

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Jewell Ridge Pipeline Company LLC

Docket No. PF05-3-000

NOTICE OF INTENT TO PREPARE AN  
ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED  
**JEWELL RIDGE PIPELINE PROJECT** AND  
REQUEST FOR COMMENTS ON ENVIRONMENTAL ISSUES

(January 31, 2005)

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Jewell Ridge Pipeline Project involving construction and operation of facilities by the Jewell Ridge Pipeline Company, LLC (JRP) in (Tazwell, Smyth, and Russell counties, VA).<sup>1</sup> These facilities would consist of approximately 30 miles of 20 inch diameter pipeline and modification to the existing compressor station facility. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" was attached to the project notice JRP provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website ([www.ferc.gov](http://www.ferc.gov)).

**Summary of the Proposed Project**

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<sup>1</sup>JRP is beginning NEPA pre-filing of an application with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

JRP wants to expand the capacity of its facilities in Virginia to transport an additional 100,000 dekatherms per day of natural gas to the existing East Tennessee Gas Pipeline System. JRP seeks authority to construct and operate:

Facilities (2005/2006):

- Approximately 30 miles of 20-inch-diameter pipeline and associated facilities; and to
- Modify the existing Jewell Ridge Compressor Station in Tazewell County, Virginia;

*The general location of the project facilities and alternative routes under consideration are shown in Appendix 1.<sup>2</sup>*

**Land Requirements for Construction**

Construction of the proposed facilities would require about 363 acres of land. Following construction, about 120 acres would be maintained as permanent Right-Of-Way. The remaining 243 acres of land would be restored and allowed to revert to its former use.

**The EA Process**

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as "scoping". The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission staff requests public comments on the scope of the issues to address in the EA. All comments received are considered during the preparation of the EA. State and

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<sup>2</sup>The appendices referenced in this notice are not being printed in the Federal Register. Copies of all appendices, other than Appendix 1 (maps), are available on the Commission's website at the "eLibrary" link, and all appendices, including Appendix 1 are available from the Commission's Public Reference Room, 888 First Street, N.E., Washington, D.C. 20426, or call (202) 502-8371. For instructions on connecting to eLibrary refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

In the EA we<sup>3</sup> will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

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

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

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section [beginning on page 4].

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<sup>3</sup>"We", "us", and "our" refer to the environmental staff of the Office of Energy Projects (OEP).

## **Currently Identified Environmental Issues**

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by JRP. This preliminary list of issues may be changed based on your comments and our analysis.

- Several federally/state listed endangered or threatened species may occur in the project area.
- An un-quantified amount of prime farmland soils would be impacted during construction activity.
- Three alternative routes are under consideration, although JRP has identified Alternative Route 3 as the likely preferred alternative (See Appendix 1).

## **Public Participation**

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send **an original and two** copies of your letter to:

Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 First St., N.E., Room 1A  
Washington, DC 20426

- Label one copy of the comments for the attention of Gas Branch 3, DG2E.
- Reference Docket No. PF05-3-000.
- **Mail your comments so that they will be received in Washington, DC on or before (March 4, 2005).**

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. As a result, we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. **However, the**

**Commission strongly encourages electronic filing of any comments or interventions or protests to this proceeding.** See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.gov> under the "e-Filing" link and the link to the User's Guide. Before you can file comments you will need to create a free account, which can be created by clicking on "Login to File" and then "New User Account." You will be asked to select the type of filing you are making. This filing is considered a "Comment on Filing."

### **Public Scoping Meeting and Site Visit**

In addition to or in lieu of sending written comments, we invite you to attend the public scoping meeting we will conduct in the project area. The location and time for the meeting is listed below:

**February 22, 2005; 7:00pm  
Chilhowie High School  
1160 East Lee Highway  
P.O. Box 2280  
Chilhowie, Virginia 24319  
Phone: 276-646-8966  
Fax: 276-646-5951  
Principal - Steve Reedy**

**February 23, 2005; 7:00pm  
Southwest Virginia Community College  
369 College Road, Route 19  
Richlands, Virginia 24641  
Contact: Pauline Taylor  
276-964-7619**

The public scoping meeting is designed to provide state and local agencies, interested groups, affected landowners, and the general public with more detailed information and another opportunity to offer your comments on the proposed project. Interested groups and individuals are encouraged to attend the meeting and to present comments on the environmental issues they believe should be addressed in the EA. A transcript of the meeting will be made so that your comments will be accurately recorded.

**If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (Appendix 4). If you do not return the Information Request, you will be taken off the mailing list.**

**We may mail the EA for comment. If you are interested in receiving it, please return the Information Request (Appendix 4). If you do not return the Information Request, you will be taken off the mailing list.**

### **Becoming an Intervenor**

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an "intervenor". Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must send one electronic copy (using the Commission's eFiling system) or 14 paper copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see Appendix 2).<sup>4</sup> Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. **You do not need intervenor status to have your environmental comments considered.**

### **Environmental Mailing List**

An effort is being made to send this notice to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. This includes all landowners who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within distances defined in the Commission's regulations of certain aboveground facilities. By this notice we are also asking governmental agencies, especially those in Appendix 3, to express their interest in becoming cooperating agencies for the preparation of the EA.

### **Additional Information**

Additional information about the project is available from the Commission's Office of External Affairs, at **1-866-208-FERC** or on the FERC Internet website ([www.ferc.gov](http://www.ferc.gov)) using the eLibrary link. Click on the eLibrary link, click on "General Search" and enter

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<sup>4</sup>Interventions may also be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov) or toll free at 1-866-208-3676, or for TTY, contact (202)502-8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to [www.ferc.gov/esubscribenow.htm](http://www.ferc.gov/esubscribenow.htm).

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to [accessibility@ferc.gov](mailto:accessibility@ferc.gov) or call toll free (866) 208-3372 (voice) or (202) 208-1659 (TTY), or send a FAX to (202) 208-2106 with the required accommodations.

Finally, public meetings or site visits will be posted on the Commission's calendar located at <http://www.ferc.gov/EventCalendar/EventsList.aspx> along with other related information.

Magalie R. Salas  
Secretary

# Appendix 1

## How to Intervene in Commission Proceedings

There are two alternatives available to those wishing to participate in FERC proceedings involving the interstate sale and transportation of natural gas, hydroelectric dams, wholesale transactions of electric transmissions, and rates for the interstate transportation of petroleum products.

One approach is simply to file a protest or letter of support with the Commission. Such informal comments are made known to the Commission and its staff and are considered by the Commission in determining further appropriate actions. But, protests and letters of support are filed without becoming part of the official record if the case is set for hearing. **The Commission's rules direct protesters to provide copies of their protests to the party or parties against whom their complaints are directed.**

The second approach is to file as an intervenor. An intervenor is an official party to a proceeding and enjoys distinct advantages and responsibilities over those who only file informal comments of protest or support. Intervenors have the right to participate in hearings before an administrative law judge as well as other proceedings in the case. They may file briefs. Intervenors will be placed on a service list to receive copies of case-related Commission documents as well as filings by other intervenors in the proceeding. And they will have the legal standing to be heard by the Court of Appeals if they choose to pursue their opposition to the final order by the Commission in their case.

Filing for intervenor status is not complicated. There is no form to complete. Interested parties must file a motion requesting permission to intervene. The motion must identify the case by name and docket number and must clearly state your position and interest in the case.

For example, intervenors may demonstrate they are directly affected consumers, or they are elected representatives of affected parties, or that they own land near a proposed hydroelectric or pipeline site.

A motion to intervene must be served on the applicant and any other parties on the service list in the proceeding. An original and 14 copies are required to be filed with the Commission.

The Commission's Secretary maintains the service list. The service list may be accessed on the FERC Internet website ([www.ferc.gov](http://www.ferc.gov)). Service lists can be found under the "Documents & Filing" link.

Alternatively, if you are within the city of Washington, D.C. requests for service lists may be directed to the Public Reference Room, (202) 502-8371. If you are outside the city of Washington, D.C. requests should be directed to the Office of the Secretary, (202) 502-6088.

Notices of proposed rate changes, applications for hydro development and proposed natural gas pipelines, and other filings submitted to the Commission are printed daily in the *Federal Register*.

The notices are also available on the FERC website ([www.ferc.gov](http://www.ferc.gov)) using the eLibrary link. eLibrary, the Federal Energy Regulatory Records Information System, is a database containing the indexes and images of documents submitted to and issued by the FERC. Applications and subsequent filings may be viewed in eLibrary.

Each notice includes a deadline for filing requests for intervention. If the request to intervene is filed on time and there is no opposition to the request within 15 days of filing, intervenor status is granted automatically.

Disputed requests for intervenor status must be resolved by the Commission.

Anyone filing a motion to intervene out-of-time must show good cause why the motion should be accepted late.

If the intervention is filed after the matter has been set for hearing and is pending before an administrative law judge, the presiding judge has the authority to rule on contested motions to intervene.

Interventions, protests, or comments should be mailed to the Federal Energy Regulatory Commission, Office of the Secretary, 888 First St., N.E., Washington, DC 20426. As noted, these filings must cite the case name and docket number.

**COOPERATING AGENCIES**

The following federal agencies are asked to indicate whether they want to be cooperating agencies for purposes of producing an EA:

**Advisory Council on Historic Preservation  
Natural Resources Conservation Service  
Department of Army - U.S. Army Corps of Engineers  
Department of Commerce - National Marine Fisheries Service  
Department of the Interior - Fish and Wildlife Service  
Department of Transportation - Federal Highway Administration**

The following Virginia state agencies are asked to indicate whether they want to be cooperating agencies for purposes of producing an EA:

**Virginia Department of Historic Resources  
Virginia Department of Agriculture and Consumer Services  
Virginia Department of Conservation and Recreation  
Virginia Department of Forestry  
Virginia Department of Environmental Quality  
Virginia Secretary of Natural Resources  
Virginia Department of Transportation**

These, or any other federal, state, or local agencies wanting to participate as a cooperating agency should send a letter describing the extent to which they want to be involved. Follow the instructions below if your agency wishes to participate in the EA process or comment on the project:

- Address your letter to:

**Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 First St., N.E., Room 1A  
Washington, DC 20426**

- Reference Docket No. PF05-3-000.
- Send a copy of your letter to:

Gas Branch 3, PJ-11(3)  
Federal Energy Regulatory Commission  
888 First Street NE  
Washington, DC 20426

- **Mail your letter so that it will be received in Washington, DC, on or before February 28, 2005.**

Cooperating agencies are encouraged to participate in the scoping process and provide us written comments. Agencies are also welcome to suggest format and content changes that will make it easier for them to adopt the EA. However, we will decide what modifications will be adopted in light of our production constraints.

**INFORMATION REQUEST**

**Docket No. PF05-3-000**

**Please keep my name on the mailing list for the Jewell Ridge Pipeline Project.**

**Name** \_\_\_\_\_

**Agency** \_\_\_\_\_

**Address** \_\_\_\_\_

**City** \_\_\_\_\_ **State** \_\_\_\_\_ **Zip Code** \_\_\_\_\_

**Please provide detailed maps for the facilities closest to the following area(s):**

**My mailing address.**

**My property.**

**(Requests for more than a single map location may be expedited by asking the company directly.)**

(Be as specific as you can about the location(s) of your area(s) of interest. Please include any information that would help us accurately locate these area(s). For example: county, town, cross-streets, or landmarks.)

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**FROM** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ATTN: OEP - Gas 3, PJ – 11 3**  
**Federal Energy Regulatory Commission**  
**888 First Street, N.E.**  
**Washington, DC 20426**

*(PF05-3-000)*

**Staple or Tape Here**