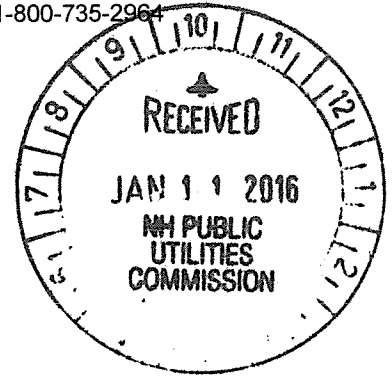




OFFICE OF THE SELECTMEN

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January 6, 2016

Norman C. Bay, Chairman
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

RE: Docket CP16-21-000 Northeast Energy Direct Project-Wetland Mitigation

Dear Chairman Bay:

Attached please find a series of email exchanges between Lucas Meyer, Public Affairs Consultant for Kinder Morgan/Tennessee Gas and David Drouin, Chairman of the Rindge Conservation Commission (the "Commission"). I summarize these exchanges as follows:

In September, 2015, Mr. Drouin received a request from Kinder Morgan for a meeting with the Commission to discuss "local wetland mitigation opportunities" that Tennessee Gas might be able to include in its compensatory mitigation plan to be developed for the proposed Northeast Energy Direct Project (Attachment 1). Mr. Drouin promptly responded and provided Kinder Morgan with five possible meeting dates between September 24, 2015 and January 22, 2016. Mr. Drouin was then contacted by Mr. Meyer who requested that the Commission hold a special meeting. This request was denied by Mr. Drouin (Attachment 2).

On December 17, 2015, after weeks of silence, Mr. Meyer wrote to inform Mr. Drouin that Tennessee Gas wanted the Commission's proposed mitigation measures by January 15, 2016. Mr. Meyer went on to explain that if Tennessee Gas did not receive input from the Town by that date, it might opt to pursue mitigation through the New Hampshire Aquatic Resource Mitigation Fund which would mean that compensation for impacts occurring in the Town of Rindge would not be directly available to the Town (Attachment 3). Mr. Drouin's response to this letter speaks for itself (Attachment 3).

If there is supposed to be a meaningful public process in connection with the NED Project, it is not evident here and, in fact, it is, and has been, non-existent since Kinder Morgan/Tennessee Gas made its original filings with FERC in December of 2014. Those of us who are public officials in the communities that are in the path of this pipeline have received misinformation, out-of-date information or simply no information at all. This is evident in the plight of the Rindge Conservation Commission. This Commission, comprised of citizen volunteers, is responsible for the stewardship of the Town's significant natural resources. To be bullied to respond to complex wetland mitigation issues in less than a month during the holiday season and to be asked to do this without the benefit of accurate or current maps of the Project is outrageous.

Kinder Morgan/Tennessee Gas seems intent upon completing all of its FERC requirements in the most superficial way possible at the expense of the residents of New Hampshire, particularly, those in the path of the proposed pipeline. If this is an acceptable manner for pipeline projects to muster FERC approval, then we question FERC's ability to be fair, transparent and objective.

Very truly yours,
Rindge Board of Selectmen


Robert Hamilton, Chairman

Cc: Eric Tomasi, Federal Energy Regulatory Commission
Allen Fore, Vice President, Public Affairs, Kinder Morgan
Lucas Meyer, Kinder Morgan
Martin P. Honigberg, Chairman, New Hampshire Public Utilities Commission
Thomas Burack, Commissioner, Department of Environmental Services
David Drouin, Rindge Conservation Commission
Tad Putney, New Hampshire Municipal Pipeline Coalition
Maryann Harper, New Hampshire PLAN
Hon. Margaret Wood Hassan, Governor
Hon. Kelly Ayotte, United States Senate
Hon. Jeanne Shaheen, United States Senate
Hon. Ann Kuster, United States House of Representatives
Hon. Frank Guinta, United States House of Representatives
Hon. Kevin Avar, New Hampshire State Senate
Hon. Shawn Jasper, New Hampshire State Senate
Jack Flannagan, New Hampshire House of Representatives
David Wheeler, New Hampshire House of Representatives
James McConnell, New Hampshire House of Representatives
Hon. Franklin W. Sterling, Jr., New Hampshire House of Representatives
Hon. John Hunt, New Hampshire House of Representatives
Hon. Susan Emerson, New Hampshire House of Representatives
Stillman Rogers, Chair, Cheshire County Commissioners
Christopher Coates, Cheshire County Administrator



September 1, 2015

David Drouin
Chair, Conservation Commission, Rindge
30 Payson Hill Road
Rindge, NH 03461

RE: Northeast Energy Direct Project
Compensatory Mitigation Plan
Town of Rindge

Dear Mr. Drouin:

In response to the increased demand for transportation capacity of natural gas in the Northeast United States ("U.S."), Tennessee Gas Pipeline Company, L.L.C. ("Tennessee") is proposing the Northeast Energy Direct Project ("Project") which will modify its existing pipeline system in Pennsylvania, New York, Massachusetts, New Hampshire, and Connecticut. As you are likely aware, the Project includes proposed new Project facilities in the Town of Rindge. The proposed route of the 30" Wright to Dracut Pipeline segment traverses the Town of Rindge for approximately 9.04 miles (reference attached map).

While minimized to the extent practicable, impacts to wetlands and streams may be unavoidable. Such impacts will require compensatory mitigation to comply with the applicable state and federal rules and regulations. In accordance with New Hampshire Department of Environmental Services ("NHDES") rules for compensatory mitigation (NH Env-Wt 800), Tennessee's final compensatory mitigation plan may include various measures such as land preservation, relevant environmental projects, payment to the State's Aquatic Resource Mitigation fund ("ARM fund") and other acceptable mitigation options.

Tennessee's strong preference is to maximize the compensatory mitigation benefits to the Town of Rindge, and Tennessee would like to meet with you to discuss in person the possible projects that are a high priority to you for potential inclusion in Tennessee's Project compensatory mitigation plan. In accordance with NH Env-Wt 800, these local projects could include:

- Preservation of upland buffer- preservation of areas of land contiguous to an aquatic resource that contribute to the resource functions and values. These lands could be preserved by either purchase of a conservation easement or transfer of fee simple ownership to a government entity or nonprofit organization acceptable to NHDES.
- Wetland restoration by reestablishment of a filled, dredged, or drained wetland to restore lost functions.
- Wetland creation by transformation of upland to wetland in appropriate locations.
- Stream restoration or improvement, for example, by replacement of an undersized culvert to provide better hydraulic capacity for high flows and/or aquatic habitat or passage under roads.

We would be very interested to meet with Town representatives at a time which would be convenient to discuss potential local mitigation opportunities, and with your assistance, include projects with direct benefit to the Town of Rindge. In order to conduct an evaluation of potential opportunities that may be

31 Old Nashua Rd., #8, Amherst, NH 03031



included with the Project application, we kindly request that you respond by September 24, 2015 with a date that would work for the Town of Rindge. In the interim, if you should have any additional questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Allen Fore', with a stylized flourish at the end.

Allen Fore
Vice President, Public Affairs
630-725-3044
Allen_fore@kindermorgan.com

Cc: Andrew Alajajian, Town Administrator
Robert Hamilton, Chair, Board of Selectmen

ATTACHMENT 2

-----Original Message-----

From: Lucas Meyer

To: dgdrouin

Sent: Wed, Oct 14, 2015 3:02 pm

Subject: KM Wetland Mitigation Meeting

Mr. Drouin,

I wanted to touch base about scheduling the wetland mitigation meeting between the KM project team and the Rindge Conservation Commission. Since you were one of the first to reply, I wanted to try to schedule a meeting with the Rindge Conservation Commission during the first week of meetings that the project team is scheduling.

We are aiming for the first round of meetings to be over the first week of November. I know that you have a regularly scheduled meeting on November 9th, but would the Conservation Commission be open to meeting a week earlier on the evening of November 3rd at 7:00 pm?

Thanks!

Lucas

Lucas S. Meyer
Consultant, Public Affairs
Kinder Morgan Inc.

To: Lucas Meyer

Fr: David Drouin

Sent: Wed, Oct 14, 2015, 3:43 pm

Lucas,

You requested a special meeting in your last email and I indicated that we would not be open to a special meeting for the initial meet. I gave you our dates through January and the Commission members have arranged their schedules around those dates. I cannot be assured that we would have quorum for a special meeting that is arranged via email. If secondary meetings are required, they would be scheduled while all Commission members are in the room at the initial meeting and we can schedule around those conflicts. This system has worked since the inception of the Commission in the 1970s and more recently for the giant retailers Walmart and Home Depot. Surely Kinder Morgan has a number of teams that one of them can meet with the Commission at a regularly scheduled meeting. I also want to

remind you that we need enough notice of your attendance so that we can lighten our regular workload to accommodate you and we need time to properly public notice the meeting per the State RSAs. If not properly noticed we will be unable to meet with you even if you are in attendance at the meeting.

Regards,

David G. Drouin
Chair, RCC

ATTACHMENT 3

-----Original Message-----

From: Lucas Meyer

To: dgdrouin

Cc: Ingram, Kasia (Contractor) (Contractor); Jane Pitt

Date: Thu, Dec 17, 2015 2:16 pm

Subject: Wetland Mitigation Guidance

Mr. Drouin,

On September 1, 2015, Tennessee Gas Pipeline Company, L.L.C. ("Tennessee") submitted a letter to the Town of Rindge, regarding the opportunity to discuss local mitigation opportunities that Tennessee may be able to include in the compensatory mitigation plan that will be developed for the proposed Northeast Energy Direct Project ("Project"). The intent of this correspondence is to follow-up to provide additional guidance to the Town of Rindge in effort to streamline the process to identify potentially suitable mitigation projects. In the event that schedule conflicts may further delay the opportunity to meet with the town, Tennessee representatives may be available via phone or email to discuss potential projects. We request that potential project(s) are identified by the town and presented to Tennessee for evaluation by January 15, 2015, as further outlined below.

The New Hampshire Department of Environmental Services ("DES") rules for compensatory mitigation indicate a preference for "permittee responsible" mitigation such as local restoration and creation of wetlands or preservation of wetlands and their surrounding upland buffer, however in-lieu-fee compensation is frequently used for projects that impact small areas of multiple wetlands and streams. If the in-lieu-fee route is taken, money is placed in the Aquatic Resource Mitigation (ARM) fund, and is available through a grant process within the watershed in which the impact occurred. Therefore, compensation for impacts that occur in the town would not be directly available to the town.

Tennessee prefers to maximize the compensatory mitigation benefits directly to the town in which the impacts occur. Tennessee is seeking input from the town so that local mitigation projects may be evaluated for potential inclusion in the Project mitigation plan. If we do not receive such input from the town, Tennessee may pursue mitigation through the in-lieu-fee program.

We have provided an example ARM fund calculation as an attachment to this correspondence. This calculation is based on 1.0 acre of forested wetland impact. This is provided as a guideline in effort to demonstrate the potential funding amount that may be available for your town; however, funding will be dependent upon actual impacts that occur within the town. The current estimated permanent wetland impacts for New Hampshire were calculated and reported in the Environmental Report, Resource Report 2 – Water Use and Quality on November 20, 2015 to the Federal Energy Regulatory Commission ("FERC"). For the Town of Rindge, the current total estimated permanent wetland impacts are 4.66 acres.

The local mitigation projects included as part of the mitigation plan will ultimately be evaluated by DES and approved if deemed appropriate mitigation for the wetland functions and values impacted by the Project. As such, it is in the best interest of municipalities to present a well-planned, compelling and adequately funded mitigation project for DES to consider. The guidance below is provided to assist you with evaluating a potential project that may be suitable for Tennessee to include in the Project mitigation plan. More detailed information can also be found at this website: <http://des.nh.gov/organization/divisions/water/wetlands/wmp/>

STEP 1: Initially a brief summary paragraph and a figure (aerial photo, tax map or USGS map) showing the project location will be sufficient to get vetted by DES for inclusion as a potential mitigation project in the Project's permit application. The summary paragraph should include:

- a brief description of the project, including benefits and objectives;
- identification of additional funding sources to support the entire project;
- a schedule for full implementation of the project; and
- identification of adjoining conservation land, if applicable.

If the town has identified a potentially suitable project, Tennessee requests the town submit the summary paragraph and figure by January 15, 2015 in order to include the information in a compensatory mitigation proposal to the DES for their preliminary review.

STEP 2: If DES initially concurs that the proposed mitigation project has potential to mitigate for the Project impacts, providing a more in-depth project description will be required. This information will primarily consist of expanding Step 1 to further justify and add more detail to the mitigation project. This should include:

- a more in-depth description of the project and project objectives;
- steps to accomplish preservation or restoration, amount of funds needed, and how the town would raise additional funds if needed;
- benefits to natural communities and human values such as recreation;
- a long-term monitoring plan, if appropriate; and
- representative photographs.

The New Hampshire Fish & Game Department Wildlife Action Plan (<http://extension.unh.edu/fwt/tafw/index.htm>) includes maps of critical habitats that are ideal in obtaining information to better define mitigation project benefits.

Tennessee is available to answer any further questions you may have. If you have potentially suitable mitigation in your town, please let us know and we would be happy to meet with you or review any correspondence, while keeping the appropriate timeline in place. If the January 11th meeting is still an option, the KM wetland mitigation team would be happy to attend to discuss the wetland mitigation process. We look forward to hearing from you soon.

Best,
Lucas Meyer

To: Lucas Meyer
Fr: David Drouin
Sent: 12/17/2015 4:50 pm

Mr. Meyer.

I'm glad to hear from you. Let me disburse to the rest of the Commission and Town government for consideration.

I will say that since the initial inquiry from you over three months ago and my prompt reply to you with seven dates over five months, your lack of communication and/or ability to schedule a meeting in the intervening three months has been most disappointing. I think the Commission has acted in good faith to meet with you to discuss these important matters and now you come forward with a request for proposals due in one month. We have been waiting to meet with KM in order to be able to bring forth projects for mitigation. If we had known that we would be put off for three months with no communication, we would have requested that this RFP be presented to us back in September, so that we could put the time and effort that any possible mitigation deserves. You now come to us with a request for proposal due in one month during the holiday season when our meeting schedule has been reduced by 50%.

There seems to be a sense of urgency on the part of KM when you desire action favoring the project, but a lack of cooperation and disregard for timely communication when the Town requests information or a meeting. It seems that the reputation that KM has for this pattern of behavior is well earned.

In September I requested of you and received the latest pipeline maps relative to Rindge. At the early December KM open house there were new maps that showed a temporary access road and work site for the extraction and/or discharge of water for hydro-static testing on a piece of Town owned conservation land. When I questioned the addition of this facility, I was assured the the Town was aware of it. The Conservation Commission had no knowledge of it nor did the Board of Selectmen. At that meeting I requested new maps, which I have yet to receive. I now request another set of the most up to date and complete maps you have for this project as it crosses Rindge. I request this information be handled with an expedited delivery.

I don't know if we can produce what you have requested by the Jan 15, 2016 deadline as we only have one more meeting before then, as you are well aware of from the schedule I sent you in September. A more suspecting person than myself might think it was even planned that way.

Regards,

David Drouin
Chair, RCC

-----Original Message-----

From: Lucas Meyer

To: dgdrouin

Cc: Ingram, Kasia (Contractor) (Contractor); Jane Pitt

Sent: Mon, Dec 21, 2015 12:27 pm

Subject: Re: Wetland Mitigation Guidance

Mr. Drouin,

Please see attached for Rindge mapping that is reflected in the FERC filing. You may also reference that FERC filing for more detailed Rindge alignment sheets.

Additionally, we do not need a fully developed mitigation plan by the 15th, but wanted to make sure we had started the process with you and the Rindge Conversation Commission before that date and that we have some demonstrable forward progress on a wetland mitigation plan by that date.

With that in mind, the wetland mitigation team would like to be added to the agenda for the Jan. 11th meeting. To reiterate, the purpose of this meeting would be to discuss the DES wetland mitigation process, what DES looks for in successful wetland mitigation projects, and to begin a dialogue about potential wetland mitigation projects. We do not expect to conclude the meeting on the 11th with a fully hashed out mitigation plan, but to have started a dialogue and to have established points of contact moving forward.

On Mon, Dec 28, 2015 at 7:43 AM, <dgdrouin wrote:

Mr. Meyers,

I have briefly reviewed the maps attached and I do not see the temporary access road and withdrawal/discharge site on pg 3 that were on the maps at the open house December 4, 2015. Why is that? I thought you were supplying the latest maps, these are dated 11.24.2015. The engineer at the open house insisted that the Town of Rindge knew of the road and water access site. Was this added between the 24th of November and the 4th of December?

How are we supposed to be well informed of the pipeline plan to discuss mitigation when we either do not have all the information or what we have is not complete or obsolete? What else is missing that needs to be taken into consideration when discussing mitigation? Why should we have to wade through the FERC filing to extract the information we need to prepare for our meeting on the 11th of January? We are all volunteers spending our own time to deal with this project that has been thrust upon us, the least KM could do is provide the most up to date info we need to do our volunteer jobs, not just be pointed to where we have to search for it.

I expect more of an organization with the resources of KM/TG.

David Drouin

RCC Chair

-----Original Message-----

From: Lucas Meyer
To: dgdrouin
Cc: Ingram, Kasia (Contractor) (Contractor); Jane Pitt; yohoal
Sent: Tue, Dec 29, 2015 9:08 am
Subject: Re: Wetland Mitigation Guidance

Mr. Drouin,

Please use this link below to access the FERC website that has mapping attachments and the two numbers to find the for the Rindge Alignment sheet maps.

http://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20151120-5227

47369035

26778475

Thanks,
Lucas Meyer

To: Lucas Meyer
Fr: David Drouin
Sent: Tue, Dec 29, 2015 11:12 am

Mr. Meyers,

Apparently the last sentence of my second paragraph regarding "not just be pointed to where we have to search for it" didn't register with you. Where do I enter these two document numbers on the FERC website? When I enter them in the advanced search section, I get no hits. Do I need to search down the list manually? Is there a subsearch under the docket that is not clear? we need large scale copies that can be used in our meetings and presented to the public January 11, 2016. Projects for review by our Planning Board or Board of Adjustment require D size drawings as a minimum, 8.5 x 11 or 11 x 17 prints from the FERC file are not going to cut it. The FERC site is not the most user friendly and I do not care to view any other documents other than those requested of you.

This has not been helpful. Any other project information for consideration in the Town of Rindge for review by the Conservation Commission in my ten years on the Commission has been provided by the project owner or the contractor. Quite frankly, I resent having to take either my personal time or my employer's time to search for documents that I requested in September, that have subsequently been superseded by KM/TG, that you cannot be bothered to supply to the Town. Why should the Town have

to assume the burden in time and materials to get the information we need to do our jobs? Jobs we are not paid to do and that the Town will not be compensated for.
KM/TG has the resources to provide the information needed, I think they should use them.

David Drouin
Chair, RCC