



**Federal Energy  
Regulatory  
Commission**

**Office of  
Energy Projects**

**April 2020**

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**Transcontinental Gas Pipe Line Company, LLC**

**Docket No. CP20-49-000**

# **Northeast Supply Enhancement Project Amendment**

## **Environmental Assessment**

**Washington, DC 20426**

FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:  
OEP/DG2E/Gas 2  
Transcontinental Gas Pipe Line  
Company, LLC  
Docket No. CP20-49-000

TO THE INTERESTED PARTY:

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) to assess the environmental impacts associated with a proposed amendment to Transcontinental Gas Pipe Line Company, LLC's (Transco) Northeast Supply Enhancement Project which was authorized on May 3, 2019 in Docket No. CP17-101-000. The Northeast Supply Enhancement Project Amendment (Amendment) involves utilizing an alternative road for permanent access to Compressor Station 206 in Somerset County, New Jersey, rather than constructing the approved access road to the site.

The EA assesses the potential environmental effects of the construction and operation of the Amendment in accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA). The FERC staff concludes that approval of the Amendment would not constitute a major federal action significantly affecting the quality of the human environment.

The Commission mailed a copy of the *Notice of Availability* for the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the area of the Amendment. The EA is only available in electronic format. It may be viewed and downloaded from FERC's website ([www.ferc.gov](http://www.ferc.gov)), on the Environmental Documents page (<http://www.ferc.gov/industries/gas/enviro/eis.asp>). In addition, the EA may be accessed by using the eLibrary link on FERC's website. Click on the eLibrary link (<https://www.ferc.gov/docs-filing/elibrary.asp>), click on General Search, and enter the docket number in the "Docket Number" field, excluding the last three digits (i.e., CP20-49). 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 (866) 208-3676, or for TTY, contact (202) 502-8659.

Any person wishing to comment on the EA may do so. Your comments should focus on the EA's discussion of potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your

comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on the Amendment, it is important that the Commission receive your comments on or before 5:00 p.m. Eastern Time on **May 26, 2020**.

For your convenience, there are three methods you can use to file your comments with the Commission. In all instances, please reference the Amendment's docket number (CP20-49-000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (866) 208-3676 or [FercOnlineSupport@ferc.gov](mailto:FercOnlineSupport@ferc.gov).

- (1) You can file your comments electronically using the [eComment](#) feature located on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to [Documents and Filings](#). This is an easy method for submitting brief, text-only comments on a project;
- (2) You can also file your comments electronically using the [eFiling](#) feature on the Commission's website ([www.ferc.gov](http://www.ferc.gov)) under the link to [Documents and Filings](#). With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on "[eRegister](#)." You must select the type of filing you are making. If you are filing a comment on a particular project, please select "Comment on a Filing" as the filing type; or
- (3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the Amendment's docket number (CP20-49-000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at <https://www.ferc.gov/resources/guides/how-to/intervene.asp>. Only intervenors have the right to seek rehearing or judicial review of the Commission's decision. The Commission may grant affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. **Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.**

Additional information about the Amendment is available from the Commission's Office of External Affairs, at **(866) 208-FERC**, or on the FERC website ([www.ferc.gov](http://www.ferc.gov))

using the eLibrary link. 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 offers a free service called eSubscription that 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 <http://www.ferc.gov/docs-filing/esubscription.asp>.

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**TECHNICAL ABBREVIATIONS AND ACRONYMS**

Amendment	Northeast Supply Enhancement Project Amendment
amsl	Above Mean Sea Level
BCC	Birds of Conservation Concern
Certificate	Certificate of Public Convenience and Necessity
CFR	Code of Federal Regulations
Commission	Federal Energy Regulatory Commission
EA	Environmental Assessment
EELC	Eastern Environmental Law Center
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
FERC	Federal Energy Regulatory Commission
FWS	U.S. Fish and Wildlife Service
IPaC	Information for Planning and Consultation
MBTA	Migratory Bird Treaty Act
NCH	NCH Corporation
NEPA	National Environmental Policy Act
NESE Project	Northeast Supply Enhancement Project
NJDEP	New Jersey Department of Environmental Protection
NOI	<i>Notice of Intent to Prepare an Environmental Document for a Proposed Amendment of the Northeast Supply Enhancement Project and Request for Comments on Environmental Issues</i>
NRHP	National Register of Historic Places
SHPO	New Jersey Historic Preservation Office
Spill Plan	Spill Plan for Oil and Hazardous Substances
Transco	Transcontinental Gas Pipe Line Company, LLC
Transco's Plan	project-specific Erosion Control, Revegetation, and Maintenance Plan

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## A. PROPOSED ACTION

### 1.0 INTRODUCTION

On January 31, 2020, Transcontinental Gas Pipe Line Company, LLC (Transco) filed an application in Docket No. CP20-49-000 to amend the Certificate of Public Convenience and Necessity (Certificate) granted by the Federal Energy Regulatory Commission (Commission or FERC) for the Northeast Supply Enhancement Project (NESE Project) on May 3, 2019, in Docket No. CP17-101-000. Transco requests the use of an alternative road for permanent access to Compressor Station 206 in Somerset County, New Jersey, rather than constructing the approved access road to the site.

The FERC staff has prepared this Environmental Assessment (EA) to assess the environmental impacts associated with Transco's proposed amendment, referred to as the Northeast Supply Enhancement Project Amendment (Amendment). We<sup>1</sup> prepared this EA in compliance with the requirements of the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality regulations for implementing NEPA (Title 40 of the Code of Federal Regulations Parts 1500-1508 [40 CFR 1500-1508]), and the Commission's implementing regulations under 18 CFR 380. In this EA, we address the Amendment and incorporate by reference the final Environmental Impact Statement (EIS) issued on January 25, 2019 for the NESE Project.<sup>2</sup>

The EA is an integral part of the Commission's decision-making process on whether to approve the Amendment. Our principal purposes in preparing this EA are to:

- identify and assess potential impacts on the natural and human environment that could result from implementation of the proposed action;
- assess reasonable alternatives to the proposed action that would avoid or minimize adverse effects on the environment;
- identify and recommend specific mitigation measures, as necessary, to minimize environmental impacts; and
- facilitate public involvement in the environmental review process.

As detailed in the NESE Project final EIS, the approved access road to Compressor Station 206 would involve construction of an entirely new 3,300-foot-long road across land owned by Trap Rock Industries (herein the Trap Rock Access Road). The final EIS also evaluated an alternative road to Compressor Station 206 which would involve utilizing and extending an existing road used by the U.S. Environmental Protection Agency (EPA) and NCH Corporation (NCH) to access an enclosed groundwater remediation system at the Higgins Farm Superfund Site (herein the Higgins Farm Access Road). NCH is performing the remediation under a consent decree with EPA and both organizations periodically access the remediation system. Transco now proposes to use the Higgins Farm Access Road which would consist of 1,819 feet of existing roadway and 1,213 feet of new extended roadway.

Based on desktop review in the NESE Project final EIS, we estimated that the Higgins Farm Access Road would reduce impacts on forest and wetland resources, but concluded that the alternative would not provide a significant environmental advantage over the Trap Rock Access Road primarily due to the potential to encounter contamination during construction and because the landowner opposed the alternative at the time. The final EIS also noted that the alternative could conflict with the terms of an

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<sup>1</sup> "We," "us," and "our" refers to environmental staff of the Commission's Office of Energy Projects.

<sup>2</sup> The final EIS for the NESE Project can be found on the FERC's eLibrary (<https://www.ferc.gov/docs-filing/elibrary.asp>) by conducting an "Advanced Search" for Accession No. 20190125-3001.

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October 2, 2017 agricultural conservation easement between the landowner and the Township of Franklin.

## **2.0 PURPOSE AND NEED**

Under section 7(c) of the Natural Gas Act, the Commission determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate to construct and operate them. The Commission bases its decisions on both economic issues, including need, and environmental impacts.

Transco states that use of the Higgins Farm Access Road would allow Transco to satisfy certain deficiencies identified by the New Jersey Department of Environmental Protection (NJDEP) in connection with Transco's request for, among other things, a Water Quality Certification under Section 401 of the Clean Water Act for the NESE Project. Transco states that using the Higgins Farm Access Road would eliminate the impacts on freshwater wetlands, state open waters, and state-designated wetland transition areas and riparian zones associated with the certificated Trap Rock Access Road that were of concern to the NJDEP.

The NJDEP also found that Transco had not eliminated the Higgins Farm Access Road as a practicable, less environmentally-damaging alternative to the Trap Rock Access Road, citing insufficient documentation of Transco's efforts to coordinate with the EPA and to secure rights-of-way from the landowner and the Township of Franklin. Transco has now provided documentation of consent from the landowner to utilize the Higgins Farm Access Road and documentation that the EPA and NCH do not object to the proposal. Transco also provided a detailed account of numerous communications with Township of Franklin officials regarding the potential use of the Higgins Farm Access Road, but states that these efforts were unsuccessful. See section B.4.3 for additional discussion of the agricultural conservation easement.

## **3.0 SCOPE OF ENVIRONMENTAL ASSESSMENT**

This EA is limited to disclosing the environmental impacts that could occur if Transco constructs and operates the proposed Higgins Farm Access Road.

Topics addressed in section B of this EA include water resources and wetlands; vegetation, wildlife, and special status species; cultural resources; and land use. The Higgins Farm Access Road would only involve 1,213 feet of new road construction and would be within approximately 1,500 feet of the Trap Rock Access Road which was fully assessed in the NESE Project final EIS. Therefore, we do not evaluate geologic resources, soils, visual effects, socioeconomic conditions, air quality and noise, traffic, reliability and safety, or cumulative impacts of the Higgins Farm Access Road as impacts on these resources would be similar to or less than impacts associated with the certificated road, and our NEPA conclusions for these resource impacts remain unchanged from that stated in the NESE Project final EIS. In addition, because the change in construction air emissions would be insignificant, approval of the Amendment would not alter the conclusion of our previous General Conformity Determination that the NESE Project would achieve conformance with the New Jersey and New York State Implementation Plans with respect to the NJ-NY-CT Interstate Air Quality Control Region. Section C of this EA assesses the certificated Trap Rock Access Road as an alternative to Transco's proposed use of the Higgins Farm Access Road and section D summarizes our conclusions and recommendations.

## **4.0 PUBLIC REVIEW AND COMMENT**

On February 19, 2020, the FERC issued a *Notice of Intent to Prepare an Environmental Document for a Proposed Amendment of the Northeast Supply Enhancement Project and Request for Comments on Environmental Issues* (NOI). The NOI was mailed to 151 entities, including affected



landowners (as defined in the Commission's regulations); federal, state, and local officials; Native American tribes; agency representatives; environmental and public interest groups; and local libraries and newspapers.

The NOI provided for a 30-day comment period ending on March 20, 2020. In response to the NOI, the Commission received comments from 3 local governments; 1 state representative; 7 non-governmental organizations; and 94 individuals, approximately 80 percent of whom live in Princeton Manor, a senior residential development 0.6 to 1.0 mile from Compressor Station 206. The Eastern Environmental Law Center (EELC) asserts that Transco did not adequately identify wetlands adjacent to the Higgins Farm Access Road workspace that could be subject to state-regulated buffers. EELC also identified three additional Birds of Conservation Concern (BCC) that could occur in the Amendment area. These comments are addressed in the appropriate resource discussions in section B of this EA. None of the other commenters raised environmental concerns specifically related to Transco's proposed use of the Higgins Farm Access Road although many, including the EELC, reiterated broader environmental, health, and safety concerns raised and addressed during the Commission's previous review of the NESE Project, including Compressor Station 206. We conclude these comments are outside the scope of the NEPA analysis for the Amendment; therefore, they are not addressed further in this EA.

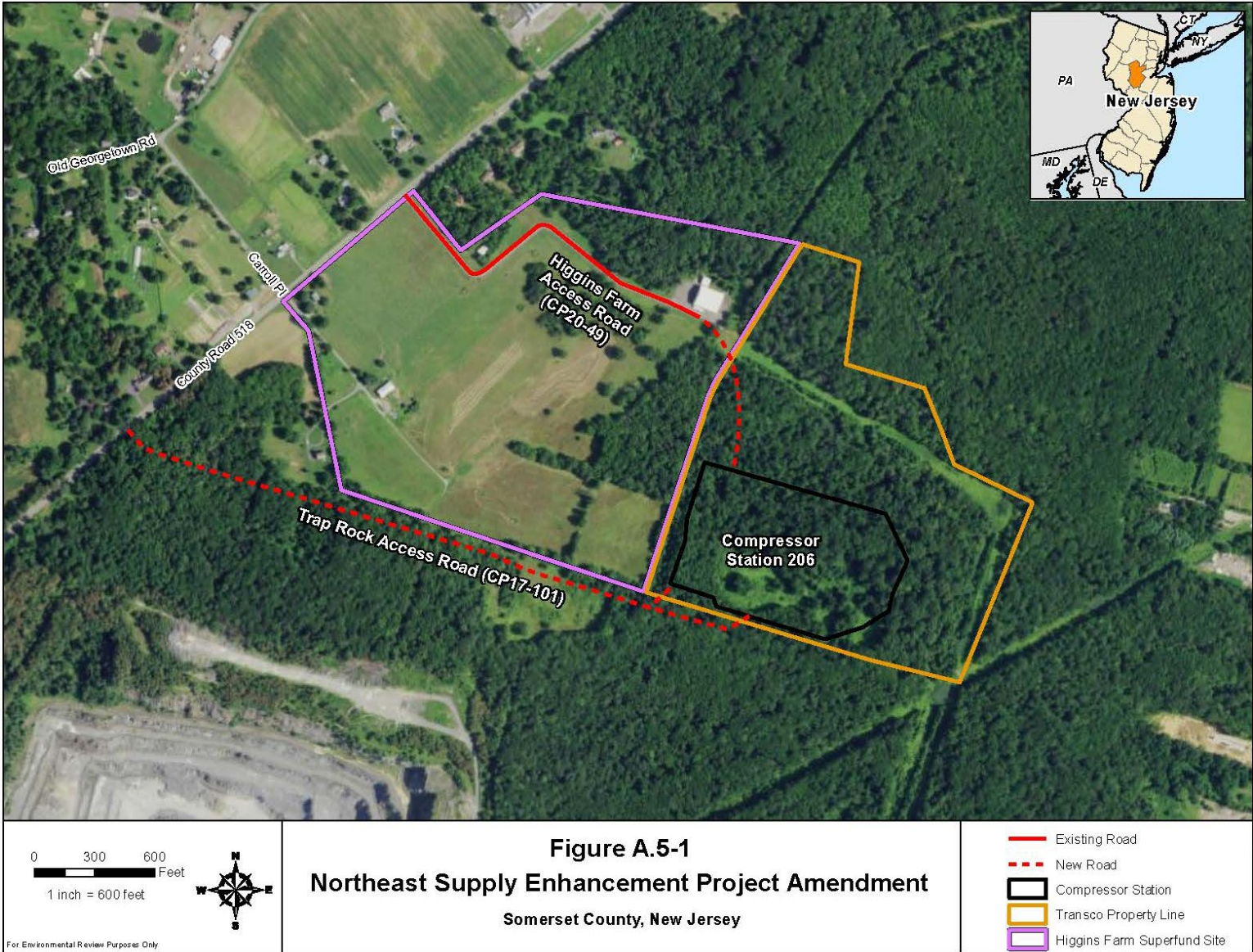
## **5.0 PROPOSED FACILITIES AND LAND REQUIREMENTS**

As noted in section A.1, the Higgins Farm Access Road would consist of the existing 1,819-foot-long road used by the EPA and NCH and a 1,213-foot-long extension to Compressor Station 206, for a total length of 3,032 feet.

The existing road is located entirely on privately-owned land containing the Higgins Farm Superfund Site, an approximately 75-acre parcel primarily used as livestock pasture. This existing road extends southeasterly from County Road 518, terminating at a building that houses a groundwater remediation system operated by NCH. The road is 24 feet wide and is paved with asphalt, with overhead electric service to the remediation building on utility poles along the south side of the road. The road is gated at County Road 518 and is separated from the pasture to the south by a fence. Transco would utilize the existing road during construction and operation of Compressor Station 206 and would use the existing utility poles to bring power to the station. Transco would restore and repair any damage to the road resulting from Transco's use and would also maintain the road (including ice and snow removal) during operation of the compressor station. Transco would utilize 1.1 acre of the existing road during construction and operation and the limits of disturbance would be entirely within the existing roadway.

The Higgins Farm Access Road would also include new road construction, extending 1,213 feet from the vicinity of the remediation facility to Compressor Station 206. Approximately 331 feet of new road construction would occur on the Higgins Farm Superfund Site and the remaining 882 feet would occur on land owned by Transco. The new road would be 24 feet wide and surfaced with gravel. The construction right-of-way would vary from 100 to 140 feet wide to accommodate road curvature, drainage swales, topographic changes, and electric service. The Higgins Farm Access Road would not cross any waterbodies or wetlands, but Transco would install three culverts with rip-rap end treatments to dissipate and convey stormwater away from the new road. The local utility company would extend power to the compressor station via underground conduit along the new road. This non-jurisdictional power line would be located within the maintained right-of-way of the new road construction. Construction and operation of the new road would affect 4.3 acres, of which 0.8 acre would be on the Higgins Farm Superfund Site and 3.5 acres would be on land owned by Transco.

The Higgins Farm Access Road, Trap Rock Access Road, Higgins Farm Superfund Site, and Compressor Station 206 are depicted on figure A.5-1.



## 6.0 CONSTRUCTION, OPERATIONS, AND SCHEDULE

The Higgins Farm Access Road would be constructed and maintained according to the project-specific Erosion Control, Revegetation, and Maintenance Plan (Transco Plan) that Transco developed in conjunction with the NESE Project.<sup>3</sup> Transco's Plan is based on the FERC's Upland Erosion Control, Revegetation, and Maintenance Plan and generally includes measures to minimize workspace and the duration of construction; reduce impacts on soil, vegetation, species, and nearby residents; minimize erosion and sedimentation; and enhance restoration of affected areas. Construction would also be subject to other plans previously developed by Transco including a Fugitive Dust Control Plan, Spill Plan for Oil and Hazardous Substances (Spill Plan), Traffic and Transportation Management Plan, and Unanticipated Discovery of Contamination Plan, among others. We reviewed all of Transco's construction and restoration plans in the NESE Project final EIS and found them to be acceptable.<sup>4</sup>

As noted in section A.5, the Higgins Farm Access Road would be 3,032 feet long and 24 feet wide and would include 1,819 feet of asphalt paved surface and 1,213 feet of gravel surface. Transco would repair and maintain the road throughout operations at Compressor Station 206. Transco's construction and operation activities would be confined to the existing roadway whereas areas disturbed during construction on either side of the new gravel-surfaced road would be maintained in a vegetated condition for stormwater control.

Upon receipt of all regulatory approvals, Transco plans to begin construction in the fourth quarter of 2020 and construction activities at Compressor Station 206 would continue for approximately 1 year to meet an in-service date of the NESE Project in the fourth quarter of 2021. The first phase of construction would include tree clearing and the construction of the access road extension. Construction of the compressor station would involve a maximum of 80 people working 6 days per week, with the potential of working 7 days per week toward the end with prior approval. During regular operations, only two people would use the Higgins Farm Access Road per day in addition to occasional deliveries.

## 7.0 PERMITS, APPROVALS, AND CONSULTATIONS

Table A.7-1 lists the major federal and state permits, approvals, and consultations for construction and operation of the Amendment. Transco will provide copies of all pending permits, approvals, and consultations upon receipt and would be responsible for obtaining and abiding by all permits and approvals required for construction and operation regardless of whether they appear in the table or not.

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<sup>3</sup> Transco's Plan was included as appendix E of the final EIS for the NESE Project, which can be found on the FERC's eLibrary (<https://www.ferc.gov/docs-filing/elibrary.asp>) by conducting an "Advanced Search" for Accession No. 20190125-3001.

<sup>4</sup> Refer to table 2.3-3 of the final EIS for the NESE Project, which can be found on the FERC's eLibrary (<https://www.ferc.gov/docs-filing/elibrary.asp>) by conducting an "Advanced Search" for Accession No. 20190125-3001.

TABLE A.7-1

**Permits, Approvals, and Consultations for the Northeast Supply Enhancement Project Amendment**

Permitting/Approval Agency	Permit, Approval, or Consultation	File Date	Receipt Date
<b>FEDERAL</b>			
Federal Energy Regulatory Commission	Amendment to Order issuing Certificate of Public Convenience and Necessity	January 31, 2020	(Pending)
U.S. Fish and Wildlife Service, New Jersey Field Office	Consultations for Section 7 Endangered Species Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, and Fish and Wildlife Coordination Act	Consultation initiated December 20, 2019	January 6, 2020
<b>STATE</b>			
New Jersey Department of Environmental Protection, Division of Water Supply and Geoscience	General Permit for Construction Activity, Stormwater (5G3)	(Pending)	(Pending)
New Jersey Department of Environmental Protection, Division of Parks and Forestry Natural Heritage Program	Consultation for the presence of rare, threatened, and endangered species	Consultation initiated January 14, 2020	January 27, 2020
New Jersey Historic Preservation Office	Consultation under Section 106 National Historic Preservation Act	Consultation initiated December 20, 2019	March 17, 2020

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## **B. ENVIRONMENTAL ANALYSIS**

As noted in section A.3, topics addressed in section B of this EA include water resources and wetlands; vegetation, wildlife, and special status species; cultural resources; and land use.

### **1.0 WATER RESOURCES AND WETLANDS**

#### **1.1 Water Resources**

##### *Surface Waters and Springs*

Field survey by Transco did not identify any waterbodies within the construction workspace for the Higgins Farm Access Road and no springs were identified within 150 feet of the workspace. In addition, measures detailed in Transco's Plan would prevent or minimize runoff and sedimentation outside of the workspace. Therefore, construction and operation of the Amendment would avoid impacts on surface water resources.

##### *Groundwater and Wells*

An extensive monitoring well network at the Higgins Farm Superfund Site and on the Compressor Station 206 site determined that groundwater occurs in fractured diabase bedrock and in overlying clay, silt, and sand that ranges from 3 to 16 feet thick. Groundwater in the overburden flows southeasterly (towards Compressor Station 206) and occurs at an approximate elevation of 244 to 248 feet above mean sea level (amsl) in the area of the Higgins Farm Superfund Site that would be disturbed by new road construction (Source Group Inc., 2016). Surface elevations in this area range from 278 to 283 feet amsl, resulting in an approximate depth to groundwater of 35 feet. Surface elevations in the area that would be disturbed during new road construction on Transco property are similar, ranging from 272 to 278 feet amsl. Therefore, it is unlikely that groundwater would be encountered during construction of the new segment of the Higgins Farm Access Road because construction would only involve grading to a depth of approximately 3 feet. If minor dewatering would be necessary, Transco would collect, contain, and characterize the water for appropriate treatment and disposal. Transco would also implement its Spill Plan, which includes preventive measures to reduce the likelihood of a spill and to contain and recover a spill should one occur. We previously reviewed Transco's Spill Plan and found that it would minimize the potential for, and impact of, hazardous material spills on groundwater resources.

Transco did not identify any potable water supply wells within 150 feet of the construction workspace and a well restriction prevents the use of contaminated groundwater in the area. As detailed in the NESE Project final EIS, the EPA and NCH have installed numerous wells to monitor and remediate contaminated groundwater associated with the Higgins Farm Superfund Site. Transco designed the construction workspace of the Higgins Farm Access Road to avoid all the monitoring and remediation wells. Twenty-five wells would be within 150 feet of the construction workspace, with the nearest well approximately 18 feet away.

Based on the discussion above, we conclude that construction and operation of the Amendment would not pose a significant risk to groundwater quality or existing monitoring and remediation wells in the area. Section B.4.2 includes additional discussion of the Higgins Farm Superfund Site.

#### **1.2 Wetlands**

Field survey by Transco indicates that the Higgins Farm Access Road would not cross any wetlands or NJDEP-designated wetland transition areas. In its comments, the EELC contends that

Transco did not sufficiently identify wetlands adjacent to the existing road used by the EPA and NCH and near the groundwater remediation facility for which state-regulated wetland transition areas may apply. As previously noted, Transco's activities would be confined to the paved area of the existing road and areas adjacent to the paved surface would remain undisturbed. In addition, the NJDEP inspected the area and reviewed NJDEP wetland mapping in Geographic Information System format. In letters to Transco dated June 5, 2019 and November 27, 2019, the NJDEP determined that use or expansion of the existing Higgins Farm Access Road could avoid freshwater wetlands, State open waters, and riparian zone vegetation and estimated that the Higgins Farm Access Road would reduce wetland impacts by approximately 2.4 acres as compared to the certificated Trap Rock Access Road. We conclude that construction and operation of the Amendment would avoid direct impacts on wetland resources and reduce wetland impacts when compared to the certificated road.

## **2.0 VEGETATION, WILDLIFE, AND SPECIAL STATUS SPECIES**

### **2.1 Vegetation**

Construction and operation of the Higgins Farm Access Road would impact 4.3 acres of upland vegetation, consisting of 3.4 acres of upland forest and 0.9 acre of herbaceous upland (including agricultural land), all of which would be associated with extension of the existing road. Approximately 3.1 acres (91 percent) of the affected forest would be on Transco property. Of the forested area, approximately 0.6 acre would be permanently converted to gravel road surfacing and the remaining 2.8 acres would be permanently converted to herbaceous upland and maintained for stormwater control. The Higgins Farm Access Road is not within a NJDEP-mapped natural heritage grid, which would indicate the presence of rare plant species or rare ecological communities.

Transco would minimize impacts on upland vegetation by implementing the measures outlined in its Plan, including mitigation of compacted soils and the use of erosion controls. After construction, Transco would seed the non-paved areas using seed mixes recommended by the Natural Resource Conservation Service, local agencies or organizations, or relevant landowner agreements. Transco would also implement its Noxious Weed and Invasive Plant Management Plan to prevent, monitor, and control the spread of noxious and invasive weeds during construction and operation.

Consistent with our findings in the NESE Project final EIS, we conclude that construction and operation of the Amendment would not have a significant impact on vegetation resources in the area.

### **2.2 Wildlife**

As discussed in the NESE Project final EIS, the primary impacts of construction and operation of permanent access roads on wildlife include mortality and displacement of species and decreasing or alteration of habitat. These impacts would be avoided along the existing EPA access road, which comprises 60 percent of the Amendment. Construction of the new road segment would occur primarily in upland forest. We expect most wildlife would relocate to adjacent and nearby forest, although less mobile species could be killed or injured by construction activity. These impacts would not be significant due to the limited amount of tree clearing that would occur (3.4 acres), which is comparable to the tree clearing for the certificated road (3.2 acres). Operation of the Amendment would also not be expected to have a significant impact on wildlife due to the availability of nearby, similar habitat and as wildlife has adapted to other development and activity in the area.

## 2.3 Special Status Species

### *Raptors and Other Migratory Birds*

Migratory birds are federally protected under the Migratory Bird Treaty Act (MBTA) which prohibits the take of any migratory bird or their parts, nests, and eggs. In March 2011, the FERC and the U.S. Fish and Wildlife Service (FWS) entered into a Memorandum of Understanding to promote the conservation of migratory birds through enhanced collaboration. Though all migratory birds are afforded protection under the MBTA, Executive Order 13186 and the Memorandum of Understanding require that BCC species and federally listed species be given priority when considering the effects on migratory birds. Executive Order 13186 states that emphasis should be placed on species of concern, priority habitats, and key risk factors, and that particular focus should be given to addressing population-level impacts.

The FWS Information for Planning and Consultation (IPaC) tool was accessed to determine the potential for BCC-listed species to be present near the Higgins Farm Access Road. The IPaC review identified four BCC species including the blue-winged warbler (*Vermivora pinus*), prairie warbler (*Dendroica discolor*), rusty blackbird (*Euphagus carolinus*), and wood thrush (*Hylocichla mustelina*). In its comments on the proposed Amendment, EELC asserted that three additional BCC species may occur in the area, including the cerulean warbler (*Setophaga cerulea*), Kentucky warbler (*Geothlypis formosa*), and eastern whip-poor-will (*Caprimulgus vociferous*). The Amendment would not cross any Important Bird Areas.

As detailed in the NESE Project final EIS, the greatest potential to impact migratory birds would occur if construction activities such as grading, tree clearing, and construction noise take place during the nesting season. Transco previously consulted with the FWS and NJDEP to identify mitigation measures to reduce impacts on migratory birds, including the time of year when construction should be avoided. Mitigation measures, including construction timing restrictions, are detailed in the Final Migratory Bird Plan developed by Transco for the NESE Project.<sup>5</sup> Consistent with our findings in the NESE Project final EIS, implementation of the Final Migratory Bird Plan would minimize impacts on migratory birds.

Bald and golden eagles are protected under the MBTA, the Bald and Golden Eagle Protection Act, and the Lacey Act. The FWS reviewed the proposed Higgins Farm Access Road and did not identify any eagle nests in proximity to the Amendment. We also reviewed the New Jersey Bald Eagle Project 2019 report (NJDEP, 2019), which identifies the location of every known bald eagle nest in New Jersey, the nearest of which is approximately 2.5 miles from the Amendment. Transco previously committed to communicate with appropriate agencies prior to construction to determine if new eagle nests have been identified in proximity to the NESE Project. If additional bald eagle nests are identified in proximity to the Amendment, Transco would implement the measures recommended in the FWS' *National Bald Eagle Management Guidelines* to determine appropriate size and configuration of buffers to avoid or minimize construction-related impacts on the species (FWS, 2007). Based on the above information and Transco's commitment to implement the measures in its Final Migratory Bird Plan and communicate with applicable agencies prior to construction, we conclude that impacts on bald and golden eagles would be minimized.

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<sup>5</sup> Transco's Final Migratory Bird Plan can be found on the FERC's eLibrary (<https://www.ferc.gov/docs-filing/elibrary.asp>) by conducting an "Advanced Search" for Accession No. 20181106-5038.

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### *Threatened and Endangered Species*

Transco, acting as the non-federal representative of the FERC, initiated informal consultation with the FWS. The FWS reviewed the proposed Amendment and identified a known occurrence or potential habitat for the federally endangered Indiana bat (*Myotis sodalist*) and the federally threatened Northern long-eared bat (*Myotis septentrionalis*) near the Amendment. Transco committed to a FWS-recommended timing restriction for tree removal of April 1 through September 30. Therefore, we conclude that the Amendment *may affect, but is not likely to adversely affect* these species. On January 6, 2020, the FWS concurred with this determination. Therefore, no further consultation pursuant to the Endangered Species Act is required.

On April 1, 2019, Transco received notification from the NJDEP of a reported vocalization of the state threatened barred owl near Compressor Station 206. The exact location was unknown. Representatives from Transco and the NJDEP inspected the compressor station site. No barred owls were observed and the NJDEP identified a single tree that was large enough and that contained a cavity of sufficient size to support a barred owl. This tree would be outside the limits of disturbance for the Amendment. Transco states that the NJDEP concluded that construction would not impact any critical nesting habitat, but that the site might provide suitable foraging habitat for the species. The NJDEP accepted the reported vocalization as a valid occurrence, resulting in reclassification of forested wetlands on the Compressor Station 206 site and near the proposed Amendment from intermediate resource value wetlands to exceptional value wetlands for state wetland permitting purposes. Based on the NJDEP findings that the Amendment would not impact critical nesting habitat and considering the availability of similar habitat in the area, we conclude that the Amendment would not significantly impact the state-listed barred owl.

### **3.0 CULTURAL RESOURCES**

Section 106 of the National Historic Preservation Act, as amended, requires the FERC to take into account the effects of its undertakings on properties listed in or eligible for listing on the National Register of Historic Places (NRHP) and to afford the Advisory Council on Historic Preservation an opportunity to comment on the undertaking. Transco, as a non-federal party, is assisting the FERC in meeting our obligations under section 106 by preparing the necessary information, analyses, and recommendations, as allowed by the Advisory Council on Historic Preservation's regulations for implementing section 106 at 36 CFR 800.2(a)(3).

Transco previously completed the archaeological survey for Compressor Station 206, including the 3.5-acre area on Transco property that would be affected by construction of the Higgins Farm Access Road. One archaeological site, 28SO166, was identified during the cultural resources survey, which Transco recommended as not eligible for listing in the NRHP. In its letter dated March 30, 2017, the New Jersey Historic Preservation Office (SHPO) concurred with Transco's recommendations for site 28SO166 and concurred that no archaeological sites would be affected at the Compressor Station 206 site. We also concurred.

Transco previously completed the historic architectural survey for Compressor Station 206, resulting in the identification of three historic aboveground properties within the area of potential effects of the station. All were recommended as not eligible for the NRHP, and no further work was recommended. The SHPO concurred with the recommendations on March 15, 2017. We also concurred.

As recommended by the SHPO on January 22, 2020, Transco conducted an archaeological survey of the previously unsurveyed 0.8-acre area that would be disturbed during new road construction on the



Higgins Farm Superfund Site. The survey did not identify any cultural resources and no further work was recommended. The SHPO concurred with the recommendations on March 17, 2020. We concur.

On February 19, 2020, the FERC sent the NOI for the Amendment to three federally recognized Native American tribes: the Shawnee Tribe, the Delaware Nation, and the Delaware Tribe of Indians. To date, no comments have been received from any of the tribes. Transco would communicate with Native American tribes as requested during review of the NESE Project. In addition, Transco would implement its Unanticipated Discovery Plan for cultural resources or human remains during construction of the Amendment. The SHPO agreed with the Unanticipated Discovery Plan on December 1, 2016, and we found the plan to be acceptable.

Therefore, we have determined, in consultation with the SHPO, that the Amendment as proposed would have no adverse effect on any properties listed in or eligible for listing in the NRHP.

#### **4.0 LAND USE**

##### **4.1 General Land Use**

Land uses that would be affected by the Higgins Farm Access Road include 3.4 acres of upland forest, 1.1 acre of developed land, 0.6 acre of open land, and 0.2 acre of agricultural land. Based on the NESE Project final EIS, the Amendment would not cross any federal, state, or municipal lands; recreation areas; or special interest areas. As noted in section A.5, the existing road utilized by the EPA and NCH crosses an active farm and the landowner has given consent for Transco to construct and operate the Amendment. No residences would be within 50 feet of the construction workspace.

##### **4.2 Contaminated Sites**

As previously discussed in this EA and as detailed in the NESE Project final EIS, the Amendment would cross the Higgins Farm Superfund Site, which previously underwent contaminated soil removal and is undergoing groundwater remediation by NCH, under consent decree from the EPA.

In the Amendment application and supplemental materials, Transco provided documentation of ongoing consultation with the EPA, NCH, and others concerning Transco's plan to utilize and extend the existing access road on the Higgins Farm Superfund Site. In a December 19, 2019 letter to Transco, the EPA reiterated earlier measures that Transco should implement and concluded that, subject to confirmation by NCH, Transco's proposed improvement, use, and extension of the existing road could be carried out so as to not interfere with the ongoing remedial actions. These measures included, among other things, ensuring the EPA and NCH access to the remediation facility and wells; ensuring employee and contractor safety and health training; and ensuring that stormwater controls do not discharge in areas of ongoing remediation. Transco committed to implement these measures.

The EPA also noted that its right to access and use the existing roadway is pursuant to a 2007 consent decree that the United States entered into with the landowner, not an easement for access.

Transco, the EPA, and NCH met at the site on January 30, 2020, with findings related to the ongoing monitoring and remediation efforts, summarized below.

- Groundwater contaminant concentrations are very low and contaminant extraction has been reduced to less than 1 pound per year from one well. Wells are sampled on a semi-annual basis and monitoring is expected to continue for years.

- The EPA and NCH would continue to have unencumbered access to all wells during construction and operation of the Higgins Farm Access Road and Compressor Station 206.
- A shallow soil investigation was conducted at the site and no contamination was detected in bedrock overburden. The EPA will provide the report to Transco.

NCH concluded that the Amendment would not interfere with remediation of the Higgins Farm Superfund Site provided Transco repairs any damage to facilities and does not disrupt EPA and NCH activities.

In addition, Transco would implement its Unanticipated Discovery of Contamination Plan if pre-existing contamination is discovered during construction. This plan includes measures to prevent the spread of pre-existing contamination and manage contaminated media in accordance with appropriate regulations. We previously reviewed Transco's plan and found it would avoid or adequately minimize potential impacts associated with handling pre-existing contaminated media. We conclude that Transco has sufficiently consulted with the EPA and NCH and agree that, by constructing and operating the Higgins Farm Access Road in accordance with the measures outlined in the December 19, 2019 EPA letter to Transco, the Amendment would not interfere with remediation of the site.

### **4.3 Agricultural Conservation Easement**

As noted in sections A.1 and A.2, the landowner of the Higgins Farm Superfund Site and the Township of Franklin entered into an agricultural conservation easement on October 2, 2017, prohibiting future non-agricultural use of the 75-acre site, with some area exceptions. Transco acknowledges that the 331-foot-long extension of the existing EPA access road on the Higgins Farm Superfund Site would conflict with the terms of the conservation easement, but contends that use of the existing road is exempt from the easement as a pre-existing, non-agricultural use. Transco also noted that, as of June 26, 2019, the easement had not been enrolled into the State Agriculture Retention and Development Program.

As noted in section A.2, the NJDEP found Transco's permit applications deficient, in part, because Transco had not sufficiently demonstrated that it had exhausted efforts to communicate with the Township of Franklin or otherwise made reasonable attempts to remove the conservation encumbrance. In response to our March 5, 2020 Environmental Information Request, Transco provided a detailed account of Transco's numerous communications with the Township of Franklin officials regarding potential use of the Higgins Farm Access Road. These communications began on June 8, 2016 and continued until February 3, 2020. Transco was unable to come to an agreement with the Township of Franklin for construction and use of the Higgins Farm Access Road.

We conclude that Transco has made good faith effort to negotiate with the Township of Franklin for construction and operation of the Higgins Farm Access Road, but without success. We also note that the landowner, who is party to the agricultural conservation easement, has given consent for construction and operation of the road. In addition, we note that construction would impact 0.8 acre (approximately 1 percent) of the area subject to the conservation easement, and that this area is adjacent to the site boundary and existing road and remediation system and, therefore, would not have a significant impact on the conservation goals of the easement.

**C. ALTERNATIVES**

In accordance with NEPA and Commission policy, we evaluated alternatives to the Amendment to determine whether they would be reasonable and environmentally preferable to the proposed action. Given the limited scope of the Amendment, our analysis is limited to the no-action alternative. Under the no-action alternative, Transco would construct the Trap Rock Access Road, as previously approved by the Commission, rather than the Higgins Farm Access Road proposed in the Amendment.

As noted in section A.1, we compared the environmental impacts of the certificated Trap Rock Access Road to the Higgins Farm Access Road in the NESE Project final EIS. The comparison was based on desktop data for both access road alternatives, and preliminary routing and workspace estimates for the Higgins Farm Access Road. We estimated that the Higgins Farm Access Road would reduce impacts on forest and wetland resources but concluded that the alternative would not provide a significant environmental advantage over the Trap Rock Access Road primarily due to the potential to encounter contamination during construction and because the landowner opposed the alternative at the time.

Table C-1 compares the land use requirements and environmental impacts utilizing wetland and waterbody field survey data and final routing and workspace design for both roads; the data for the Trap Rock Access Road was presented in section 4.0 of the NESE Project final EIS. The Higgins Farm Access Road and Trap Rock Access Road are depicted on figure A.5-1.

TABLE C-1		
Comparison of the Trap Rock Access Road and the Higgins Farm Access Road		
Factor	Trap Rock Access Road <sup>a</sup>	Higgins Farm Access Road
Length of Road (feet)		
Existing	0.0	1,819
New	3,300	1,213
Total	3,300	3,032
Land Requirements (acres) <sup>b</sup>		
Existing Road	0.0	1.1
New Road	7.3	4.3
Total	7.3	5.4
New Road Construction on Non-Transco Property (acres) <sup>b</sup>	7.3	0.8
Landowner Consent	Yes	Yes
Higgins Farm Superfund Site Crossing (feet)	0.0	2,150
Agricultural Conservation Easement – New Construction (acres) <sup>b</sup>	0.0	0.8
Impacts on Non-Wetland Land Use (acres) <sup>b</sup>		
Upland Forest	3.2	3.4
Agricultural Land	0.7	0.2
Open Land	0.4	0.6
Transportation (road, other)	<0.1	1.1
Open Water	<0.1	0.0
Total	4.4	5.3
Impacts on Wetlands (acres) <sup>b</sup>		
Palustrine Forested	2.1	0.0
Palustrine Scrub Shrub	0.3	0.0
Palustrine Emergent	0.5	0.0
Total	2.9	0.0
Waterbodies Crossed (number)	2	0
Residences within 50 feet of Construction (number)	0	0
<sup>a</sup> Impacts identified in the survey data in the final EIS for the NESE Project. <sup>b</sup> Acreages indicate impacts associated with construction and operation of the facilities. Note: Values may not sum due to rounding.		

The Higgins Farm Access Road would utilize an existing road, thereby reducing new road construction by 2,087 feet and disturbing 3.0 acres less land during new road construction when compared to the certificated road. The Higgins Farm Access Road would also largely avoid new road construction on land not owned by Transco; reduce impacts on agricultural land by 0.5 acre; and avoid impacts on wetlands and waterbodies. Each road would have a similar impact on upland forest and open land uses, and no residences would be within 50 feet of new road construction for either alternative.

According to Transco and as stated in section A.2, approval of the Amendment would allow Transco to satisfy certain deficiencies identified by the NJDEP in connection with Transco's request for a Water Quality Certification under section 401 of the Clean Water Act for the NESE Project and Transco's previous efforts to secure EPA agreement and legal rights-of-way to utilize the Amendment rather than the certificated road. The Amendment would conflict, in part, with an agricultural conservation easement between the landowner and the Township of Franklin. Transco obtained the landowner's consent for the Amendment but was unable to secure a similar agreement with the Township of Franklin over nearly a 4-year-long period. However, we previously concluded that the Amendment would not have a significant impact on the conservation goals of the easement.

The Amendment would cross the Higgins Farm Superfund Site whereas the certificated road would not. However, as discussed in section B.4.2, the EPA and NCH do not object to the Amendment as the Higgins Farm Access Road would not interfere with remediation of the site. As noted in section B.4.2, the EPA will provide Transco with a report detailing the results of a shallow soil investigation in which no contamination was detected, and ground disturbance on the Higgins Farm Superfund Site would be limited to shallow grading of a small area (0.8-acre) at the perimeter of the site. In addition, the potential to encounter groundwater during construction is low, as discussed in section B.4.1. Therefore, the potential to encounter previously existing contamination during construction of the Amendment is low. Pre-existing contamination, if discovered, would be properly managed in accordance with Transco's Unanticipated Discovery of Contamination Plan.

Based on the above discussion, we conclude that the certificated Trap Rock Access Road and the proposed Higgins Farm Access Road are both environmentally acceptable. The Higgins Farm Access Road can meet the Amendment's objective, is technically and economically feasible, and provides environmental advantages by avoiding impacts on wetlands and waterbodies which were of concern to the NJDEP in its review of the certificated road. Therefore, we do not recommend the no-action alternative.

**D. CONCLUSIONS AND RECOMMENDATIONS**

Based upon the analysis in this EA, we have determined that if Transco constructs and operates the Amendment in accordance with its application, supplements, and staff’s recommended mitigation measures below, approval of the Amendment would not constitute a major federal action significantly affecting the quality of the human environment.

We recommend that the Commission Order contain a finding of no significant impact and that the following mitigation measures be included as conditions to any Certificate the Commission may issue:

1. Transco shall follow the construction procedures and mitigation measures described in its application and supplements, and as identified in the EA, unless modified by the Order. Transco must:
  - a. request any modification to these procedures, measures, or conditions in a filing with the Secretary of the Commission;
  - 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 **before using that modification.**
  
2. The Director of the Office of Energy Projects, or the Director’s designee, has delegated authority to address any requests for approvals or authorizations necessary to carry out the conditions of the Order, and take whatever steps are necessary to ensure the protection of environmental resources during construction and operation of the Amendment. This authority shall allow:
  - a. the modification of conditions of the Order;
  - b. stop-work authority; and
  - c. the imposition of any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the Order as well as the avoidance or mitigation of unforeseen adverse environmental impact resulting from the Amendment’s construction and operation.
  
3. The authorized facility location shall be as shown in the EA, as supplemented by filed aerial maps/plot plans. **As soon as they are available, and before the start of construction**, Transco shall file with the Secretary of the Commission any revised aerial maps/plot plans for the access road approved by the Order. All requests for modifications of environmental conditions of the Order or site-specific clearances must be written and must reference locations designated on these aerial maps/plot plans.

Transco’s exercise of eminent domain authority granted under Natural Gas Act section 7(h) in any condemnation proceedings related to the Order must be consistent with the authorized facility and location. Transco’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

facilities to accommodate future needs or to acquire a right-of-way for a pipeline to transport a commodity other than natural gas.

4. Transco shall continue to comply with environmental conditions set forth in the appendix to the May 3, 2019 Order Issuing Certificate for the Northeast Supply Enhancement Project in Docket No. CP17-101-000.

**E. REFERENCES**

New Jersey Department of Environmental Protection. 2019. Division of Fish and Wildlife, Endangered and Nongame Species Program. New Jersey Bald Eagle Project, 2019. Available online at: <https://www.nj.gov/dep/fgw/ensp/pdf/eglrpt19.pdf>. Accessed March 2020.

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*Merjent, Inc. is a third-party contractor assisting the Commission staff in reviewing the environmental aspects of the project application and preparing the environmental documents required by NEPA. Third party contractors are selected by Commission staff and funded by project applicants. Per the procedures in 40 CFR 1506.5(c), third party contractors execute a disclosure statement specifying that they have no financial or other conflicting interest in the outcome of the project. Third party contractors are required to self-report any changes in financial situation and to refresh their disclosure statements annually. The Commission staff solely directs the scope, content, quality, and schedule of the contractor's work. The Commission staff independently evaluates the results of the third-party contractor's work and the Commission, through its staff, bears ultimate responsibility for full compliance with the requirements of NEPA.*