ETC Tiger Pipeline, LLC
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February 19, 2010

Ms. Kimberly D. Bose, Secretary
Office of the Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: ETC Tiger Pipeline, LLC
Tiger Pipeline Project, Docket No. CP09-460-000
Comments on Environmental Assessment

Dear Ms. Bose:

Pursuant to the Federal Energy Regulatory Commission's ("Commission's") "Notice Of Availability Of The Environmental Assessment For The Proposed ETC Tiger Pipeline Project" issued January 26, 2010, ETC Tiger Pipeline, LLC ("ETC Tiger") hereby submits for electronic filing its comments on the Environmental Assessment ("EA") issued in the above-referenced docket.

Any questions or comments regarding this filing should be directed to the undersigned at (281) 714-2056.

Respectfully submitted,

/s/ Kelly Allen

Kelly Allen, Manager
Certificates and Reporting

cc: Mr. John Wisniewski, Office of Energy Projects, Room 6H-10
Mr. John Peconom, Office of Energy Projects, Room 6H-08
Mr. Scott Urwick, Natural Resource Group, LLC
Mr. Joey Mahmoud, Energy Transfer Partners
Mr. Emery Biro, Energy Transfer Partners
Mr. Damon Daniels, Energy Transfer Partners
Ms. Lisa Tonery, Fulbright & Jaworski, L.P.

Comment No. 1

In the EA at Section 1.8.3.2 (Pipe Storage and Contractor Yards)) (at pages 1-21 - 22), the Commission notes as follows "ETC Tiger has proposed the use of 10 offsite pipe storage and contractor yards that would consist of warehouses or open lots. . . . All yards would be leased from willing landowners, and upon completion of construction activities, the proposed pipe storage and contractor yards would be returned to their preconstruction condition and former usage." The second sentence is repeated at Section 2.4.1.1 (Land Requirements and Existing Cover Types) (at page 2-73).

While it is ETC Tiger Pipeline LLC's ("ETC Tiger") intent to lease these pipe storage and contractor yards from willing landowners, ETC Tiger has not yet completed lease negotiations with all landowners and has not previously indicated otherwise. To the extent ETC Tiger is not able to enter into leases with willing landowners for all the pipe storage and contractor yards identified in the EA, following issuance of certificate authorization by the Federal Energy Regulatory Commission ("FERC" or "Commission") pursuant to Section 7(c) of the Natural Gas Act ("NGA"), ETC Tiger likely either would request authorization for alternate pipe storage and contractor yards if a feasible alternative exists or would seek to exercise its right of eminent domain under Section 7(h) of the NGA.

Comment No. 2

In the EA at Section 2.4.6.3 (Site-Specific Impacts and Mitigation) (at page 2-87) and as Mitigation Measure No. 27 on page 4-5 and 4-6, the EA states that "ETC Tiger shall develop a visual screening plan for the EnCana M/R Station at MP 64.6 and the Trunkline M/R Station at MP 151.3 that addresses shape, color, lighting, motion sensors, or ground cover at these locations, for review and written approval by the Director of OEP ***prior to construction****."*

In ETC Tiger's Supplemental Environmental Information Report filed with the Secretary on October 28, 2009, ETC Tiger provided documentation relocating the Encana M/R Station from the open field at MP 64.0 to a forested area at MP 64.6 (No. 7, Encana Site Modification). The nearest residence is 0.6 mile away and views of the M/R Station are already screened by existing trees and forest. The EA incorrectly attributed the characteristics of the old site at MP 64.0 to the revised location at MP 64.6. Since the site at MP 64.6 is within a forested area, ETC Tiger does not believe a Visual Screening Plan is warranted for this station. In this regard, ETC Tiger requests that Mitigation Measure 27 be corrected to require that it develop a Visual Screening Plan only for the Trunkline M/R Station at M.P. 151.3. ETC Tiger has obtained this property from the previous landowner and is preparing the Visual Screening Plan for submittal to the Commission with the Implementation Plan.

Comment No. 3

In the EA located at Section 1.8.1.2 (Right-of-Way Width Analysis) (at pages 1-19 and 1-20) and Section 4, Mitigation Measure Number 11 (at page 4-4), the FERC recommends certain right-of-way reductions in upland forest. Provided below are ETC Tiger's comments and request for clarification of Mitigation Measure No. 11 to ensure the ETC Tiger Pipeline can be successfully and safely constructed to meet the project objectives.

Throughout the development of the ETC Tiger Pipeline Project ("ETC Tiger Pipeline" or "Project") and since the inception of the FERC NEPA Pre-filing process (*i.e.*, at the first meeting with FERC staff to introduce the Project prior to commencement of the Pre-filing process), ETC Tiger has articulated the need for an expanded right-of-way to ensure a safe and efficient construction work area. In the information previously provided, ETC Tiger has stressed that a larger right-of-way would be necessary in order for the larger and numerous pieces of equipment to be operated safely along the right-of-way in a manner that would result in a shortened construction period and reduced environmental impacts. To date, ETC Tiger has confirmed with the construction contractors, who have been selected to conduct the work, that the majority of the welding will be conducted with automatic welding (excluding tie-in locations and certain areas where right-of-way conditions will not support automatic welding), which will require the larger right-of-way to transport the welding shacks as well as to set them up to do the welding. Coupled with the large size of the equipment required to handle 42-inch-diameter pipe, safe passing lanes and ingress/egress along the right-of-way for safety and material delivery, the previous submittals provided to the Commission depicting the workspace and pipe installation process are accurate and a true representation of what the right-of-way conditions will be once construction begins. Additionally, to date, ETC Tiger has secured easements and a construction right-of-way width of 125 feet, or up to 150 feet in agriculture areas, along 91 percent of the route. The remaining tracts are either heirship tracts that typically have to be condemned due to family trusts or inability for all the heirs to agree or hold-outs who want excessive settlements or do not want the pipeline. During these negotiations, ETC Tiger has secured a large majority of the easements from landowners on the premise that the larger right-of-way would result in faster construction, resulting in less impacts to the land as well as a reduced construction window to minimize the duration of the impacts to the landowners and the general public.

Along the majority of the route, the dominant habitat type consists of pine-dominated or mixed habitat either located in pure planted pine plantations or mixed hardwood/pine complexes (as defined in ETC Tiger's Resource Report 3, Section 3.2 and the FERC EA Section 2.3). Typical uses of these areas consist of active pine and/or hardwood timbering practices where the landowner either harvests the entire tract of trees at one time or implements selective harvest of specific trees once the trees reach a certain size or age. During ETC Tiger's development and right-of-way acquisition, ETC Tiger worked with the various landowners and identified that the majority of upland forest crossed is in active timber production for harvest either directly by the landowner or through timber lease agreements where a timber company harvests the timber. Based on discussions

with landowners regarding use of their land and easement payments paid to date for timber damages for lost revenue, Table 1 provides a listing by milepost of the tracts of land where the upland forest (either mixed pine/hardwood or pure pine plantation) is utilized for active timber farming operations and the timber is harvested as a crop. This analysis is consistent with the FERC EA analysis in Section 1.8.1.2, where the FERC has agreed that a construction right-of-way of 125 feet is warranted in those areas where timber is harvested as a crop. However, in areas where the upland forest is not utilized for timber harvest, ETC Tiger will reduce the right-of-way and reflect the reduction in the construction alignment sheets, with the exception of the site-specific requests identified below.

In areas where the upland forest is not utilized for crop harvest, ETC Tiger believes it can reduce the construction right-of-way to a configuration that would satisfy the EA, Section 4, Mitigation Measure No. 11. To that end, ETC Tiger is requesting that the condition be clarified to be consistent with the write-up in the EA and provide for a right-of-way configuration that would allow for safe and efficient construction without undue environmental impacts.

ETC Tiger respectfully proposes that Mitigation Measure No. 11 be clarified as follows: "In upland forest other than pine plantation or upland areas where timber is harvested as a crop, ETC Tiger shall limit the construction right-of-way to no more than 100 feet of new clearing, plus any overlap of existing permanent right-of-way, unless it provides site-specific justification, by milepost, where …"

For all areas where the timber is farmed as a crop, ETC Tiger will adhere to the rights-of-way as depicted on the as-filed alignment sheets which represent 125 feet of right-of-way. In areas where ETC Tiger is not paralleling a foreign utility, ETC Tiger will limit the right-of-way to 100 feet as specified in Mitigation Measure No. 11. Provided below are the areas where ETC Tiger is requesting, on a site-specific basis, an expanded right-of-way beyond the limitations as articulated in Mitigation Measure No. 11.

Begin MP	End MP	County/Parish, State	Land Use	Length (mi)	Proposed Construction ROW Width
27.5	28.5	DeSoto, LA	Forest	0.78	125
28.72	28.86	DeSoto, LA	Forest	0.14	125
29.45	29.48	DeSoto, LA	Forest	0.03	125
114.44	114.51	Jackson, LA	Forest	0.08	125
131.8	131.85	Ouachita, LA	Forest	0.05	125
150.09	150.16	Richland, LA	Forest	0.24	125
154.8	154.81	Richland, LA	Forest	0.01	150
157.44	157.45	Richland, LA	Forest	0.01	125

ETC Tiger is providing the following information and discussion to clarify the right-of-way configuration where ETC Tiger believes the 100 feet of new clearing plus the use of the existing, permanent, parallel rights-of-way (up to 20 feet) are warranted to ensure safe working conditions for ETC Tiger's contractor, employees and the public.

It is ETC Tiger's understanding that the FERC's intention in EA Mitigation Measure No. 11 is that the right-of-way be reduced so that the ETC Tiger would utilize up to 20 feet of the parallel right-of-way and clear the remaining right-of-way (approximately 80 feet) for a reduction of forested impacts of up to 25 feet (see Figure B). In actual practice, this configuration will not allow for safe working conditions and is infeasible for 42-inch-diameter pipe plus the equipment necessary to install the pipe.

As currently proposed, ETC Tiger has positioned the pipeline centerline 60 feet from the closest foreign pipeline or utility with the pipeline centered within ETC Tiger's 60-foot permanent easement. ETC Tiger acknowledges that the centerline would be located in a 50-foot permanent easement should the easement have to be acquired by expropriation; however, the centerline would remain in its original location and would be located 30 feet from one edge of the permanent easement and 20 feet from the other, resulting in an offset placement in the permanent right-of-way. With this configuration, ETC Tiger has also proposed to utilize up to 20 feet of the parallel utility permanent easement for temporary workspace for spoil storage. In no event or situation has ETC Tiger proposed or represented that it would work on top of a foreign utility for the installation of the ETC Tiger Pipeline or operate heavy equipment within the 20 feet of the foreign pipeline easement due to safety considerations of damaging or rupturing the foreign pipeline (which in most cases is another 42-inch high pressure natural gas pipeline). Therefore, the area between ETC Tiger's pipeline centerline and the foreign pipeline is considered the "non-working" side of the right-of-way where only spoil will be stored during

construction. No heavy equipment will be placed or operated within this area to ensure safe working conditions and to prevent damage to the foreign utility or a potential rupture of the foreign utility.

The other side of the pipeline centerline is called the "working" side of the right-of-way where the pipe is strung along the right-of-way for welding and the equipment operates to install the pipeline. To meet the assumed intent of the FERC's reduced right-of-way, the working side would be restricted to 50 feet of workspace to install the pipeline (see Figure C). Under this configuration, Alternative 1 in this discussion, the resultant right-of-way would include the following (as depicted on Figure C) from the foreign utility to the edge of the ETC Tiger temporary right-of-way:

1. 40 feet of temporary workspace for spoil storage on the foreign utility permanent easement – which is unavailable to operate the equipment to install the pipeline.
2. A minimum of 20 feet of the total right-of-way consumed by the pipe ditch (minimum width of the ditch required to ensure safe working conditions to install 42-inch-diameter pipe to meet OSHA standards and prevent ditch failure).
3. Two feet on the working side of the right-of-way reserved as a safety offset from the edge of the ditch to prevent ditch cave-ins (OHSA standard).
4. Eight feet of pipe make-up area for pipe stringing, welding, etc.
5. 30 feet of working room to transport the pipe down the right-of-way, move the equipment along the right-of-way, operate the side-booms, transport the welding shacks for the automatic welding, move the labor in and out of the right-of-way, refuel equipment, etc.

A configuration of 50 feet on each side of the centerline is infeasible to install the pipeline and would create a hazardous construction environment. While the non-working side of the right-of-way would be suitable to store spoil, the working side is not wide enough to operate the equipment and install the pipeline after allowances for the trench (10 feet), safety offset (2 feet), and pipe makeup area (10 feet). For example, when the pipe booms are extended to lower-in the pipe, the equipment plus the boom extension extends approximately 25 feet, leaving only five feet to pass and continue operations of the pipeline installation – which is infeasible and would result in safety hazards. Essentially the right-of-way would be blocked during pipe handling and lowering-in, resulting in substantial pipeline installation delays (more than tripling the installation time). In addition, blocking the right-of-way would stop all other activities such as moving the welding shacks along the right-of-way, would stop the stringing operation, would prevent labor movement up and down the right-of-way, and most importantly, would not allow safe evacuation of employees in the event of an injury or emergency. Overall, this right-of-way configuration would make the safe and efficient installation of the ETC Tiger Pipeline infeasible. The configuration would be unsafe for the contractor, ETC Tiger employees and the public, would make the Project uneconomical, and would ultimately result in the no action alternative for the Project, resulting in ETC Tiger not being able to install the pipeline in time to meet its commercial obligations.

As an alternative to the above configuration, ETC Tiger evaluated shifting the pipeline centerline 10 feet towards the non-working side of the right-of-way (right-of-way configurations would be 40 feet on the non-working side and 60 feet on the working side). This configuration, Alternative 2, as depicted on Figure D and described below, includes:

1. 30 feet of temporary workspace for spoil storage on the foreign utility permanent easement – which is unavailable to operate the equipment to install the pipeline and with the amount of spoil that will be generated will not be wide enough to allow for proper storage and will result in off right-of-way occurrences.
2. A minimum of 20 feet of the total right-of-way consumed by the pipe ditch (minimum width of the ditch required to ensure safe working conditions to install 42-inch-diameter pipe to meet OSHA standards and prevent ditch failure).
3. Two feet on the working side of the right-of-way reserved as a safety offset from the edge of the ditch to prevent ditch cave-ins (OHSA standard).
4. Eight feet of pipe make-up area for pipe stringing, welding, etc.
5. 40 feet of working room to transport the pipe down the right-of-way, move the equipment along the right-of-way, operate the side-booms, transport the welding shacks for the automatic welding, move the labor in and out of the right-of-way, refuel equipment, etc.

Although this configuration would result in an additional 10 feet of working room on the working side of the right-of-way, it would still not accomplish safe working conditions and would result in a configuration and issues similar to Alternative 1. ETC Tiger does not consider 30 feet of spoil storage sufficient to handle the total volume of spoil that would be generated from the pipe ditch and would result in frequent off right-of-way occurrences and potentially result in ETC Tiger having to retrieve the spoil from on top of the active foreign utility (a major safety consideration for the contractor as well as to the public). Additionally, with the limited amount of workspace on the working side of the right-of-way, there would be insufficient workspace to move surplus spoil to the outer edge of the working side of the right-of-way due to lack of sufficient working space. Therefore, all spoil would have to be stored within the 30 feet of the non-working side of the right-of-way. Overall, this right-of-way configuration would make the safe and efficient installation of the ETC Tiger Pipeline infeasible. As with Alternative 1, this configuration would be unsafe for the contractor, ETC Tiger employees and the public, would make the Project uneconomical, and would ultimately result in the no action alternative for the Project resulting in ETC Tiger not being able to install the pipeline in time to meet its commercial obligations.

Since neither Alternatives 1 nor 2, which conform to the FERC's assumed intent for the right-of-way width, are feasible, ETC Tiger evaluated several additional configurations that included placing ETC Tiger's construction right-of-way parallel to the foreign utility permanent easement, but with no overlap – the construction workspace would abut the foreign utility easement. Under this configuration, ETC Tiger's right-of-way would forgo utilization of the foreign utility right-of-way (up to 20 feet) as well as eliminate five

feet of new disturbance from the working edge of the right-of-way. Although these configurations would not significantly reduce cutting or removal of trees (only a five-foot reduction), they would provide a more realistic right-of-way and a safer work environment for the contractor and the public (see Figure A). However, these two configurations (Alternatives 3 and 4), like Alternatives 1 and 2, are not feasible, as detailed below.

ETC Tiger's Alterative 3 evaluated placing the construction right-of-way adjacent to the foreign utility permanent easement and extending the construction footprint 100 feet away from the parallel utility permanent easement. This configuration includes 30 feet on the non-working side of the right-of-way and 70 feet on the working side of the right-of-way (see Figure E). The configuration includes:

1. 20 feet of temporary workspace for spoil storage on the non-working side of the right-of-way.
2. A minimum of 20 feet of the total right-of-way consumed by the pipe ditch (minimum width of the ditch required to ensure safe working conditions to install 42-inch-diameter pipe to meet OSHA standards and prevent ditch failure).
3. Two feet on the working side of the right-of-way reserved as a safety offset from the edge of the ditch to prevent ditch cave-ins (OHSA standard).
4. Eight feet of pipe make-up area for pipe stringing, welding, etc.
5. 50 feet of working room to transport the pipe down the right-of-way, move the equipment along the right-of-way, operate the side-booms, transport the welding shacks for the automatic welding, move the labor in and out of the right-of-way, refuel equipment, etc.

This potentially feasible alternative provides 50 feet of working room to install the pipe, which is the minimum workspace to safely install the pipeline, but would not be the most efficient working area for the Project. The feasibility of this alternative is limited because the spoil storage area would be 20 feet, which is not adequate to store the amount of spoil that would be generated from the trench. ETC Tiger did evaluate storing spoil on each side of the right-of-way to overcome this obstacle, but with only 50 feet of working room on the working side of the right-of-way, there is not sufficient space to store spoil and install the pipeline. Similar to the assumed FERC configurations, this configuration would be unsafe for the contractor, ETC Tiger employees and the public, it would make the Project uneconomical and would ultimately result in the no action alternative for the Project, resulting in ETC Tiger not being able to install the pipeline in time to meet its commercial obligations.

ETC's second alternative, Alterative 4, included shifting the centerline 10 feet to the non-working side of the right-of-way to add additional space (10 feet) to the working side of the right-of-way. This configuration (see Figure F) results in a configuration where there will be 20 feet on the non-working side of the right-of-way and 80 feet on the working side. The configuration includes:

1. 10 feet of temporary workspace for spoil storage on the non-working side of the right-of-way.
2. A minimum of 20 feet of the total right-of-way consumed by the pipe ditch (minimum width of the ditch required to ensure safe working conditions to install 42-inch-diameter pipe to meet OSHA standards and prevent ditch failure).
3. Two feet on the working side of the right-of-way reserved as a safety offset from the edge of the ditch to prevent ditch cave-ins (OHSA standard).
4. Eight feet of pipe make-up area for pipe stringing, welding, etc.
5. 60 feet of working room to transport the pipe down the right-of-way, move the equipment along the right-of-way, operate the side-booms, transport the welding shacks for the automatic welding, move the labor in and out of the right-of-way, refuel equipment, etc.

Under this alternative, ETC Tiger would utilize the 10 feet of the non-working side of the right-of-way to store as much spoil as possible and then would move the remaining spoil to the working side of the right-of-way. Although this configuration is not preferred, it would provide a somewhat safer right-of-way configuration as well as allow room to string the pipeline, make the welds, place the pipe in the ditch, as well as continue to move the pipeline equipment up and down the right-of-way. However, under this alterative, there is a high risk that spoil on the non-working side of the right-of-way would migrate off right-of-way. Although this alternative is feasible it is not preferred. Therefore, if FERC authorized this alternative, ETC Tiger would have to shift the centerline of the pipeline 10 feet to the non-working side of the right-of-way and would represent that shift on the construction alignment sheets to be filed with FERC with the Implementation Plan.

ETC Tiger does not believe it is feasible to install the pipeline safely and efficiently under the assumed FERC alternatives (Alternatives 1 and 2), nor does ETC Tiger believe it is prudent or safe to install the pipeline under the ETC Tiger alternatives (Alternatives 3 and 4) described above. Further, under ETC Tiger's alternatives, it does not seem reasonable, and appears contrary to best environmental practices, to not utilize the existing parallel easements. Therefore, ETC Tiger has identified two additional alternatives that would minimize environmental impacts by reducing required clearing to five feet on the outer edge of the right-of-way and utilizing up to 20 feet of the parallel utility permanent easement.

ETC Tiger believes that the following alternative configurations provide safe working conditions for the ETC Tiger contractors and employees as well as to the public, and minimize impacts to the environment. Additionally, the configurations allow for efficient pipeline installation, minimization of off right-of-way occurrences and would allow ETC Tiger to ensure the Project schedule is met (in service by the fourth quarter of 2010), as well as resulting in less disturbance to the impacted landowners and the general public.

The first feasible alternative, Alternative 5, assumes clearing of up to 100 feet of right-of-way (keeping in mind that a portion, up to 40 feet, has been previously cleared by the

previous foreign utility – this is true for all the configurations and alternatives considered and is part of the routing of the ETC Tiger Pipeline), plus 20 feet of the foreign pipeline's permanent easement. The configuration of this alternative (see Figure G) would include 50 feet on the non-working side of the right-of-way and 70 feet on the working side. This includes:

1. 40 feet of temporary workspace for spoil storage on the non-working side of the right-of-way.
2. A minimum of 20 feet of the total right-of-way consumed by the pipe ditch (minimum width of the ditch required to ensure safe working conditions to install 42-inch-diameter pipe to meet OSHA standards and prevent ditch failure).
3. Two feet on the working side of the right-of-way reserved as a safety offset from the edge of the ditch to prevent ditch cave-ins (OHSA standard).
4. Eight feet of pipe make-up area for pipe stringing, welding, etc.
5. 50 feet of working room to transport the pipe down the right-of-way, move the equipment along the right-of-way, operate the side-booms, transport the welding shacks for the automatic welding, move the labor in and out of the right-of-way, refuel equipment, etc.

Under this scenario, there is adequate space to store the trench spoil and any spoil that would be top-soil segregated. There would also be adequate working room to install the pipeline, including room to string the pipeline, make the welds, place the pipe in the ditch, as well as continue to move the pipeline equipment up and down the right-of-way. Additionally, the configuration would allow for efficient pipeline installation, minimization of off right-of-way occurrences and would allow ETC Tiger to ensure the Project schedule is met (in service by the fourth quarter of 2010), and ultimately result in less disturbance to the impacted landowners and the general public.

The last configuration evaluated, Alterative 6, is similar to the Alterative 5; however, the pipeline centerline would be shifted 10 feet to the non-working side of the right-of-way. This configuration accounts for the five-foot reduction from reduced clearing on the working side of the right-of-way to allow for safe working conditions. The configuration of this alternative (see Figure H) would include 40 feet on the non-working side of the right-of-way and 80 feet on the working side. This includes:

1. 30 feet of temporary workspace for spoil storage on the non-working side of the right-of-way.
2. A minimum of 20 feet of the total right-of-way consumed by the pipe ditch (minimum width of the ditch required to ensure safe working conditions to install 42-inch-diameter pipe to meet OSHA standards and prevent ditch failure).
3. Two feet on the working side of the right-of-way reserved as a safety offset from the edge of the ditch to prevent ditch cave-ins (OHSA standard).
4. Eight feet of pipe make-up area for pipe stringing, welding, etc.
5. 60 feet of working room to transport the pipe down the right-of-way, move the equipment along the right-of-way, operate the side-booms, transport the welding

shacks for the automatic welding, move the labor in and out of the right-of-way, refuel equipment, etc.

Under this alterative, there would be sufficient space to store the majority of the spoil on the non-working side of the right-of-way, and (unlike Alternative 2) any excess spoil could be moved to the working side of the right-of-way where there is adequate space to both store the excess spoil and install the pipeline safely and efficiently. The configuration allows for efficient pipeline installation, minimization of off right-of-way occurrences and would allow ETC Tiger to ensure the Project schedule is met (in service by the fourth quarter of 2010) ultimately resulting in less disturbance to the impacted landowners and the general public. Under this alternative, the entire length of the pipeline would be shifted 10 feet to the non-working side of the right-of-way. This change, as well as the workspace reduction, would be incorporated into the construction alignments that will be filed with the Implementation Plan.

Based upon the above described six alternatives, ETC Tiger recommends and believes that Alternative 6 provides the highest level of safety for the ETC Tiger contractors and employees and the public by providing safe working conditions for the size of the pipe and required equipment. This alterative also provides the highest level of environmental protection by maximizing the use of existing, previously disturbed areas and reducing impacts to the environment.

Comment No. 4

In the EA at Section 1.8.1.2 (Right-of-Way Width Analysis) (at page 1-20) and Section 4, Mitigation Measure No. 12 (at page 4-4), the FERC recommends certain right-of-way reductions in forested wetlands. Provided below are ETC Tiger's comments and request for clarification of Mitigation Measure No. 12 to ensure the ETC Tiger Pipeline can be successfully and safely constructed to meet the project objectives.

ETC Tiger has reviewed the EA as well as Section 4, Mitigation Measure No. 12 and will reduce the construction workspace as recommended and reflect those changes in the construction alignment sheets that will be filed with the Implementation Plan (which will include the 10-foot shift in the centerline as described above in the analysis for Mitigation Measure No. 11) for all areas except those described below.

For those wetland crossings described below, ETC Tiger requests site-specific approval for 25 feet of additional temporary workspace ("ATWS") to safely install the proposed pipeline. In general, during Project development and agency discussions, ETC Tiger limited the amount of ATWS that normally would be required to construct the pipeline under the premise that a larger construction right-of-way would be approved based on input from pipeline construction specialists, as well as multiple construction inspectors and superintendents. However, with the reduction in right-of-way as reflected in the EA, ETC Tiger cannot safely install the pipeline within certain wetlands and is therefore

requesting 25 feet of ATWS on a site-specific basis to compensate for the otherwise inadequate workspace.

Upon review of the wetlands where Mitigation Measure No. 12 would not infeasibly impact the safe installation of the pipeline, ETC Tiger has been able to work with its construction contractor to develop a plan to install the wetland crossings utilizing less efficient techniques (drag construction and removing the spoil from the wetland area during pipe installation) and increased safety/environmental risk techniques to minimize the environmental footprint or clearing of vegetation.

However, in certain wetlands, additional workspace is required to safely install the pipeline. Provided below is site-specific justification for each area ETC Tiger is requesting approval for additional ATWS. In all instances, these are areas where the pipeline deviates from an existing parallel utility when there is not 20 feet of previously cleared right-of-way to utilize.

1. M.P. 1.26 to 2.1, Panola County, Texas, PFO Wetlands C3, C30, C32 and D13

In this wetland system, ETC Tiger is requesting the use of 25 feet of ATWS. Along this portion of the right-of-way, ETC Tiger had to deviate away from existing parallel utilities due to other existing oil/gas infrastructure and other existing utilities. To bypass the congestion, ETC Tiger routed the pipeline to the south of the existing infrastructure and in doing so, had to incorporate multiple field bends in the pipeline to install the pipeline below the existing constraints and also return back to the parallel utility as soon as possible to minimize wetland fragmentation. To incorporate a field bend, the contractor must have sufficient workspace to carry the bending equipment into the right-of-way and execute the bend –which, with a reduced work area, makes this operation extremely difficult and unsafe. Furthermore, there are several road crossings in this segment that require extra workspace to execute a bore beneath the roads. While the FERC has approved the ATWS associated with these roads, the 25 feet of ATWS is also required to execute the bores, manage the spoil generated with a road bore, and provide adequate space for the equipment necessary to install the pipe with a bore.

More importantly, there are five stream crossings, one of which (Stream C3) runs parallel to the pipeline for approximately 1,400 feet, moving into and out of the construction work area. With this constraint, it is likely that unnecessary impacts to the streams will result without adequate workspace to work around the streams.

ETC Tiger also requested a passing lane positioned within this wetland with the dimensions of 25 feet wide by 500 feet long located near M.P. 1.82. The EA denied use of the passing lane, resulting in a congested workspace, unsafe working conditions, and insufficient workspace to allow the equipment to move efficiently through the wetland. This will delay construction and increase the disturbance and duration of construction within the wetlands. Without the 25 feet of ATWS to cross this wetland, multiple passes

will be required to clear the wetland, install the wood mats to work within the wetland, bring the pipe to the right-of-way, stage the equipment, weld the pipe sections, lower-in and bury the pipeline, as well as implement the restoration – all of which will be extended due to lack of proper workspace.

In addition to the physical constraints, this wetland is saturated to the point where the soils are not cohesive. With saturated soils and a reduced right-of-way, there will not be suitable space to store the spoil during construction. Additionally, due to the length of the wetland, it is infeasible to temporarily truck the amount of soil out of the wetland that will be generated from the pipeline ditch. Without the 25 feet of ATWS, the right-of-way will be broken down into the following:

- a minimum of 20 feet for the pipe ditch and more likely 30 feet in the saturated soils;
- 45 to 55 feet of workspace to install the pipe and store the spoil.

ETC Tiger believes that there is not enough workspace to store and keep the spoil within the construction right-of-way and also allow the pipeline equipment to work safely to install the pipeline within the workspace limits. To mitigate the congestion and to attempt to keep the spoil within the construction work area, ETC Tiger is requesting 25 feet of ATWS. ETC Tiger will use additional spoil control techniques within this wetland to try to control the spoil, which will be difficult even with the 25 feet of ATWS. Even if a temporary containment wall of imported foreign soil or other technique (*e.g.*, partially buried pilings) were used, it would be cost prohibitive and may still be unable to withstand the outward pressure of the saturated soils, thus causing soils to migrate off the right-of-way. The 25 feet of ATWS will provide ETC Tiger the ability to utilize reinforced silt-fence, hay bales and other techniques such as native soil earthen berms to contain the soils. Furthermore, the 25 feet of ATWS will allow the soils to dissipate over a larger area thus reducing the force exerted on the sediment control devices.

2. M.P. 3.17 to 3.31, Panola County, Texas, PFO Wetland D13

In this wetland, ETC Tiger is requesting an additional 25 feet of ATWS. As previously presented to the FERC, there is a proposed pipeline that will parallel the ETC Tiger Pipeline for a portion of this wetland crossing. This pipeline has not been installed to date; however, it is staked in the field and, based upon recent observations and communications, installation of the foreign pipeline is imminent.

If the foreign pipeline is constructed prior to the ETC Tiger Pipeline, ETC Tiger will utilize the cleared right-of-way within up to 10 feet of the foreign pipeline centerline. However, if the pipeline is not installed prior to construction of the ETC Tiger Pipeline, ETC Tiger is requesting the use of 25 feet of ATWS.

In addition, within this area, there are two induction bends (53 degrees and 80 degrees, two foreign pipeline crossings (one of which is immediately prior to the 80 degree bend),

saturated soils, and one creek crossing. To incorporate the induction bend into the trench, the trench must be widened beyond the typical width to allow the pipe to set in the ditch in a position to allow the upstream and downstream pipe to line up in the trench with the minimum amount of tension on the pipe (to prevent long term stress to the pipe and potentially unsafe pipeline conditions).

With the level of difficulty required to construct around the various constraints, ETC Tiger does not think it is possible to construct the pipeline in this area without 25 feet of ATWS. Without the 25 feet of ATWS, the right-of-way will be broken down into the following:

- a minimum of 20 feet for the pipe ditch and more likely 30 feet in the saturated soils;
- 45 to 55 feet of workspace to install the pipe and store the spoil.

ETC Tiger believes that there is not enough workspace to store and keep the spoil within the construction right-of-way and also allow the pipeline equipment to work safely to install the pipeline within the workspace limits. To mitigate the congestion and to attempt to keep the spoil within the construction work area, ETC Tiger is requesting the 25 feet of ATWS. ETC Tiger will use additional spoil control techniques within this wetland to try to control the spoil, which will be difficult even with the 25 feet of ATWS. Even if a temporary containment wall of imported foreign soil or other technique (*e.g.*, partially buried pilings) were used, it would be cost prohibitive and may still be unable to withstand the outward pressure of the saturated soils, thus causing soils to migrate off the right-of-way. The 25 feet of ATWS will provide ETC Tiger the ability to utilize reinforced silt-fence, hay bales and other techniques such as native soil earthen berms to contain the soils. Furthermore, the 25 feet of ATWS will allow the soils to dissipate over a larger area thus reducing the force exerted on the sediment control devices.

3. M.P. 12.82 to 13.05, Panola County, Texas, PFO Wetland C67

In this wetland, ETC Tiger is requesting the use of 25 feet of ATWS. Along this portion of the right-of-way, there are two perennial waterbody crossings with very steep/deep banks, plus two pond crossings all located within a short distance, 600 feet of each other.

In addition to the physical constraints, this wetland is saturated to the point where the soils are not cohesive. With saturated soils and a reduced right-of-way, there will not be suitable space to store the spoil during construction. Additionally, due to the length of the wetland, it is infeasible to temporarily truck the amount of soil out of the wetland that will be generated by the pipeline ditch. Without the 25 feet of ATWS, the right-of-way will be broken down into the following:

- a minimum of 20 feet for the pipe ditch and more likely 30 feet in the saturated soils;
- 45 to 55 feet of workspace to install the pipe and store the spoil.

ETC Tiger believes that there is not enough workspace to store and keep the spoil within the construction right-of-way and also allow the pipeline equipment to work safely to install the pipeline within the workspace limits. To mitigate the congestion and to attempt to keep the spoil within the construction work area, ETC Tiger is requesting the 25 feet of ATWS. ETC Tiger will use additional spoil control techniques within this wetland to try to control the spoil, which will be difficult even with the 25 feet of ATWS. Even if a temporary containment wall of imported foreign soil or other technique (*e.g.*, partially buried pilings) were used, it would be cost prohibitive and may still be unable to withstand the outward pressure of the saturated soils, thus causing soils to migrate off the right-of-way. The 25 feet of ATWS will provide ETC Tiger the ability to utilize reinforced silt-fence, hay bales and other techniques such as native soil earthen berms to contain the soils. Furthermore, the 25 feet of ATWS will allow the soils to dissipate over a larger area thus reducing the force exerted on the sediment control devices.

4. M.P. 38.18 to 38.25, DeSoto Parish, Louisiana, PFO Wetlands L1 and L2

In this wetland, ETC Tiger is requesting the use of 25 feet of ATWS. Along this portion of the right-of-way, there are three perennial stream crossings and one intermittent stream crossing, all located within 400 feet of each other. Further, to avoid placing the ETC Tiger Pipeline within the stream and effect a perpendicular crossing, the ETC Tiger Pipeline was re-routed to the north of the existing parallel utility. This required incorporation of four field bends in the pipeline to avoid paralleling the stream and return back to the parallel utility as soon as possible to minimize fragmentation of the land.

To incorporate a field bend, the contractor must have sufficient workspace to carry the bending equipment into the right-of-way and execute the bend – which, with a reduced work area, makes this operation extremely difficult and unsafe.

In addition to the physical constraints, this wetland is saturated to the point where the soils are not cohesive. With saturated soils and a reduced right-of-way, there will not be suitable space to store the spoil during construction. Additionally, due to the length of the wetland, it is infeasible to temporarily truck the amount of soil out of the wetland that will be generated from the pipeline ditch. Without the 25 feet of ATWS, the right-of-way will be broken down into the following:

- a minimum of 20 feet for the pipe ditch and more likely 30 feet in the saturated soils;
- 45 to 55 feet of workspace to install the pipe and store the spoil.

ETC Tiger believes that there is not enough workspace to store and keep the spoil within the construction right-of-way and also allow the pipeline equipment to work safely to install the pipeline within the workspace limits. To mitigate the congestion and to attempt to keep the spoil within the construction work area, ETC Tiger is requesting the 25 feet of ATWS. ETC Tiger will use additional spoil control techniques within this

wetland to try to control the spoil, which will be difficult even with the 25 feet of ATWS. Even if a temporary containment wall of imported foreign soil or other technique (*e.g.*, partially buried pilings) were used, it would be cost prohibitive and may still be unable to withstand the outward pressure of the saturated soils, thus causing soils to migrate off the right-of-way. The 25 feet of ATWS will provide ETC Tiger the ability to utilize reinforced silt-fence, hay bales and other techniques such as native soil earthen berms to contain the soils. Furthermore, the 25 feet of ATWS will allow the soils to dissipate over a larger area thus reducing the force exerted on the sediment control devices.

5. **M.P. 52.37 to 52.47, Red River Parish, Louisiana, PFO Wetland D55**

ETC Tiger is requesting 45 feet of ATWS to maintain the 120-foot pipeline workspace as proposed across this wetland. In this area, ETC Tiger proposed to install the pipeline and use the workspace for a pull sting for the HDD located immediately upstream of the wetland crossing. By reducing the workspace, there will not be adequate workspace to string the pipeline along the workspace to facilitate the HDD.

6. **M.P. 54.73 to 54.88, Red River Parish, Louisiana, PFO Wetland C223**

ETC Tiger is requesting 45 feet of ATWS to maintain the 120-foot pipeline workspace as proposed across this wetland. In this area, ETC Tiger proposed to install the pipeline as well as to use the workspace for a pull sting for the HDD located immediately upstream of the wetland crossing. By reducing the workspace, there will not be adequate workspace to string the pipeline along the workspace to facilitate the HDD.

7. **M.P. 94.01 to 94.19, Bienville Parish, Louisiana, PFO Wetland R4**

In this wetland, ETC Tiger is requesting 25 feet of ATWS. Along this portion of the right-of-way, there is an intermittent stream crossing and the wetland is characterized by inundated wetland conditions for the majority of the year as evidenced by the aerial photography as compared to other wetland along the route. In this wetland, the soils are saturated and extremely noncohesive which makes the handling and containment of the soils very difficult. In addition to containment of the spoil, ETC Tiger believes that the trench within this wetland could extend upwards of 30 feet to maintain adequate trench slopes to safely install the pipeline. Without the use of 25 feet of ATWS, the right-of-way will be broken down into the following:

- a minimum of 30 feet will be utilized by the pipe ditch;
- 45 of workspace to install the pipe and store the spoil.

ETC Tiger believes that there is not enough workspace to store and keep the spoil within the construction right-of-way and also allow the pipeline equipment to work safely to install the pipeline within the workspace limits. To mitigate the congestion and to attempt to keep the spoil within the construction work area, ETC Tiger is requesting the 25 feet of ATWS. ETC Tiger will use additional spoil control techniques within this

wetland to try to control the spoil, which will be difficult even with the 25 feet of ATWS. Even if a temporary containment wall of imported foreign soil or other technique (*e.g.*, partially buried pilings) were used, it would be cost prohibitive and may still be unable to withstand the outward pressure of the saturated soils, thus causing soils to migrate off the right-of-way. The 25 feet of ATWS will provide ETC Tiger the ability to utilize reinforced silt-fence, hay bales and other techniques such as native soil earthen berms to contain the soils. Furthermore, the 25 feet of ATWS will allow the soils to dissipate over a larger area thus reducing the force exerted on the sediment control devices.

8. **M.P. 137.32 to 138.34, Ouachita Parish, Louisiana, PFO Wetlands O17, A78, A74 and O13**

This wetland crossing is associated with the reroute around the Nolan WRP land. Because of concerns with crossing the WRP, the proximity of the WMA, and the recently acquired USACE property, the ETC Tiger Pipeline was placed through the forested wetland.

This wetland area is saturated the majority of the year and extends for more than one-mile. With the saturated soils, it will be impossible to contain the spoil within the 75-foot right-of-way and still install the pipeline. It is infeasible to truck the spoil out of the wetland without causing severe rutting and damage to the wetland (soil compaction due to the heavy traffic, multiple layers of mats to handle the trucks, off right-of-way spoil migration, spoil mixing within the wetland as well as in the temporary spoil pile, etc). Furthermore, a sufficient area does not exist in this area where spoil could be stored temporarily without leading to additional wetland impacts. There may be small areas that could handle a portion of the spoil, but there is no area within close proximity that could handle the amount of spoil associated with over a mile of trench spoil to accommodate a trucking solution.

In addition to the spoil constraint, ETC Tiger incorporated one induction bend and three field bends to re-route the pipe around the WRP. To incorporate the induction bend into the trench, the trench must be widened beyond the typical width to allow the pipe to set in the ditch in a position to allow the upstream and downstream pipe to line up in the trench with the minimum amount of tension on the pipe (to prevent long term stress to the pipe and potentially unsafe pipeline conditions). To install the field bends, the contractor must have sufficient workspace to carry the bending equipment into the right-of-way and execute the bend – which, with a reduced work area, is extremely difficult and unsafe.

ETC Tiger also requested a passing lane positioned within this wetland with the dimensions of 25 feet wide by 500 feet long. The EA denied use of the passing lane, resulting in a congested workspace, unsafe working conditions, and insufficient workspace to allow the equipment to move efficiently through the wetland. This will delay construction and increase the disturbance and duration of construction within the wetlands. Without the 25 feet of ATWS, the right-of-way will be broken down into the following:

- a minimum of 20 feet will be utilized by the pipe ditch and more likely 30 to 35 feet at the induction bends and where the trench will not hold due to saturated or inundated soil conditions;
- 40 to 55 feet of workspace to install the pipe and store the spoil.

ETC Tiger believes that there is not enough workspace to store and keep the spoil within the construction right-of-way and also allow the pipeline equipment to work safely to install the pipeline within the workspace limits. To mitigate the congestion and to attempt to keep the spoil within the construction work area, ETC Tiger is requesting the 25 feet of ATWS. ETC Tiger will use additional spoil control techniques within this wetland to try to control the spoil, which will be difficult even with the 25 feet of ATWS. Even if a temporary containment wall of imported foreign soil or other technique (*e.g.*, partially buried pilings) were used, it would be cost prohibitive and may still be unable to withstand the outward pressure of the saturated soils, thus causing soils to migrate off the right-of-way. The 25 feet of ATWS will provide ETC Tiger the ability to utilize reinforced silt-fence, hay bales and other techniques such as native soil earthen berms to contain the soils. Furthermore, the 25 feet of ATWS will allow the soils to dissipate over a larger area thus reducing the force exerted on the sediment control devices.

Certificate of Service

I hereby certify that I have this day caused a copy of the foregoing electronic document to be served upon each person designated on the official service list compiled by the Commission's Secretary in this proceeding in accordance with the requirements of Section 385.2010 of the Federal Energy Regulatory Commission's Rules of Practice and Procedures.

/s/ Kelly Allen

Kelly Allen, Manager
Certificates and Reporting
ETC Tiger Pipeline, LLC
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