



FINDING OF NO SIGNIFICANT IMPACT

RIGHT-OF-WAY PERMIT-EASTERN PANHANDLE EXPANSION PROJECT

Hancock, MD

The Federal Energy Regulatory Commission (FERC or Commission), in cooperation with the National Park Service (NPS) and the Environmental Protection Agency (EPA), prepared an Environmental Assessment (EA) to examine alternative actions and environmental impacts associated with the proposed Eastern Panhandle Expansion Project (Project), proposed by Columbia Gas Transmission, LLC (Columbia). Columbia proposes to construct, operate, and maintain approximately 3.4 miles of 8-inch-diameter pipeline and associated appurtenant facilities across three counties and states (Fulton County, Pennsylvania; Washington County, Maryland; and Morgan County, West Virginia). Columbia's proposed Project would cross beneath the Chesapeake and Ohio Canal National Historical Park (Park) near Hancock, Maryland. The pipe would be installed under the Park using horizontal directional drilling (HDD), at a depth of 116 to 148 feet below the ground surface. Construction of the pipe requires the NPS to issue a Special Use Permit for the installation of the pipeline under NPS property, and a Right-of-Way permit for the portion of the alignment that is under the Park and on land encumbered by a NPS scenic easement. To help inform the decision to issue the Right-of-Way permit, NPS-specific information and analysis were added to the EA.

The purpose of the Project is to increase supply options and system reliability, and provide firm transportation service to Columbia's customers, which will provide service to markets in West Virginia. Columbia states that the Project is needed to meet the market demand growth that its system continues to experience. It is intended to benefit both current and future shippers, by creating an additional point of delivery and providing operational flexibility.

The federal action that is being carried forward and that is needed by the NPS is the issuance of a Special Use Permit for the installation of the pipeline under NPS property, and a Right-of-Way permit for the portion of the alignment that is under the Park and on land encumbered by a NPS scenic easement. The decision considers impacts to the Park resources as expressed in statute, including the Park's enabling legislation, regulation, and policy.

FERC released the EA for agency and public review on January 26, 2018, and accepted comments through February 26, 2018. The EA was prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), the regulations of the Council on Environmental Quality (CEQ) for implementing NEPA (40 Code of Federal Regulations [CFR] 1500-1508), FHWA Technical Advisory (T6640.8a), Section 106 of the National Historic Preservation Act (NHPA), and NPS Director's Order #12, Conservation Planning, Environmental Impact Analysis, and Decision-making. The statements and conclusions reached in this finding of no significant impact (FONSI) are based on documentation and analysis provided in the EA and associated decision file. To the extent necessary, relevant sections of the EA are incorporated by reference below.

After consultation with FERC and EPA, review of the EA and other supporting documentation, the NPS, in accordance with 43 CFR 46.320, is adopting this EA and making its decision to issue the Right-of-Way permit to Columbia. The EA fulfills the requirements of NEPA and applicable regulations, and it meets the policies set forth in the NPS's Director's Order #12, Conservation Planning, Environmental Impact Analysis and Decision-Making, and accompanying Handbook.

SELECTED ALTERNATIVE

Based on the analysis presented in the EA, the NPS has agreed with FERC and the EPA that the proposed action will not have significant impact on NPS resources. The NPS will issue a Special Use Permit for the

installation of the pipeline beneath NPS property, as well as a Right-of-Way permit for the Project once all required federal and state permits are in place. The permits will allow Columbia to install and maintain an 8" gas pipeline under the Park and the associated scenic easement. The pipe will be installed via HDD at a depth of 116 to 148 feet below the ground surface. There will be no surface ground disturbance or staging of equipment on NPS land or the NPS easement. Electric grid guide wires will be laid by hand on the ground along the pipeline drill path during construction to create an electromagnetic sensor grid. No ground or surface disturbing activities will be required for installation of the guide wires except for minor hand clearing of a one to two-foot-wide path for the wires in thickly vegetated areas. Tree clearing for workspace (entry/exit locations) would not occur within 1,000 feet of NPS property. Surface marking of the proposed pipeline Right-of-Way may require above grade route markers composed of plastic, fiberglass, or other similar material.

The Right-of-Way permit will allow Columbia to maintain an active gas pipeline under NPS land for 10 years, after which the permit will be re-evaluated. In return, Columbia will be required to pay a use and occupancy fee to the United States government for use of the land at a value determined by an appraisal. The Right-of-Way permit will allow Columbia to access the pipeline through the Park by foot for periodic inspections.

RATIONALE FOR DECISION

The permit will be granted because of the limited impact to the Park. The NPS does not have a generally applicable statutory authority that allows it to issue Right-of-Way permits for gas pipelines, although some individual parks do have authority to do so in their enabling legislation. The Park's enabling legislation, Chesapeake & Ohio Canal Development Act in 1971 (16 USC 410-y-3), provides for the authorization via a permit for utility crossings as long as such crossings are not in conflict with the purposes of the park and are in accordance with any requirements found necessary to preserve park values and resources.

The pipeline and aboveground facilities associated with the Project must be designed, constructed, operated, and maintained in accordance with the Department of Transportation Minimum Federal Safety Standards in 49 CFR 192. The regulations are intended to ensure adequate protection for the public and to prevent natural gas facility accidents and failures. According to regulation, Columbia will establish and maintain liaison with appropriate fire, police, and public officials to ascertain the resources and responsibilities of each organization that may respond to a gas pipeline emergency, and to coordinate mutual assistance in responding to emergencies. They will establish a continuing education program to enable customers, the public, government officials, and those engaged in excavation activities to recognize a gas pipeline emergency and report it to appropriate public officials. Local officials and utility operators will be kept apprised of activities Columbia undertakes to operate and maintain its system. Columbia provides annual emergency response training for its operations personnel which includes coordination with local officials during an emergency event. Local emergency response organizations will be invited to participate in mock drills as a part of this program.

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As documented in the EA, the selected alternative has the potential for only very minor adverse impacts to vegetation (minor hand clearing of one to two-foot-wide path). Due to the proposed depth of the pipeline and the absence of ground surface disturbance within the Park, impacts to all other natural and cultural resources will be avoided. There will be no significant impacts to public health, public safety, or unique characteristics of the region. No highly uncertain or controversial impacts, unique or unknown risks, significant cumulative effects, or elements of precedence were identified. Implementation of the NPS selected alternative will not violate any federal, state, or local environmental protection law. The NPS has determined that the selected alternative can be implemented without significant adverse effects, as defined in 40 CFR §1508.27.

CONCLUSION

As described above, the selected alternative and option does not constitute an action meeting the criteria that normally requires preparation of an environmental impact statement (EIS). The selected alternative will not have a significant effect on the human environment in accordance with Section 102(2)(c) of NEPA. Based on the foregoing, it has been determined that an EIS is not required for this Project and, thus, will not be prepared.

Recommended:

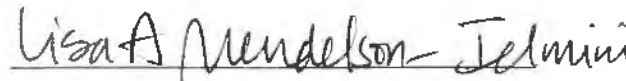


Kevin D. Brandt
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Chesapeake and Ohio Canal NHP

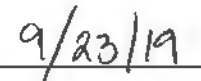


Date

Approved:



Lisa A. Mendelson-Ielmini
Acting Director
Region 1 - National Capital Area



Date

ATTACHMENT A

NON-IMPAIRMENT DETERMINATION

By enacting the National Park Service (NPS) Organic Act of 1916 (Organic Act), Congress directed the US Department of the Interior and NPS to manage units "to conserve the scenery and the natural and historic objects and wild life therein and to provide for the enjoyment of the same in such a manner and by such a means as will leave them unimpaired for the enjoyment of future generations" (54 United States Code [USC] 100101). Congress reiterated this mandate in the Redwood National Park Expansion Act of 1978 by stating that NPS must conduct its actions in a manner that will ensure no "derogation of the values and purposes for which these various areas have been established, except as may have been or shall be directly and specifically provided by Congress" (54 USC 100101).

The NPS *Management Policies 2006*, Section 1.4.4, explains the prohibition on impairment of park resources and values:

While Congress has given the Service the management discretion to allow impacts within parks, that discretion is limited by the statutory requirement (generally enforceable by the federal courts) that the Park Service must leave park resources and values unimpaired unless a particular law directly and specifically provides otherwise. This, the cornerstone of the Organic Act, establishes the primary responsibility of the NPS. It ensures that park resources and values will continue to exist in a condition that will allow the American people to have present and future opportunities for enjoyment of them.

NPS has discretion to allow impacts on park resources and values when necessary and appropriate to fulfill the purposes of a park (NPS *Management Policies 2006*, Section 1.4.3). However, NPS cannot allow an adverse impact that will constitute impairment of the affected resources and values (Section 1.4.3). An action constitutes an impairment when its impacts "harm the integrity of Park resources or values, including the opportunities that otherwise will be present for the enjoyment of those resources or values" (Section 1.4.5). To determine impairment, NPS must evaluate "the particular resources and values that will be affected; the severity, duration, and timing of the impact; the direct and indirect effects of the impact; and the cumulative effects of the impact in question and other impacts" (Section 1.4.5).

The EA analyzes impacts to the following resources: traffic and transportation, health and safety, visitor use and experience, and cultural resources. NPS *Guidance for Non-Impairment Determinations and the NPS NEPA Process* states that:

The impairment determination does not include discussion of impacts to visitor experience, socioeconomics, public health and safety, environmental justice, land use, park operations, etc., as those do not constitute impacts to park resources and values subject to the non-impairment standard.

SUMMARY

NPS has determined that implementation of the selected alternative will not constitute an impairment of the resources or values of the park. As described above, implementing the selected alternative is not anticipated to impair resources or values that are essential to the purposes identified in the establishing legislation of the park, key to the natural or cultural integrity of the park, or identified as significant in the park's relevant planning documents. This conclusion is based on the consideration of the purpose and significance of the park, a thorough analysis of the environmental impacts described in the environmental assessment, relevant scientific studies, the comments provided by the public and others, and the professional judgment of the decision-maker guided by the direction of the NPS *Management Policies 2006*.