

Amherst, NH – Pipeline Task Force Working Document

The Process and Timeline v. 1

Overview

This document provides a high level overview of the process that Kinder Morgan / Tennessee Gas Pipeline Company is following in order to complete the proposed “Northeast Energy Direct” (NED) interstate natural gas transmission pipeline project. First, the role of the major federal and state agencies is introduced. Next is a summary of the Kinder Morgan project filings and public meetings that led to routing the main pipeline through southern New Hampshire. The final section is an anticipated timeline for the remainder of the project with a description of significant events.

This document will be updated as necessary in order to document the project status and reflect new information regarding future milestones.

Federal and State Agencies Involved

The Federal Energy Regulatory Commission (FERC) regulates many aspects of interstate gas transmission pipeline operations. This includes approval, permitting and siting for new pipeline facilities. FERC accepts public comments on proposed pipeline projects once the applicant has pre-filed and been assigned a docket number. As part of approving a pipeline application, FERC can specify the conditions under which the pipeline can be constructed, including the route used. FERC’s approval of an application for Certificate of Public Convenience and Necessity is a prerequisite to the start of construction of a natural gas pipeline project.

The New Hampshire Site Evaluation Committee (NHSEC) was established by the legislature for the review, approval, monitoring and enforcement of compliance in the planning, siting, construction and operation of energy facilities. The committee is designed to integrate the various permitting processes as well as address environmental, economic, and technical issues.

Almost all applications to FERC for interstate natural gas pipeline projects require some level of coordination with one or more other Federal, state, and local agencies. The principal laws involved include the National Environmental Policy Act, the Clean Water Act, the Endangered Species Act, and the National Historic Preservation Act. Compliance with these laws is accomplished through the issuance of permits by the relevant authority (e.g. Section 401 Water Quality Certification from the Environmental Protection Agency).

Project Initiation

Kinder Morgan proposed the NED project to meet the growing needs of local natural gas distribution companies, power generators and industrial users for an energy source to serve the Northeast and especially New England. The project was designed to deliver up to 2.2 billion cubic feet per day of natural gas from western Pennsylvania to an existing gas distribution hub in Dracut, Massachusetts. Potential customers were given an opportunity to enter into a nonbinding agreement to sign up for a portion of the capacity rights delivered by the project.

September 2014 Pre-Filing application accepted as docket PF14-22

On September 15, 2014 Kinder Morgan submitted a pre-filing request which was accepted by FERC and given the docket number PF14-22. This 360 page document is available on the FERC website at <http://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=13636840>. It describes the project in general as well as a proposed timeline. This submission includes preliminary route maps, a list of anticipated federal and state environmental permits needed, as well as the public participation plan. At this time the only impact to Amherst was the 12-inch diameter West Nashua Lateral which included a new meter station in the Amherst industrial area and entered town via Hollis.

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Acceptance by FERC of the pre-filing request from Kinder Morgan started the public comment period for the project. Comments (both in favor and opposition) are accepted from the general public as well as directly affected parties. The eComment web page is at <http://www.ferc.gov/docs-filing/ecomment.asp>. Prepare your comments ahead of time, and then copy / paste into the FERC web page. Submission of comments online requires a valid email address. You will receive an email with a 'Confirmation of eComment' link that must be clicked for your comment to be accepted. Remember, the docket number for this project is **PF14-22**. More detailed instructions are available at <http://www.ferc.gov/help/how-to/ecomment.asp>.

FERC also allows anyone to register to receive emails with links to all project submittals and issuances. This is known as an eSubscription and requires registration via <http://www.ferc.gov/docs-filing/esubscription.asp>. Once your subscription is active you will receive email notification each time a public comment is posted, as well as each time project documents are updated by Kinder Morgan. You will also get notices of updates from FERC and other government agencies as the project progresses.

Draft Resource Reports 1 and 10 released in 2014

On November 5, 2014 Kinder Morgan posted project updates which are available at http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14267797. This update included the initial drafts of Resource Reports 1 (General Project Description) and 10 (Project Alternatives) which still indicated the primary pipeline route would travel through northern Massachusetts and serve New Hampshire via a meter station in Amherst.

On December 8, 2014 project updates were posted at http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14277852 which announced that the preferred route now included New Hampshire. To quote Kinder Morgan - "In its ongoing effort to critically evaluate feasible alternatives for the Project, Tennessee has now determined that it will adopt both the New York Powerline Alternative and the New Hampshire Powerline Alternative as its proposed route."

Public meetings in New Hampshire 2015

Kinder Morgan held several 'Open House' meetings along the project path during the first few months of 2015. These events provide an opportunity for interested parties to learn more about the project from Kinder Morgan representatives in an informal setting. Directly impacted property owners are encouraged to come to meet with Kinder Morgan and learn more about the project.

Amherst and other towns along the route also arranged to have Kinder Morgan attend town meetings in which a project presentation was given by Kinder Morgan followed by a public question and answer session.

Draft Resource Reports 1 through 13

On March 13, 2015 draft Resource Reports 1 through 13 were posted to http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14312347 by Kinder Morgan. This draft includes more specific information on pipeline construction methods as well as identification of both permanent and temporary easement requirements. These areas are reflected on the detailed maps through Amherst contained in [12_NED_VolIII_App_F_Mark_AlignSheet_Seg_J_0313151of2.PDF](#) and [12_NED_VolIII_App_F_Mark_AlignSheet_Seg_J_0313152of2.PDF](#). Much of the information in these early reports is subject to change, and a significant amount of these documents are boilerplate sections with additional content "to be determined".

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Future Timeline

Kinder Morgan appears to be sticking to their original project timelines despite pleas from affected residents, town governments, and state and local representatives requesting additional time for the public dissemination of project information and opportunity for community feedback. The information below is based on the schedule originally posted with the pre-filing application from August 2014.

Spring 2015

Kinder Morgan will be soliciting permission to conduct on site surveys along the proposed route. On ground surveys will be performed where allowed, and aerial surveys by helicopter and/or airplane are also anticipated. Affected property owners will be contacted by Kinder Morgan in order to arrange one-on-one meetings to discuss pipeline routing and easement requirements for their property.

FERC may hold public scoping meetings and site visits in the project area during this time. Scoping meetings are utilized by staff to identify relevant issues of major Certificate projects. Affected property owners and other stakeholders can provide detailed comments about issues pertaining to their properties. Stakeholders can also suggest alternatives to be evaluated or help identify construction constraints. Information gathered at scoping meetings during pre-filing help the Company prepare environmental mitigation measures to present in its environmental resource reports filed with the Commission in its Certificate Application. In return, this information provides FERC staff with the resources needed to publish a more complete environmental document for public review.

June 2015

Another draft of Resource Reports is expected in June. Route revisions are possible and more details on construction specifics are anticipated.

August 2015

The New Hampshire Site Evaluation Committee requires that public information sessions be held in each county 30 days before filing with the state. A minimum of one information session hosted by the applicant is required in each county.

September 2015

Formal filing of an application with FERC and NHSEC is anticipated in September. By this time all the details of the project should be fully described, and further modifications to the route or construction methods are unlikely unless mandated by a required governmental permit. At this point interested parties must decide whether or not to request formal intervenor status with FERC.

Intervenors have the right to:

- Participate in hearings before FERC's administrative law judges
- File briefs
- File for rehearing of a Commission decision
- Have legal standing in a Court of Appeals if they challenge the Commission's final decision
- Receive copies of case-related Commission documents and filings by other intervenors

October 2015

Additional NHSEC information sessions are anticipated in October.

January 2016

NHSEC / FERC joint public hearings begin.

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October 2016

Grant or deny decisions from NHSEC and FERC are anticipated at this time. Assuming the certificate is granted (as most are if they get this far), this is the start point for legal actions challenging the certificate. This is also the initiation point for eminent domain proceedings.

2017

January - Tree felling for 2017 construction begins.

April - Construction starts for the 2017 construction area.

October - Tree felling for 2018 construction begins.

November - Construction begins for the 2018 construction area.

November 2018

Proposed in-service date.