued by the COE. The Section 404 permitting process regulates the discharge of dredged or fill material associated with the construction of pipelines across streams and in wetlands. Before an individual Section 404 permit can be issued, the CWA requires completion of a Section 404(b)(1) guidelines analysis. The FERC, in the NEPA review required to prepare this EIS, has analyzed the technical issues required for the Section 404(b)(1) guidelines analysis, including analysis of natural resources and cultural resources that would be affected by the proposed Project, as well as analyses of alternatives and route variations that would eliminate or minimize the discharge of fill material into the waters of the United States. The COE, as a federal cooperating agency, may use the EIS to support its decision on the Section 404 permit for the proposed Project.

In addition to its CWA responsibilities, the COE has jurisdiction over Section 10 permits. Section 10 permits would be required for all construction activities in navigable waterways under the Rivers and Harbors Act of 1899.

Ambient air quality is protected by federal regulations under the CAA. These regulations include compliance under the New Source Performance Standards (NSPS) and the requirements for the Prevention of Significant Deterioration (PSD). The federal permitting process for the CAA has been delegated to individual state agencies. Although applications are reviewed by both the states and the EPA, the states would determine the need for NSPS or a PSD permit. Air quality and applicable regulations are discussed further in Section 3.11.1 of this EIS.

1.4 PUBLIC REVIEW AND COMMENT

On October 25, 2005, CEGT filed a request with the FERC to implement the Commission's Pre-Filing Process for the Carthage to Perryville Project. At that time, CEGT was in the preliminary design stage of the proposed Project and no formal application had been filed with the FERC. The FERC granted CEGT's request to use the Pre-Filing Process on November 10, 2005, and established a pre-filing docket number (PF06-1-000) to place information relevant to the proposed Project into the public record. The Pre-Filing Process was established by the FERC to encourage early involvement of interested stakeholders, facilitate interagency cooperation, and identify and resolve environmental issues before an application is filed with the FERC.

On December 1, 2005, the FERC issued a public information notice, *National Environmental Policy Act Pre-Filing Review for the Carthage to Perryville Project*, that explained the Pre-Filing environmental review process for the proposed Project. This notice was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. The notice also invited interested groups and individuals to attend a series of open houses scheduled by CEGT to provide information about the proposed Project to affected landowners and other stakeholders. Concurrently, CEGT also mailed notification letters to landowners, government and agency officials, and the general public informing them about the proposed Project and inviting them to attend the open houses. CEGT

also published notifications of the open houses in local newspapers. The open houses were held on December 13, 14, and 15, 2005, in Carthage, Texas, and Quitman and Delhi, Louisiana, respectively. Staff representing the FERC attended the open houses to explain the environmental review process to interested parties and accept comments about the proposed Project.

On January 6, 2006, the FERC issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Carthage to Perryville Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings* (NOI). The NOI was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; local libraries and newspapers; and other interested parties. The NOI, which was published in the Federal Register provided a summary of the proposed Project, outlined our NEPA-required environmental review process, provided a list of the then currently identified environmental issues, and requested comments on the scope of the analysis for the EIS. The NOI also listed the dates and times of three public scoping meetings that were sponsored by the FERC to give the general public an opportunity to learn more about the proposed Project and to comment on environmental issues to be addressed in the EIS. These scoping meetings were held on January 24, 25, and 26, 2006, in Carthage, Texas, and Quitman and Delhi, Louisiana, respectively.

The transcripts of both scoping meetings, as well as all written comments received before and after the scoping meetings, are part of the public record for the proposed Project and are available for viewing on the FERC Internet website (<http://www.ferc.gov>).³ Excluding representatives of CEGT and the FERC, about 40 people attended the public scoping meetings for the proposed Project, and we received verbal statements from a total of four individuals. During the pre-filing and scoping periods for the proposed Project, we received a total of 11 written comment letters from members of the general public, Native American tribes, and federal and state resource agencies. The issues and concerns identified by commentors during the public scoping process for the proposed Project are summarized in Table 1.4-1, which also identifies the EIS section in which these issues are addressed. All comments received during the pre-filing period and since the CEGT's application was filed under Docket No. CP06-85-000 are considered to be part of the record for the Carthage to Perryville Project.

In addition to the public notice and scoping process discussed above, the FERC conducted agency consultations and participated in interagency meetings to identify issues that should be addressed in this EIS. These activities included participation in interagency meetings on November 15, 2005, and March 20, 2006, to discuss the proposed Project and its associated environmental review process with other key federal and state agencies. The agencies that participated in those meetings included the COE; FWS; the Louisiana Department of Wildlife and Fisheries (LDWF); and the Louisiana Department of Environmental Quality (LDEQ).

This Draft EIS has been filed with the EPA. A formal notice was published in the Federal Register, indicating that the Draft EIS is available and has been mailed to individuals and organizations on the distribution list prepared for the proposed Project (see Appendix A). In accordance with the CEQ regulations implementing the NEPA, the public has 45 days to comment on the Draft EIS. We will review and use the comments received to prepare a Final EIS for the proposed Project. All timely comment letters received on this Draft EIS will be addressed in the Final EIS.

³ Using the "eLibrary link", select "General Search" and enter the project docket number excluding the last three digits (*i.e.*, PF06-1 or CP06-85) in the "Docket Number" field. Be sure you have selected an appropriate date range.

**TABLE 1.4-1
Issues Identified and Comments Received During the Public Scoping Process
for the Carthage to Perryville Project**

Issue/Specific Comments	EIS Section Addressing Comment
General	
Project purpose and need	1.1
Public notification requirements	1.3
Describe construction methods and land requirements	2.2, 2.3, 3.8
Maintenance procedures to be implemented during operation, including vegetation management and inspections	2.5, 3.5, 3.12
Potential damage to existing utilities, including water lines and irrigation systems	2.3
Geology and Soils	
Impacts to soils, including compaction, drainage, and erosion potential following construction, and associated mitigation	3.2
Impacts to prime farmland soils	3.2
Water Resources	
Construction-related impacts to irrigation wells; potential for contamination and monitoring requirements	3.3.1
Impacts to waterbodies (rivers and streams), particularly that associated with crossings of major or state-designated scenic rivers	3.3.2, 3.8
Impacts associated with hydrostatic test water withdrawals	2.0, 3.3.2
Vegetation and Wetlands	
Avoidance and minimization of impacts to sensitive habitats, including wetlands, bottomland hardwoods, riparian habitats, and native prairies and rangelands during construction and maintenance activities; mitigation for Project-related effects	3.4, 3.5
Use of native vegetation and seed mixes to restore disturbed areas	3.2, 3.5
Fish and Wildlife Resources	
Impacts to fish and wildlife habitat	3.4, 3.5, 3.6
Potential impacts to colonial, nesting waterbirds or migratory bird species	3.6, 3.7
Collocation with other existing rights-of-way to minimize habitat fragmentation	3.4, 3.5, 3.6
Threatened, Endangered, and Special Status Species	
Potential impacts to state and federally protected species, including red-cockaded woodpecker, bald eagle, interior least tern, Louisiana black bear, pallid sturgeon, Louisiana pine snake, or their habitat	3.7
Land Use, Recreation and Special Interest Areas, and Visual Resources	
Impacts to affected property including agriculture, silviculture activities, and property access during operation	2.6, 3.8
Proximity of pipeline to occupied structures	3.8

TABLE 1.4-1 (continued) Issues Identified and Comments Received During the Public Scoping Process for the Carthage to Perryville Project	
Issue/Specific Comments	EIS Section Addressing Comment
Land Use, Recreation and Special Interest Areas, and Visual Resources	
Reduced property access during construction activities, including that of livestock	2.3, 3.8
Allowable uses/restrictions on future development along the permanent right-of-way	3.8
Compatibility/potential conflicts with designated special use areas, including U.S. Fish and Wildlife Service conservation easements and lands within the Natural Resource Conservation Service's Wetland Reserve and Conservation Reserve Programs	3.4, 3.8
Impacts of multiple pipeline and utility rights-of-way	3.8, 4.4
Air Quality and Noise	
Potential impacts from construction-related noise	3.11.2
Potential noise impacts from compressor stations during operations	3.11.2
Cultural Resources	
Identification, evaluation, and protection of potentially affected cultural resources	3.10
Native American notification and consultation	3.10
Socioeconomics	
Potential effect on property values	3.9
Loss of timber production values for affected silviculture operations	3.8, 3.9
General economic effects to agricultural operations	3.9
Potential for landowner liability associated with accidental pipeline damage; associated insurance premium effects	3.9
Responsibility for payment of property taxes along pipeline right-of-way	3.9
Reliability and Safety	
Public safety; risk of leak, explosion, or catastrophic accident	3.12
Stability and integrity of pipeline; potential for damage from outside forces such as agricultural operations and equipment	2.6, 3.12
Cumulative Impacts	
Cumulative impacts of similar proposed pipeline projects	3.13
Alternatives	
Analysis of alternative pipeline routes and aboveground facility locations, including alternative compressor station sites	4.3, 4.4, 4.5
Use of alternative fuels to reduce need for the proposed Project	4.1

1.5 NONJURISDICTIONAL FACILITIES

Under Section 7 of the NGA, the FERC is required to consider, as part of a decision to certificate jurisdictional facilities, all factors bearing on the public convenience and necessity. Toward this end, the

FERC may need to consider the environmental impact of related “nonjurisdictional” facilities that would be constructed upstream or downstream of the jurisdictional facilities for the purpose of delivering, receiving, or using the proposed gas volumes. Integrally related nonjurisdictional facilities could include major power facilities, such as cogeneration plants, as well as less significant facilities, such as lateral pipeline connections.

The jurisdictional facilities for the proposed Project are described in detail in Section 2.1. The nonjurisdictional facilities for the proposed Project include three, intrastate natural gas pipeline laterals. These facilities would be constructed and operated by Houston Pipe Line Company (HPL), Duke Energy Field Services (DEFS), and Enbridge Energy Partners, LP (Enbridge) to enable these parties to deliver natural gas to the proposed Carthage to Perryville Project pipeline (Table 1.5-1).

TABLE 1.5-1 Summary of Nonjurisdictional Facilities for the Carthage to Perryville Project	
Facility	Description
Houston Pipe Line Company (HPL) Lateral	A 1.1-mile-long, 42-inch-diameter pipeline lateral, to be constructed and operated by HPL, would deliver natural gas to the Carthage to Perryville Project via an interconnect at the proposed HPL Meter/Regulator (M/R) Station. The HPL facilities would also include a pig launching facility located just upstream of the delivery point to the proposed Project.
Duke Energy Field Services (DEFS) Lateral	An approximately 2,000-foot-long, 24-inch-diameter pipeline lateral, to be constructed and operated by DEFS, would extend from the outlet of the DEFS processing facility in Panola County to an interconnect with the Carthage to Perryville Project at the proposed DEFS-Enbridge M/R Station.
Enbridge Energy Partners, LP (Enbridge) Lateral	An approximately 350-foot-long, 12-inch-diameter pipeline lateral, to be constructed and operated by Enbridge, would extend from the outlet of an existing Enbridge meter facility in Panola County to an interconnect with the Carthage to Perryville Project at the proposed DEFS-Enbridge M/R Station.

1.5.1 The Four Factor Test

We use four factors to determine whether there is sufficient federal control and responsibility over a project as a whole to warrant environmental analysis of project-related nonjurisdictional facilities. These factors are:

- whether the regulated activity comprises "merely a link" in a corridor type project (e.g., a transportation or utility transmission project);
- whether there are aspects of the nonjurisdictional facility in the immediate vicinity of the regulated activity that affect the location and configuration of the regulated activity;
- the extent to which the entire Project would be within the Commission’s jurisdiction; and
- the extent of cumulative federal control and responsibility.

With regard to the first factor, the jurisdictional facilities, the proposed Project, is clearly a link in a natural gas project. The proposed Project would serve as a new pipeline transportation system between the producers and consumers of natural gas. As a common carrier, CEGT serves only to transport natural gas for its customers and does not sell gas to consumers. Therefore, this factor favors examining the nonjurisdictional facilities.

With regard to the second factor, the proposed Project would transport natural gas received from the nonjurisdictional pipeline laterals, but the design and route of the proposed Project has not been uniquely influenced by the location or configuration of the nonjurisdictional facilities. CEGT has made numerous adjustments to its proposed pipeline route with only the need to ultimately reach the delivery points on the eastern end of the proposed Project. Thus, the second factor does not support the FERC's review of the nonjurisdictional facilities.

The third factor weighs the extent to which the entire Project would be within the FERC's jurisdiction. Intrastate pipeline facilities are regulated by state and local permitting agencies, primarily the Railroad Commission of Texas in the case of the three proposed pipeline laterals. The FERC has no authority over the permitting, licensing, funding, construction, or operation of these nonjurisdictional facilities. Because the FERC has no authority over the nonjurisdictional facilities, this factor also weighs against extending the scope of the environmental review.

Finally, the last factor weighs the extent of cumulative federal control and responsibility over the nonjurisdictional facilities. Federal control is determined by the amount of federal financing, assistance, direction, regulation, or approval inherent in a project. The nonjurisdictional facilities are private construction projects under state and local jurisdiction. The federal government has no financial involvement, and no federal lands are involved. Construction of the HPL Lateral would impact wetlands along the proposed construction right-of-way, but it is anticipated that such impacts would be authorized under a COE nationwide permit. Based on the available information, federal agencies are expected to have either very limited or no involvement in the approval of the nonjurisdictional facilities. Therefore, cumulative federal control is minimal, and this factor does not warrant extending the FERC's environmental review.

We have applied the four factor test to the Carthage to Perryville Project and have determined that only one factor favors examining the nonjurisdictional facilities. Therefore, insufficient justification exists to warrant extension of the FERC's environmental review to include the nonjurisdictional facilities. However, because construction of the nonjurisdictional facilities is reasonably foreseeable in the region, we have considered them in our analysis of cumulative impacts (see Section 3.13).