



BILLING CODE 6717-01-P
DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission

[Docket No. CP19-509-001]

Texas Eastern Transmission, LP; Notice of Intent to Prepare an Environmental Assessment For The Proposed Amended **Marshall County Mine Panel 19E and 20E Project** and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Marshall County Mine Panel 19E and 20E Project (Project) involving construction and operation of facilities by Texas Eastern Transmission, LP (Texas Eastern) in Marshall County, West Virginia. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies about issues regarding the project. The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity/authorization. NEPA also requires the Commission to discover concerns the public may have about proposals. This process is referred to as “scoping.” The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of issues to address in the EA. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00pm Eastern Time on **February 12, 2020**.

You can make a difference by submitting your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Commission staff will consider all filed comments during the preparation of the EA.

This notice is being sent to the Commission’s current environmental mailing list for this project. State and local government representatives should notify their

constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law.

Texas Eastern provided landowners with a fact sheet prepared by the FERC entitled “An Interstate Natural Gas Facility On My Land? What Do I Need To Know?” This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission’s proceedings. It is also available for viewing on the FERC website (www.ferc.gov) at <https://www.ferc.gov/resources/guides/gas/gas.pdf>.

Public Participation

The Commission offers a free service called eSubscription which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. To sign up go to www.ferc.gov/docs-filing/esubscription.asp.

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208-3676 or FercOnlineSupport@ferc.gov. Please carefully follow these instructions so that your comments are properly recorded.

- 1) You can file your comments electronically using the [eComment](#) feature, which is located on the Commission’s website (www.ferc.gov) under the link to [Documents and Filings](#). Using eComment is an easy method for submitting brief, text-only comments on a project;
- 2) You can file your comments electronically by using the [eFiling](#) feature, which is located on the Commission’s website (www.ferc.gov) under the link to [Documents and Filings](#). With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on [eRegister](#). You

will be asked to select the type of filing you are making; a comment on a particular project is considered a “Comment on a Filing”; or

- 3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (CP19-509-001) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426

Summary of the Proposed Project

Texas Eastern filed an amendment to its Abbreviated Application for a Certificate of Public Convenience and Necessity and for Related Authorizations for its proposed Marshall County Mine Panel 19E Project, submitted on September 4, 2019 in Docket No. CP19-509-000. By this Amendment, Texas Eastern requests authorization under the Natural Gas Act, Section 7(c) to excavate, elevate, and replace certain segments of its pipelines that traverse the Marshall County Coal Company’s (Marshall Coal) Mine Panels 19E and 20E, located in Marshall County, West Virginia. This Amendment reflects activities related to both Mine Panels 19E and 20E, and the construction activities proposed replace in their entirety the construction activities proposed in the Application.

Texas Eastern proposes to excavate and elevate pipeline segments of its Lines 10, 15, 25, and 30, that range from 30-inch to 36-inch-diameter and to monitor stress and strain levels on the pipelines from potential ground subsidence due to Marshall Coal’s scheduled longwall mining activities. Concurrent with pipeline elevation, portions of Lines 10 and 15 would be replaced with new pipe to accommodate a minimum Class 2 design.¹ Texas Eastern would also perform maintenance activities on segments of Lines 25 and 30. The four mainline segments will be returned to natural gas service above ground, while remaining elevated using sandbags and skids for the duration of Marshall Coal’s longwall mining activities and potential ground subsidence. Texas Eastern would reinstall the elevated pipeline segments as soon as possible to minimize the length of time that the segments are above ground, and to allow the right-of-way to be restored to its pre-construction use in accordance with landowner agreements.

Marshall Coal recently informed Texas Eastern that longwall mining activities for

¹ Lines 10 and 15 were installed prior to the Natural Gas Pipeline Safety Act, and are grandfathered to operate at greater than 72% of Specified Minimum Yield Strength. The portions of these pipelines included in this Project will be replaced with pipe that meets or exceeds the current Pipeline and Hazardous Materials Safety Administration regulations. See 49 CFR 192.611(a) (2019).

Mine Panel 20E may now begin as early as August of 2021. As such, Texas Eastern would need to commence activities to protect its pipelines that traverse Mine Panel 20E concurrent with planned activities to protect its pipelines that traverse Mine Panel 19E (longwall mining activities in Mine Panel 19E are anticipated to begin in October 2020) in order to ensure timely stabilization of the pipeline segments above ground for the duration of the longwall mining activities scheduled to take place at both Mine Panels. Completion of longwall mining activities and potential subsidence is anticipated in December 2020 for Mine Panel 19E and in October 2021 for Mine Panel 20E. As such, Texas Eastern is seeking to amend the timing set forth in the Application for completion of Project activities from October 2021 to October 2022, prior to the start of Texas Eastern's winter heating season

The general location of the project facilities is shown in appendix 1.²

Land Requirements for Construction

Construction workspace would disturb about 34.2 acres of land for the pipeline excavation, elevation, and/or replacement. Following construction, Texas Eastern would maintain about 12.0 acres of existing right-of-way for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses.

The EA Process

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- air quality and noise;
- public safety; and
- cumulative impacts

² The appendices referenced in this notice will not appear in the Federal Register. Copies of appendices were sent to all those receiving this notice in the mail and are available at www.ferc.gov using the link called eLibrary or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502-8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

Commission staff will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present Commission staffs' independent analysis of the issues. The EA will be available in electronic format in the public record through eLibrary³ and the Commission's website (<https://www.ferc.gov/industries/gas/enviro/eis.asp>). If eSubscribed, you will receive instant email notification when the EA is issued. The EA may be issued for an allotted public comment period. Commission staff will consider all comments on the EA before making recommendations to the Commission. To ensure Commission staff have the opportunity to address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate in the preparation of the EA.⁴ Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.⁵ The EA for this project will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

³ For instructions on connecting to eLibrary, refer to the last page of this notice.

⁴ The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

⁵ The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If the Commission issues the EA for an allotted public comment period, a *Notice of Availability* of the EA will be sent to the environmental mailing list and will provide instructions to access the electronic document on the FERC's website (www.ferc.gov). **If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please return the attached "Mailing List Update Form" (appendix 2).**

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at **(866) 208-FERC**, or on the FERC website at www.ferc.gov using the eLibrary link. Click on the eLibrary link, click on General Search and enter the docket number in the Docket Number field, excluding the last three digits (i.e., CP09-509). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at www.ferc.gov/EventCalendar/EventsList.aspx along with other related information.

Dated: January 13, 2020.

Kimberly D. Bose,
Secretary.

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