



Forging a partnership between farmers and consumers.
• Working together for Ohio's farmers •

November 15, 2017

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

Re: Docket Number PF17-6-000

Dear Ms. Bose:

The Ohio Farm Bureau Federation (“OFBF” or “Farm Bureau”) is pleased to provide comments on the Federal Energy Regulatory Commission (“FERC” or “Commission”) draft Environmental Assessment (“EA”) on Docket Number PF17-6-000 for the Columbia Gas Transmission, LLC (“Columbia Gas” or “Columbia”) Buckeye Xpress Pipeline Project (“Project”). We understand that project construction will impact landowners in Vinton, Jackson, Gallia and Lawrence Counties in Ohio.

OFBF is a member organization whose mission is to forge partnerships between producers and consumers. The organization is proud of its extensive policy development process. Members and volunteer leaders in local communities identify concerns, create policies and initiate action plans to address them on local, state and national levels.

Next to labor, energy is the largest single cost input for many farm, small business and industrial operations. Consumers living in rural, suburban and urban neighborhoods are looking for opportunities to control their energy costs, too. Farmers understand how effective development and installation of interstate pipeline infrastructure could benefit their local communities and neighbors.

Similarly, farmers have invested in no-till cultivation, crop rotation, subsurface drainage, forestry/woodlot improvement, pastureland enhancement, and installation of USDA-NRCS approved conservation practices to protect natural resources and enhance agricultural production. Many farm families have witnessed how ineffective pipeline planning impacts crop production, timber management and/or animal husbandry operations years after a pipeline project is completed. Farmland, including pastures and wood lots, should be considered valuable local infrastructure.

OFBF and its member county Farm Bureaus feel it is vital that effective plans exist to make impacted farms, rural residents, and community facilities whole throughout and after pipeline development projects. Farm Bureau has been involved with a variety of stakeholders working to address concerns relating to energy infrastructure development.

OFBF provides comprehensive information for its membership regarding pipeline development. Energy Issues Briefings cover all aspects of pipeline projects, including jurisdiction, working with company personnel and subcontractors, and finding competent legal counsel. Since 2013, over 15,000 participants including farmers, rural residents, business leaders, government officials, utility representatives, energy developers and other stakeholders have attended these briefings. Moreover, 1800 phone calls requesting information and further assistance were addressed.

OFBF also works with a number of stakeholders that can contribute positively to the pipeline development process. These include local governments, land improvement contractors, legal counsel and the energy service providers themselves.

Farm Bureau's policy and outreach efforts give the organization a unique perspective concerning energy infrastructure development. Accordingly, we ask that Commission staff consider the following points as they create the EA for the Project:

- **Identification and Treatment of Agricultural Ground/Farmland:** The United States Department of Agriculture (USDA) defines *Prime Farmland* as ground that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops. When soil quality, growing season, water management and acceptable farming methods are taken into consideration, the ground can produce economically sustained high yields of crops. Along with ground used in Ohio to produce cash grains and forage, other ground used for forestry, pastureland, orchards, Christmas tree, vineyard and nursery practices should all have primary designation as agricultural or *Prime Farmland*.

In recent FERC applications concerning pipeline construction projects across Ohio, energy developers have used the term, *Open Land* to describe some areas of the countryside. Open Land could include areas that are primarily used in some type of agriculture. Additional examination and consideration should be employed to ensure that these open areas are properly classified when used in any type of farming practice detailed above.

- **Time Associated with Mitigating Overall Construction Impact:** In previous construction applications before the Commission, several energy developers have stated that, *most construction impacts on soil will be temporary and short term*. While there is considerable debate over the extent of time required for soil remediation, most experts agree that it will take years for repair and full restoration to be considered complete.

We encourage FERC to continue a policy where basic soil monitoring and remediation activities are not considered complete until *the soil quality and production values on ground impacted on the construction right-of-way are the same or better than soils adjoining the right-of-way to the right and the left*. These provisions ensure essential repair/remediation is complete without reference to a particular time period.

- **Sharing Future Maintenance Costs:** Many areas of Ohio have pipelines that have been in operation for close to a century. While farmers, businesses, residents and local governments are compensated for the *initial* impacts of pipeline installation, more needs to be done to address additional needs that will develop years and decades into the future.

Farmers, businesses, homeowners and local governments will need to install drainage infrastructure upgrades and perform care, maintenance and upkeep in and around designated pipeline right of ways. Many of these new activities will involve excavation by hand or complex construction techniques to ensure they can use their land and ensure pipeline integrity and safety. These procedures translate to extra costs not compensated in a traditional easement settlement.

If an effective pipeline easement agreement is considered a *partnership* between a landowner and an energy service provider, shouldn't both partners be responsible to pay a share of any costs ensuring that drainage facilities, land features, public roadbeds or community facilities *and* the pipeline are protected? A special pipeline maintenance fund should be created where farms, businesses, residents and local governments are compensated by the pipeline company for future activity that will need to take place in the decades to come.

- **Drainage Infrastructure Repair:** OFBF appreciates FERC's recent work with the Ohio Department of Agriculture – Department of Soil and Water Conservation on incorporating the agency's *Ohio Pipeline Standard and Construction Specifications* as a basis for guidelines on drainage infrastructure repair/remediation in pipeline projects across Ohio. OFBF has worked with ODA, ODNR, the Ohio Federation of SWCDs, OLICA, OSUE and other interested parties on updating these standards on a continual basis since 1998. OFBF supports FERC working with Columbia to create an *Agricultural Impact Mitigation Plan* incorporating these standards.

Moreover, it should be clearly understood that an *Agricultural Impact Mitigation Plan* provides *basic* provisions that will be employed unless the respective landowner exercises his/her right to negotiate provisions that *supersede* these general guidelines. When it comes to repair/remediation, the *Agricultural Impact Mitigation Plan* provides for the regulatory floor; not the ceiling.

- **Impact Beyond the Right of Way:** Several areas of southern Ohio rely on surface water and springs for home, livestock and crop irrigation. Other areas are systematically drained. Temporary interruption of stream flow or plugging drainage systems in any pipeline right of way could have a domino effect impacting farms, businesses and residents well beyond the construction area. Accordingly, the overall project will not only impact the initial area encompassing the right-of-way, but several thousand additional acres beyond this reach. Careful consideration needs to be given to these interrelationships prior to construction in rural communities.
- **Inspector Authority:** Along with environmental inspectors, qualified agricultural inspectors should be hired and given *stop work authority* throughout the project. This authority will be used when conditions impacting soil integrity, compaction, drainage and other mitigation/repair procedures detailed in the plan are not being performed; potentially producing long term or permanent damage to soil, water supply and/or drainage systems.
- **Community Dialogue and Outreach:** Energy development projects are advancing rapidly. The need for sharing environmental, economic, social and logistic concerns means that many community stakeholders will need to act at a pace faster than most regulatory agencies operate. Collaborative efforts involving government officials at the local, state and federal levels, energy service providers, utilities, economic development and environmental groups, social services and community stakeholders are vital.

Plans should further detail how the pipeline developer will support information, outreach and community service initiatives that address concerns and enhance potential benefits their project brings to local communities long term. These efforts should include promoting a FERC approved *Complaint Resolution Process* where community stakeholders and project developers have clearly defined step-by-step procedures to ensure that issues are addressed.

Farm Bureau staff and volunteer leaders have welcomed the opportunity to work with farmers, rural residents, local governments, legal counsel, community stakeholders, and representatives of Columbia Gas Transmission, LLC to address issues that are within the realm of the Environmental Assessment. We look forward to keeping you apprised of our activities and working with you to address all issues involved in FERC Docket Number PF17-6-000.

Thank you for your time and consideration.

Sincerely,

/s/ Leah F. Curtis

Leah Curtis
Policy Counsel and Sr. Director for Member Engagement,
Ohio Farm Bureau Federation