



July 22, 2015

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission (FERC)
888 First Street, NE
Room 1A
Washington, DC 20426

Re: **Tennessee Gas Pipeline Company, L.L.C., Docket No. PF14-22-000, Northeast Energy Direct Project**

Dear Secretary Bose:

The following comments are submitted in response to FERC's June 30, 2015 Notice of Intent to Prepare an Environmental Impact Statement (EIS) for the Planned Northeast Energy Direct Project (NED), Request for Comments on Environmental Issues, and Notice of Public Scoping Sessions. The NED is proposed by Tennessee Gas Pipeline (TGP), a subsidiary of Kinder Morgan. Mass Audubon is a directly affected landowner, as the proposed project corridor crosses four parcels it holds for conservation purposes in Plainfield (Municipal Map/Block/Lot #s 19/0/1, 20/0/3, 25/0/3, and 20/0/1). Numerous other lands held by public and private entities for permanent conservation purposes will also be impacted, along with extensive areas of sensitive land and water resources.

We believe it is premature for FERC to proceed to this step in the project review process at this time, due to recent changes in the project and deficiencies in Kinder Morgan's filings to date, including but not necessarily limited to the points described below. Mass Audubon respectfully requests that the schedule for the public scoping hearings and deadline for scoping comments be extended beyond August 31, 2015. In particular, we urge that further information be required on project need, alternatives and the economic and environmental costs and benefits of the project and alternatives. Kinder Morgan should also be required to submit updated and more complete Resource Reports based on the currently proposed project configuration and publicly available data including MassGIS datalayers and the University of Massachusetts/Amherst Conservation Assessment and Prioritization System (CAPS).¹ In the event that FERC denies this request for delay and extension of the review process, we request that these comments be considered in developing the Scope for the EIS.

¹ UMass, Amherst, *A Natural Resources Assessment of the Tennessee Gas Pipeline Company's Proposed Northeast Energy Direct Project's Pipeline Route Within Massachusetts*, 2015.



Project Need and Alternatives

The need for and alternatives to the project must be more fully and objectively analyzed, before any further steps are taken toward proceeding with this massive, expensive, and environmentally destructive project. Massachusetts Attorney General Maura Healey recently announced that she is commissioning a study of electricity reliability needs in the New England region through 2030 and the options for meeting those needs. This study, conducted by the Analysis Group and Raab Associates, will fill a pressing need for analysis of the costs and benefits of various alternatives including energy efficiency, demand response, renewables, natural gas, and oil. This study is expected to be completed in October, 2015. It is vitally important from both an economic and environmental perspective to consider the results of this study before advancing environmental review of the proposed gas transmission infrastructure being proposed in the NED project as well as the Algonquin/Spectra Access Northeast Project.

The Massachusetts Global Warming Solutions Act adopted in 2008 set ambitious targets for reductions of greenhouse gas (GHG) emissions by 25 percent by 2020 and 80 percent by 2050. This law and the Green Communities Act have catalyzed rapid progress in energy efficiency and development of renewable energy sources, both of which are making important contributions to our economy and environmental health. For the past four years in a row, Massachusetts ranked first in the nation in American Council for an Energy-Efficient Economy's scorecard of the states.² Meanwhile, a recent report indicates that as a result of the Regional Greenhouse Gas Initiative (RGGI), nine states in New England and the Mid-Atlantic region have gained \$1.3 billion in economic benefits and saved electric ratepayers \$460 million while reducing carbon emissions by 15 percent.³ The clean energy economy (renewables and energy efficiency) in Massachusetts has added more than 28,000 jobs since 2010 and is now a \$10 billion industry sector.⁴ The NED project is incompatible with national, regional, and state policies and goals for GHG reductions, and comes with enormous, avoidable environmental and economic consequences. Major new pipelines increasing our dependence on natural gas will make it more difficult, not less, to meet GHG reduction goals over both the short and longer term. Life-cycle emissions from gas often exceed that of other fossil fuels they replace, while also causing other major environmental impacts that can be avoided through greater emphasis on energy efficiency and renewables.⁵ Furthermore, if gas is exported through the proposed pipeline, the purported energy price benefits to consumers in New England will most likely evaporate, since gas prices are much higher in global markets.

² <http://aceee.org/files/pdf/state-sheet/massachusetts.pdf>

³ The Analysis Group, *The Economic Impacts of the Regional Greenhouse Gas Initiative on Nine Northeast and Mid-Atlantic States - Review of RGGI's Second Three-Year Compliance Period (2012-2014)*, 2015.

⁴ Massachusetts Clean Energy Center, *2014 Massachusetts Clean Energy Industry Report*.

⁵ http://www.ucsusa.org/clean_energy/our-energy-choices/coal-and-other-fossil-fuels/environmental-impacts-of-natural-gas.html#.Va-DhviViko

Project Scope and Impacts

TGP has recently announced significant changes to the NED project, including the elimination of several laterals and the reduction of the diameter of the main line from 36” to 30”. While these may somewhat reduce the environmental impacts of the project, those impacts remain at an unprecedented scale.

More than one hundred parcels of “permanently protected” lands conserved by public and private entities will be impacted by this project. Massachusetts has a long history of thoughtful land and water conservation, conducted based on scientifically based priorities. This carefully constructed matrix of protected lands encompasses 25 percent of the state. These lands are protected by Article 97 of the State Constitution and/or are held in public trust by charitable land trusts. It is ironic that a private, out of state company now views these areas as convenient for the construction of energy infrastructure at an unprecedented scale. A 2013 report on The Return on Investment in Parks and Open Space in Massachusetts found that every dollar invested in land conservation returned \$4 in natural goods and services to the Massachusetts economy, including clean air and water, recreation and tourism, and fish and wildlife habitat.⁶ The Massachusetts Supreme Judicial Court has also recognized that lands held in conservation use by charitable trusts support a wide range of public benefits.⁷ Before any further consideration of impacts to these precious conservation lands as well as extensive other areas of wetlands, streams, forests and farmlands, alternative means of meeting state and regional energy needs must be considered.

Furthermore, the very fact that the project has changed so significantly has rendered the draft Resource Reports out of date and virtually useless. It is extremely difficult, if not impossible, for a reader to decipher what the impacts of the currently proposed project is based on those outdated reports.

Failure to Use Publicly Available Resource Data in Draft Resource Reports

Massachusetts has an extensive, advanced land use and environmental database with information publicly available through MassGIS. Mass Audubon met with representatives of Kinder Morgan/TGP as early as April 28, 2014, and communicated to the company at that time about the wealth of natural resources data available that could assist in analyzing impacts of the proposed project and how to minimize those impacts. We also attended other meetings in 2014 with company representatives hosted by state agencies, and are aware of several communications from agencies and other environmental groups to the company informing them of these resources and how to utilize them. This information was not in fact employed as it could and should have been in the Resource Reports. Datalayers that are available including BioMap2 and Priority Habitat maps documenting the most ecologically sensitive locations in the state, along with associated information explaining each of the features in those maps including the natural communities and species associated with them. The failure to utilize the available, scientifically based resource information is a serious deficiency resulting in incomplete and superficial analysis of the significant impacts of the project.

⁶ www.tpl.org/return-investment-parks-and-open-space-massachusetts

⁷ New England Forestry Foundation, Inc. vs. Board of Assessors of Hawley
468 Mass. 138, <http://masscases.com/cases/sjc/468/468mass138.html>

For all of the foregoing reasons, Mass Audubon requests that FERC withdraw the Notice of Intent to Prepare an EIS and instead require TGP/Kinder Morgan to first conduct further analysis of project need and alternatives as well as environmental impacts. In the event FERC denies this request, please consider these comments in preparing the Scope for the EIS.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Clayton". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Gary R. Clayton
Acting President/Vice President for Conservation Programs

Cc: MA EFSB & DPU
MA AG Maura Healey
MA Energy and Environmental Affairs Secretary Mathew Beaton