

**ETC Tiger Pipeline, LLC
ETC Tiger Pipeline**

FERC Docket No. CP09-460-000

**Response to:
FERC Staff's May 3 and May 8, 2010 Comments on ETC Tiger's
April 15, 2010 Implementation Plan: Pipeline**

Filed May 10, 2010

INTRODUCTION

This document responds to FERC Staff's May 3 and May 8, 2010 comments on ETC Tiger Pipeline Company, LLC's (ETC Tiger) Implementation Plan: Pipeline submitted on April 15, 2010. Specifically, it provides the requested supplemental information for the following environmental conditions included in the Order Issuing Certificates (Order) issued on April 7, 2010 for the ETC Tiger Pipeline Project (Project), as amended through an Errata issued on April 8, 2010.

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With submittal of this document and the Implementation Plans filed on April 9 and April 15, 2010, ETC Tiger has responded to all of the Environmental Conditions of the Order with the exception of two locations, namely the:

- Additional temporary workspaces (ATWS) at MP 44.68/MP 44.72, where landowner approval is pending and expected at the end of May 2010; and
- Bee Bayou horizontal directional drill (HDD) between MPs 155.84 and 156.21, where the subordination agreement from the Natural Resources Conservation Service is pending and expected at the end of May 2010.

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FERC Comments: General

Review Comment: Provide the results of the site-specific geotechnical analyses conducted for each of the proposed HDD sites that ETC Tiger indicated would be provided to the FERC for our review prior to construction (see page 2-31 (section 2.2.2.3) of the Environmental Assessment.

Response:

See Attachment 1 for copies of the two Tolunay-Wong reports:

- Tolunay-Wong Engineers, Inc., Geotechnical Investigations. Tiger Pipeline Company, LLC, Texas and Louisiana, November 2009.
- Tolunay-Wong, Engineers, Inc., Geotechnical Engineering Services. PRTiger Pipeline HDD Data Report, Carthage, Texas to Perryville, Louisiana for ETC Tiger Pipeline Company, LLC, November 23, 2009.

These reports document results of the geotechnical investigations conducted at each of the HDD sites, including Saline Bayou and Socagee Creek.

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FERC Comments on Condition 5.

Review Comment 5-1: Attachment A provides specific comments on apparent discrepancies identified between the issued-for-construction alignment sheets, tables, and/or drawings filed in response to Environmental Condition No. 5 and lists the action(s) required by ETC Tiger to clarify these discrepancies. Resolving these comments will include updating the acreage of wetland impacts identified in table 5-5.

Response:

See response on page 13 of this document. As noted in those responses, all wetland impacts associated with any modifications are included in Table 5-5 submitted on April 15, 2010. Therefore, there are no changes to Table 5-5.

Review Comment 5-2: If the wetland impacts in the revised table 5-5 are greater than those presented in the final Wetland Mitigation Plan (see Environmental Condition No. 21), ETC Tiger shall provide documentation that it has provided the revised impact calculations to the U.S. Army Corps of Engineers (COE) and the U.S. Fish and Wildlife Service (FWS) and/or established a process with the agencies for tracking and reporting final wetland impacts after construction, including additional wetland impacts that may occur as a result of variances.

Response:

As stated above, there are no changes to wetland impacts submitted in Table 5-5 on April 15, 2010.

The Wetland Mitigation Plan, submitted on April 7, 2010, included Table 1 that summarized wetland impacts by COE District. The wetland acre impacts in Table 1 are based on the Pre-Construction Notification (PCN) Revision submitted to the COE Fort Worth and Vicksburg Districts on October 28, 2009, and incorporated the modifications included with the Supplemental Environmental Information Report filed with the FERC on October 28, 2009. Compensatory mitigation was based on the wetland impacts listed in Table 1 and described in Section 3.4 of the Wetland Mitigation Plan.

Subsequent to finalizing compensatory mitigation with the COE districts, the FERC Certificate required certain reductions in right-of-way width in forested wetlands and did not approve passing lanes in wetlands (FERC EA, Appendix I, Table I-1). Wetland reductions as a result of incorporating the Certificate conditions and the modifications summarized on Table 5-1 of the April 15, 2010 filing are reflected in Table 5-5 and on the issued-for-construction alignment sheets submitted on April 15, 2010.

To date, wetland impacts listed in Table 5-5 are less than those listed in Table 1 of the Wetland Mitigation Plan, for which compensatory mitigation was provided to the COE Districts in accordance with District guidelines. For any future modification (ATWS, route change, etc.) that

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affects wetlands, ETC Tiger will develop a table to reflect the effect of the modification on the compensatory wetland mitigation acres and the table will be e-mailed to the appropriate COE District with a copy to the appropriate FWS office. ETC Tiger will compensate each District for any additional compensatory mitigation as soon as possible after the additional requirement is identified or at the end of construction depending on District requirements.

Review Comment 5-3: Provide an updated table that lists the authorized right-of-way configurations by milepost.

Response:

See Attachment 2 for a table of the construction right-of-way widths by milepost.

Review Comment 5-4: ETC Tiger identified in its response to this condition that it now proposes to cross Socagee Creek using the horizontal directional drill (HDD) method. Please note that, in accordance with its Wetland and Waterbody Construction and Mitigation Procedures, ETC Tiger will need to obtain written permission from the appropriate federal, state, and/or local permitting agencies to withdraw water from or discharge water to Socagee Creek if it:

- *is a state-designated exceptional value water,*
- *provides habitat for federally listed threatened or endangered species, or*
- *is designated as a public water supply*

Response:

ETC Tiger identified Socagee Creek as a potential HDD in its application filed on August 31, 2009 (see Resource Report 1, Table 1.6-2). As noted in Resource Reports 2 and 3, Socagee Creek is not a state-designated exceptional value water, does not provide habitat for federally listed threatened or endangered species, nor is it is designated as a public water supply. ETC Tiger will test the HDD pipe using municipal or industrial water and will haul it out following hydrostatic testing. Therefore, no written permission from appropriate federal, state, and/or local permitting agencies will be required.

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FERC Comments on Condition 9.

Review Comment 9-1: Based on a review of ETC Tiger's response to this condition, four permits/approvals are pending. These permits/approvals and the action required by ETC Tiger are outlined below.

- *Railroad Commission of Texas*
Provide a copy of the section 401 Water Quality Certification (WQC) from the Texas Railroad Commission (only the WQC from the Texas Commission on Environmental Quality was provided).

Response:

Table 9-1 submitted on April 15, 2010, incorrectly identified the Railroad Commission of Texas (RRC) as the agency with responsibility for Section 401 WQC for the ETC Tiger Pipeline Project (Project). The Texas Commission on Environmental Quality (TCEQ) is responsible for conducting Section 401 WQC for projects requiring a Section 404 permit from the COE, other than projects involving the exploration, development, and production of oil, gas, or geothermal resources, which are under the jurisdiction of the RRC. See Attachment 3 for the TCEQ webpage and letters of agreement between TCEQ and COE (April 26, 2007) and the RRC and COE (May 10, 2007) regarding projects authorized by the COE under a Nationwide Permit. The Project has been authorized by the COE in Texas under a Nationwide Permit.

- *Louisiana Department of Environmental Quality (LDEQ)*
Provide a copy of the section 401 WQC from the LDEQ.

Response:

Similar to the TCEQ, the LDEQ and COE have a letter of agreement (see Attachment 3) authorizing Section 401 WQC certification for projects authorized by the COE under a Nationwide Permit (March 23, 2007). The Project has been authorized by the COE in Louisiana under a Nationwide Permit.

- *Louisiana State Historic Preservation Officer (SHPO)*
File the concurrence from the Louisiana SHPO with the supplemental Addendum 3 cultural resources report. Please note that the FERC will exclude the 1.5-acre British Gas Receipt Meter Station #2 at MP 38.6 from the NTP until concurrence from the Louisiana SHPO has been filed.

Response:

See Attachment 3 for a copy of the LA SHPO's concurrence for Addendum 3 (April 28, 2010).

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- Natural Resources Conservation Service (NRCS)
File the subordination agreement from the NRCS for the Bee Bayou HDD under the Golson WRP property. Please note that the FERC will exclude the Bee Bayou HDD under the Golson WRP property from the NTP until the subordination agreement from the NRCS has been filed.

Response:

A copy of the subordination agreement from the NRCS for the Golson WRP property will be submitted when it is received by ETC Tiger. ETC Tiger estimates that it will be obtained by the end of May. ETC Tiger acknowledges that the Bee Bayou HDD will be excluded from the NTP until the subordination agreement is filed.

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FERC Comments on Condition 20.

Review Comment: Expand ETC Tiger's response to include the results of the geotechnical analysis for the Saline Bayou HDD site (see general comments above) (e.g., Based on the results of the geotechnical analysis of the Saline Bayou HDD site, ETC Tiger anticipates that a successful crossing in accordance with the proposed site-specific HDD crossing plan is likely. However, should ETC Tiger determine...).

Response:

Based on the results of the geotechnical analysis of the Saline Bayou HDD site, ETC Tiger anticipates that a successful crossing in accordance with the proposed site-specific HDD crossing plan is likely. However, should ETC Tiger determine it is necessary to implement the alternate Saline Bayou HDD plan involving two HDDs instead of one, it will consult with the LDWF before implementing the alternate plan. The results of these consultations will be filed with the Secretary before implementing the alternate HDD plan. (See April 15, 2010 Implementation Plan: Pipeline).

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FERC Comments on Condition 21.

Review Comment: Response provided in April 7, 2010 Implementation Plan is also applicable to pipeline facilities. Response is acceptable. See also the comments provided above for Environmental Condition No. 5. Please note that even if the wetland impacts in the revised table 5-5 have not increased from those reported in the final Wetland Mitigation Plan, it will be beneficial for ETC Tiger to establish and provide documentation of the procedure it will follow regarding COE and FWS approval for additional wetland impacts during construction and resolution of the final wetland impact acreage requiring compensation after construction.

Response:

ETC Tiger acknowledges the FERC staff's concern regarding tracking of potential additional wetland impacts. See response to Condition 5.

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FERC Comments on Condition 23.

Review Comment: ETC Tiger to file the notes from its April 21, 2010 meeting with the FWS; the FWS' April 22, 2010 comments on the Migratory Bird Conservation Plan; the revised Migratory Bird Conservation Plan submitted to the FWS on April 30, 2010; and documentation of any subsequent correspondence with and/or from the FWS regarding the Migratory Bird Conservation Plan, including a copy of the final Migratory Bird Conservation Plan. (Please note that the table of Forested Wetland Impacts and Mitigation included in the Migratory Bird Conservation Plan (page 16) should be table 5 rather than table 6.)

Response:

See Attachment 4 for:

- 1) April 22, 2010 - Letter. FWS comments on the Migratory Bird Conservation Plan,
- 2) April 27, 2010 - E-mail. Transmittal of Notes of Meeting held on April 21, 2010 at FWS, Lafayette, LA Field Office
- 3) April 27, 2010 - E-mail. Transmittal of FWS-Lafayette comments on meeting notes and copies of MOU for Gulf Crossing
- 4) April 30, 2010 – Email. Transmittal via e-mail of Revised Migratory Bird Conservation Plan (with the corrected table number),
- 5) May 10, 2010 – E-mail. Correspondence between FWS and ETC Tiger.
- 6) Final Migratory Bird Conservation Plan submitted to FWS on May 10, 2010.

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FERC Comments on Condition 25.

Review Comment: Provide additional details regarding the construction workspace layout and installation details for the houses at MPs 67.10 and 67.14 (TH-BI-520.000) shown on Residential Implementation Plan CA-3246-505.

Response:

See Attachment 5 for the revised residential plan.

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FERC Comments on Condition 26.

Review Comment: Based on a review of ETC Tiger's response to this condition, we have made a determination for each of the meter stations as outlined below. The action(s) required by ETC Tiger are also outlined below. [Only those requiring action are listed]

- British Gas Receipt Meter Station #2 (MP 38.6)
The table and text are inconsistent regarding the distance of the nearest residence (the table indicates 0.1 mile but the text indicates 0.4 mile). ETC to clarify the distance of the nearest residence.

Response:

The table is correct. The text is revised as follows: "There is one residence (Residence 8) on Friendship Road that is located 0.1 ~~0.4~~ mile north of the receipt meter and will have unbroken views of the facility."

- British Gas Receipt Meter Station #2 (MP 38.6)
It appears that residences 8 and 9 are on the same tract of land as the proposed meter station. If this is the case, file documentation that the landowner is in concurrence with the proposed visual screening measures. If landowner concurrence has not been obtained, ETC Tiger shall develop a visual screening plan in coordination with the landowner that addresses shape, color, lighting, motion sensors, or ground cover at this location and file the plan for review and written approval by the Director of OEP.

Response:

ETC Tiger owns the British Gas receipt meter site and purchased that site in December 2009 with the requirement to install cyclone fencing around the site. The meter site will be installed in accordance with the deed requirements. ETC Tiger signed an easement agreement with the owners of residences 8 and 9 on Tract TH-DE-326.000 in September 2009.

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- Columbia Gulf Delivery Meter Station (MP 174.9)
 The table and map are inconsistent regarding which residences are nearest to the proposed station (the table indicates residences 9 and 13 but the map indicates residences 8 and 9). ETC to clarify the nearest residences.

Response:

The map is correct. The text is revised as follows: "There are two residences (Residence 8 and 9 and 913) on the north side of Parish Line Road that are across the road from the delivery meter and will have unbroken views of the facility although Residence 9 does have some trees around the residence." The table is revised as follows:

Table 26-3. Residences within 1.5 miles of the Columbia Gas Delivery Meter at MP 174.9

Residence	Distance (ft)	Distance (mi)	Existing Screening	Visual Mitigation
1	2,589	0.5	NNE – Tree hedgerow	None
2	1,518	0.3	ENE – Tree hedgerow	None
3	1,444	0.3	ENE – Tree hedgerow, trees	None
4	1,379	0.3	ENE – Tree hedgerow, trees	None
5	1,239	0.2	ENE – Tree hedgerow, trees	None
6	3,116 2,434	0.6 0.5	W - Forest	None
7	2,443 2,411	0.5	W - Forest	None
8	2,411 163	0.5 0.03	SSW - Forest	None
9	463 225	0.03 0.04	N – Some trees adjacent to residence	See below
10	3,453 2,427	0.7 0.5	W - Forest	None
11	2,427 1,976	0.5 0.4	SSE – Buildings, some trees	None
12	1,976 3,116	0.4 0.6	W - Forest	None
13	225 3,453	0.04 0.7	N – No screening	See below

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ATTACHMENT A, FERC Comment 1

*Alignment Sheet Page Reference P3-5
ATWS at MP 5.24*

Review Comment: The ATWS for the Sabine River HDD is indicated on the certificated alignment sheets as 100 X 200 feet and on the issued-for-construction alignment sheets as 100 X 320 feet. Table 5-2 states that the ATWS is 100 X 320 feet, but it is not identified as a modification in table 5-1 so we cannot confirm whether landowner approval has been received. The ATWS is located within a forested wetland. The impact acreage for this ATWS has been changed in table 5-5 so we assume, but have no way of independently confirming, that the impact calculation has been updated to reflect the ATWS increase. ETC Tiger to confirm that the alignment sheet and table 5-2 are accurate, update table 5-1, and confirm that the updated entry for this ATWS in table 5-5 reflects the additional impact on wetlands.

Response:

The "certificated alignment sheets" include those alignment sheets filed by ETC Tiger on October 28, 2009, reflecting certain modifications to the Project as identified in the Introduction to that filing. Table IB-2 "Revised," which was a part of the October 28, 2009 filing, included a modification to the ATWS at MP 5.25 (100x**320** feet) (**0.73** acre) at the Sabine River HDD. All changes in the Table 1B-2 "Revised" were shown in red so that they could be easily identified. The FERC EA Table I1-1 incorporated this modification – although the dimensions are not included in the table, the EA correctly lists the ATWS at MP 5.25 as affecting 0.73 acre.

Therefore, it is ETC Tiger's belief that this workspace is included in the certificated alignment sheets. Further, the October 28, 2009 filing included copies of the revised submittals to the COE Fort Worth and Vicksburg Districts. This change in ATWS was submitted to the Fort Worth District and was included in the mitigation for the Project.

The alignment sheet is correct as filed on April 15, 2010 (100x320 feet). Table 5-2 is correct (100x320 feet) as filed on April 15, 2010. Table 5-1 does not require revision as the 100x320 feet ATWS was included in the EA and was therefore included in the Certificate.

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ATTACHMENT A, FERC Comment 2

Alignment Sheet Page Reference P3-5

ATWS at MP 5.26

Review Comment: The ATWS for the false right-of-way is indicated on the issued-for-construction alignment sheets and drawing P4-1-C as 50 X 2905 feet (an increase of 215 feet). The increase is also identified in table 5-1. The increased ATWS is within 50 feet of (and may actually be within) WET-Y1 and WET-Y2. This ATWS modification is not identified in table 5-2. ETC Tiger to confirm that the alignment sheet and drawing are accurate, update dimensions and acreage in table 5-2, indicate in table 5-2 whether the ATWS is within or within 50 feet of WET-Y1 and WET-Y2, and confirm that the updated entry for this ATWS in table 5-5 reflects the additional impact on wetlands

Response:

The issued for construction alignment sheet is correct. Table 5-1 is correct. Table 5-2, page 7 (and page 37, total) is revised to modify the ATWS at MP 5.26 from 50x2690 feet to 50x**2905** feet and note that the **increase (50x215 feet) is within 50 feet of Wetlands WET Y1 and WET Y2** (see Attachment 6). There are no quantifiable impacts to Wetlands WET Y1 and WET Y2. All wetland impacts were recalculated following incorporation of the modifications on Table 5-1 and the requirements of Certificate Order Condition 12. Therefore, Table 5-5 is correct.

ATTACHMENT A, FERC Comment 3

Alignment Sheet Page Reference P3-41

ATWS at MP 44.68 and 44.72

Review Comment: Table 5-1 indicates that landowner approval for these ATWSs is pending. ETC Tiger to update table 5-1 if landowner approval has been received. Please note that the FERC will exclude this tract from the Notice to Proceed (NTP) until ETC Tiger files a statement that landowner approval has been received

Response:

As of this date, landowner concurrence is still pending. ETC Tiger estimates that it will be obtained by the end of May. ETC Tiger acknowledges that these ATWSs will not be included in the NTP until landowner approval has been obtained.

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6A, FERC Comment 4

*Alignment Sheet Page Reference P3-86
ATWS at MP 94.88*

Review Comment: The ATWS was split into two smaller ATWSs to accommodate the reduced construction right-of-way. Table 5-1 indicates that both ATWSs are located on forested land, and table 5-2 indicates that they are located within 50 feet of a wetland. The issued-for-construction alignment sheets and wetland survey reports show that both ATWSs are within a forested wetland (WET G-1) and ETC Tiger's original filing indicates that this workspace is within WET G-1. Table 5-5 accurately reflects impact on the wetland, and categorizes vegetation in WET G-1 as old growth hardwood. ETC Tiger to update tables 5-1 and 5-2 accordingly.

Response:

Table 5-1 characterizes land use (forest, open, agriculture, etc.) and did not specify wetlands as a land use. Under those guidelines, Table 5-1 is correct. Table 5-2, page 25 is revised to identify both ATWS (MPs 94.88 and 94.90) **as being within Wetland G-1** (see Attachment 6).

ATTACHMENT A, FERC Comment 5

*Alignment Sheet Page Reference P3-95
ATWS at MP 103.94*

Review Comment: Table 5-2 indicates that the ATWS was expanded in length by 100 feet. This ATWS is not listed as a modification in table 5-1 and the issued-for-construction alignment sheets show that the ATWS remains 25 X 150 feet. ETC to clarify dimensions for this ATWS and either file a new alignment sheet and an updated table 5-1 or an updated table 5-2.

Response:

Table 5-2, page 27 is revised so that the dimensions of the ATWS at MP 103.94 remain at the certificated dimension of **25x150 feet** (see Attachment 6) as shown on the issued-for-construction alignment sheets. The issued-for-construction alignment sheets and Table 5-1 are correct.

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ATTACHMENT A, FERC Comment 6

Alignment Sheet Page Reference P3-119

ATWS at MP 130.77

Review Comment: The issued-for-construction alignment sheets show that this ATWS was expanded to 290 feet in length. This modification is not identified in tables 5-1 and 5-2. ETC to clarify dimensions for this ATWS and file a new alignment sheet or updated tables 5-1 and 5-2.

Response:

The text on the issued-for-construction alignment sheet is somewhat confusing in that it appears that the ATWS could be 25x290 feet due to the line in the middle of the 0. However, there is no change to this ATWS. It remains as certificated at 25x200 feet. Tables 5-1 and 5-2 are correct. The issued-for-construction alignment sheet is revised to remove the line in the middle of the 0 (see Attachment 6).

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LIST OF ATTACHMENTS

- Attachment 1: HDD Geotechnical Reports:
Tolunay-Wong Engineers, Inc., November 2009. Geotechnical Investigations. Tiger Pipeline Company, LLC, Texas and Louisiana, November 2009.
Tolunay-Wong, Engineers, Inc., Geotechnical Engineering Services. PrTiger Pipeline HDD Data Report, Carthage, Texas to Perryville, Louisiana for ETC Tiger Pipeline Company, LLC, November 23, 2009.
- Attachment 2: Table Right-of-Way Configuration Width by Milepost
- Attachment 3: 401 Certification Reviews – TCEQ, Texas
April 26, 2007. TCEQ to COE. USACE Nationwide Permits.
May 10, 2007. RRC to COE. USACE Nationwide Permits
March 23, 2007. LDEQ to COE. Water Quality Certification (JP070227-01/AI 149056CER 20070001) State of Louisiana.
April 28, 2010. LA SHPO. Concurrence on Addendum 3: Phase 1 Cultural Resources Investigations, ETC Tiger Pipeline Project, Louisiana segment.
- Attachment 4: Migratory Bird Conservation Plan (MBC Plan) Correspondence –
April 22, 2010 – Letter. FWS comments on the Migratory Bird Conservation Plan,
April 27, 2010 – E-mail. Transmittal of Notes of Meeting held on April 21, 2010 at FWS, Lafayette, LA Field Office,
April 27, 2010 – E-mail. Transmittal of FWS-Lafayette comments on meeting notes and copies of MOU for Gulf Crossing,
April 30, 2010. E-mails transmitting revised MBC Plan to FWS-Lafayette, FWS-Arlington, and FERC.
May 10, 2010. E-mails between ETC Tiger and FWS-Lafayette documenting finalization of the MBC Plan.
May 10, 2010. E-mail transmitting Final MBC Plan to FWS-Lafayette, FWS-Arlington, and FERC.
- Attachment 5: Revised Residential Implementation Plan CA-3246-505 for residences at MPs 67.1 and 67.14.
- Attachment 6: Revised Table 5-2, pages 7, 25, 27, and 37
Revised Alignment Sheet P3-119