

154 FERC ¶ 61,234  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Norman C. Bay, Chairman;  
Cheryl A. LaFleur, Tony Clark,  
and Colette D. Honorable.

Columbia Gas Transmission, LLC

Docket No. CP15-150-000

ORDER ISSUING CERTIFICATE AND GRANTING ABANDONMENT

(Issued March 24, 2016)

1. On April 2, 2015, Columbia Gas Transmission, LLC (Columbia) filed an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA)<sup>1</sup> and Part 157 of the Commission's regulations requesting authorization to construct, modify, operate, and abandon facilities located in Hardy County, West Virginia, and Shenandoah, Rockingham, Page, and Greene Counties, Virginia, comprising the Line WB2VA Integrity Project. Columbia also seeks a predetermination that it may roll the project facility costs into its existing rates in its next general rate proceeding.

2. The Commission grants the requested authorizations subject to the conditions described below.

**I. Background and Proposal**

3. Columbia<sup>2</sup> is a natural gas company engaged in the transportation and storage of natural gas in interstate commerce, subject to the Commission's jurisdiction.<sup>3</sup> Columbia operates transportation and storage facilities in Delaware, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia, and West Virginia.

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<sup>1</sup> 15 U.S.C. §§ 717f(b) and (c) (2012).

<sup>2</sup> Columbia, a Delaware limited liability company, is a wholly-owned subsidiary of the Columbia Energy Group.

<sup>3</sup> 15 U.S.C. § 717a(d)(6) (2012).

4. The Line WB2VA Integrity Project is part of a modernization program developed by Columbia to address its aging infrastructure, enhance pipeline safety, and increase customer service reliability across its 12,000-mile pipeline system. In a 2013 settlement order, the Commission approved a capital cost recovery mechanism agreement between Columbia and its customers, allowing Columbia to recover the costs of eligible pipeline safety and reliability upgrades on its system without undertaking a general rate case.<sup>4</sup> The Commission did not authorize any specific pipeline projects in the Settlement Order. Columbia identifies the Line WB2VA Integrity Project as part of its modernization program and an eligible facility under the provisions of the settlement.

5. The existing Line WB2VA consists of a 24-inch-diameter bare steel pipeline and appurtenant facilities installed in the early 1950s. Columbia states that the present configuration of the existing mainline valves and two smaller 20-inch-diameter pipelines crossing the South Fork of the Shenandoah River do not accommodate the use of smart pigs.<sup>5</sup>

6. To permit the use of smart pigs on Line WB2VA, and in connection with its modernization program, Columbia proposes to replace the two existing 20-inch-diameter bare steel pipelines beneath the South Fork of the Shenandoah River in Page County, Virginia, with a new 24-inch-diameter pipeline. Columbia proposes to install temporary fittings and bypass piping to maintain service during the pipeline replacement, which would be removed after the new pipeline segment is tied in to the existing WB2VA pipeline. Columbia also proposes to replace certain segments of Line WB2VA to ensure a continuous diameter pipeline capable of operating at the pressure required to meet its existing service obligations. The total amount of pipeline proposed to be replaced for the Line WB2VA Integrity Project is 2,270 feet. Finally, Columbia proposes to modify existing appurtenant equipment at numerous sites along the pipeline, as well as at the Bickers and Lost River Compressor Stations.<sup>6</sup>

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<sup>4</sup> *Columbia Gas Transmission, LLC*, 142 FERC ¶ 61,062 (2013) (Settlement Order).

<sup>5</sup> Smart pigs are inspection tools equipped with highly tuned sensors that can detect problems that may affect the integrity of a pipeline.

<sup>6</sup> Specifically, Columbia proposes to perform modifications to the following 17 existing facilities located in Hardy County, West Virginia, and Greene, Page, Rockingham, and Shenandoah Counties, Virginia: Lost River Compressor Station, Drip #1, Drip #2, Basye Launcher, Orkney Main Line Valve, Mt. Jackson Valve Site, Howell Metals Valve Site, New Market Valve Site, Harrisonburg Main Line Valve, Smith Creek Receiver, South Fork Shenandoah River Crossing, Grove Hill Launcher,

(continued ...)

7. No new capacity will be created as a result of the Line WB2VA Integrity Project, which Columbia estimates will cost approximately \$34 million. Columbia requests a pre-determination of rolled-in rate treatment for the project's costs.

## II. Procedural Matters

8. Notice of Columbia's application was published in the *Federal Register* on April 22, 2015 (80 Fed. Reg. 22,507), establishing a date for filing motions to intervene of May 6, 2015. The parties listed in Appendix A filed timely, unopposed motions to intervene.<sup>7</sup>

9. On June 15, 2015, Allegheny Defense Project, Heartwood, Ohio Valley Environmental Coalition, and Wild Virginia (collectively, Environmental Organizations) filed untimely separate interventions and joint comments in this proceeding.

10. On June 22, 2015, Columbia filed an answer to the out-of-time motions to intervene and to the comments of the Environmental Organizations. The Commission's rules generally do not permit answers to protests.<sup>8</sup> However, because Columbia's answer provides information that assists the Commission in its decision-making process, the Commission will, for good cause, waive the regulatory proscription against answers and accept Columbia's response.<sup>9</sup>

11. The Environmental Organizations offered no explanation or justification for their late interventions. However, consistent with our practice in pipeline certificate proceedings, we will grant the Conservation Organizations' untimely motions to intervene pursuant to Rule 214(d) of the Commission's Rules of Practice and Procedure because they will not delay, disrupt, or unfairly prejudice any parties to this proceeding.<sup>10</sup>

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Hensley Hollow Receiver, Hensley Hollow Main Line Valve, Lydia Launcher, Swift Run Crossover, and Bickers Compressor Station. A more detailed description of the proposed facility replacements, installations, and abandonments at specific sites is provided in Exhibit F-1, of Columbia's Resource Report 1.

<sup>7</sup> Timely, unopposed motions to intervene are granted by operation of Rule 214 of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.214 (2015).

<sup>8</sup> 18 C.F.R. § 385.213(a)(2) (2015).

<sup>9</sup> 18 C.F.R. §§ 385.213(a)(2), 385.101(e) (2015).

<sup>10</sup> 18 C.F.R. § 385.214(d) (2015).

### III. Discussion

12. Since the project facilities will be used to transport natural gas in interstate commerce subject to the Commission's jurisdiction, the proposed abandonment, construction, and operation of replacement facilities are subject to the requirements of subsections (b), (c), and (e) of section 7 of the NGA.<sup>11</sup>

#### A. Certificate Policy Statement

13. The Certificate Policy Statement provides guidance for evaluating proposals to certificate new construction.<sup>12</sup> The Certificate Policy Statement establishes criteria for determining whether there is a need for a proposed project and whether the proposed project will serve the public interest. The Certificate Policy Statement explains that in deciding whether to authorize the construction of major new natural gas facilities, the Commission balances the public benefits against the potential adverse consequences. The Commission's goal is to give appropriate consideration to the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant's responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain in evaluating new pipeline construction.

14. Under this policy, the threshold requirement for pipelines proposing new projects is that the pipeline must be prepared to financially support the project without relying on subsidization from existing customers. The next step is to determine whether the applicant has made efforts to eliminate or minimize any adverse effects the project might have on the applicant's existing customers, existing pipelines in the market and their captive customers, or landowners and communities affected by the construction. If residual adverse effects on these interest groups are identified after efforts have been made to minimize them, the Commission will evaluate the project by balancing the evidence of public benefits to be achieved against the residual adverse effects. This is essentially an economic test. Only when the benefits outweigh the adverse effects on economic interests will the Commission proceed to complete the environmental analysis where other interests are considered.

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<sup>11</sup> 15 U.S.C. § 717f (2012).

<sup>12</sup> *Certification of New Interstate Natural Gas Pipeline Facilities*, 88 FERC ¶ 61,227 (1999), *clarified*, 90 FERC ¶ 61,128, *further clarified*, 92 FERC ¶ 61,094 (2000) (Certificate Policy Statement).

15. As stated, the threshold requirement for pipelines proposing new projects is that the applicant must be prepared to financially support the project without relying on subsidization from its existing customers. The Certificate Policy Statement provides that it is not a subsidy for existing customers to pay for projects designed to replace existing capacity or improve the reliability or flexibility of existing service.<sup>13</sup> We find that by replacing existing pipeline facilities, the proposed Line WB2VA Integrity Project will enable Columbia to improve reliability and maintain and/or enhance existing levels of service. The project will also eliminate inefficiencies inherent in maintaining a system with non-standard-sized pipe and enable Columbia to meet emerging safety regulations by facilitating the use of modern inspection tools like smart pigs. Under these circumstances, we find that there will be no subsidization of the project by existing customers.

16. We also find that the proposal will not degrade service to Columbia's existing customers. As previously stated, the project will enhance pipeline safety and increase customer service reliability. In addition, there will be no adverse impact on other pipelines in the region or their captive customers because the proposal is not intended to replace service on other pipelines. Also, no pipeline company has protested Columbia's application.

17. We further find that Columbia has taken steps to minimize any adverse impacts on landowners and communities that might be affected by the project. Columbia states in its application that, with the exception of the South Fork Shenandoah River Crossing, construction activities for the project will utilize areas within the fenced boundaries of the existing facilities and the existing right-of-way (ROW), or previously disturbed land immediately adjacent to these facilities.<sup>14</sup> Columbia also states that of the 6.6 acres required for construction of the South Fork Shenandoah River Crossing, 2.5 acres consist of existing ROW, 1.0 acre would be retained as new ROW, and the remaining 3.1 acres of disturbed areas would be restored after construction in accordance with Commission guidelines.<sup>15</sup>

18. Based on the benefits the Line WB2VA Integrity Project will provide and the minimal adverse impacts on existing shippers, other pipelines and their captive customers, and landowners and surrounding communities, we find, consistent with the Certificate Policy Statement and NGA section 7, that the public convenience and

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<sup>13</sup> Certificate Policy Statement, 88 FERC ¶ 61,227, at n.12.

<sup>14</sup> Application at 1-9.

<sup>15</sup> *Id.*

necessity requires approval of Columbia's proposal, subject to the conditions in this order. Further, we find that the public convenience or necessity permits Columbia's abandonment of the existing facilities under section 7(b) of the NGA.

**B. Rate Issues**

**1. Rolled-in Rate Treatment**

19. As it is not contemplated that Columbia will be able to provide any additional service as a result of the proposed Line WB2VA Integrity Project, Columbia is not requesting approval of any initial recourse rate in conjunction with its proposal. However, Columbia is requesting a pre-determination that it may roll the project's \$34 million of estimated costs into its generally applicable system rates in its next general NGA section 4 rate case filing.

20. In response to the Commission's June 23, 2015 data request, Columbia states that it plans to recover the costs for the project through the Settlement's 2018 Capital Cost Recovery Mechanism (CCRM). However, Columbia notes that the CCRM will expire under the five-year term of the modernization settlement on January 31, 2019, absent a negotiated extension. Columbia states that when the CCRM expires, it will seek to recover the costs of the project through its base rates by filing a general section 4 rate case. As a result, Columbia states that its request for a predetermination that rolled-in rate treatment is appropriate for this project.

21. In support of a request for a predetermination that a pipeline may roll the costs of a project into its system-wide rates in its next NGA general section 4 rate proceeding, a pipeline must demonstrate that rolling in the costs associated with the construction and operation of new facilities will not result in existing customers subsidizing the expansion. However, the Certificate Policy Statement specifically provides that increasing the rates of existing customers to pay for projects designed to improve reliability or flexibility in providing a pipeline's existing services for its customers is not a subsidy, and that the costs of such a project may be rolled in in a future rate case.<sup>16</sup>

22. As discussed above, the purpose of the proposed project is to modify Line WB2VA in order to enhance and ensure continued reliability of existing service. Accordingly, we will grant Columbia's request for a pre-determination of rolled-in treatment for the project. We note, however, that the reasonableness and eligibility for recovery through any particular mechanism of specific costs that Columbia may seek to recover in a future proceeding are issues to be determined in those future proceedings.

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<sup>16</sup> Certificate Policy Statement, 88 FERC ¶ 61,227 at n.12.

### C. Environmental Analysis

23. On May 14, 2015, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Proposed Line WB2VA Integrity Project and Request for Comments on Environmental Issues* (NOI). The NOI was published in the Federal Register<sup>17</sup> and was mailed to 163 interested parties, including federal, state, and local government representatives and agencies; elected officials; affected landowners; environmental and public interest groups; potentially interested Native American tribes; other interested parties; and local libraries and newspapers.

24. The primary environmental issues raised during the scoping process by the commentors include: air quality, steep slopes and slope-prone soils, recreation, public lands, karst topography, threatened and endangered species, wetlands and waterbodies, cumulative impacts, and alternatives. In their comments the Environmental Organizations assert that the Commission must prepare a programmatic Environmental Impact Statement (EIS) for Columbia's modernization program and must consider the indirect and cumulative effects of the project on shale gas extraction in the Marcellus and Utica shale formations. They also question whether Columbia is segmenting a larger work plan for Line WB2VA to avoid environmental review. Finally, they claim that the Commission must explain a discrepancy between Columbia's application, which states that the project will not cross any public or conservation land, and comments from the West Virginia Division of Natural Resources, which state that the project will cross a portion of the George Washington National Forest including the Wardensville Wildlife Management Area.

25. To satisfy the requirements of the National Environmental Policy Act of 1969 (NEPA),<sup>18</sup> Commission staff prepared an environmental assessment (EA) for Columbia's proposal. The U.S. Army Corps of Engineers (Corps), West Virginia Department of Natural Resources Wildlife Resources Section, and the West Virginia Department of Environmental Protection (WVDEP) participated as cooperating agencies in the preparation of the EA. The EA addresses geology and soils, water resources, wetlands, fisheries, vegetation, wildlife, threatened and endangered species, land use, cultural resources, air quality and noise, reliability and safety, cumulative impacts, and alternatives. All substantive environmental comments raised during the scoping process, including those of the Environmental Organizations, were addressed in the EA.

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<sup>17</sup> 80 Fed. Reg. 28,995 (2015).

<sup>18</sup> 42 U.S.C. §§ 4321-4370 f (2012)

26. On January 28, 2016, the EA was issued for a 30-day comment period, mailed to all stakeholders on the Commission staff's environmental mailing list, and placed in the public record. The Commission received comments on the EA from three state agencies. The Virginia Department of Historical Resources concurred with the EA's findings that the project would result in no adverse effect to historic properties in Virginia. The WVDEP and Virginia Department of Environmental Quality (VA DEQ) also submitted comments on the EA that are discussed below.

27. In its comments, WVDEP indicates that, contrary to the information presented in table 4 of the EA, it has not issued an Individual Clean Water Act Section 401 Water Quality Certificate, nor has it received an application for the project. Columbia filed supplemental information in response to WVDEP's comments, clarifying that it received the Corps' authorization to construct the project under Nationwide Permit No.12 on June 2, 2015, which also serves as its Section 401 Water Quality Certification, subject to special state conditions with which Columbia will comply.

28. WVDEP also recommends that any waterbodies requiring construction for crossing be restored to natural stream channel design. In compliance with Columbia's Environmental Construction Standards, which incorporates FERC's *Wetland and Waterbody Construction and Mitigation Procedures*, Columbia will restore stream channels to pre-construction contours or a stable angle of repose as approved by an Environmental Inspector.

29. WVDEP requests clarification on how Columbia's proposed installation of timber mats during construction will ensure that soil compaction will not alter wetland hydrology. WVDEP asks if Columbia will perform soil density analysis of wetland soils prior to and following construction of the pipeline. We note that this project does not affect any wetlands in West Virginia. Nevertheless, in compliance with Columbia's Environmental Construction Standards, Columbia will restore pre-construction wetland contours to maintain the original wetland hydrology. Columbia does not propose to conduct soil density tests. However, Columbia must monitor restored wetlands to ensure that they continue to satisfy the current federal definition for a wetland (i.e. soils, hydrology, and vegetation). Wetland impacts for this project are limited to 0.04 acre of emergent wetlands in Virginia.

30. The VA DEQ provides consolidated comments from various state agencies and commissions, which primarily summarize the federal and state permits that Columbia will need to obtain prior to construction of the project and best management practices to minimize impacts on wetlands, waterways, air quality, waste handling and disposal, pollution prevention, and pesticide and herbicide usage. Columbia must obtain all federal permits needed for construction prior to receiving Commission authorization to commence such construction. In addition to any requirements set forth in the permits, as discussed in the EA Columbia will adhere to guidelines set forth in its Environmental Construction Standards, which incorporates the FERC's *Upland Erosion Control*,

*Revegetation, and Maintenance Plan and Wetland and Waterbody Construction and Mitigation Procedures.* Columbia's Environmental Construction Standards are reviewed and approved annually by the VA DEQ per the Virginia Erosion and Sediment Control Law. Procedures and specific best management practices for handling hazardous materials and equipment maintenance are set forth in Columbia's Spill Prevention, Containment, and Countermeasure Plan. As stated in the EA, these best management practices are sufficient to minimize resource impacts. Substantive comments consolidated by VA DEQ that require further clarification of issues addressed in the EA are discussed below.

31. The Virginia Department of Health, Office of Drinking Water provided comments on public groundwater wells. It identifies eight wells within a mile of the project, including two within 1,000 feet of construction in the Town of New Market Wellhead Protection Area. The Department of Health recommends that Columbia employ sediment controls, spill controls, and countermeasures and mark wells within 1,000 feet of construction to protect them from project activities and accidental damage. Section B.2 of the EA addresses groundwater wells and Columbia's mitigation measures to protect groundwater resources from the effects of construction. Three project sites (Howell Metals Valve Site, New Market Valve Site, and Harrisonburg Main Line Valve) will be within the Town of New Market's Wellhead Protection Area; however, no public groundwater systems will be crossed and work at these sites is limited to installation of bypass piping and valve extensions. All fuel storage will be at least 400 feet from municipal or public water wells and Columbia will implement its Spill Prevention Control and Countermeasure Plan to prevent contamination of groundwater from construction activities. Given the limited potential for construction to impact wells, we do not agree that marking of wells within 1,000 feet of construction is necessary. We concur with the EA's conclusion that potential impacts on groundwater wells will be adequately minimized.

32. The Virginia Department of Health, Office of Drinking Water also identifies a surface water intake on the North Fork Shenandoah River within five miles of the project and recommends that Columbia take care while transporting materials in and out of the project site to prevent impacts. Project construction will not cross this waterbody and no impacts to the North Fork Shenandoah River are anticipated. Therefore, no additional measures are required.

33. The Virginia Department of Transportation (VDOT) comments that construction of the US 211 Westbound Bridge Replacement Project over the South Fork of the Shenandoah River will commence in 2020, not 2016 as incorrectly stated in the cumulative effects section of the EA. Because the bridge replacement project would not commence until well after the Line WB2VA Integrity Project is scheduled to be complete, there would be a minor reduction in the cumulative impacts discussed in the EA associated with the construction of both projects.

34. VDOT recommends coordination with pipeline easement holders on the potential use of pipeline easements for bicycle and pedestrian recreation. Most of the proposed work is at discrete, existing, above ground facilities, with the exception of the pipeline replacement at the South Fork of the Shenandoah River. That portion of the project will consist of two small segments of right-of-way separated by the river. We conclude that none of these project facilities present opportunities for developing trails. A recreational trail utilizing the existing Line WB2VA pipeline right-of-way will likely cross private land that is not affected by this project. Based on these considerations, we are not requiring Columbia to coordinate with the VDOT to develop recreational trails for this project.

35. The VA DEQ Air Division recommends that Columbia take all reasonable precautions to limit emission of oxides of nitrogen and volatile organic compounds, principally by controlling or limiting the burning of fossil fuels, and that Columbia keep fugitive dust to a minimum. Section B.6 of the EA presents the predicted fugitive dust, equipment, and vehicle emissions during construction of the project. As discussed in the EA, emissions from construction equipment will be short-term and localized. Columbia commits to maintain fossil-fueled construction equipment in accordance with manufacturer's recommendations to minimize construction related emissions, and to employ fugitive dust control measures. We concur with the EA's conclusion that air emissions from construction of the project will be minor and transient in nature, with negligible impact on regional air quality.

36. The EA concludes, based on the environmental analysis, Columbia's application, and supplemental filings, implementation of Columbia's proposed mitigation, and the mitigation recommended in the EA, that approval of this proposal would not constitute a major federal action significantly affecting the quality of the human environment.

37. We have reviewed the information and analysis contained in the record, including the EA, regarding the potential environmental impact of the Line WB2VA Integrity Project. Based on our consideration of this information, we agree with the conclusions presented in the EA and find that if constructed and implemented in accordance with Columbia's application, and the conditions imposed herein, approval of this proposal would not constitute a major federal action significantly affecting the quality of the human environment.

38. Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this certificate. The Commission encourages cooperation between interstate pipelines and local authorities. However, this does not mean that state and local agencies, through application of state or

local laws, may prohibit or unreasonably delay the construction/installation or operation of facilities approved by this Commission.<sup>19</sup>

39. The Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application(s), as supplemented, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission orders:

(A) A certificate of public convenience and necessity is issued to Columbia under NGA section 7(c), authorizing the construction and operation of natural gas facilities as described in this order and in the application.

(B) The certificate authority granted in Ordering Paragraph (A) is conditioned on Columbia's:

- (1) completion of construction of the proposed facilities and making them available for service within two years of the date of this order pursuant to section 157.20(b) of the Commission's regulations;
- (2) compliance with all applicable Commission regulations under the NGA including, but not limited to, Parts 154, 157, and 284, and paragraphs (a), (c), (e), and (f) of section 157.20 of the Commission's regulations;
- (3) compliance with the environmental conditions in Appendix B to this order; and

(C) Columbia's request for a pre-determination of rolled-in rate treatment of the Project cost is granted.

(D) Columbia is granted permission and approval under section 7(b) of the NGA to abandon the facilities described in this order and as more fully described in the application.

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<sup>19</sup> See, e.g., *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293 (1988); *Dominion Transmission, Inc. v. Summers*, 723 F.3d 238, 243 (D.C. Cir. 2013) (holding state and local regulation is preempted by the NGA to the extent it conflicts with federal regulation, or would delay the construction and operation of facilities approved by the Commission); and *Iroquois Gas Transmission System, L.P.*, 52 FERC ¶ 61,091 (1990) and 59 FERC ¶ 61,094 (1992).

(E) Columbia shall notify the Commission of the date of the abandonment within 10 days thereof.

(F) Columbia shall notify the Commission's environmental staff by telephone, e-mail, and/or facsimile of any environmental noncompliance identified by other federal, state, or local agencies on the same day that such agency notifies Columbia. Columbia shall file written confirmation of such notification with the Secretary of the Commission (Secretary) within 24 hours.

(G) The late motions to intervene are granted.

By the Commission.

( S E A L )

Nathaniel J. Davis, Sr.,  
Deputy Secretary.

**Appendix A**

**Timely Motions to Intervene**

Atmos Energy Marketing, LLC  
Exelon Corporation  
Independent Oil & Gas Association of West Virginia, Inc.  
National Grid Gas Delivery Companies  
National Fuel Gas Distribution Corporation  
New Jersey Natural Gas Company  
New York State Electric & Gas Corporation  
NJR Energy Services Company  
Piedmont Natural Gas Company, Inc.  
Pivotal Utility Holdings, Inc. d/b/a Elizabethtown Gas, Pivotal Utility Holdings, Inc.  
d/b/a Elkton Gas and Virginia Natural Gas, Inc.  
PSEG Energy Resources & Trade LLC  
UGI Distribution Companies (UGI Utilities, Inc., UGI Penn Natural Gas, Inc. and UGI  
Central Penn Gas, Inc.)

## Appendix B

### Environmental Conditions

As recommended in the environmental assessment (EA), this authorization includes the following conditions:

1. Columbia Gas Transmission, LLC (Columbia) shall follow the construction procedures and mitigation measures described in its application, supplements, and as identified in the EA, unless modified by this Order. Columbia must:
  - a. request any modification to these procedures, measures, or conditions in a filing with the Secretary of the Commission (Secretary);
  - b. justify each modification relative to site-specific conditions;
  - c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
  - d. receive approval in writing from the Director of the Office of Energy Projects (OEP) **before using that modification.**
2. The Director of OEP has delegated authority to take whatever steps are necessary to ensure the protection of all environmental resources associated with abandonment, construction, and operation of the project. This authority shall allow:
  - a. the modification of conditions of this Order; and
  - b. the design and implementation of any additional measures deemed necessary (including stop work authority) to ensure continued compliance with the intent of the environmental conditions as well as the avoidance or mitigation of adverse environmental impact resulting from activities associated with the abandonment, construction and operation of the project.
3. **Prior to any construction**, Columbia shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, environmental inspectors (EI), and contractor personnel will be informed of the Environmental Inspector's authority and have been or will be trained on the implementation of the environmental mitigation measures appropriate to their jobs **before** becoming involved with construction and restoration activities.
4. The authorized facility locations shall be as shown in the EA, as supplemented by filed alignment sheets. **As soon as they are available, and before the start of construction**, Columbia shall file with the Secretary any revised detailed survey alignment maps or sheets at a scale not smaller than 1:6,000

with station positions for all facilities approved by this Order. All requests for modifications of environmental conditions of this Order or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets.

Columbia's exercise of eminent domain authority granted under Natural Gas Act section 7(h) in any condemnation proceedings related to this Order must be consistent with these authorized facilities and locations. Columbia's right of eminent domain granted under Natural Gas Act section 7(h) does not authorize it to increase the size of its natural gas pipeline to accommodate future needs or to acquire a right-of-way for a pipeline to transport a commodity other than natural gas.

5. Columbia shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and staging areas, pipe storage yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, and documentation of landowner approval, whether any cultural resources or federally-listed threatened or endangered species would be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas shall be clearly identified on the maps, sheets, or aerial photographs. Each area must be approved in writing by the Director of OEP **before construction in or near that area.**

This requirement does not apply to extra workspace allowed by the Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan*, minor field realignments per landowner needs, and requirements that do not affect other landowners or sensitive environmental areas such as wetlands.

Examples of alterations requiring approval include all route realignments and facility location changes resulting from:

- a. implementation of cultural resources mitigation measures;
  - b. implementation of endangered, threatened, or special concern species mitigation measures;
  - c. recommendations by state regulatory authorities; and
  - d. agreements with individual landowners that affect other landowners or could affect sensitive environmental areas.
6. **Within 60 days of the acceptance of the Certificate and before construction begins**, Columbia shall file an Implementation Plan with the

Secretary for review and written approval by the Director of OEP. Columbia must file revisions to the plan as schedules change. The plan shall identify:

- a. how Columbia will implement the construction procedures and mitigation measures described in its application and supplements (including responses to staff environmental information requests), identified in the EA, and required by this Order;
  - b. how Columbia will incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and specifications), and construction drawings so that the mitigation required at each site is clear to onsite construction and inspection personnel;
  - c. the number of EIs assigned per spread, and how the company will ensure that sufficient personnel are available to implement the environmental mitigation;
  - d. company personnel, including EIs and contractors, who will receive copies of the appropriate material;
  - e. the location and dates of the environmental compliance training and instructions Columbia will give to all personnel involved with construction and restoration (initial and refresher training as the project progresses and personnel change);
  - f. the company personnel (if known) and specific portion of Columbia's organization having responsibility for compliance;
  - g. the procedures (including use of contract penalties) Columbia will follow if noncompliance occurs; and
  - h. for each discrete facility, a Gantt or PERT chart (or similar project scheduling diagram), and dates for:
    - (1) the completion of all required surveys and reports;
    - (2) the environmental compliance training of onsite personnel;
    - (3) the start of construction and/or abandonment; and
    - (4) the start and completion of restoration.
7. Beginning with the filing of its Implementation Plan, Columbia shall file updated status reports with the Secretary on a **bi-weekly basis until all construction, abandonment, and restoration activities are complete**. On request, these status reports will also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:
- a. an update on Columbia' efforts to obtain the necessary federal authorizations;
  - b. the construction status of the project, work planned for the following reporting period, and any scheduling changes for stream crossings or work in other environmentally sensitive areas;

- c. a listing of all problems encountered and each instance of noncompliance observed by the EI during the reporting period (both for the conditions imposed by the Commission and any environmental conditions or permit requirements imposed by other federal, state, or local agencies);
  - d. a description of the corrective actions implemented in response to all instances of noncompliance, and their cost;
  - e. the effectiveness of all corrective actions implemented;
  - f. a description of any landowner/resident complaints that may relate to compliance with the requirements of this Order, and the measures taken to satisfy their concerns; and
  - g. copies of any correspondence received by Columbia from other federal, state or local permitting agencies concerning instances of noncompliance and Columbia's responses.
8. **Prior to receiving written authorization for the Director of OEP to commence construction or abandonment of any project facilities,** Columbia shall file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).
9. Columbia must receive written authorization from the Director of OEP **before placing the project into service.** Such authorization will only be granted following a determination that rehabilitation and restoration of the right-of-way and other areas affected by the project are proceeding satisfactorily.
10. **Within 30 days of placing the authorized facilities in service,** Columbia shall file an affirmative statement with the Secretary, certified by a senior company official:
- a. that the facilities have been abandoned, constructed and installed in compliance with all applicable conditions, and that continuing activities will be consistent with all applicable conditions; or
  - b. identifying which of the Certificate conditions Columbia has complied with or will comply with. This statement shall also identify any areas affected by the project where compliance measures were not properly implemented, if not previously identified in filed status reports, and the reason for noncompliance.
11. **Prior to construction in Hardy County, West Virginia,** Columbia shall use the West Virginia Restoration Planting Community Prediction Tool, Version 1.0 for guidance in determining the appropriate species for restoration/reclamation, provide the West Virginia Department of Natural Resources a species list of proposed trees and shrubs and composition of seed

mixes for review, and file with the Secretary the final species/seed mixes and West Virginia Department of Natural Resources comments.