



Wayne L. Wiethe, AICP
Director of Planning

January 29, 2016

Federal Energy Regulatory Commission

Attn: Kimberly Bose, Secretary

888 First St. NE, Room 1A

Washington, DC 20426

RE: Proposed Nexus Pipeline- Local Environmental Impact Issue to the City of Green

The City of Green continues to be opposed to the proposed route of the 36" Nexus pipeline. The City has previously proven that a more southerly route has less impacts from an **Environmental, Socio-Economic** and **Economic** standpoint. Nexus has not and cannot factually prove a true purpose and need for the current proposed route.

The proposed route will leave the City with degraded resources as it impacts several of our environmentally sensitive areas, including several Category 3 wetlands¹. Category 3 wetlands are the highest quality wetland resources in the state of Ohio and should not be allowed to be disturbed (even temporarily) or bored under due to possible contamination. The number of Category 3 wetlands found in Green is unique to a developing community such as ours and something we desire to protect for environmental purposes as well as the educational value they provide.

The City of Green is a NPDES (National Pollutant Discharge Elimination System) Phase 2 community and therefore has a permit with the Ohio EPA pertaining to water quality. A requirement of the permit is that we need to address the TMDL reports for our watersheds. The TMDL reports are developed by the Ohio EPA and approved by the Federal EPA. Impairments of concern for our watersheds include sedimentation and habitat alteration. This project will degrade our water resources in both of these TMDL impairment categories and result in additional hardship for the City of Green to meet our NPDES permit requirements. Additionally, as outlined previously², this project will require a Land Disturbance permit and approved Stormwater Pollution Prevention Plan from the City. **Nexus has failed to acknowledge this requirement.** Regardless of the Federal status of the project, they would be discharging to the City's MS4 and therefore the City would have jurisdiction over the stormwater discharges³.

¹ Category 3 wetlands are defined in the Ohio Administrative Code as wetlands that "support superior habitat, or hydrological or recreational functions as determined by an appropriate wetland evaluation methodology acceptable to the director or his authorized representative. Wetlands assigned to category 3 may be typified by some or all of the following characteristics: high levels of diversity, a high proportion of native species, or high functional values. Wetlands assigned to category 3 may include, but are not limited to: wetlands which contain or provide habitat for threatened or endangered species; high quality forested wetlands, including old growth forested wetlands, and mature forested riparian wetlands; vernal pools; and wetlands which are scarce regionally and/or statewide including, but not limited to, bogs and fens."

² Number 20150724-5117 filed on Docket PF15-10, July 24, 2015

³ Determination from Ohio EPA relating to previous Federal projects at the Akron-Canton Airport and Ohio Air

The majority of the proposed route through Green and New Franklin is served by private septic systems for home sewage disposal. In fact, the Clean Water 208 Plan for Summit County designates most of these areas for septic system usage due to the fact that sanitary sewer most likely will not be extended in these areas in the foreseeable future. Due to this fact septic lots today require more acreage to not only ensure proper area for the installation of a system but to also ensure there would be space available for a replacement system when needed. To remove up to 50ft of a property owner's property for a permanent easement could have serious ramifications when the replacement area would be needed in the future. The removal of replacement areas would increase the number of discharging systems as there wouldn't be sufficient area for an on lot system. Discharging septic systems are required to have an Ohio EPA permit which incurs **further expense and a perpetual burden** on property owners. Additionally, any impact during construction to an existing septic system will need to be reviewed by Summit County Public Health. **NEXUS makes no mention or acknowledgment to this agency in the Resource Reports.**

Resource Report 2 ~ Water Use and Quality

FERC Comment #20 regarding the "Wise Road Disposal Site"

We will reiterate what was outlined in a previous letter⁴. "The Industrial Disposal Company owned the land that is now known as Ariss Park from 1946 to 1950. Reportedly, the company used the site to dump rubber scrap, paper, floor sweepings and drummed chemical wastes until at least 1953 and perhaps longer.⁵ When developing Ariss Park, the City of Green complied with "Rule 13" (OAC 3745-27-13) due to the potential for contaminated soil. Soil samples were taken in order to demonstrate that surface soil disturbance for the park development was not in the suspected area of contamination. NEXUS would need to coordinate with the Ohio EPA to satisfy the same regulation."

Although a prior study conducted by the City found no contamination related to the proposed use as a park, **this does not exclude the fact that issues with potential contaminates of concern are probable** considering that the NEXUS pipeline will involve subsurface disturbances to areas that were not part of the City's studies. The City purposefully developed the park in areas away from the suspected contamination. Given the history of activities that occurred on this land, any future soil-disturbing activities, including trenching and boring, should adhere to the same if not more stringent soil testing requirements that the City performed and take into account the potential for migration of contaminants due to the nature of the subsurface disturbance.

Table 2.2-2 Wells and Springs Located within 150 Feet and Wellhead Protection Areas Crossed by the NEXUS Project

The city does not have public water facilities throughout the entirety of the city. There are numerous homes that are served by private wells, especially in the southern portion of the city where this project is proposed. The city doubts that this table is complete by recognizing only four wells within the city; three of which are listed as "Inactive". New Franklin has even fewer opportunities for public water. The one well listed on this table in New Franklin cannot possibly be the only well within the project limits in New Franklin. **This item needs to be fully addressed to even consider this proposed route.**

⁴ Number 20150724-5117 filed on Docket PF15-10, July 24, 2015

⁵ Phase I Environmental Site Assessment for Ariss Park prepared by Environmental Design Group in January 2005.

Table 2.3-2 Waterbodies crossed

While there are 20 crossed waterbodies accounted for on this table, we have found six more waterbodies that are potentially crossed by this project in our desktop review. A specific area of concern is found between MP 39.49 – 40.37 where **one stream is crossed four times in less than one mile**. Coupled with the amount of wetlands in this particular area we feel this project would be too great of a burden on this watershed and the natural resource. This is also a flood prone area and manipulation of the subwatershed may cause long lasting if not permanent effects.

Table 2.4-1 Wetlands Crossed by the NEXUS Project

ORAM scores have not been provided. This is a very important decision making tool in the State of Ohio for wetlands and is required for permit review. At this point, we believe the project will cross several Category 3 wetlands within our city. **This is an unacceptable impact, and should not even be a consideration.**

Singer Lake Bog owned and managed by the Cleveland Museum of Natural History, and jointly by the City of Green is an area of particular concern, as it is a unique, high quality system in very close proximity to the proposed pipeline route. Wetland AWB-SU-202 is adjacent to the Singer Lake Bog and, in fact, almost certainly **hydrologically connected to it, which would make it a Category 3 wetland by Ohio regulations**. That being the case, no Federal agency or State agency should in good conscience ever approve a disturbance to such an important, high quality natural resource as Singer Lake Bog. It is the **only bog of its type surviving in the state of Ohio** and it is home to species that are found nowhere else in the state. It is also home to the highest number of endangered, threatened and protected species than any other natural area in the state. It is a **treasure** that the entire state should be proud of and it is **unconscionable** that a corporation such as NEXUS wants to potentially disturb it.

Singer Lake Bog is spring fed and there is a real possibility that this project could intercept and disrupt one or more springs. **Any disturbance to the hydrologic recharge of the area**, including Singer Lake Bog, would have a **detrimental** effect on the bog and the protected species that live there. Additionally, any disturbance to the pH level of the bog would destroy the protected species without the possibility of restoration. **Attached are two letters from the Cleveland Museum of Natural History for further reference.**

Resource Report 3 ~ Fish, Wildlife and Vegetation

3.3.3 Invasive Species

In this section NEXUS states that "...no formally designated noxious weeds occur within the Project area...". This is **contradictory** to the Invasive Plant Species Management Plan found in Appendix 1B7 of Resource Report 1. It is impossible to believe that a project area that spans the state has no occurrences of Canada thistle (*Cirsium arvense*), reed canary grass (*Phalaris arundinacea*), purple loosestrife (*Lythrum salicaria*), or Johnson grass (*Sorghum halepense*). **Pipelines and associated corridors are a known method of dispersal of invasive species, which would lead to degradation of high quality resources, including Singer Lake Bog and other Category 3 wetlands.**

3.5.2.4 Insect Species

NEXUS makes the following erroneous statement twice, "The NEXUS Project does not cross the Singer Lake Bog Preserve. NEXUS has avoided impacts on the large wetland complexes and bogs where practicable." The project crosses property owned by the Cleveland Museum of Natural History which is part of the Preserve. Additionally, as noted above, a potentially connected wetland would be crossed.

3.6.4 Bald Eagles

The City is aware of bald eagle nests in the city and within one mile of the project. We cannot verify that the locations are included due to the bald eagle nest survey being filed as privileged and confidential. The information contained within the survey should be reported to USFWS and ODNR for incorporation into their public databases. It is understood why these locations would be sensitive information, however it does not provide people with local knowledge the opportunity to review.

3.5.2.7 Plant Species

NEXUS has failed to report the numerous endangered and threatened plant species found in the City of Green.

Table 3.5-1 Federal and State Listed Species Potentially Occurring Within or Near the Project Area

Clearly NEXUS did not consult with the Natural Heritage Database Program through the Ohio Department of Natural Resources with the current proposed route. This table is lacking recognition of several listed species. The Natural Heritage Database has 90 records of significant species or natural resources within one mile of the project in the City of Green alone. The database includes endangered species, threatened species, potentially threatened species, Federally protected species, sensitive species and significant communities. Most of these listed species are found in and around the Singer Lake Bog. This Resource Report does not acknowledge this fact. In addition to the missing species, of specific concern are the various species actually listed on the table that are found at Singer Lake with the "Survey Status" of "No survey proposed. Avoidance of potential habitat where practicable." This statement is clearly misguided. Surveys for these species should be part of the due diligence for this project.

Thank you for the opportunity to provide comments regarding this project. Despite NEXUS's assertions, this pipeline will have permanent impacts on the surrounding landscape, which will lead to the degradation of high quality resources within and beyond the City of Green. The lack of proper due diligence by NEXUS must be remedied and alternatives to the current route thoroughly examined.

Sincerely,

Wayne L. Wiethe, AICP
Director of Planning
WW/CL/NB

Chrissy Lingenfelter, GISP
GIS Administrator

- cc: Sherrad Brown, U.S. Senator
- Rob Portman, U.S. Senator
- Jim Renacci, Congressman
- John Kasich, Governor
- Frank LaRose, Ohio State Senator
- Anthony DeVitis, Ohio State Representative
- Russ Pry, Summit County Executive

- John Sheridan, Director of State Gov Affairs Spectra Energy
- Brian Hicks, Hicks Partners
- David Slater, Executive Vice President-Gas Storage & Pipeline
- Todd Surrena, Ohio EPA
- Audrey Richter, Army Corp of Engineers, Huntington District
- FERC Docket

January 6, 2016

Lara Pontius, Right of Way Agent
Nexus Gas Transmission
3475 Forest Lake Drive
Uniontown, OH 44685

Dear Lara,

There is a good probability the Museum will not willingly allow further work by Nexus on the Singer Lake Preserve. I received a map from the City of Green showing the proposed path of the pipeline through the museum's property. I do have concerns about the possible impact construction of the pipeline could have on the many endangered and threatened dragonflies and state-endangered submersed aquatic plants in the adjacent North Basin Pond of Singer Lake. Singer Lake supports more species of dragonflies, 73, than any other wetland in Ohio and four of the dragonflies are listed as Endangered in Ohio. One of the state-endangered plants in the North Basin Pond, spotted pondweed (*Potamogeton pulcher*) is now extirpated from everywhere else in Ohio where it historically grew. Two other Ohio-Endangered submersed aquatic plants in the North Basin Pond, grass-leaved pondweed (*Potamogeton gramineus*) and swaying bulrush (*Schoenoplectus subterminalis*), are only known from one other occurrence in Ohio. Another major concern by me, other museum staff members and several trustees is the inevitable introduction of invasive, non-native plant species from the pipeline corridor into the high quality Black Oak Sand Barren Community which is widely scattered throughout the museum's 355-acre Singer Lake Preserve. These many concerns may trigger a refusal to allow the Nexus Gas Transmission line to cross any portion of the Museum's Singer Lake Preserve.

If the pipeline crossing will be kept open and treeless, invasive non-native plants will, without any doubt, establish and spread from the pipeline opening into the many high quality sand barren openings throughout the Singer Lake Basin. Pipeline openings and power line openings facilitate the spread of invasive species. Spread of non-native, invasive plants, from the pipeline opening into Singer Lake sand barren openings, will pose a threat to the many rare plants and rare insects now present within the Singer Lake Black Oak Sand Barrens Community. The globally rare Black Oak Sand Barren Community is sometimes called Black Oak Savannah. This rare community was once common within the Northeast and Midwest on Beach Ridges surrounding the Great Lakes and glacial kames and glacial sand deposits. The Museum protected the only remaining Black Oak Sand Barren on the glacial beach ridges south of Lake Erie, between Sandusky and the Pennsylvania line, in 1990. Purchase of 16 land parcels within the Singer Lake Basin, between 1999 and 2015, protected the largest and finest remnants of Black Oak Sand Barren Community remaining within Portage County, Summit County and Stark County. Based upon abundance of degraded remnants of this rare community, from Kent and Ravenna in Portage County, south through Summit County and Stark County, this rare natural community was apparently common from Kent and Ravenna south through Akron and Canton, prior the very intense urban and residential development that has taken place during the last 100 years.

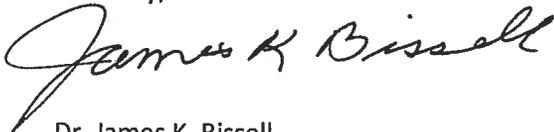
Before our Executive Director signs the form granting permission for Nexus to proceed further, approval must be obtained from the Natural Areas Committee of the Museum Board and Executive Committee of the Board.

The museum annually spends thousands of dollars controlling invasive plant species within the Black Oak Sand Barrens at Singer Lake. Some of the same state-listed rare plants which grow within the Singer Lake Sand Barrens also occur within the Sand Barrens at the Museum's North Kingsville Sand Barrens in Ashtabula County. Some rare beetle species within Black Oak Sand Barrens at Singer Lake are unknown anywhere else in Ohio.

If the Museum is forced by eminent domain to allow construction of the pipeline opening across museum property, the museum will request all equipment used to maintain the proposed pipeline opening between Thursby Road and Koons Road, undergo power-washing prior to any work within that section of the pipeline right of way. One of our best Black Oak Sand Barren openings is along the southeastern edge of the north field that surrounds the blue farmhouse. High quality Black Oak Sand Barrens are also present on the 33-acre parcel co-owned by the museum and City of Green east of Thursby Road. I am copying this letter to the City of Green because of our co-ownership of high quality sand barrens on the 33-acre parcel.

Our next Natural Areas Board Committee meeting is scheduled for February 11.

Sincerely,

A handwritten signature in black ink that reads "James K. Bissell". The signature is written in a cursive style with a large, sweeping initial "J".

Dr. James K. Bissell
Director of Natural Areas

CC: City of Green Planning Commission
Kimberly Bose, Secretary, Federal Energy Regulatory Commission

Cleveland Museum of NATURAL HISTORY

May 5, 2015

Federal Energy Regulatory Commission

RE: Singer Lake Bog near proposed path of NEXUS pipeline

Dear Members of the Commission:

Landowners adjacent to the Museum's Singer Lake Bog Preserve, just west of the Akron-Canton Airport, have recently informed the Museum, that surveyors for the Nexus Pipeline have asked for permission to survey their properties. The Singer Lake Bog Basin, located due west of the airport is a globally rare wetland. Many rare species within the Singer Lake Basin are unknown anywhere else in Ohio. Based upon a map of the new route, the new proposed location of the pipeline is too close to the Singer Lake Basin. All three of the state-endangered dragonflies are in the north basin. Construction activities could cause silt run-off into the adjacent basin that supports the dragonfly larvae and three state-endangered aquatic plants: swaying bulrush, spotted pondweed and grass-leaved pondweed.

Singer Lake Bog, west of the Akron-Canton Airport, is a 1.25-mile-long bog basin, extending from Koons Road, in the City of Green, Summit County south to Mount Pleasant Road in and Jackson Township, Stark County. The open glacial lakes, bogs and uplands within the museum's Singer Lake Bog Preserve support more than 50 rare species of plants, insects and birds. Singer Lake Bog is considered one of the most important glacial bogs in Ohio by the Ohio Division of Natural Areas and Preserves and the Lake Erie Allegheny Partnership. Partners who collaborated with the Cleveland Museum of Natural History on the protection of Singer Lake Bog include the Ohio Department of Natural Resources, City of Green, Huntington District Corps of Engineers, Buffalo District Corps of Engineers, The Nature Conservancy, Ohio EPA, U.S. EPA, hundreds of individual donors and several philanthropic foundations. From 1998 through 2014, the Cleveland Museum of Natural History raised over \$3 million dollars to purchase 15 fee simple parcels and two conservation easements within the Singer Lake Basin. A total of 352 acres have been protected within the museum's Singer Lake Bog Preserve. The museum currently has fee simple ownership on 295 acres, co-ownership with the City of Green on 33 acres and a conservation easement on 24 acres. A total of \$900,000 was provided to the museum under the Corps of Engineers In Lieu Fee Program. A private foundation in Cleveland donated one million dollars to the protection of the rare wetland. The City of Green donated \$100,000 towards purchase of 11 lots within the Deer Pines Subdivision.

Singer Lake Bog is technically a poor fen. Poor fens have a global rank of G2, threatened in the U.S. Singer Lake Bog supports 70 species of dragonflies, the highest number known within any wetland in Ohio and three of those dragonflies are listed as endangered in Ohio. One of the

endangered dragonflies within the Singer Lake Basin is extant within only one other wetland in Ohio – Cedar Bog State Nature Preserve in Champaign County. A proposed highway was diverted around the rare wetland in 1968. There are 34 species of state-listed plants within Singer Lake Bog.

The Museum discovered the outstanding biodiversity of Singer Lake while conducting a state-wide survey of all glacial lakes in Ohio in collaboration with the Division of Natural Areas and Preserves. The Cleveland Museum of Natural History is the only entity in Ohio that has surveyed all glacial lakes within Ohio. The first survey was conducted between 1988 through 1990. The second survey was conducted between 2002 and 2005. Many of the Ohio glacial lakes surveyed during the first glacial lake survey no longer supported clear water and deep water vascular plants when the second survey was conducted. A survey of the “failed” glacial lakes by fish experts revealed that the loss of deepwater vascular plants, coincided with a coincident loss of the rare glacial lake fish that formerly occupied the failed glacial lakes.

Singer Lake had been inventoried by botanists from two local universities prior to the museum’s first inventory day in 1989. Only ten rare plants were reported to the Ohio Natural Heritage Program from their studies. During the Museum Botany Department’s first day of survey within Singer Lake in September 1989, museum botanists discovered seven new rare plant species for the basin, including two Summit County records and one state-extirpated plant, northern St. John’s-wort, not reported for Ohio since 1903. In 1990, museum botanists found a second state-extirpated plant, sharp-glummed manna grass. Museum surveys of Singer Lake between 1989 and 1991, raised the number of rare plants in the basin to two dozen. Today the basin supports 34 rare plant species. Several of the state-endangered plants within the Singer Lake Basin are known from only one other location in Ohio. One deep-water plant in the basin, spotted pondweed (*Potamogeton pulcher*) is now unknown in Ohio outside the Singer Lake Basin.

Sincerely,

Dr. James K. Bissell
Director of Natural Areas
Curator of Botany

CC: Huntington District Corps of Engineers, Buffalo District Corps of Engineers, Ohio EPA, U.S. Fish and Wildlife Regional Office in Minneapolis and Regional U.S. EPA Office in Chicago