

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/Gas 4
Rover Pipeline LLC
Rover Pipeline Project
Docket No. CP15-93-000
§ 375.308(x)

February 13, 2017

Kelly Allen, Manager
Regulatory Affairs Department
Rover Pipeline LLC
1300 Main Street
Houston Texas 77002

Re: Partial Notice to Proceed with Tree Felling

Dear Mr. Allen:

I grant in part your February 3, 2017 request, to conduct non-mechanized tree felling associated with the Rover Pipeline Project in upland areas only.¹ This letter does **not** approve tree felling by mechanized means nor does it approve tree felling in wetland or waterbody areas. Trees must be felled in a manner so as to avoid obstruction of flow, rutting, and sedimentation of wetlands and waterbodies, as more fully described in correspondence received from the U.S. Army Corps of Engineers, Ohio Environmental Protection Agency, and the West Virginia Department of Environmental Quality. Further, this approval is limited to tree felling through the allotted construction time window for federally-listed bats and migratory birds, which expires on March 31, 2017, as noted in the Commission's February 2, 2017 *Order Issuing Certificate* (Order). This letter does **not** authorize tree felling in any of the workspace variances identified in Rover Pipeline LLC's (Rover) February 3, 2017 Implementation Plan or within 500 feet of cultural resources site numbers 33ST1088 and 33WE662. Rover may **only** use those private access roads identified in Table 1-7 of its February 7, 2017 supplement.

In considering your February 3, 2016 request, we have reviewed Rover's

¹ This partial notice to proceed has no effect on the Office of Enforcement's investigation referred to in the Commission's February 2, 2017 *Order Issuing Certificate* (Rover Pipeline LLC, 158 FERC ¶ 61,109, at P 249 (2017)).

Implementation Plan filed on February 3, 2017, and as supplemented on February 6, 7, 8, 9 and 13, 2017. Based on our review, Rover has provided the information necessary to meet the project's pre-construction conditions in the Commission's Order solely as it relates to the activities approved herein. In addition, we have documented the receipt or waiver of all required federal authorizations relevant to the approved activities herein.

There have been several filings made in the docketed proceeding alleging that tree felling or tree cutting commenced prior to Commission authorization. On February 13, 2017, Rover filed a statement denying allegations that Rover or any of its contractors had engaged in any tree felling or clearing of brush. This letter granting Rover permission to conduct non-mechanized tree felling does not preclude any appropriate enforcement action for potential unauthorized tree clearing that may have taken place.

I remind you that Rover may not conduct project activities on parcels where easements are outstanding until they have been secured, must comply with all applicable remaining terms and conditions of the Order, and implement each of its planned best-management practices and conservation plans during tree-cutting activities.

Sincerely,

Rich McGuire, Director
Division of Gas – Environment
and Engineering

cc: Public File, Docket No. CP15-93-000