



**WWALS Watershed Coalition, Inc.**  
the WATERKEEPER® Alliance Affiliate for the upper  
Suwannee, Withlacoochee, and Alapaha Rivers  
a 501(c)(3) nonprofit charity  
PO Box 88, Hahira, GA 31632  
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July 29, 2016

To: John V. Peconom  
Environmental Project Manager  
FERC  
888 First Street, N.E.  
Washington, D.C. 20426  
202-502-6352  
john.peconom@ferc.gov

Ann F. Miles, Director  
Office of Energy Projects  
FERC  
888 First Street, N.E.  
Washington, D.C. 20426  
202-502-8700  
Ann.Miles@ferc.gov

Norman C. Bay, Chairman  
Tony Clark, Commissioner  
Cheryl A. LaFleur, Commissioner  
Colette D. Honorable, Commissioner  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

Cc: Georgia:  
Commander, U.S.A.C.E.,  
Savannah District  
Attn: Mr. Terry C. Kobs  
1104 N. Westover Blvd. Unit 9  
Albany, Georgia 31707  
(229) 430-8566  
terry.c.kobs@usace.army.mil

Florida:  
U.S.A.C.E.,  
Jacksonville District Reg. Div.  
Jacksonville Permits Section  
Attn: Mr. Mark R. Evans  
Post Office Box 4970  
Jacksonville, Florida 32232  
(904) 232-2028  
Mark.R.Evans@saj02.usace.army.mil

Alabama:  
U.S.A.C.E.  
Mobile District Reg. Div.  
Montgomery Field Office  
Attn: Mr. James S. Cherry II  
605 Maple Street  
Building 1429 Room 105  
Maxwell AFB, AL 36112-6017  
(334) 953-2172  
cesam-pa@usace.army.mil

FERC Docket: CP15-17

USACE Application Numbers: SAS-2013-00942 (GA), SAJ-2013-03030 (FL), SAM-2014-00655-JSC (AL)

Applicants: Sabal Trail Transmission, LLC, Attn Mr. George McLachlan;  
Florida Southeast Connection, LLC, Attn: Mr. Randall LaBauve  
Transcontinental Gas Pipe Line Company, LLC, Attn: Ms. Karen Olson

Re: Confirmed Sabal Trail Lake City Pipe Yard

Dear John Peconom, Ann F. Miles, FERC Commissioners, and U.S. Army Corps of Engineers,

Here is evidence that Sabal Trail is operating an unauthorized pipe yard, which appears to be a violation of conditions imposed upon Sabal Trail by FERC, and may be in violation of USACE jurisdictional wetlands. WWALS asks FERC to rescind authorization for activities by Sabal Trail, and WWALS asks USACE to open a Supplemental Environmental Impact Statement to investigate wetlands aspects of this pipe yard and other evidence.

The pipe yard north of Lake City, Florida referenced in my letter to USACE of July 5th 2016<sup>1</sup> is confirmed by correspondence between USACE and Sabal Trail as a Sabal Trail pipe yard. That correspondence is appended to the present letter.

As noted in the letter from WWALS to USACE of July 8th 2016<sup>2</sup> that pipe yard is not among those listed by John Peconom in his June 28th 2016 order granting Sabal Trail permission to commence pre-construction activities,<sup>3</sup> nor have I found it in any other filing in FERC's Sabal Trail docket CP15-17 before today. Today's Sabal Trail Bi-weekly Status Report says:<sup>4</sup>

### ***Outside Agency Inspection/Correspondence***

<b><i>Date</i></b>	<b><i>Agency/Contact</i></b>	<b><i>MP/ Tract – Reason For Visit</i></b>	<b><i>Summary of Discussion</i></b>
7/18/2016	U.S. Army Corps of Engineers ("USACE")/ Brooke Hall	Lakeland temporary pipe receipt yard – review site wetlands.	The USACE determined that no jurisdictional wetlands were disturbed at the yard.
7/18/2016	Florida Department of Environmental Protection ("FDEP")/Carmine Oliverio	Lakeland temporary pipe receipt yard – review site wetlands.	The FDEP determined that no jurisdictional wetlands were disturbed at the yard.

That Bi-weekly Status Report incorrectly refers to Lakeland when the pipe yard is actually north of Lake City, Florida. Or perhaps there is another pipe yard at Lakeland that also has not been filed with FERC.

That Report neglects to mention that the very next day, July 19th 2016, Brooke Hall of USACE sent to WWALS an explicit retraction of an earlier assertion that the pipe yard was not in jurisdictional wetlands, and she sent to Sabal Trail (and forwarded to WWALS) many qualifications (see appended email correspondence):

*The wetlands on-site do not appear to be Jurisdictional and have not had any fill placed in them as of yet. Please refrain from placing any fill in the wetland area. If you are planning on placing fill back there, then an Approved JD would have to be requested and coordinated with EPA and USACE HQ. As is right now there is no violation therefore Enforcement will have no further action.*

<sup>1</sup> "Re: Lake City Pipe Yard in jurisdictional wetlands," WWALS to USACE, July 5th 2016, <http://www.wwals.net/?p=21093>, FERC accession number 20160708-5088, [http://elibrary.ferc.gov/idmws/file\\_list.asp?document\\_id=14476441](http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14476441)

<sup>2</sup> "Two new reasons for a USACE Supplemental Environmental Impact Statement and a halt to Sabal Trail permits; see also accession numbers 20160708-5089 and 20160708-5088, by WWALS Watershed Coalition, Inc. under CP15-17," by John S. Quarterman, WWALS, 8 July 2016, FERC accession number 20160708-5096, [http://elibrary.ferc.gov/idmws/file\\_list.asp?document\\_id=14476452](http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14476452)

<sup>3</sup> "Letter order granting Sabal Trail Transmission, LLC's 5/23/16 request to commence pre-construction activities at Contractor Yards 1-1, 2-5, 3-5, 4-1, 5-6, 6-5, and 6-6 etc under CP15-17," by John Peconom, FERC Office of Energy Products, June 28th 2016, FERC Accession Number 20160628-3002, [http://elibrary.ferc.gov/idmws/file\\_list.asp?document\\_id=14473237](http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14473237)

<sup>4</sup> "Sabal Trail Transmission, LLC submits its Bi-weekly Status Report for the Sabal Trail Project under CP15-17." 29 July 2016, FERC Accession Number 20160729-5035, [http://elibrary.ferc.gov/idmws/file\\_list.asp?accession\\_num=20160729-5035](http://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20160729-5035)

Note “do not appear” and “As is right now” which indicate USACE has not definitely determined the wetlands are not jurisdictional, nor that Sabal Trail pipes and other materials in that pipe yard are not sitting on already-filled wetlands. Also note the acknowledgement that there are wetlands on the site: “Please refrain from placing any fill in the wetland area.”

Whether or not those wetlands are USACE jurisdictional wetlands, Sabal Trail appears to be in violation of a requirement of the June 28th 2016 letter from FERC:

*All on-site wetlands and waterbodies would avoided [sic] by establishing a buffer and installing silt fence around the wetland or waterbody.*

No buffer nor silt fence can be seen in the aerial photographs in the WWALS FERC filing of July 5th 2016, even though those pictures are in sufficient resolution to show them if they existed.

Here is another aerial picture,<sup>5</sup> this one showing the entire pipe yard, the wetlands on the site, no buffer nor silt fence, and what appear to be filled areas with pipe sitting on them.



WWALS will be pursuing these wetlands questions. WWALS requests FERC to do so as well, in addition to the violations of FERC process noted above.

That Bi-weekly Status Report also says:

*Notes: Sabal Trail contacted the USACE and FDEP following the submittal of an inquiry by WWALS Watershed Coalition. The temporary pipe receipt yard is a former automobile salvage yard and is operated by a 3 rd party not involved in pipeline construction. It is not a Sabal Trail certificated yard.*

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<sup>5</sup> Photo: John S. Quarterman for WWALS Watershed Coalition, flight courtesy Southwings, June 21st 2016.

It is irrelevant whether a third party operates that pipe yard, since many of the Sabal Trail contractor yards filed with FERC are also owned and operated by third parties.

According to Sabal Trail's Resource Report 3 (RR3) of November 2014:<sup>6</sup>

*Sabal Trail will advise all contractors that they must utilize the pipe and contractor ware yard locations approved for the Project, and shall not establish a staging or warehouse yard for this Project in other locations without Sabal Trail first being advised and the FERC granting permission to use the area.*

Yet Sabal Trail is utilizing that Lake City pipe yard without any known permission from FERC. It does not matter that Sabal Trail today calls it a "temporary pipe receipt yard": that is just another name for "a staging or warehouse yard" such as Sabal Trail acknowledged in its RR3 that it "shall not establish" without "the FERC granting permission to use the area".

John Peconom in his FERC order letter of June 28th 2016 wrote:

*This authorization is based on my review of Sabal Trail's Request for Notice to Proceed; its compliance with the environmental conditions of the Commission's Order as described in its Implementation Plan filed on March 11, 2016 and April 7, 2016; and its documentation of the necessary federal authorizations applicable to the requested activities.*

Yet Sabal Trail is not in compliance with the conditions spelled out in its own RR3, nor with FERC's Order of February 2nd 2016<sup>7</sup>, which states (emphasis in the original):

5. *The Applicants shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and staging areas, pipe storage yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, documentation of landowner approval, whether any cultural resources or federally listed threatened or endangered species would be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director of OEP **before construction in or near that area.***

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<sup>6</sup> Resource Report 3, Fish, Wildlife, and Vegetation, Sabal Trail Transmission, November 2014, sections 3.2.2.2 and 3.2.7.4.

<sup>7</sup> "Order issuing certificates and approving abandonment re Florida Southeast Connection, LLC et al under CP14-554 et al.", 2 February 2016, FERC Accession Number 20160202-3056, [http://elibrary.ferc.gov/idmws/file\\_list.asp?document\\_id=14425623](http://elibrary.ferc.gov/idmws/file_list.asp?document_id=14425623)

I cannot find in FERC docket CP15-17 any request from Sabal Trail for approval of that Lake City pipe yard, nor any approval of it by FERC, nor any of the documentation required for it by FERC's order of February 2nd 2016, even though Sabal Trail in its RR3 of November 2014 acknowledged it must get permission from FERC before Sabal Trail or any of its contractors use any pipe yard, temporary or not.

It appears Sabal Trail has not filed "*documentation of the necessary federal authorizations applicable to the requested activities.*" Thus it appears Sabal Trail was in violation of the preconditions of that letter order of June 28th 2016. WWALS asks FERC to rescind that order.

WWALS reiterates its request for the U.S. Army Corps of Engineers to open a process for a Supplemental Environmental Impact Statement (SEIS) for Sabal Trail to evaluate this and other new information.

Thank you in advance for your attention to this issue. I would appreciate a prompt response.

For the rivers and the aquifer,

[/s]

John S. Quarterman, President

Appended: Email correspondence between USACE and Sabal Trail of July 18th and 19th 2016.

WWALS Watershed Coalition advocates for conservation and stewardship  
of the Withlacoochee, Willacoochee, Alapaha, Little, and Upper Suwannee River watersheds  
in south Georgia and north Florida  
through awareness, environmental monitoring, and citizen activities





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

From: Hall, Brooke A SAJ  
Sent: Tuesday, July 19, 2016 3:30 PM  
To: 'McLachlan, Gus' <[GAMcLachlan@spectraenergy.com](mailto:GAMcLachlan@spectraenergy.com)>  
Cc: Gregory Miller <[gmliller@gie.com](mailto:gmliller@gie.com)>; [carmine.oliverio@dep.state.fl.us](mailto:carmine.oliverio@dep.state.fl.us)  
Subject: RE: Lake City Pipe Yard

Mr. McLachlan,

I've been discussing this with Mark and please let me clarify my below message.

The wetlands on-site do not appear to be Jurisdictional and have not had any fill placed in them as of yet. Please refrain from placing any fill in the wetland area. If you are planning on placing fill back there, then an Approved JD would have to be requested and coordinated with EPA and USACE HQ. As is right now there is no violation therefore Enforcement will have no further action.

Sorry for any confusion.

Thank you,

Brooke

Brooke Hall  
Enforcement Project Manager  
U.S. Army Corps of Engineers  
Jacksonville District  
Regulatory Division  
[904-232-1061](tel:904-232-1061)

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

From: McLachlan, Gus [mailto:[GAMcLachlan@spectraenergy.com](mailto:GAMcLachlan@spectraenergy.com)]  
Sent: Monday, July 18, 2016 2:38 PM  
To: Hall, Brooke A SAJ <[Brooke.A.Hall@usace.army.mil](mailto:Brooke.A.Hall@usace.army.mil)>  
Cc: Gregory Miller <[gmliller@gie.com](mailto:gmliller@gie.com)>  
Subject: [EXTERNAL] RE: Lake City Pipe Yard

Thank you Brooke for the follow up.

Gus

GEORGE A. MCLACHLAN (GUS) ENVIRONMENTAL PROJECT MANAGER | SABAL TRAIL  
TRANSMISSION, LLC  
o. [321-249-8615](tel:321-249-8615) | c. [617-694-1116](tel:617-694-1116) | [gamclachlan@spectraenergy.com](mailto:gamclachlan@spectraenergy.com)

400 Colonial Center Parkway, Suite 300  
Lake Mary, FL 32746  
For more information see: Blocked<http://www.sabaltrail.com/>

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

From: Hall, Brooke A SAJ [mailto:[Brooke.A.Hall@usace.army.mil](mailto:Brooke.A.Hall@usace.army.mil)]  
Sent: Monday, July 18, 2016 2:35 PM  
To: McLachlan, Gus  
Cc: Gregory Miller  
Subject: Lake City Pipe Yard  
Good afternoon Mr. McLachlan,

My Co-worker, Lauren Wyckoff and myself conducted our site visit to the Lake City pipe yard this morning with Mr. Miller, Mr. Foster, Mr. Dillon, DEP and a few other folks. After walking the parcel we determined that the wetlands on-site are non-jurisdictional for the U.S. Army Corps of Engineers.

Thank you for allowing us on site to conduct our investigation, please let me know if you have any questions.

Thanks,

Brooke

Brooke Hall  
Enforcement Project Manager  
U.S. Army Corps of Engineers  
Jacksonville District  
Regulatory Division  
[904-232-1061](tel:904-232-1061)

-----Separate Message-----

From: "Hall, Brooke A SAJ" <[Brooke.A.Hall@usace.army.mil](mailto:Brooke.A.Hall@usace.army.mil)>  
Date: Tue, 19 Jul 2016 19:21:16 +0000  
To: Wwals Watershed Coalition <[wwalswatershed@gmail.com](mailto:wwalswatershed@gmail.com)>  
Subject: Recall: [EXTERNAL] Lake City Pipe Yard in jurisdictional wetlands

Hall, Brooke A SAJ would like to recall the message, "[EXTERNAL] Lake City Pipe Yard in jurisdictional wetlands".

-----Separate Message-----

From: "Hall, Brooke A SAJ" <[Brooke.A.Hall@usace.army.mil](mailto:Brooke.A.Hall@usace.army.mil)>  
Date: Tue, 19 Jul 2016 13:10:30 +0000  
To: Wwals Watershed Coalition <[wwalswatershed@gmail.com](mailto:wwalswatershed@gmail.com)>  
Subject: RE: [EXTERNAL] Lake City Pipe Yard in jurisdictional wetlands

Good morning Mr. Quarterman,

My co-worker and I conducted a site visit to the subject site yesterday and determined that the wetlands are non-Jurisdictional for the USACE.

Thank you,

Brooke

Brooke Hall  
Enforcement Project Manager  
U.S. Army Corps of Engineers  
Jacksonville District  
Regulatory Division  
[904-232-1061](tel:904-232-1061)