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Rivers Unlimited

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www.riversunlimited.org

A Cincinnati-based watershed advocacy group engaging, educating and empowering decision-makers to protect and restore our watersheds.

DL-1142-6A-BIN

May 8, 2008

Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Room 1A
Washington, DC 20426

RE: Docket No. CP07-208-000
Rockies Express Pipeline LLC, REX-East Project

Dear Ms. Bose,

Rivers Unlimited appreciates the opportunity to submit comments to the Federal Energy Regulatory Commission regarding the REX-East Project.

Rivers Unlimited is a watershed advocacy group in Ohio. Founded in 1972, we are a non-profit organization with hundreds of individual and group members across the state. We have long worked to protect and restore the rivers and streams in Ohio. We have several concerns regarding the Rockies Express Pipeline, LLC's preferred alignment of the REX-East Project through Ohio, which we ask FERC to address before the project be allowed to go forward.

The "preferred route" will cross two National and State Designated Scenic Rivers- the Little Miami River and Big Darby Creek. The National Wild and Scenic Rivers Act of 1968 states that these rivers and their immediate environments possess "outstandingly remarkable" values to be "protected for the benefit and enjoyment of future generations." Rivers Unlimited and many other groups and agencies have spent years working to ensure that these rivers are protected from projects that jeopardize the values that led to their designation, as well as the very protection granted by the letter and spirit of the National Wild and Scenic Rivers Act of 1968.

The preferred route of the REX-East Project threatens values the Act intended to protect and the level of protection it affords these remarkable resources. It is our understanding that even with underground river crossings, a significant swath of trees will be taken down and an unforested maintenance easement will be created. The destruction of riparian corridor, as well as a permanent maintenance easement with no prospect of forestation, will plainly decrease the scenic qualities of a river, and undermine its designation as a place where the public can enjoy a scenic, natural environment. Loss of riparian corridor is also tantamount to the destruction of wildlife habitat, including that of the federally listed endangered Indiana Bat.

The installation of the pipeline will cause erosion and the discharge of silt into waterways. The preferred route will cross areas of Ohio with highly erodible soils. The loss of

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trees and extensive drilling into the earth in these areas will cause erosion, and the discharge of silt into multiple waterways. Loss of immediate riparian corridors, as well as trees within the larger watersheds, will also increase the amount of stormwater runoff a river receives. This runoff often includes nutrients like nitrogen and phosphorus, which have already been sources of alarm in many of Ohio's rivers. The loss will be exacerbated by the threat of the Emerald Ash Borer, which has already damaged woodlands in parts of Ohio. The movement of felled trees and the equipment used to cut down and remove lumber may accelerate the spread of infestations and cause the unnecessary loss of additional trees.

Rivers Unlimited also asks FERC to address the threats the preferred route will pose to the sources of drinking water for many Ohioans. The preferred route will cross three sole-source drinking water aquifers in Ohio. Even if the risk of gas leaks, explosions and contamination in these aquifers is relatively small, the health and economic consequences for the communities that rely on the aquifers could be enormous. The protection of these aquifers is not merely a matter of conservation; it is one of propriety. Allowing a private company to run a large pipeline through a community's only convenient source of drinking water is, at best, a display of very unusual etiquette. At worst it is a judgment against a community's right to the secure use of its most precious resource. What "national interest" rightly trumps the actual interests of that nation's communities?

Rivers Unlimited asks the Federal Energy Regulatory Commission to require that the REX East Pipeline follow a route that does not cross the Little Miami River and Big Darby Creek. Furthermore, we ask that the route follow existing bridges, roadways or the paths of other pipelines, so as to minimize the damage to Ohio's natural resources. Finally, we ask that the project proceed only with the utmost deference to the wishes of the communities whose farms and sources of drinking water could be affected by the pipeline.

Sincerely,

Nathan Holscher
Project Director

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