

FEDERAL ENERGY REGULATORY COMMISSION
WASHINGTON, D.C. 20426

OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/Gas 1
Millennium Pipeline Company, LLC
Valley Lateral Project
Docket No. CP16-17-000

October 27, 2017

Ms. Georgia B. Carter
Vice President and General Counsel
Millennium Pipeline Company, LLC
One Blue Hill Plaza, 7th Floor
Pearl River, NY 10965

Re: Notice to Proceed with Construction

Dear Ms. Carter:

I grant your July 21, 2017 request, as supplemented on October 20, 2017, for Millennium Pipeline Company, LLC (Millennium) to begin construction of the Valley Lateral Project. In considering this notice to proceed, we reviewed Millennium's December 21, 2016 Implementation Plan and confirmed compliance with the necessary pre-construction conditions of the Federal Energy Regulatory Commission's November 9, 2016 *Order Denying Motion to Dismiss and Issuing Certificate* (Order).

We have also confirmed receipt of all federal authorizations necessary for the approved activities herein, or waiver thereof, pursuant to Environmental Condition 9 of the Order. With regard to Clean Water Act permits, on May 11, 2017, the U.S. Army Corps of Engineers (Corps) issued a Nationwide 12 permit for the project under Section 404 of the Clean Water Act. Subsequently, on September 15, 2017, the Commission issued a *Declaratory Order Finding Waiver Under Section 401 of the Clean Water Act*. In an October 16, 2017 letter to Millennium, the Corps acknowledged the Commission's determination that the Section 401 permit was waived and took no action to revoke or modify its previously issued Section 404 permit.

Millennium has not received concurrence from the New York State Department of Environmental Conservation (NYSDEC) regarding surveys for bog turtles, as was required by Environmental Condition 14(a). You explain that Millennium provided survey reports to NYSDEC on December 21, 2016, and that the state has yet to respond. However, by letter dated February 2, 2017, the U.S. Fish and Wildlife Service stated that it agreed that the project may affect, but is not likely to adversely affect, the bog turtle, and that no further coordination or consultation under the ESA is currently required.

Accordingly, we conclude that Millennium has made a good faith effort to abide by Condition 14(a) and that no further consultation under that condition is necessary.

In compliance with Environmental Condition 5 of the Order, I also approve the project modifications shown in the Implementation Plan, including incorporation of conventional bores, horizontal directional drills, additional workspace, and access road modifications. We concur that approval of the conventional bores and horizontal directional drill modifications offer a greater level of protection for waterbodies and wetlands crossed by the project. Further, staff have confirmed there would be no effect on cultural resources or threatened or endangered species from the use of these areas and Millennium has documented landowner approval for these modifications.

If you have any questions, please call Anthony Rana, Project Manager, at (202) 502-8224.

Sincerely,

Danny Laffoon
Chief, Gas Branch 1
Division of Gas – Environment and
Engineering

cc: Public File, Docket No. CP16-17-000