

FILE

06-1142-GA-BIN

May 18, 2008

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

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

PUCO

2008 MAY 20 AM 7:31

RECEIVED-DOCKETING DIV

Dear Secretary Bose:

I am writing with two types of comments regarding the FEIS for the REX-East pipeline.

First, I need to correct a factual error. In discussion of the Shaffer (Steele) Route Variations for MP 623.3 to MP 624.4 in section 3.5.25 of the FEIS from page 3-59 to 3-60, there is an error regarding the ownership of the land that would be crossed by the route called the Northern Variation. Specifically, on page 3-60, the following statements are made:

The northern variation would continue to follow the Project Route for 0.3 mile until MP 623.6 and then head east for 0.2 mile across the back of the Shaffer's property. Upon reaching the tree line it would turn south for 0.2 mile then cut across a sparsely forested area for 0.4 mile until rejoining the Project route on the east side of Somerton Highway.

The Northern Variation is shown in yellow on page J-23. The error is that the land referred to as the Shaffer's property actually belongs to me and my wife. I am including in this document an image that was part of a filing I made on December 4, 2007, showing the boundaries of our property, the project route, and a route that Rockies surveyed to avoid the location where my wife and I will be building our house next spring. (It is worth noting that, as far as I can tell, it appears that this variation was never posted to the docket except as part of my December 4 comments and therefore was never considered and was not addressed in the FEIS.) The overwhelming majority of the Northern Variation passes through my property.

Regardless of who suggested this variation, I strongly oppose it. There is nothing desirable about this route. I cannot imagine that having 5 bends of approximately 90° in a stretch of 1 mile is a good thing, since I have been told repeatedly that the straighter the pipeline can be built, the better. This variation would bring the pipeline close to our home for a great distance and would ruin the view that I wrote about in previous filings. While it seems clear from the comparison of the variations discussed in the FEIS that the Northern Variation has been determined to be unfavorable, I wanted to get my comments on this variation on the record and correct the error about the ownership of the land affected in the event that additional consideration is given to this variation.

Second, I would like to offer my comments on FERC's Revised Shaffer Variation. I am very much in favor of the revision to the route that was originally suggested in the DEIS. I understand that the route in the DEIS was suggested without the benefit of a site visit and that the revision in the FEIS was based on information obtained during a site visit in January. Because this revision is based on full and accurate information, it seems that there is no good reason to allow Rockies to deviate from FERC's Revised Shaffer Variation. I know that it would be easier for Rockies to take the route that they have already surveyed, but the decision should not be about what is easier for Rockies. The FEIS has highlighted environmental reasons for not taking the project route and for taking the Revised Shaffer Variation

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instead. I can't believe that those who prepared the DEIS and FEIS would suggest a route in this direction two times if it were not the better way to go.

My wife and I have turned down the monetary offers that Rockies has made for an easement agreement to go through our property. Even since the publication of the FEIS we have received offers and have continued to reject them. My wife and I have said from the beginning that we were not interested in having the pipeline go through our property or in Rockies' money. We believe that there is a better route for this pipeline, one that does not go through our property. Your own work has determined that there is a better route. I hope that Rockies will be made to follow this revised route that has been suggested.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Hutchison". The signature is fluid and cursive, with a large, sweeping initial "R".

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Express adopt Noll Route Variation A into the Project route. On February 19, 2008, Rockies Express identified a route variation very similar to Noll Route Variation A to avoid the cultural resources that surveys identified on Mr. Noll's property. In their February 29, 2008 filing, Rockies Express stated they would adopt this variation into the Project route. This variation would address many of the environmental concerns stated by Mr. Noll, although surveys indicate it would still cross eligible cultural resource sites. Rockies Express is committed to mitigating adverse effects to all unavoidable eligible sites (see section 4.10.5). Table 3.5.24-1 provides a comparison of the environmental data for all four route variations – the alignment proposed in the draft EIS, Noll Route Variation A, Noll Route Variation B, and the Project route with adopted variation. We agree that the route variation adopted by Rockies Express is environmentally preferable and addresses Mr. Noll's concerns. However, Rockies Express did not submit revised alignment sheets adopting this route variation. Therefore, we recommend that:

- Prior to the start of construction from MP 555.4 to MP 557.3, Rockies Express file with the Secretary revised alignment sheets to incorporate into the Project route the Rockies Express Noll Route Variation (i.e., the proposed route) as depicted in appendix J, figure J-22 in this EIS.

Table 3.5.24-1 Comparison of the Noll Route Variations, MP 555.4 to MP 557.3						
Environmental Factor	Unit	Alignment Proposed In the draft EIS	Noll Route Variation A	Noll Route Variation B	Project Route (with adopted variation)	Source
Total Length	miles	1.9	2.0	1.9	2.2	Digital Route
Length Adjacent to Existing Right-of-Way (percent)	miles	1.5 (82.0)	0.00 (0.0)	0.64 (33.5)	0.0 (0.0)	Digital Route
Wetlands Crossed	miles	0.04	0.00	0.00	0.00	FWS, 2007f
Waterbody Crossings	no.	4	2	4	1	ESRI, 2005a,c
Cultivated Land Crossed	miles	1.5	1.9	1.7	2.2	USGS, 2001
Forest Land Crossed	miles	0.4	0.1	0.2	0	USGS, 2001
Residences Within 50 Feet of Construction Work Area	no.	0	0	0	0	Aerial Imagery
a/ Noll Route Variation B includes portions that are in common with the Project route to allow for comparison with Noll Route Variation A.						

### 3.5.25 Shaffer (Steele) Route Variations (MP 623.3 to MP 624.4)

Landowner Donna Shaffer (Steele) of Belmont County, Ohio expressed concern about the impact of pipeline construction on forested areas within her property and the safety of pipeline construction. Her property is situated in an area defined by rolling topography that she indicates is susceptible to landslides. She is concerned that pipeline construction through her property would increase the likelihood of landslides due to vegetation removal on the hills. To avoid these impacts, we identified a route variation that would be south of the Project route and would avoid the forested and hilly areas of concern.

As shown in appendix J, figure J-23, the "FERC's Shaffer Variation" would deviate from the Project route at MP 623.3. It would head to the south across Johnson-Ridge Road and then turn to the southeast through an agricultural field approximately 0.05 mile south of Johnson-Ridge Road. It would continue through this agricultural field for approximately 0.4 mile while paralleling the edge of a forested

area and crossing into Richard Miller's property. It would then turn to the east and cross through a small forested area and head across Rock River Road. It would continue to the east into David and Emma Yoder's property while paralleling Johnson-Ridge Road through a partially forested area for 0.4 mile before crossing Somerton Highway and rejoining the Project route at MP 624.4.

In comments received on the draft EIS, we discovered that our route variation would be within 50 feet of a schoolhouse located on Rock River Road and would pass through a wetland area. Rockies Express noted that the route variation would parallel and require clearing trees along Captina Creek. Rockies Express stated that the mitigation measures included in its Plan would address many of the landowner concerns.

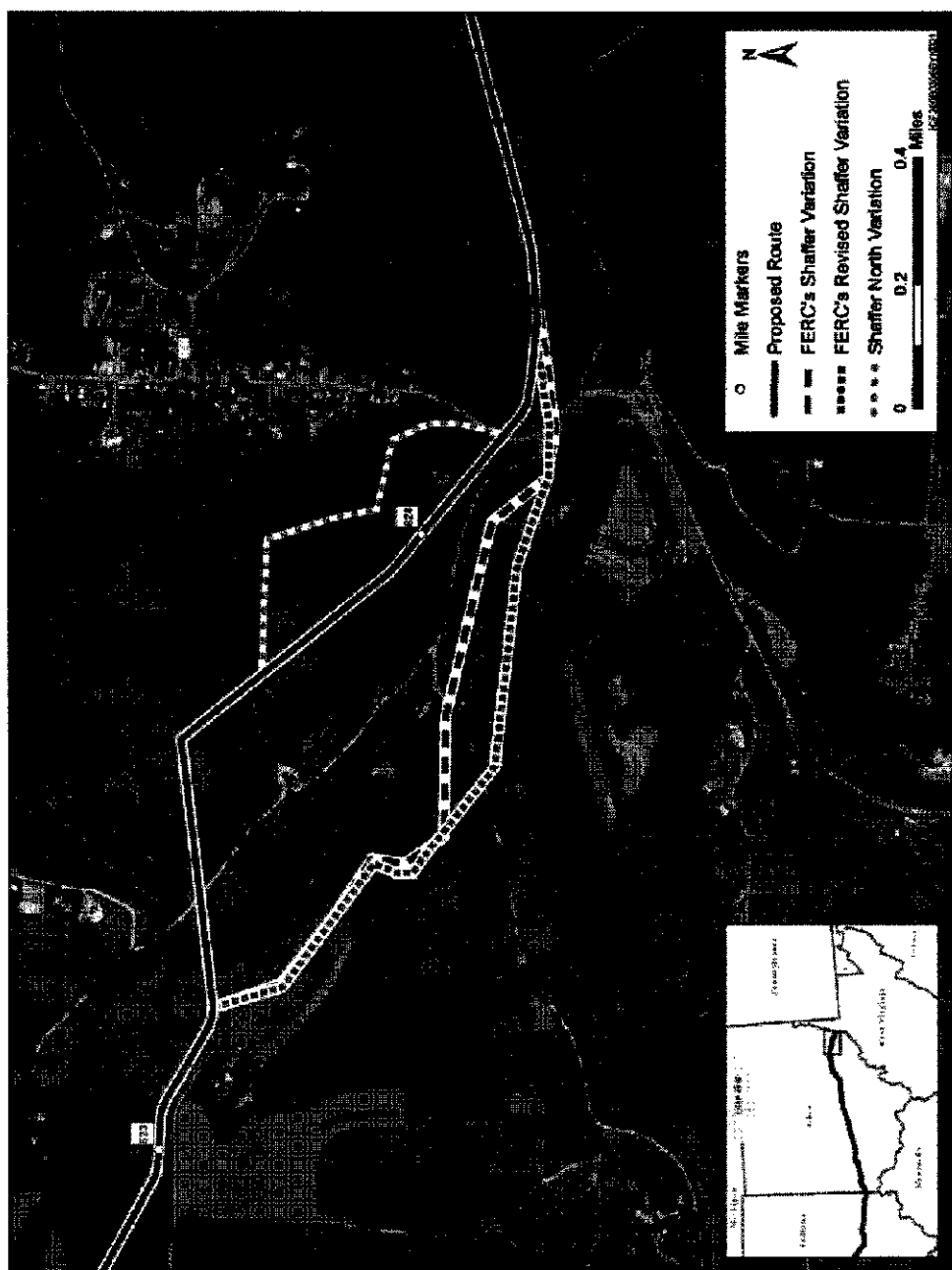
We visited this site in January 2008 and also reviewed a route variation proposed by Ms. Shaffer that is north of the Project route called the "Northern Variation." The northern variation would continue to follow the Project Route for 0.3 mile until MP 623.6 and then head east for 0.2 mile across the back of the Shaffer's property. Upon reaching the tree line it would turn south for 0.2 mile then cut across a sparsely forested area for 0.4 mile until rejoining the Project route on the east side of Somerton Highway.

The revised FERC route variation would be slightly longer but would have 0.3 mile less forested impacts (appendix J, figure J-23). The northern variation would be the same length as the Project route, but would have more forest impacts than our revised variation. As shown in table 3.5.25-1, the Project route and each of the variations would be constructed primarily through agricultural and forested areas.

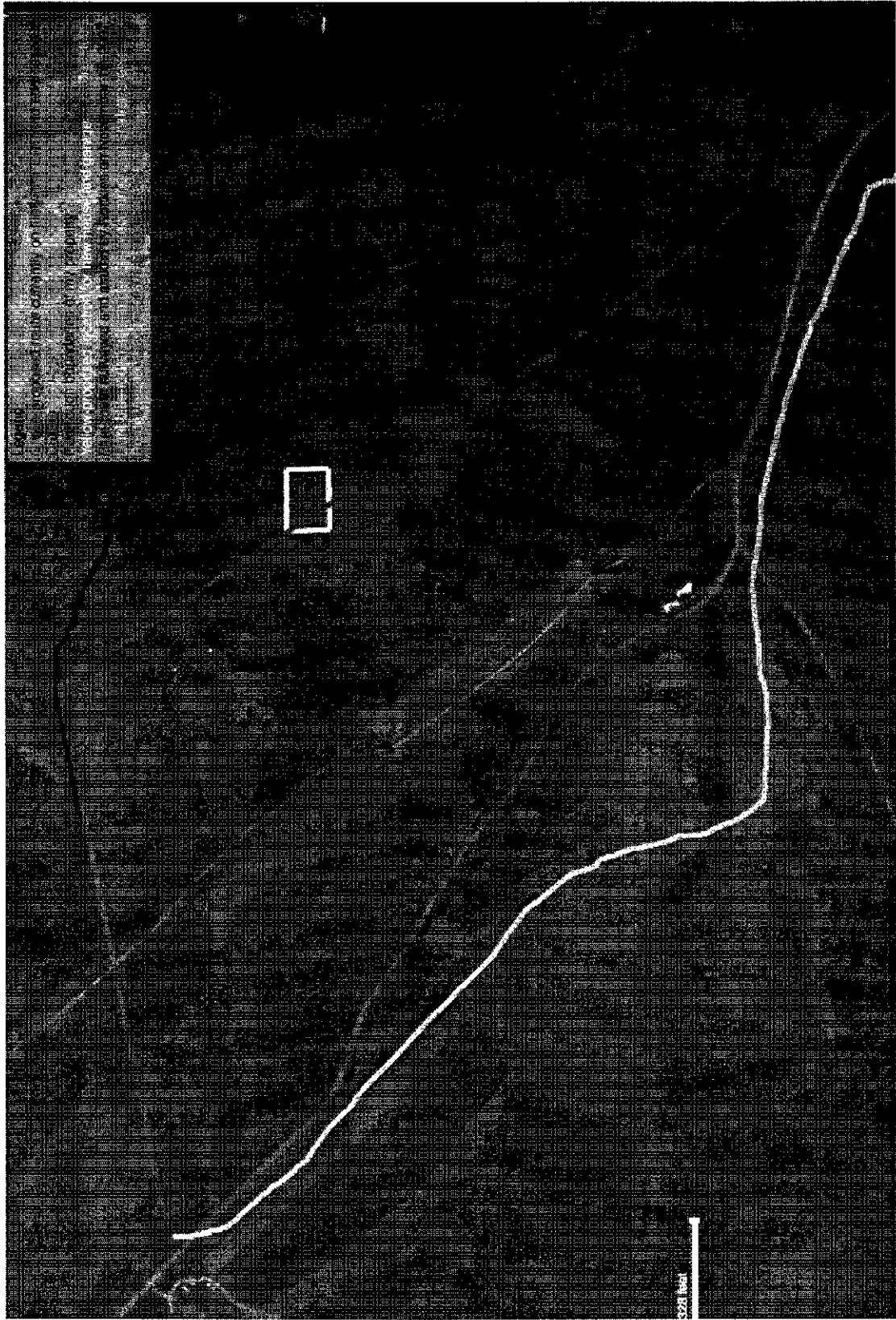
Table 3.5.25-1 Comparison of Shaffer Route Variations, MPs 623.3 to 624.4						
Environmental Factor	Unit	Project Route	FERC Variation	Northern Variation	Revised FERC Variation	Source
Pipeline Length	miles	1.1	1.1	1.1	1.2	Digital Route
Total number of Wetlands	no.	0	0	1	1	NWI Data, Alignment Sheets
Waterbody Crossings	no.	2	3	2	2	Alignment Sheets
Forested Land Crossed	mile	0.5	0.2	0.4	0.2	Aerial Photography
Agricultural Lands Crossed	mile	0.6	0.9	0.7	1.0	Aerial Photography
Landowners Affected	no.	4	11	5	5	Alignment Sheets

The Project route would require construction through 0.5 mile of forested area; the revised route variation would require construction through 0.2 mile of forested area. Additionally, the revised route variation would avoid the hilly topography mentioned in Ms. Shaffer's letter. Because the revised route variation would impact less forested area and avoid the steep topography on Ms. Shaffer's land, we believe the route variation would be environmentally preferable and address these landowner's concerns. However, this route variation affects one new landowner who may not have been notified of the route variation. Therefore, we recommend that:

- **Prior to the start of construction from MP 623.3 to MP 624.4, Rockies Express file:**
  - a. **Documentation of consultations with the newly affected landowner(s) regarding an easement agreement for the route variation from MP 623.3 to MP 624.4, as depicted in appendix J, figure J-23 of this EIS; OR**



**Figure J-23**  
**Shaffer (Steele) Route Variations**  
**MP 623.3 to 624.4**



Document Content(s)

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