Amherst Board of Selectmen Open Letter to Secretary of the Federal Energy Regulatory Commission regarding proposed Kinder Morgan Pipeline through Amherst

March 23, 2015

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

Comments of the Town of Amherst, NH
Re: Tennessee Gas Pipeline Company, L.L.C. ("TGP")
Docket No. PF14-22-000: Proposed Northeast Energy Direct ("NED")

Dear Ms. Bose:

On December 8, 2014 the Town of Amherst was notified by Kinder Morgan (KM) that KM had formally proposed to shift the route of its proposed Northeast Energy Direct (NED) pipeline from its previously proposed route through the Commonwealth of Massachusetts to a new route that passes partially through Massachusetts and partially (~71 miles) through the State of New Hampshire, before returning to Massachusetts to terminate at the gas Hub in Dracut, Massachusetts. This new route includes approximately four (4) miles through the Town of Amherst, NH.

As the duly elected Board of Selectmen responsible for directing the municipal government of the Town of Amherst in line with the wishes of its residents, and as specifically empowered by Warrant Article of the voters to intervene on behalf of the Town and its residents in all issues pertaining to the proposed NED pipeline, we have strong reservations with the NED project as proposed. Specifically, it is the judgment of the Selectmen of that the proposed route through Amherst is poorly chosen with numerous adverse effects on our community and must be changed if this pipeline is to pass through the Town at all. The reasons for this judgment are set out below.

I. Character of the Town

The Amherst Planning Board completed and made public the Town's latest Master Plan in July 2010. It documented the town's existing condition and our community's historical significance, its existing and unique historic, "small town" and semi-rural character and values, and also its goals for improving the quality of life in town and carefully managing new residential and industrial development in Amherst through the year 2030. The document also references the fact that Amherst is often ranked "one of New Hampshire's most desirable places to live."

Introducing a new commercial/industrial use area in the form of the proposed natural gas pipeline near schools and state-protected conservation property, over important natural resources, through existing residential neighborhoods, and far outside the borders of our town's existing industrial/commercial-zoned areas conflicts with the stated goals of the 2010 Amherst Master Plan, and with the desires of a majority of its residents.

The current pipeline route as proposed by the Tennessee Gas Pipeline Company and Kinder Morgan would:

1 - Introduce new, significant and adverse effects on the community that would disrupt and compromise the town's unique historic, "small town" and semi-rural character, as well as existing natural landscapes and middle school and high school recreation fields.

2 – Disturb and permanently diminish the quality of life in existing residential neighborhoods because of significant construction through cul-de-sac neighborhoods that would be bisected by the proposed pipeline, because of permanent clear-cutting and pipeline maintenance, and because of the potential of the seizure of privately owned residential land through eminent domain.

3 - Unnecessarily risk the town's most precious surface waterway – the Souhegan River, which is used for a range of recreational activities and contributes in many ways to the town's rural character and high quality of life—as well as wetland areas, including Ponemah Bog (more on this below).

4 - Undermine the town's stated Master Plan goal of carefully managing both residential and industrial/commercial development. Specifically, the Master Plan cited "Neighborhood Protection" and the "public participation, review meetings and web site input" that clearly demonstrated Amherst's desire for "enhancing/reinforcing residential neighborhoods"… while recognizing opportunities for enhancement of the town's tax base, specifically along "the existing commercial corridor along Route 101-A" and other existing zoning areas already home to commercial and industrial uses/parcels.

While the 2010 Amherst Master Plan did not specifically address the introduction of a natural gas transmission pipeline through the town, it clearly stated Amherst's values and the elements of community that constitute its identity and contribute to its high quality of life. It is, therefore, easy to understand how Tennessee's / Kinder Morgan's current proposed route would compromise large components of the town's future vision of its identity and quality of life.

It is worth noting that New Hampshire is the second most heavily forested state in the United States (behind Maine). The people of Amherst, as in many other New Hampshire communities, live here in part because the heavily forested environment is integral to the character of the town. The extensive tree cutting required by pipeline construction is therefore particularly disruptive—especially in the residential areas—and degrades the NH flavor of semi-rural character we seek to preserve.

While the Town of Amherst is not opposed to new commercial and industrial development in order to broaden the community's tax base, it should not be done at the expense of our natural resources, school recreation fields, conservation properties, existing residential neighborhoods and unique "small town" character.

II. Environmental Impacts:

On December 29, 2014, the Amherst Board of Selectmen asked the Amherst Conservation Commission (ACC) to perform an Environmental Assessment of the impact of the proposed KM pipeline route. On March 19, 2015, the ACC issued its preliminary report (attached). Quoting from that report:

> "Based on a review of land use along the proposed pipeline route in Amherst as depicted by the Nashua Regional Planning Commission (see mapgeo.com), there are approximately seven different land use categories for properties along or abutting the proposed route.
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> 1) Utility (6.2%) – With the exception of a proposed bypass in the vicinity of the Souhegan High School and Amherst Middle School, the proposed pipeline route aligns with the current Eversource Energy transmission line ROW along its entire path through Amherst. Land use for this ROW and a 13 acre parcel on Hertzka Drive are designated as Utility.
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> 2) Open Space (13.6%) – Two properties designated as Open Space are traversed by the proposed pipeline route. These coincide with conservation lands owned by the Town of Amherst (Scott and Sherburne parcels) and the NH Audubon Society (Ponemah Bog Wildlife Sanctuary).
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> 3) Vacant Land (16.5%) – Several areas abutting the proposed pipeline are designated as vacant land with no present use including large parcels where the route enters Amherst on the west and in several locations along the entire route through the Town.
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> 4) Institutional (1.1%) – One 6 acre parcel abutting the pipeline route as it crosses Rte. 122 is designated as Institutional. This is the Amherst Christian Church property.
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> 5) Commercial (3.5%) – Several Commercial properties are crossed by the proposed pipeline route. They are located on either side of Rte. 101A.
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> 6) Residential (56%) – Residential properties (principally one household) [i.e. single-family versus multi-family] abut the proposed pipeline route at several locations within the Town, but primarily in the eastern half.
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> 7) Schools (2.8%) – This includes the Souhegan High School, Amherst Middle School and associated recreational fields."

To summarize, land that is used for residential (56%), schools (2.8%), church (1.1%), and environmentally sensitive open space (13.6%) represents a combined 73.5% of the proposed pipeline route. It is hard to imagine a pipeline route that would be more prejudicial to maintaining the small town and "semi-rural" character of Amherst.

III. Ponemah Bog:

From the ACC's Preliminary Environmental Assessment:

> "The largest wetland system in the vicinity of the proposed pipeline alignment is Ponemah Bog. Ponemah Bog, a peatland, is technically a poor fen and is the most heavily traveled sanctuary owned and maintained by the New Hampshire Audubon Society. It has a ¾-mile boardwalk leading to a large variety of plant communities. The plants include three species of orchids, one being the grass pinks, Calopogon tuberosus, and three species of carnivorous plants, with the pitcher plants, Sarracenia purpurea, one of these species.
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> The bog developed in a 100-acre glacial kettlehole. Having no water inlet or outlet, it resulted in the development of an ecosystem inhospitable to most plants due to the low nutrient level and high acidity. The 90% organic soil resulted from sphagnum moss growing on the surface of the water forming a thick mat, which was stabilized by interlacing roots and rhizomes from the herbaceous and woody plants that eventually slowly developed. This floating mat has 15 to 20 feet of acidic water (pH 4.5) beneath it; therefore, the common description, a "quaking bog."
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> This development has been very slowly happening over 10,000 years. Removal of narrow sections of the mat 70 years ago has seen very little regrowth of vegetation other than sphagnum moss due to the hostile growing environment."

And:

> "Specific impacts to Ponemah Bog have been identified. Due to the hostile environment conditions present in Ponemah Bog, *even minor disruption to the mat could take decades to repair, as has been evidenced from the situation of construction and maintenance of the Eversource Energy easement."* (Emphasis added)

To summarize, Ponemah Bog is a unique and irreplaceable environment, requiring over 10,000 years to develop. As stated above, it has very poor "healing" abilities when perturbed by outside forces. Removal of narrow sections of mat 70 years ago have seen very little regrowth. It is highly likely that the construction process for the pipeline, as well as continued interventions for maintenance and repairs of the pipeline would constitute a disruption from which the ecosystem would never fully recover, and which could very well represent continued, increasing disruption over time. **For this reason, any route that requires crossing and disrupting Ponemah Bog is completely unacceptable to the Town of Amherst.**

IV. Scott Conservation Land (aka Scott Parcel):

The Scott Parcel (referenced above) was acquired by Amherst through the State of New Hampshire's Land Conservation Investment Program (LCIP). As such, the State of New Hampshire retains an interest in the property. The Town has already been notified by the NH Office of Energy and Planning that: *"The lands and interests in lands (such as easements) acquired through LCIP are held in public trust and by law, the sale, transfer, conveyance, or release of any such land or interest in land from public trust is prohibited. In addition, there may be restrictions contained in the deed of this conservation property that could be in conflict with construction of a pipeline."* Therefore, even if the Amherst BOS were inclined to grant an easement across this conservation land, it is legally prohibited from doing so.

V. The Souhegan River:

From the ACC's Preliminary Environmental Assessment:

> "According to the NRPC NED-Environmental Resources Overlay Map, the pipeline crosses a waterway on a parcel on Hollis Road, another between Center Road and Terrace Lane and the Souhegan River in four locations to the east of Boston Post Road, impacting an estimated 2,200 linear feet of the River both directly (the alignment of the pipeline intersects with the river) and indirectly (within the 400-foot study area); additionally, the 400-study zone intersects with approximately 700 linear feet of the Souhegan to the west of Boston Post Road.
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> "Kinder Morgan personnel have indicated that they will use the HDD intersect method at two locations along the proposed pipeline route. FERC requires an additional 50-foot buffer for workspace in areas of drilling near waterbodies, suggesting the aforementioned impacted acreages may be increased. Drilling utilizes a lubricating slurry of bentonite clay and unspecified additives to protect the drill bit, facilitate removal of cuttings, and maintain bore diameters. Depending on the depth to which borings advance, regional groundwater flows could be impacted including the need to breech underlying bedrock formations.
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> The current recreation uses along the pipeline route include the following:
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> Boating, Fishing, Hiking, Swimming, Open Space Recreation. Tourism is New Hampshire's second largest industry and recreation areas provide value to the area.
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> There are two canoe accesses on the Souhegan River in Amherst and several other ports for kayaking and canoeing along the entire river. The Class II and, III rapids here are utilized in the spring months at medium to high water and begin the western region. There are sections in Amherst that are slower and ideal for family canoeing, swimming and picnicking even during the summer months when the river is otherwise too shallow.
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> The Souhegan River provides habitat for at least six resident cold and warm water fish species. Naturally reproducing fish species include small mouth bass, banded sunfish, pumpkinseeds, yellow perch, suckers and dace. Introduced game species include brown, brook and rainbow trout. The New Hampshire Fish and Game Department River stocks the River annually with more than 5,000 trout as part of a "put and take" angling program. The River is also stocked annually with up to 5,000 Atlantic salmon fry as part of an ongoing anadromous fish restoration effort by the Adopt a Salmon Family program sponsored by the Souhegan Watershed Association and the United States Fish and Wildlife Service. Further, adult salmon may return to their natal Souhegan to lay their eggs for the next decade or more."

The Souhegan River is an integral part of Amherst's environment and quality of life. The Town understands that Horizontal Directional Drilling (HDD) technology is mature and that crossing (underneath) rivers using this technique is a common practice in pipeline construction, however, the proposed route for the pipeline would need to cross the Souhegan River not once but four different times. This would seem to introduce not one but four different potential "points of failure" related to river crossing, both during the construction phase and in the decades to come. If there were no alternative to crossing the Souhegan River, that would be one thing. However, the proposed river crossings are completely unnecessary. Also from the ACC's Preliminary Environmental Assessment:

> *"The Souhegan River within the Town of Amherst experiences a considerable amount of fluvial erosion due to the nature of the soils (see Section 2.5 – Geology and Soils). As a result of this continual process of sediment removal, transport, and re-deposition, the watercourse of the Souhegan River is constantly moving within these soils. At least 29 oxbow ponds and fluvial vernal pools are present within 1,000 feet of the Souhegan River in Amherst, as reviewed by aerial photographs; many more, smaller waterbodies that have resulted from the active fluvial processes of the River may be revealed through ground inspection. Moreover, this creation of a new watercourse is happening presently, as evidenced by the changes in the watercourse in the vicinity of the proposed pipeline alignment that have occurred within the recent past. For example, the Souhegan River directly to the west of Boston Post Road, where Kinder Morgan is proposing to align their pipeline, has changed its position multiple times in the past 10 years. Likewise, the farmland and low-lying lands to the south and north of the Souhegan River to the east of Boston Post Road is subject to similar course modification.*
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> *"The meandering nature of the Souhegan River presents long-term concerns for the stability of the soils in which Kinder Morgan proposes to install the pipeline. The primary concern is that the soils may be subject to fluvial erosion, causing the rechanneling of the River. The potential for erosion requires reassessment of the proposed pipeline alignment from immediately north of Stearns Road to 5,500+/- linear feet to the east. It is possible that some of the proposed pipeline may become uncovered over this section during the lifetime of the pipeline if installed, as much of this pipeline alignment is proposed to be placed with standard construction techniques (i.e. trenched). Two specific locations, the area immediately to the west of Boston Post Road and the area between the two proposed HDD sections on the north side of the Souhegan River – approximately Station No. 1100+00, are highly susceptible to future reposition of the riverbed (within the next 10 to 100 years based on recent activity). The shallow depth to which these sections will be lain creates a potential hazard of exposure and vertical conflict with the future watercourse." (Emphasis in the original)*

We understand that the choice to cross under the Souhegan River was made to avoid following the Eversource Right of Way (ROW) where it passes between the Amherst Middle School and the Souhegan High School. However, we consider this 'detour' to be an artifact of a poorly chosen route for the pipeline. To be clear, we do not support a pipeline route that runs between the Middle School and the High School either. The currently proposed route requires selecting either a 'bad' choice or a 'worse' choice when it reaches the vicinity of Amherst's schools and the Souhegan River.

VI. Public Safety Concerns:

The Town of Amherst shares all of the concerns other impacted communities have regarding a high pressure gas transmission pipeline passing through the community. These concerns are made more acute by the proposed route's passage through residential neighborhoods. In particular, we are concerned with its proposed bisecting of neighborhoods including Simeon Wilson Road, Tamarack Lane, Rhodora Drive, and Patricia Lane that are cul-de-sacs with a single point of access and egress. Residents of these neighborhoods are concerned with potential safety risks related both to pipeline construction and with the potential for a pipeline incident that could isolate and trap residents and/or restrict access to them by emergency vehicle and services.

It is difficult to see how the concerns of these residents could be addressed with the currently proposed pipeline route.

We will defer our more general concerns with public safety, e.g. training and equipment for first responders, communications between Amherst first responders and KM concerning potential incidents, incident response, etc., to a later date. However, given the proposed pipeline route through residential, church, and recreational properties, the industry standard response of "call us and keep everyone away until we can get there" will not be an adequate incident response protocol.

VII. Conclusion:

The Town of Amherst, through its Board of Selectmen, strongly opposes the currently proposed route through the town of Amherst, NH for the NED pipeline. While (loosely) paralleling the Eversource ROW, the proposed route is disruptive to the character of the town and the quality of life for its residents, threatens unacceptable harm to ecologically sensitive areas, and represents apparently irresolvable safety concerns for at least some residents on or near the proposed route.

When KM is ready to rethink its selection of a route through the town of Amherst, the Board of Selectmen would ask that KM engage the town early in the replanning process. The currently proposed, unsuitable route has generated much concern and uncertainty among the residents of Amherst. It would be preferable to engage early with the representatives of the Town, rather than put together another, unsuitable route and set off additional concerns and uncertainty among Amherst residents.

Thank you.

Dwight Brew
Chairman

John D'Angelo
Vice Chairman

Nate Jensen
Clerk

Thomas Grella

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