BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

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IN THE MATTER OF: : Project No.

OREGON LNG & WASHINGTON : CP09-6-001 & CP09-7-001

EXPANSION PROJECT : CP13-507-000

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Snohomish Senior Center

506 4th Street

Snohomish, Washington 98290

Wednesday, September 16, 2015

The above-entitled matter came on for Scoping Meeting, pursuant to notice, at 6:00 p.m., Robert Kopka, the moderator.

P R O C E E D I N G S

(6:06 p.m.)

MR. KOPKA: Good evening. On behalf of the Federal Energy Regulatory Commission or FERC I want to welcome all of you to the public comment meeting on the Draft Environmental Impact Statement or Draft EIS for the Oregon LNG Terminal and Pipeline Project and Washington Expansion Project.

Let the record show that the Draft EIS comment meeting began at 6:06 p.m. on September 16, 2015 in Snohomish, Washington. My name is Robert Kopka and I am an Assistant Environmental Project Manager for these projects with the Office of Energy Projects which is an office within the Federal Energy Regulatory Commission or FERC.

To my left is Matt Hutchinson who is with HDR and in the back is Alan Rathbun who is with Washington Utilities and Transportation Commission which is an interstate agent for the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration or PHMSA.

In the back is Medha Kochhar who is also with FERC, she is at the assignment table and with Medha is Pat Terhaar also from HDR. HDR is assisting FERC staff in our environmental analysis of the project. In addition we have representatives from Northwest Pipeline LLC here tonight, they have maps and will be around after the meeting to

answer any specific questions on the projects that you might have.

The U.S. Fish and Wildlife Service, U.S. Army Corp of Engineers, U.S. Coast Guard, U.S. Department of Energy, U.S. Department of Transportation and the U.S. Environmental Protection Agency are participating as cooperating agencies in the preparation of the EIS. I would like to thank the cooperating agencies for their continued assistance with the NEPA review.

I am going to go through a short power point presentation on the FERC process and briefly describe the projects.

Okay the purpose of tonight's meeting is to provide you an opportunity to provide comments on the Draft Environmental Impact Statement specific to the proposed projects and Draft EIS and explain the FERC review process. FERC is an independent regulatory agency. It sets rates for interstate transmission of electricity, natural gas and oil and is responsible for siting of interstate natural gas and hydro-electric facilities and LNG import/export facilities.

The Department of Energy approves the export of LNG and FERC is the lead federal agency for National Environmental Policy Act review and EIS preparation. FERC is an advocate of the environmental review process not the project. The Notice of Availability of the Draft EIS was

issued on August 5, 2015. The Draft EIS comment period ends on October 6, 2015 and comments made during that time would be addressed in the final EIS.

FERC is -- the EIS is not a decision-making document. FERC Commissioners determine whether the project should be approved based on a review of the environmental information in the EIS, public comments and also the engineering market and rate information for the projects.

The EIS is an analytical document. It takes a hard look at the environmental impacts of the projects and compares alternatives. The EIS addresses environmental issues identified by the public and agencies during scoping.

There are multiple ways to comment on the Draft EIS. One is at these comment meetings, you can also send written comments in the U.S. mail and we have comment forms on the assignment table in the back or you can mail a letter to FERC. Also you can give written comments via e-library or click comments also on e-library.

Written comments are given the same weight as spoken comments. Briefly the Oregon LNG Project consists of an import/export LNG terminal in Warrenton, Oregon an 86.8 mile long 36 inch diameter bi-directional pipeline, 140 megawatt, 48,000 horsepower electrically driven gas compressor station. The Oregon LNG import/export terminal is located near the mouth of the Columbia River and there is

a triangle indicating its location.

The pipeline from the terminal cuts catty-corner across Clatsop County, across Columbia County and it crosses the Columbia River and would connect to the Northwest Pipeline at that point. The Washington Expansion Project consists of 140.6 miles of 36 inch diameter pipeline loop and 10 non-contiguous segments between Sumas and Woodland, Washington.

It also involves the addition of 96,000 horsepower of compression at five existing compressor stations, the abandonment and removal of existing pipeline and above-ground facilities. The map that we have is a little hard to see, Northwest has a better map in the back and briefly the Northwest Pipeline follows approximately follows Interstate 5 from the Canadian border down to the Columbia River.

Thus far the identified public concerns include safety and geologic hazards, export of natural gas, impacts on aquatic resources, wildlife, listed species and water quality, forest clearing, cumulative impacts and alternatives, LNG carrier traffic impacts, air emissions, visual impacts, cultural resources.

And tonight our speaker procedures would be to come up to the microphone at the podium, speak clearly into the microphone, spell your name for the court reporter. We

next slide -- and we won't have a time limit this evening.

You probably have already seen this it's just a brief outline of the environmental review process. We are getting towards the end where we issued the Draft EIS and now we are at the point of doing the public scoping or comment meetings. The next steps will be to respond to those comments in the Final EIS, issue the Final EIS and the Commission would issue an Order of Authorization if they approve the projects.

After that point the parties to the proceeding can request a re-hearing and if the projects are approved the project proponents would need to submit outstanding information to satisfy conditions of the Commission Order and Authorization and after receiving all federal authorizations a Notice to Proceed with Construction would be issued.

You will notice that we have arranged for a court reporter to transcribe this meeting so that we have an accurate record of this public comment meeting. The transcript for this meeting will be placed into the public record after a few weeks. If you would like a copy of the transcript before that you may make arrangements with the court reporter following this meeting.

Oregon LNG requests authorization under Section 3 of the Natural Gas Act to site, construct and operate an

import/export liquefied natural gas terminal in Warrenton, Oregon. Oregon LNG also requests a Certificate of Public Convenience and Necessity pursuant to Section 7C of the Natural Gas Act to construct and operate a natural gas pipeline from the proposed LNG terminal to an interconnect with the interstate transmission system of Northwest near Woodland, Washington.

Northwest requests a Certificate pursuant to Section 7C of the Natural Gas Act to expand the capacity of its existing natural gas transmission facilities between Woodland and Sumas, Washington. The primary purpose of the project is to export an equivalent of about 456.3 billion cubic feet per year of natural gas to foreign markets. The primary purpose of this meeting is to give you the opportunity to provide specific environmental comments on the Draft EIS prepared by FERC staff on the project.

It will help us the most if your comments are as specific as possible regarding the proposed project and the Draft EIS. I would like to again clarify that these projects are being proposed by Oregon LNG and Northwest and FERC is the lead federal agency responsible for evaluating application to site and construct onshore and near-shore LNG import or export facilities as well as applications to construct and operate interstate natural gas pipeline facilities.

The FERC therefore is not an advocate for the projects, instead as mentioned throughout this project the FERC is an advocate for the environmental review process. During our review of the projects we assembled information from a variety of sources including Oregon LNG, Northwest, you the public, federal, state and local agencies as well as Indian tribes and our own independent analysis.

We have analyzed this information and prepared a Draft EIS that was distributed to the public for comment. I encourage you if you plan to submit comments and have not please do so here tonight either spoken during the comment portion of our meeting or providing one of the forms in the back of the room. You may also submit comments using the procedures outlines in the Notice of Availability of the Draft EIS which includes instructions on how to submit your comments electronically.

Your comments will be considered with equal weight regardless of whether they are spoken during the comment portion of the meeting or submitted in writing. If you received a copy of the Draft EIS, paper or CD you will automatically receive the copy of the Final EIS.

If you did not get a copy of the draft and would like to get a copy of the Final EIS please sign up for the mailing list in the back of the room and provide your name and address and we will make sure you get a copy of the

Final EIS. I also want to differentiate between the roles of two distinct FERC groups, the Commission and the environmental staff.

Medha and I are part of the FERC environmental staff which oversees the preparation of the EIS for these projects. We do not determine whether or not to approve the projects. Instead the Commission consisting of five Presidentially-appointed Commissioners are responsible for making a determination on whether to issue an authorization to Oregon LNG and a Certificate of Public Convenience and Necessary or a Certificate to Northwest.

As I mentioned earlier the EIS is not a decision-making document but it does assist the Commission in determining whether or not to approve the projects. The Commission will consider the environmental analysis in the EIS, public comments, as well as a host of non-environmental information such as engineering markets and rates in making a decision to approve or deny Oregon LNG's and Northwest's request for an authorization of a Certificate respectively.

There is no review of FERC decisions by the President or Congress thus maintaining FERC's role as an independent regulatory agency and providing a fair unbiased decision. Only after considering the environmental and non-environmental factors the Commission will makes its final decision whether to approve or not approve the

projects.

If the Commission votes to approve the projects, Oregon LNG will be required to meet certain conditions as outlined in the authorization and Northwest will be required to meet the conditions outlined in the certificate. FERC environmental staff will monitor the projects through construction and restoration to document environmental compliance with applicable laws and regulations.

Oregon LNG's and Northwest's proposed plans and mitigation and the additional conditions required by the authorization and certificate. Now we move into the part of the meeting where we will hear comments from audience members. If you would rather not speak tonight or don't get to say everything you wanted in the allotted time although like I said previously we won't restrict time this evening, you may hand in written comments tonight using the comment form found at the table in the back of the room or send them to the Secretary of the Commission by following the procedures outlined in the Notice of Availability or party addressed letter in the Draft EIS, either way your comments will be considered with equal weight.

We will be calling speakers in order according to the numbers given out during the sign-in. I ask that each speaker first identify themselves and if appropriate identify the agency or group you are representing. Also

please spell your name for the record and speak clearly into the microphone.

My number one rule is please show respect for anyone speaking and we are now ready to call our first speaker, would speaker number 1 --

UNIDENTIFIED SPEAKER: Could I just ask something?

MR. KOPKA: Sure.

UNIDENTIFIED SPEAKER: You mentioned about the existing pipe.

MR. KOPKA: Um-hum.

UNIDENTIFIED SPEAKER: Now is that going to stay in the ground or will that be removed.

MR. KOPKA: No, there is an existing abandoned line in Northwest's right-of-way. Abandoned means it's just not being used but it is still there so they will remove the existing line and replace it with the new pipeline and you could speak to Northwest more about that afterwards. Speaker 1?

MR. SERRES: My name is Daniel Serres, last name S-e-r-r-e-s. I am the Conservation Director for Columbia River Keeper, based at 111 Third Street, Hood River, Oregon. I want to start out by asking that FERC extend the comment period for this Draft Environmental Impact Statement for an additional 60 days beyond October 6th because of the

complexity of the application, because it is taken people a long time to get up to speed on the issue and I want to note that the Draft Environmental Impact Statement for the Jordan Cove Project which actually received a FERC review once prior had a 90 day public comment period and so it makes sense to have no less than 90 and we are asking for 120 days total because of the complexity of the project and because no one has ever seen a Draft Environmental Impact Statement for Oregon LNG to date.

That said we will submit comments in writing in addition to what I will say tonight and the many comments you will receive as you go further down the line on this project.

So I want to talk about the head of the snake first and why I am here. We are here to request that FERC deny this project for one very simple reason which is that Oregon LNG doesn't have the right to use the terminal property for the proposed LNG development itself.

The Army Corp of Engineers enjoys a valid property right on the terminal site where the actual source or this whole pipeline would be, that is to say the reason for this pipeline to exist is this terminal which conflicts directly with a valid property right owned by the Corp for the disposing of disposal material on the east side of the Skipanon Peninsula.

That's a very important issue because it has actually gone through the court process now and a federal magistrate judge and now a federal judge, an Article 3 judge both sided with the Army Corp and dismissed Oregon LNG's attempt in a quiet title case to have that easement removed and so I want to have it into the record now that Oregon LNG does not have the free ability to use the terminal site.

And lacking that ability this entire process really should come to a halt so we ask FERC to move immediately to deny the Oregon LNG Project. There are probably other actions available to FERC in this case. I also want to point out that this occurred through no fault of FERC whatsoever. Oregon LNG was aware of this potential conflict in 2009 which means that Oregon LNG was aware when it re-submitted and changed its application from an import only facility to a bi-directional project, so they hid the ball and that's very important.

We didn't learn about this to be honest until Oregon LNG sued the Army Corp in federal court and tried to remove that easement and so obviously FERC probably wasn't aware during that process and apparently was not aware at the time when Oregon LNG made its application to FERC. It was nowhere in the record that we saw at least, looking back through the docket that Oregon LNG ever notified FERC that there was this potential conflict right at what we call the

head of the snake there in Warrenton.

So given that I think the remedy is to go back and to press the pause button on this issue. Oregon LNG is a high contentious proposal for them, we have got very few people here tonight but in Warrenton you know we just had a huge hearing a couple of weeks ago on September 2nd and 3rd, it had to go to a second night because there were so many people at a local hearing about the terminal itself.

Over 200 people packed the hearing on the first night and over 100 people showed up the second night if that gives you a sense for the intensity of interest around this and there as well people were identifying this critical issue which is the Army Corp of Engineers has a property right on this place where Oregon LNG is proposing a very large LNG import/export terminal.

When it is called import/export the vast majority as you noted on this project is devoted to export which is a drastic change from how the project first came to Oregon when it was an LNG import facility and the pipeline was to be routed down to the Wilamette Valley. The reason we are here tonight is that Williams Pipeline wants to work with Oregon LNG to ship gas from Canada and from the Rockies to Asia, it's gas flowing to money to put it simply and that's -- and in between are all these people who have their property impacted in one way or another and these

communities in the lower Columbia that are very directly impacted.

We would expect sort of a basic issue of fairness that the company involved would at least have the authority to use the property for the intended purpose before we go through this entire process, before FERC goes through the enormous effort producing a thousand page Draft Environmental Impact Statement so at this time it seems appropriate for FERC to stop the process and to say here is a company that hasn't been forthright and doesn't deserve the sort of effort and public engagement that is being required to review this huge type of project.

So since I don't have a time limit I will keep going. And now I will speak very briefly to some of the issues on the Washington Expansion Project. So most of the testimony you will receive as you go down the line and once you get to the Kelso area, certainly when you are in Astoria and Vernonia will revolve around the pipeline, the Oregon LNG Pipeline and the terminal itself.

For here the Washington Expansion Project, there are some things that sort of looked out at me, I'm not quite sure why the Draft Environmental Impact Statement was released with conditions that say during the comment period for this EIS we are going to submit very significant new pieces of information into the record. That seems like it

should have been in hand for the drafting of the EIS itself.

To identify a couple prior to the close of the Draft Environmental Impact Statement comment period, Northwest shall file with the Secretary site specific justification for category 3 and 4 wetlands identified in table 4.2.4-2 of the EIS that's condition 15 for the WEP and there are others like that.

Condition 16, also prior to close of the Draft EIS -- any condition that says that probably tells you that that is something that should have been finished prior to the issuance of the EIS and probably should have been incorporated into the EIS. The National Environmental Policy Act requires that an EIS be a near complete document and there are very large pieces of information that are missing in this.

I am very concerned, the other issue which I just sort of flag as an umbrella issue for the WEP is the timing of the conditions that are proposed. So a lot of conditions are listed as prior to construction you would do things that trigger or would generate information like a final landslide map for instance which is Condition 12. That happens to be at hand now to do a Draft Environmental Impact Statement.

Those sorts of issues where you are saying you will come back to us with information prior to construction that really needs to be available during the environmental

analysis and certainly should be available to members of the public who will be dealing with the public safety impacts of the project and through very landslide prone areas you will receive a lot of testimony as you go further along about the terrain that this pipeline goes through.

This pipeline you know follows at least in part existing Williams's pipeline so some of the landslide issues are known. Despite that, you know there isn't a full landslide inventory for the Washington Expansion Project. Now when you get across to Oregon and across from Woodland and you deal with the Oregon LNG Pipeline, I say the Oregon Pipeline, we call it the Oregon LNG Pipeline, even though they keep reminding us it's not LNG in the pipeline. You are the ones who named it Oregon LNG it wasn't me, so that Oregon LNG Pipeline as it goes through Oregon goes through really steep slopes and when you get to Vernonia and the Oregon coast range, those areas are known landslide areas.

They've tried to some extend to route around some of the larger known landslides but they don't have the final landslide inventory that they would need to effectively route that pipeline and it changes every year and people discover new landslides frequently that they didn't know or that were latent, sort of ancient landslides.

So for those reasons I would say that this Draft Environmental Impact Statement is incomplete. I would

suggest sort of in closing that you save yourself the work producing an FEIS and you just cut to the chase and deny this project because Oregon LNG does not have the right to use the terminal site and obviously save people in this area the headache of having to deal with extended the Washington Expansion Project.

So I'll stop there. I'm interested to know if you are going to comment, if not --

UNIDENTIFIED SPEAKER: I'm just amazed that you guys didn't even know about this, this is second meeting I have been to. (Speaker off mic.)

MR. KOPKA: Did you want to comment ma'am on the record?

UNIDENTIFIED SPEAKER: No.

MR. KOPKA: Ma'am do you want to comment?

UNIDENTIFIED SPEAKER: No.

MR. KOPKA: Is there anyone else who would like to speak at this time? If not the formal part of this meeting will close. Within the FERC website, www.ferc.gov there is a link called e-library. If you type in the Docket Number for Oregon LNG Project CP09-6 and CP09-7 for the Washington Expansion Project and CP13-507 you can use the e-library to gain access to everything on the record concerning these projects as well as all the filings and information submitted by Oregon LNG

and Northwest.

So on behalf of the Federal Energy Regulatory Commission I want to thank you for coming in here tonight. Let the record show that the comment meeting concluded at 6:36 p.m. Thank you.

(Whereupon the meeting adjourned at 6:36 p.m.)