




*Larry Hogan, Governor*  
*Boyd Rutherford, Lt. Governor*  
*Mark Belton, Secretary*  
*Joanne Throwe, Deputy Secretary*

9 November 2017

To: Paul Busam, Nontidal Wetlands and Waterways Division, MDE

From:  Tony Redman, Director, Environmental Review Program

Subject: Columbia Gas Transmission, LLC – Eastern Panhandle Expansion Project,  
Washington County (201760592)

The Department of Natural Resources is writing to the Department of the Environment (MDE) to provide MDE with the status of our review of the above application. We understand that MDE's Nontidal Wetlands and Waterways Program is making determinations on the application's completeness, prior to a potential Public Notice and Public Hearing, in the permit process. This comment will not document every individual point currently under review by the Department of Natural Resources, but is a current status and summary comment of our review to date.

We provided preliminary comments to MDE on May 26, 2017, and discussed application materials several times with MDE reviewers over the course of the summer, as review items developed, and as MDE received additional information. The Environmental Review Program has coordinated its review of the project with other Units and Divisions in the Department of Natural Resources including the Maryland Geological Survey. We also consulted with two outside contractors affiliated with the Department's Power Plant Assessment Division, to discuss review issues and technical information associated with this type of energy project.

For this stage in the review, we have obtained the information and assurances we need, so that if MDE determines the application is complete and decides to proceed to Public Notice, we are ready for that phase. We would request the opportunity to consider any public comments jointly with MDE, when that phase is reached. We may provide additional comments following the issuance of the Public Notice and any Public Hearings on this project.

The Department of Natural Resources is reviewing the proposed project for impacts to aquatic resources and habitats, sensitive species, forest and other upland habitats, general water quality as associated with natural resources, Public Lands, and other natural resource related elements. We have jointly considered a number of aquatic resource issues with MDE in the course of our review to date and can summarize our findings to date as:

1. We support the proposed use of hydraulic directional drilling (HDD) as the construction technique for the two waterway crossing locations, one at the Interstate highway and nearby stream, and the

other at the proposed Potomac River crossing. To minimize impacts to spawning fish from a potential inadvertent release of drilling fluids (“frac-out”), we recommend that the Use I time of year no work restriction period of March 1 through June 15 be placed on all HDD crossings. We understand the proposal to trench smaller tributaries, which sometimes can result in impact minimization in smaller streams and work areas. Excellent sediment and erosion control and stabilization and restoration practices are essential as well as the placement of the appropriate time of year restriction for the Use class. As discussed previously with MDE, there should be no blasting in regulated wetlands or streams. Hammering of any rock needed for trenching should be the selected method in those areas. We understand that Federal Energy Regulatory Commission (FERC Docket: CP17-80-000) as part of their review of the project will cover any potential blasting in upland areas.

2. It is very important to note that we have reviewed the applicant's blasting plan information, and discussed same with MDE staff. While the blasting plan provides an acceptable level of detail for the procedural plan itself, we do have some concern based on only having general information, and no direct assessment of potential or necessary blasting locations at this time, and any potential effects for rare species habitat in the vicinity. The blasting plan states that the project team will coordinate further with Federal agencies and State agencies if blasting is proposed. If blasting is actually proposed or under consideration by the applicant on any portion of the pipeline route, additional coordination with the Department of Natural Resources will be required. We would appreciate if MDE would also emphasize this comment to the applicant, even though it may only relate to upland areas.
3. Although the applicant has outlined contingencies and safeguards in the application to avoid or minimize potential impacts, we believe it is important to continue further consideration of potential impact avoidance/minimization information especially in the later review stages, since there can be ongoing coordination issues, including those that may result from public comments. For example, a very important concept on large projects such as this one is to condition any permit to require onsite environmental monitors of the project. Preferably the monitors would be independent monitors but in any case the monitors would answer directly to MDE. At a minimum monitors should be required during critical construction stages such as stream crossings, HDD crossings or any blasting events.
4. We provided the geological information that the applicant and its consultants had submitted to MDE to the Maryland Geological Survey for their assessment. MGS confirmed the appropriateness and adequacy of the applicant's geological investigations, tests, plans, contingencies, and overall approach to area geology, including potential for any karst topography encountered. The presence of karst geology in the project area is not definite. If karst occurs, it may be limited, and the applicant's plans address their response if karst is encountered.
5. The Department's Wildlife and Heritage Service noted that there is Forest Interior Dwelling Species habitat in the proposed pipeline alignment. This is a non-jurisdictional (or required) issue in this region, but is noted for impact minimization support. Generally, this can be addressed by minimizing forest removal where feasible. The Wildlife and Heritage Service has records for

listed freshwater mussel species in the Potomac River which require a fish host as part of their life cycle. The protection of these species should be addressed by the HDD provisions and time of year restriction precautions. The Wildlife and Heritage Service has potential concerns for additional species if blasting occurs, including in upland areas. These concerns would need to be further discussed and could potentially be resolved with additional BMPs or other sequenced approaches that the applicant would coordinate with agencies according to their blasting plan.

6. The proposed pipeline will cross the Western Maryland Rail Trail which is owned by the State and managed by the Department of Natural Resources' Parks Service. The Maryland Parks Service has coordinated directly with the applicant regarding the proposed crossing and the applicant's request for a permanent 50-foot easement. Their initial review has been completed and the Parks Service does not have any outstanding (unaddressed) review issues. However, the proposed easement does need to go through additional review stages by the State including State agency review through the State Clearinghouse followed by review and approval of the easement by the Maryland Board of Public Works.

We remain available to help review additional information that MDE may receive or concepts developed as the review process and public commenting continue. This may include working with MDE on development by MDE of any general conditions or special conditions to protect the resources managed by the Department of Natural Resources. If you have any questions please contact Mr. Greg Golden of my staff at [greg.golden@maryland.gov](mailto:greg.golden@maryland.gov) or (410) 260-8331.

cc: Bruce Michael, DNR  
David Tancabel, DNR  
Denise Keehner, MDE  
Bill Seiger, MDE  
Amanda Sigillito, MDE