

**In the United States Court of Appeals
for the District of Columbia Circuit**

No. 20-1161 (consolidated with Nos. 20-1171, *et al.*)

DEBORAH EVANS, *ET AL.*,
Petitioners,

v.

FEDERAL ENERGY REGULATORY COMMISSION,
Respondent.

ON PETITIONS FOR REVIEW OF ORDERS OF THE
FEDERAL ENERGY REGULATORY COMMISSION

**RESPONDENT'S OPPOSITION TO MOTION FOR
SUMMARY VACATUR OR FOR A STAY OF THE CERTIFICATE**

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Add.	Addendum
Authorization Order	<i>Jordan Cove Energy Project, L.P.</i> , 170 FERC ¶ 61,202 (2020)
Commission or FERC	Respondent Federal Energy Regulatory Commission
FEIS	Final Environmental Impact Statement
Jordan Cove	Jordan Cove Energy Project L.P.
Landowner-Petitioners	Movant-Petitioners
P	Paragraph number in a FERC order
Pipeline	Pacific Connector Pipeline
Policy Statement	<i>Certification of New Interstate Natural Gas Pipeline Facilities</i> , 88 FERC ¶ 61,227 (1999), <i>clarified</i> , 90 FERC ¶ 61,128, <i>further clarified</i> , 92 FERC ¶ 61,094 (2000)
Project	Collectively, the LNG Terminal and the Pipeline
R.	FERC certified index to record number
Rehearing Order	<i>Jordan Cove Energy Project, L.P.</i> , 171 FERC ¶ 61,136 (2020)
LNG Terminal	Jordan Cove liquefied natural gas export terminal

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**RESPONDENT’S OPPOSITION TO MOTION FOR
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One set of petitioners (“Landowner-Petitioners”) in these consolidated appeals has moved for summary vacatur or for a stay pending judicial review of the order of the Federal Energy Regulatory Commission (“FERC” or “Commission”) granting a certificate of “public convenience and necessity” for the Pacific Connector Pipeline (“Pipeline”). *See Jordan Cove Energy Project, L.P.*, 170 FERC ¶ 61,202 (2020) (“Authorization Order”), *on reh’g*, 171 FERC ¶ 61,136 (2020) (“Rehearing Order”) (Exs. 1 and 3, respectively, of Landowner-

Petitioners' motion). But these petitioners have not met the heavy burden of establishing that the merits of their argument are so clear that summary relief is justified. *See Taxpayers Watchdog, Inc. v. Stanley*, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). Nor have they satisfied the stringent requirements to obtain the extraordinary remedy of a stay. *See Munaf v. Geren*, 553 U.S. 674, 689-90 (2008); *Reynolds Metals Co. v. FERC*, 777 F.2d 760, 763 (D.C. Cir. 1985).

The Pipeline, along with the related Jordan Cove liquefied natural gas facility, will serve demonstrated market demand for new natural gas transportation infrastructure. Summary relief at this early stage is inappropriate; the Commission reasonably determined, following development of a large record and comprehensive environmental review, that the Pipeline will provide substantial public benefits, including domestic benefits, that outweigh any unmitigated adverse effects. Extraordinary stay relief is inappropriate as well; merits aside, Landowner-Petitioners have not demonstrated any irreparable injury without a stay, since neither Pipeline construction nor condemnation in an eminent domain proceeding is imminent. Moreover, there is no concern here for due process or generalized fairness of the type

presented in the recent decision in *Allegheny Def. Project v. FERC*, 964 F.3d 1 (D.C. Cir. 2020) (en banc). The Commission acted on rehearing here, and petitioners initiated judicial review, just one month after the Commission received multiple rehearing petitions.

If there are any doubts as to Landowner-Petitioners' claims, they should be resolved in the ordinary course of appellate review, after full participation by all the parties and full briefing on the merits.

BACKGROUND

The challenged order conditionally authorized Jordan Cove Energy Project L.P. ("Jordan Cove"), under Natural Gas Act section 3, 15 U.S.C. § 717b, to site, construct, and operate a new liquefied natural gas export terminal ("LNG Terminal") in Coos County, Oregon. The challenged order also granted Pacific Connector Gas Pipeline, L.P., a conditional certificate of public convenience and necessity, under Natural Gas Act section 7(c), 15 U.S.C. § 717f(c), to construct and operate a 229-mile pipeline in Klamath, Jackson, Douglas, and Coos Counties, Oregon, to transport natural gas to the LNG Terminal. Authorization Order PP 1-3. (The LNG Terminal and Pipeline are collectively referred to as the "Project").

Landowner-Petitioners' motion for summary vacatur challenges only one of the Commission's findings regarding the conditional certification of the Pipeline—that the record established the Pipeline is required by the public convenience and necessity. Motion at 3-15. The motion does not challenge the Commission's conditional authorization of the LNG Terminal.

The Commission found (with one Commissioner dissenting) that the record here established that the Pipeline was needed and would provide a domestic public benefit on several bases. First, the Pipeline's natural gas transportation capacity was 96 percent subscribed under a long-term precedent agreement, so there was significant evidence of market demand for the Pipeline. Authorization Order PP 64-65; Rehearing Order PP 30, 33. And, as the Commission pointed out, without the Pipeline there would be no way to transport natural gas to the LNG Terminal for export to Fair Trade Agreement nations, which the U.S. Department of Energy had determined is in the public interest. Authorization Order PP 83, 86 (citing *Jordan Cove Energy Project L.P.*, FE Docket No. 11-127-LNG, Order No. 3041-A at 4 (July 20, 2018));

Rehearing Order PP 39, 44; *Jordan Cove Energy Project L.P.*, FE Docket No. 11-127-LNG, Order No. 3041 (December 7, 2011).

In addition, the record established that the Pipeline would provide domestic public benefits, as it: would provide additional capacity to transport natural gas from the United States' Rocky Mountain production area, giving these domestic natural gas producers a needed new option to transport and sell their gas; and would boost the domestic economy by supporting domestic jobs in natural gas production and transportation. Rehearing Order PP 40-42; Authorization Order PP 47, 85.

Applying its Certificate Policy Statement, as it does with all new natural gas infrastructure projects, the Commission balanced the public benefits of the Project against the potential adverse consequences.¹ See Authorization Order PP 52-53. And the Commission conducted an extensive environmental review, which resulted in a 1,092-page final environmental impact statement. R. 3619. Before issuing the final

¹ See *Certification of New Interstate Natural Gas Pipeline Facilities*, 88 FERC ¶ 61,227 (1999), *clarified*, 90 FERC ¶ 61,128 (2000), *further clarified*, 92 FERC ¶ 61,094 (2000) ("Policy Statement").

environmental impact statement, the Commission held four public comment sessions and considered approximately 1,449 comment letters. Authorization Order P 153. The final environmental impact statement evaluated numerous pipeline system and route alternatives and variations. *See id.* P 269; FEIS 3-18 to 3-52.

Pipeline construction cannot commence until Pacific Connector has satisfied conditions and received necessary permits. *See* Authorization Order P 101; *id.* at Environmental Condition 11. This includes state and federal permits under federal statutes such as the Clean Water Act and Coastal Zone Management Act. *See id.*; *see also id.* at Environmental Condition 27. As Landowner-Petitioners point out, the State of Oregon has denied necessary Clean Water Act and Coastal Zone Management Act permits. *See* Motion at 2. Finally, construction cannot begin until the Commission has granted written authorization. Authorization Order Environmental Condition 11. Neither Pacific Connector nor Jordan Cove has requested such authorization.

ARGUMENT

I. Landowner-Petitioners Have Not Met The Heavy Burden To Justify Summary Vacatur

A. Standard Of Review

“A party seeking summary disposition bears the heavy burden of establishing that the merits of [its] case are so clear that expedited action is justified.” *Taxpayers Watchdog*, 819 F.2d at 297 (citing *Walker v. Washington*, 627 F.2d 541, 545 (D.C. Cir. 1980)); *see also, e.g., Cascade Broadcasting Group, Ltd. v. FCC*, 822 F.2d 1172, 1174 (D.C. Cir. 1987 (per curiam) (same)).² In reviewing the motion for summary vacatur, the Court “view[s] the record and the inferences to be drawn therefrom ‘in the light most favorable to [the Commission].’” *Taxpayers Watchdog*, 819 F.2d at 298 (quoting *U.S. v. Diebold, Inc.* 369 U.S. 654, 655 (1962)).

² At one point in the vacatur portion of their motion, Landowner-Petitioners argue that they are “likely to prevail on the merits of their claims” Motion at 12. Although they do not meet even this standard, their motion earlier acknowledges that the proper summary vacatur standard of review is much higher, i.e., whether the merits of petitioners’ claims are “so clear” that expedited action is justified. *Id.* at 4.

B. The Commission Reasonably Found, Based On Substantial Record Evidence, That The Pipeline Will Provide Domestic Public Benefits And Therefore That It Is Required By The Public Interest

Landowner-Petitioners' motion first argues that, under *City of Oberlin v. FERC*, 937 F.3d 599 (D.C. Cir. 2019), the Pipeline cannot appropriately be found to be required by the public convenience and necessity because the natural gas that will be transported will then be exported to other nations. Motion at 5; *see also id.* 4-9. Landowner-Petitioners are mistaken.

Oberlin did not find that a pipeline cannot be found to be in the public convenience and necessity if the gas it transports will be exported; rather, it reached the more limited conclusion that “the Commission failed to adequately justify its determination that it is lawful to credit [the pipeline’s] contracts with foreign shippers serving foreign customers as evidence of market demand for the interstate pipeline,” and “remand[ed] without vacatur to the Commission for further explanation of this determination.” 937 F.3d at 601-02; *see also id.* at 607-08 (“we remand to the Commission for further explanation why—under the [Natural Gas] Act, the Takings Clause, and the precedent of this Court and the Supreme Court—it is lawful to credit

precedent agreements with foreign shippers serving foreign customers toward a finding that an interstate pipeline is required by the public convenience and necessity under Section 7 of the Act.”).

Consistent with the Court’s inquiry in *Oberlin*, the orders here reasonably explained why it was appropriate for the Commission to credit the long-term precedent agreement for capacity to transport natural gas that will then be exported in making its Natural Gas Act section 7 public interest finding. The Commission found that, while all the natural gas to be transported on the Pipeline would then be exported, the record established that the Pipeline, with a long-term contract for 96 percent of its capacity (which provided significant evidence of market demand), would provide substantial domestic public benefits. Authorization Order PP 64-65, 83-86, 99; Rehearing Order PP 30, 33, 38-42.

First, the Pipeline would provide a needed new option for United States Rocky Mountain area (Colorado, Utah, and Wyoming) natural gas producers to transport and sell their gas, since their markets in the eastern and central United States and Canada had eroded due to increased eastern (Marcellus and Utica shale) natural gas production.

Rehearing Order P 41; Authorization Order P 85 (citing R. 1028, Pipeline Application Resource Report 1 at 3 (Addendum (“Add.”) 1 at A-4); R. 1262, Intervention Motion of the State of Wyoming and the Wyoming Pipeline Authority at 4-5 (Add. 2 at A-9 to A-10); and R. 3278, Caerus Piceance LLC comments at 2 (Add. 3 at A-13)). *See also, e.g.*, R. 3264, Terra Energy Partners Rocky Mountain LLC Comments at 1 (Add. 4 at A-15); R. 3285, Anadarko Petroleum Corp. Comments at 1 (Add. 5 at A-18); R. 3292, HighPoint Resources Comments at 1 (Add. 6 at A-21); R. 3297, Crescent Point Comments at 1 (Add. 7 at A-24); R. 2085, Laramie Energy, LLC Comments at 1 (Add. 8 at A-27); and R. 3138, Western Energy Alliance Member Comments at 1, 5, 9 (Add. 9 at A-30, A-34, A-38) (all generally referenced in Authorization Order P 85).

The record further showed that the Pipeline intended to source natural gas from the U.S. Rocky Mountains. Authorization Order P 85. The Pipeline explained that it “cannot meet the gas supply needs of the [LNG] Terminal and the purpose of the overall Project without accessing U.S. Rocky Mountain supplies, which are available from the Ruby pipeline.” R. 3492, Pipeline’s Response to Comments on Draft EIS

at 18 (Add. 10 at A-46), *quoted in* Authorization Order P 85; *see also* R. 1055, Jordan Cove Application Resource Report 10 at 2 (Add. 11 at A-49) (explaining that the “project is a market-driven response to the burgeoning and abundant natural gas supply in the U.S. Rocky Mountain and Western Canadian Markets”); *id.* at 4 (Add. 11 at A-51) (“natural gas supplies from the western Canadian and the U.S. Rocky Mountain supply basins . . . would be exported by the Project”). And the Department of Energy Order authorizing imports of natural gas from Canada noted that the Pipeline “will have access to gas supplies sourced from the U.S. Rocky Mountain region via Kinder Morgan’s Ruby Pipeline,” and that the imports from Canada are “designed to create flexibility in the Project’s sourcing of natural gas.” *Jordan Cove LNG L.P.*, FE Docket No. 13-141-LNG, DOE Order No. 3412 at 5-6 (Mar. 18, 2014), *cited and quoted in* Authorization Order P 85.

In addition, the Pipeline would support jobs in natural gas production and transportation and boost the economies in Oregon, Colorado, Utah, and Wyoming. Rehearing Order P 41; *see also, e.g.*, R. 3619, Final Environmental Impact Statement at 4-629 to 4-630, 4-635 to 4-638 (Add. 12 at A-54 to A-59) (discussing the expected

beneficial economic and job impacts in Oregon); Caerus Piceance LLC comments at 2 (Add. 3 at A-13) (discussing the expected beneficial economic and job impacts in Colorado); Intervention Motion of the State of Wyoming and the Wyoming Pipeline Authority at 4-5 (Add. 2 at A-9 to A-10) (discussing the expected beneficial economic impacts in Wyoming); Terra Energy Partners Comments at 1 (Add. 4 at A-15) (noting the Pipeline was expected to bring truck driving, engineering, rig hand, construction and contractor jobs, and employee wages to Utah and Colorado).

Contrary to Landowner-Petitioners' claim (Motion at 5-7, 9), *Oberlin* did not address the domestic benefits the Commission based its decision on here—providing Rocky Mountain natural gas suppliers with a needed new transportation option and sales market, and boosting the job markets and economies in Colorado, Utah, and Wyoming. These domestic benefits exist even though all the gas transported on the pipeline will be exported. Rehearing Order P 41. As the Court's opinion (*Oberlin*, 937 F.3d at 606) and the discussion surrounding the portion of the oral argument audio recording the Court cited (*id.* at 607, citing Oral Arg. 27:34-39) show, the proffered benefit the Court found

insufficiently explained in *Oberlin* was domestic consumption: (1) that most of the natural gas transported on the pipeline would be consumed in the United States; and (2) that even the capacity contracted for by Canadian companies might be consumed in the United States as well. (Even with this identified deficiency, the *Oberlin* Court still found “it plausible that the Commission will be able to supply the explanations required” on remand. 937 F.3d at 611).

Landowner-Petitioners also argue that the Commission cannot consider the domestic benefits here because, they assert, only Canadian natural gas will be transported on the pipeline. Motion at 10-11. In support of this argument, Landowner-Petitioners cite to reports they submitted claiming that Canadian natural gas will be less expensive than United States gas, and note that the project has received authority to import from Canada the maximum volume of natural gas the pipeline can transport. *Id.* at 10-12.

But even in the normal course of appellate review “the question is not whether the record evidence supports petitioners’ version of events, but whether it supports FERC’s.” *Wis. Pub. Power, Inc. v. FERC*, 493 F.3d 239, 266-67 (D.C. Cir. 2007) (internal quotation omitted). And

here, in the motion-for-summary-vacatur context, the record is reviewed and the inferences to be drawn therefrom are viewed in the light most favorable to the Commission. *See Taxpayers Watchdog*, 819 F.2d at 298. As already discussed, there was substantial record evidence that the Pipeline intends to source, and producers intend to supply, natural gas from the U.S. Rocky Mountains, and that the authorization to import natural gas from Canada was intended simply to provide operational flexibility. *See supra* p. 10-11.

Finally, Landowner-Petitioners assert that the Pipeline is not needed because the LNG Terminal has not entered into any export contracts and because demand for liquefied natural gas is down.

Motion at 13-15. But as the Commission explained, its role under Natural Gas Act section 7(c), 15 U.S.C. § 717f(c), is to determine whether there is sufficient market demand for the *Pipeline*.

Authorization Order P 34; Rehearing Order P 44. Consistent with its Policy Statement and this Court's precedent, the Commission found that the record established there was sufficient market demand for the Pipeline, since 96 percent of the Pipeline's capacity was subscribed under a long-term precedent agreement. Authorization Order PP 59,

65, 83; Rehearing Order PP 7, 30 & n.83 (discussing precedent), 33.

And the Department of Energy, which has exclusive jurisdiction over natural gas commodity exports under Natural Gas Act section 3, 15 U.S.C. § 717(b), had already authorized (in the 2018 DOE Order 3041-A, *see supra* p. 4) the export of 438 billion cubic feet per year of domestically-produced natural gas to free trade nations as consistent with the public interest. Rehearing Order P 44; Authorization Order P 34. So further analysis by the Commission regarding market need for liquefied natural gas was neither required nor permitted. Rehearing Order P 44; Authorization Order P 34.

The Commission reasonably explained why it was appropriate to credit the long-term precedent agreement here in making its public interest determination. Landowner-Petitioners have not shown that the merits of their case are so clear that expedited action is justified. So the motion for summary vacatur should be denied.

II. Landowner-Petitioners Have Not Established That They Are Entitled To The Extraordinary Remedy Of A Stay

A. Standard Of Review

Landowner-Petitioners seek the extraordinary remedy of a stay. *See Munaf*, 553 U.S. at 689-90 (stay pending appeal “is an

extraordinary and drastic remedy; it is never awarded as of right”) (internal quotation marks and citations omitted); *Reynolds Metals*, 777 F.2d at 763-64 (motion for stay pending review is “seeking extraordinary relief”). To obtain such extraordinary relief, Landowner-Petitioners must establish: (1) a strong showing that they are likely to prevail on the merits of their appeal; (2) that, without such relief, they will be irreparably injured; (3) a lack of substantial harm to other interested parties; and (4) that the public interest favors a stay. *Wash. Metro. Area Transit Comm’n v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977). Courts “must balance the competing claims of injury and must consider the effect . . . of the granting or withholding of the requested relief,” and “pay particular regard for the public consequences” *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008) (quotation marks omitted).

Not surprisingly, given the extraordinary nature of such pleas for judicial intervention, the courts of appeals—this one in particular—have consistently refrained from issuing stays where the Commission has found that the proposed pipeline facilities would provide needed energy infrastructure and, after balancing public benefits against

adverse effects, would be in the public interest. *See, e.g., Appalachian Voices v. FERC*, No. 17-1271 (D.C. Cir. Feb. 2, 2018 and Aug. 30, 2018) (denying motions to stay construction of Mountain Valley Pipeline; movants failed to “satisf[y] the stringent requirements for a stay pending court review”) (citing *Nken v. Holder*, 556 U.S. 418, 434 (2009)); *Allegheny Defense Project v. FERC*, No. 17-1098 (D.C. Cir. Nov. 8, 2017 and Feb. 16, 2018) (denying motions to stay construction of Atlantic Sunrise Pipeline).

B. Landowner-Petitioners Cannot Show A Likelihood of Success On The Merits Since The Commission’s Public Interest Finding Was Reasonable And Supported By Substantial Record Evidence

As just discussed, the Commission reasonably credited the long-term precedent agreement for 96 percent of the Pipeline’s capacity in its public convenience and necessity finding because, while the natural gas to be transported on the interstate Pipeline would then be exported, substantial record evidence established that the Pipeline would provide domestic public benefits. *See supra* pp. 9-12. Accordingly, Landowner-Petitioners cannot meet the “independent, free-standing requirement” to demonstrate a substantial likelihood of success on the merits.

Sherley v. Sebelius, 644 F.3d 388, 393 (D.C. Cir. 2011) (quoting *Davis v.*

Pension Benefit Guar. Corp., 571 F.3d 1288, 1296 (D.C. Cir. 2009) (Kavanaugh, J., concurring), and citing *Winter*, 555 U.S. at 22); *see also* *Citizens for Responsibility & Ethics in Wash. v. Fed. Election Comm’n*, 904 F.3d 1014, 1019 (D.C. Cir. 2018) (having “little prospect of success” is “arguably [a] fatal flaw for a stay application”). The stay request can be denied on this basis alone.

Even if the “serious legal questions” standard applied, *see* Motion at 16, Landowner-Petitioners do not satisfy it. That standard requires, as a threshold matter, that “the movant has made a substantial case on the merits.” *Holiday Tours*, 559 F.2d at 843; *see also id.* at 844 (the movant must show that it raised “questions going to the merits” that are “serious, substantial, difficult and doubtful”) (internal quotation marks omitted). Landowner-Petitioners have not done so. The “serious legal questions” standard further requires the movant to show that “the other three factors strongly favor interim relief” *Id.* at 843; *see also Aamer v. Obama*, 742 F.3d 1023, 1044 (D.C. Cir. 2014) (same). Landowner-Petitioners have not made that showing either, as is discussed below.

C. Landowner-Petitioners Have Not Established An Irreparable Injury

A claim of irreparable injury absent a stay must be “both certain and great; it must be actual and not theoretical.” *Wis. Gas Co. v. FERC*, 758 F.2d 669, 674 (D.C. Cir. 1985). A stay “will not be granted against something merely feared as liable to occur at some indefinite time”; the party seeking relief must show that “the injury complained of [is] of such imminence that there is a clear and present need for equitable relief to prevent irreparable harm.” *Id.* (quotation marks omitted); *see also id.* (“The movant must provide proof . . . indicating that the harm is certain to occur in the near future.”). Unsupported assertions are insufficient. *Cuomo v. Nuclear Regulatory Comm’n*, 772 F.2d 972, 978 (D.C. Cir. 1985). And any injury must be balanced against the other stay factors. *See Nken*, 556 U.S. at 427 (a stay is an exercise of judicial discretion dependent upon the circumstances of the particular case).

Landowner-Petitioners have not shown that they will be irreparably harmed without a stay of the Authorization Order. All of Landowner-Petitioners’ claimed irreparable injuries are premised on their land being condemned in an eminent domain proceeding. *See* Motion at 16-25. But as they acknowledge (Motion at 1, 17), while the

Authorization Order issued on March 19, 2020, the Pipeline has not initiated any eminent domain proceedings. And even if the Pipeline were to initiate eminent domain proceedings, the cases Landowner-Petitioners cite show that it would be at least three or four months, and more likely six months or longer, before a preliminary injunction allowing eminent domain action could issue. *See* Motion at 19 (citing cases in which preliminary injunctions were issued in three, four, six or more months). So, even if condemnation via eminent domain constituted irreparable harm, since any eminent domain preliminary injunction is hypothetical and not imminent here, Landowner-Petitioners have not satisfied their burden to demonstrate that they will suffer an irreparable, immediate injury.

Landowner-Petitioners contend that their property can be subject to “quick take” condemnation, which they say could happen in just a matter of weeks. Motion at 16, 18. But “quick take,” which occurs under the Declaration of Taking Act, 40 U.S.C. § 3114, is available only where the *government* itself exercises eminent domain; quick take is not available to the Pipeline. *See Transcontinental Gas Pipe Line Co., LLC v. Permanent Easement for 2.14 Acres*, 907 F.3d 725, 734 (3rd Cir.

2018); *E. Tenn. Natural Gas Co. v. Sage*, 361 F.3d 808, 822 (4th Cir. 2004); *see also Transwestern Pipeline Co., LLC v. 17.19 Acres*, 550 F.3d 770, 774-75 (9th Cir. 2008) (noting that “[a]ll courts examining the issue have agreed that the NGA does not authorize quick-take power”).

Instead, the standard condemnation procedures of Fed. R. Civ. P. 71.1 apply to pipeline eminent domain actions under the Natural Gas Act. *Transcontinental Gas*, 907 F.3d at 734. If a pipeline meets the standards for (and is granted the equitable remedy of) a preliminary injunction, it might be granted access to property; but unlike in a “quick take” action, the pipeline would not be granted title to the property until the end of the eminent domain proceeding when final compensation is determined and paid. *Id.* at 735 (citing *Danforth v. United States*, 308 U.S. 271, 284-85 (1939)); *see also Mountain Valley Pipeline, LLC v. 6.56 Acres of Land*, 915 F.3d 197, 214 (4th Cir. 2019) (citing *Sage*, 361 F.3d at 825-26). Landowner-Petitioners state that this “can take years” (Motion at 18), which effectively concedes the absence of the necessary imminent, irreparable injury.

There is no reason to believe any potential future eminent domain proceedings would necessarily conclude before this Court has an

opportunity to review the Commission’s public interest balance and determination here. The Commission expeditiously issued its Rehearing Order (responding to multiple rehearing requests) only 34 days after the deadline for filing rehearing requests passed, Landowner-Petitioners filed their petition for review (No. 20-1161) the same day the Rehearing Order issued, the certified index to the agency record has been filed, and the appeals of the Authorization and Rehearing Orders are proceeding ahead without delay.

Landowner-Petitioners speculate that the Pipeline will attempt to obtain easements from eminent domain courts that would allow them to be used for a purpose other than to transport natural gas as certificated here. Motion at 21-22. But Condition 5 of the Authorization Order states that: the Pipeline’s “exercise of eminent domain authority granted under Natural Gas Act (NGA) Section 7(h) in any condemnation proceedings related to the [Authorization] Order must be consistent with these authorized facilities and locations”; and the Pipeline’s “right of eminent domain granted under [Natural Gas Act] Section 7(h) does not authorize it . . . to acquire a right-of-way for a

pipeline to transport a commodity other than natural gas.”

Authorization Order, Appendix, Environmental Condition 5.

Landowner-Petitioners’ claim that they will be irreparably injured by Pipeline construction does not help them either. Motion at 16-17, 23-25. Landowner-Petitioners acknowledge that, as the Authorization Order states, no Pipeline construction can occur unless the Pipeline obtains all necessary permits under federal law. *Id.* at 23; *see also* Authorization Order P 101 (the Pipeline cannot commence any construction “unless and until . . . there is a favorable outcome on all outstanding requests for necessary [federal] approvals”); *id.* at Environmental Condition 11 (the Pipeline will not receive authorization to begin construction, including “any tree-felling or ground-disturbing activities,” until both the Pipeline and Jordan Cove have obtained “all applicable authorizations required under federal law for construction [of the Project] facilities (or evidence of waiver thereof”).

And Landowner-Petitioners assert that the Pipeline “very well may not receive the multiple permits required to commence construction.” Motion at 25; *see also id.* at 2 (stating that two of the necessary federal permits were denied, that the agency responsible for

issuing the third has been enjoined from issuing any new natural gas pipeline permits, and that, in Landowner-Petitioners' view, "the Project is highly unlikely to ever be built"). Again, Landowner-Petitioners effectively concede that project construction, which can occur only after receipt of all necessary permits, is not imminent.

D. Landowner-Petitioners Have Not Shown A Lack Of Substantial Harm To Other Parties

The third stay factor involves whether "a stay would have a serious adverse effect on other interested persons." *Va. Petroleum Jobbers Ass'n. v. FPC*, 259 F.2d 921, 925 (D.C. Cir. 1958).

Landowner-Petitioners assert that any harm to the Pipeline from staying the Authorization Order pending this Court's review of that order would be minimal compared to Landowner-Petitioners' "permanent loss of their property." Motion at 25. But as already discussed, there is no reason to believe that any potential eminent domain proceedings will be completed, or that construction activities will commence, before this Court reviews the Authorization Order in the ordinary course of appellate review. And as this Court has recognized, entities have a substantial interest in the continued effect of

a permit issued by the government. *See, e.g., 3883 Conn. LLC v. Dist. of Columbia*, 336 F.3d 1068, 1074 (D.C. Cir. 2003).

E. The Public Interest Does Not Favor A Stay

The Natural Gas Act charges the Commission with regulating the interstate transportation and wholesale sale of natural gas in the public interest. *See, e.g., Columbia Gas Transmission Corp. v. FERC*, 750 F.2d 105, 112 (D.C. Cir. 1984). Because the Commission is the “presumptive[] guardian of the public interest,” its views “indicate[] the direction of the public interest” for purposes of deciding a stay request. *N. Atl. Westbound Freight Ass’n v. Fed. Mar. Comm’n*, 397 F.2d 683, 685 (D.C. Cir. 1968); *see Myersville Citizens for a Rural Cmty., Inc. v. FERC*, 783 F.3d 1301, 1307-08 (D.C. Cir. 2015) (FERC has specialized, expert responsibility under the Natural Gas Act to determine if a certificate is in the public interest).

The Commission determined here, based on substantial record evidence, and after considering and balancing all views, that the Pipeline will provide domestic benefits and is required in the public convenience and necessity. *See* Authorization Order PP 64-65, 83-86, 99; Rehearing Order PP 30, 33, 38-42. Accordingly, the public interest

does not favor issuance of a stay. *See FPC v. Transcontinental Gas Pipe Line Corp.*, 365 U.S. 1, 7, 29 (1961) (the Commission is “the guardian of the public interest” and is vested with a “wide range of discretionary authority” when reviewing natural gas infrastructure projects; “a forecast of the direction in which future public interest lies necessarily involves deductions based on the expert knowledge of the agency”).

The global pandemic does not change this. *See* Motion at 27-30. Landowner-Petitioners speculate about their “likelihood” of “coming into contact” with Pipeline representatives if eminent domain were to proceed. Motion at 28. But courts can and have adopted measures to protect parties as necessary and appropriate. *See, e.g.* D.C. Cir. Order (Mar. 17, 2020) (providing panel discretion to conduct oral argument by teleconference). Just as these proceedings to review Commission orders can move forward with measures appropriate for the current pandemic conditions, district courts with responsibility over any future eminent domain proceedings can be expected to adopt measures appropriate for their cases and for the litigants who appear before them.

CONCLUSION

For the foregoing reasons, Landowner-Petitioners have not met the heavy burden required to justify either summary vacatur or a stay of the Authorization Order, and their motion should be denied.

Respectfully submitted,

David L. Morenoff
Acting General Counsel

Robert H. Solomon
Solicitor

/s/ Beth G. Pacella
Beth G. Pacella
Deputy Solicitor

Scott R. Ediger
Attorney

For Respondent
Federal Energy Regulatory
Commission
Washington, D.C.

August 11, 2020

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g) and Circuit Rule 32(e) and this Court's July 16, 2020 Order, I certify that this opposition to motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2)(A) and Circuit Rule 27(d)(2)(A), as modified in this Court's order to 7,800 words, because it contains 4,976 words, excluding the parts of the document exempted by Fed. R. App. P. 32(f) and Circuit Rule 32(e)(1).

I further certify that this document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in Century Schoolbook 14-point font using Microsoft Word 2010.

/s/ Beth G. Pacella
Beth G. Pacella
Deputy Solicitor

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August 11, 2020

CERTIFICATE OF SERVICE

I hereby certify that, on August 11, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Beth G. Pacella

Beth G. Pacella
Deputy Solicitor

ORAL ARGUMENT HAS NOT BEEN SCHEDULED

**In the United States Court of Appeals
for the District of Columbia Circuit**

No. 20-1161 (consolidated with Nos. 20-1171, *et al.*)

DEBORAH EVANS, *ET AL.*,
Petitioners,

v.

FEDERAL ENERGY REGULATORY COMMISSION,
Respondent.

ON PETITIONS FOR REVIEW OF ORDERS OF THE
FEDERAL ENERGY REGULATORY COMMISSION

**ADDENDA TO RESPONDENT'S OPPOSITION TO MOTION FOR
SUMMARY VACATUR OR FOR A STAY OF THE CERTIFICATE**

David L. Morenoff
Acting General Counsel

Robert H. Solomon
Solicitor

Beth G. Pacella
Deputy Solicitor

Scott R. Ediger
Attorney

For Respondent
Federal Energy Regulatory
Commission
Washington, D.C. 20426

August 11, 2020

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ADDENDUM 1



Pacific Connector Gas Pipeline, LP

Resource Report No. 1

General Project Description

Pacific Connector Gas Pipeline Project

September 2017

1.1 PROPOSED FACILITIES

1.1.1 Statement of Purpose and Need

The Project is as a market-driven response to the burgeoning and abundant natural gas supply in the U.S. Rocky Mountain and Western Canada markets, and the growth of international demand, particularly in Asia.

The overall Project purpose and need is to construct a natural gas liquefaction and deep-water export terminal capable of receiving and loading ocean-going LNG carriers, in order to export natural gas from a point of origin near the intersections of the GTN Pipeline system and the Ruby Pipeline system.

The Pipeline origin near the intersection of the GTN Pipeline system and Ruby Pipeline system is strategically located to give reliable and secure supplies of natural gas from two natural gas supply basins – one in the U.S. Rocky Mountains (through the existing Ruby Pipeline) and a second in western Canada (through the existing GTN Pipeline) – capable of delivering volumes of at least 1,200,000 Dth/d in order to support export of 7.8 mtpa of LNG.

The LNG Terminal, proposed to be located on the bay side of the North Spit of Coos Bay, would support receipt, liquefaction, storage, and loading of LNG onto ocean-going LNG tankers for delivery to export markets giving those supplies an efficient and cost-effective outlet. The Pipeline is needed to transport natural gas from the proposed receipt points near the intersection of the GTN Pipeline system and Ruby Pipeline system to the LNG Terminal.

1.1.1.1 Project Summary

1.1.1.1.1 Background

On September 4, 2007, JCEP filed an application with FERC to construct and operate an LNG import terminal at Coos Bay, Oregon, in Docket No. CP07-444-000. That same day, PCGP, in Docket No. CP07-441-000, filed an application with FERC to construct and operate a natural gas sendout pipeline connecting the JCEP LNG import terminal with existing natural gas transportation systems. In May 2009, FERC produced a final environmental impact statement (“FEIS”) for Docket Nos. CP07-441-000 and CP07-444-000. The Commission authorized both the import terminal and the natural gas sendout pipeline on December 17, 2009. On April 16, 2012, the Commission vacated the previously issued certificates for the LNG import terminal in Docket No. CP07-444-000 and the associated sendout pipeline in Docket No. CP07-441-000.

On May 21, 2013, JCEP filed an application seeking authorization for its proposed LNG export terminal on the North Spit of Coos Bay in Coos County, Oregon, in Docket No. CP13-483-000. PCGP filed its companion application with FERC for the supply pipeline to the proposed terminal on June 6, 2013, in Docket No. CP13-492-000. FERC conducted an extensive environmental review of both applications, issuing an FEIS in September 2015. On March 11, 2016, the Commission denied the applications in Docket Nos. CP13-483-000 and CP13-492-000, without prejudice to JCEP’s and PCGP’s refiling of new applications.

On January 23, 2017, JCEP and PCGP requested approval to participate in FERC’s Pre-Filing Review Process to assist in the identification and proper assessment of issues

and to obtain input on the development of the environmental resource reports. FERC granted this request on February 10, 2017, and assigned Docket No. PF17-4-000.

1.1.1.1.2 Market Demand and Economic Support for the Project

The Project would provide clean burning natural gas to Asian markets, which would reduce the amount of coal-fired, oil-fired, and nuclear-powered generation currently being used in these markets and increase cleaner-burning supplies to other commercial and residential markets. The Project would also provide new market access for natural gas producers in the Rocky Mountains and Western Canada. These producers have seen their access to markets in the eastern and central regions of the United States and Canada erode with the development and ramp-up of natural gas production from the Marcellus and Utica shales.

Global LNG Market Demand and Supply

Demand for LNG is expected to grow 4% to 5% per year between 2015 and 2030, and LNG demand growth has exceeded expectations recently. While many expected the market to be oversupplied in 2016, demand in Asia and the Middle East absorbed the increase in supply from Australia and the U.S. Chinese imports of LNG increased 33% in 2016 over the prior year, and India saw an increase of 25% over the same period. There were also six new importing countries in 2016 (Colombia, Egypt, Jamaica, Jordan, Pakistan and Poland), bringing the total number of LNG importing countries to 35. Shortages in domestic gas supplies in Egypt, Jordan and Pakistan led those countries to be among the fastest growing importers, importing a total of 13.9 million tons of LNG in 2016 during their first year of imports.

Despite the resurgent LNG demand, global LNG prices fell dramatically over the last two years following the slump in oil prices. This has led to new LNG supply projects being deferred or cancelled, and it will undoubtedly lead to a tightening of the global market post 2020. With few new supply projects and strong demand growth driven by India, China and Southeast Asia, the market is expected to recover by 2023, and LNG demand is expected to almost double by 2030, requiring an incremental 150 mtpa of new supply by the end of the next decade.

U.S. LNG exports are one of the lowest cost supply sources in the world and are expected to maintain their competitive advantage going forward due to the size and quality of the upstream natural gas resources in North America and the availability of infrastructure, including existing pipelines and road and rail infrastructure. Projects such as JCEP and PCGP on the west coast of the U.S. offer a particular strategic advantage in being able to supply the strong Asian market demand with shorter shipping distances relative to other U.S. export projects. The distance from the Port of Coos Bay to Tokyo Bay requires nine days shipping as compared to 22 days from the Gulf of Mexico utilizing the Panama Canal.

Japanese Demand

Demand in Japan is not dependent upon demand growth but is driven by the re-balancing of the supply portfolios held by Japanese companies. Twenty-five percent of Japan's long term contracts expire between 2020 and 2025. U.S. LNG exports to Japan are positive from a number of standpoints. Japan is the most important U.S. ally in Asia,

ADDENDUM 2

**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

Jordan Cove Energy Project LP)	Docket No. CP17-495-000
)	PF17-4-000
Pacific Connector Gas Pipeline LP)	Docket No. CP17-494-000
)	PF17-4-000

**MOTION TO INTERVENE BY
THE STATE OF WYOMING AND
THE WYOMING PIPELINE AUTHORITY**

Pursuant to Rules 212 and 214(b) of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“FERC” or “Commission”), 18 C.F.R. §§ 385.212 and 385.214(b) (2017), the State of Wyoming and the Wyoming Pipeline Authority (“WPA”) hereby submit their joint Motion to Intervene in the above-captioned proceedings. In support thereof, Wyoming and the WPA state as follows:

I. COMMUNICATIONS

In accordance with Rule 203(b) of the Commission’s Rules of Practice and Procedure, 18 C.F.R. § 385.203(b) (2017), communications should be addressed to:

Erik E. Petersen
Senior Assistant Attorney General
Wyoming Attorney General’s Office
123 State Capitol
Cheyenne, Wyoming 82002
(307) 777-3542
erik.petersen@wyo.gov

Brian Jeffries, Director
Wyoming Pipeline Authority
152 North Durbin Street, Suite 250
Casper, Wyoming 82601
(307) 237-5009
brian@wyopipeline.com

II. STATEMENT OF INTEREST

The Commission's rules require a prospective intervenor to: (1) timely move for intervention; (2) "state, to the extent known, the position taken by the movant and the basis in fact and law for that position"; and (3) show that either "[t]he movant has ... an interest which may be directly affected by the outcome of the proceeding," or "[t]he movant's participation is in the public interest." 18 C.F.R. § 385.214(b). Wyoming and the WPA satisfy these requirements.

The State of Wyoming has a royalty interest in natural gas produced from state mineral leases in Wyoming, receives a forty-eight percent share in the value of the royalty interest of the federal government in natural gas produced from federal mineral leases in Wyoming, and receives severance and ad valorem taxes on production of natural gas in the state. Consequently, Wyoming has a substantial economic interest in the transportation and disposition of the natural gas produced and consumed in and exported from the state, including much of the natural gas that would supply the projects at issue. Accordingly, Wyoming has significant interests in the projects at issue. And, in light of Wyoming's expertise in natural gas production, Wyoming's participation in these proceedings will serve the public interest. Based on these facts, as well as the timeliness of Wyoming's motion, Wyoming is entitled to intervene in these proceedings. Therefore, the Commission should grant Wyoming's motion.

The WPA is a body politic and corporate of the State of Wyoming. The WPA's principal place of business is located at 152 North Durbin Street, Suite 250, Casper,

Wyoming 82601. The WPA is charged by statute with facilitating and supporting means to improve access to interstate natural gas markets for the substantial supplies of natural gas produced in the State. This charter includes supporting interstate natural gas transportation and natural gas export projects, as well as participating in regulatory proceedings authorizing such projects. Accordingly, the WPA has significant interests in the projects at issue. And, in light of the WPA's expertise in natural gas production, the WPA's participation in these proceedings will serve the public interest. Based on these facts, as well as the timeliness of the WPA's motion, the WPA is entitled to intervene in these proceedings. Therefore, the Commission should grant the WPA's motion.

III. BACKGROUND

On September 21, 2017, Jordan Cove Energy Project, L.P. (Jordan Cove) filed in Docket No. CP17-495-000 an application, under Section 3 of the Natural Gas Act (NGA) and Part 153 of the Commission's regulations, seeking authorization to site, construct and operate a natural gas liquefaction and liquefied natural gas (LNG) export facility (LNG Terminal) on the bay side of the North Spit of Coos Bay in Coos County, Oregon. According to the application, the LNG Terminal will be capable of receiving up to 1,200,000 dekatherms per day (Dth/d) of natural gas via the Pacific Connector Gas Pipeline, liquefying it, storing it in two cryogenic storage tanks, and loading the LNG onto ocean going vessels for export.

Contemporaneously, Pacific Connector Gas Pipeline, LP (Pacific Connector) filed an application in Docket No. CP17-494-000 pursuant to Section 7(c) of the NGA for a certificate of public convenience and necessity authorizing Pacific Connector to construct,

install, own, and operate a 229-mile natural gas pipeline under Subpart A of Part 157 of the Commission's regulations, and to transport natural gas, on an open access and self-implementing basis, under Subpart G of Part 284 of the Commission's regulations. According to the application, the Pacific Connector Gas Pipeline will be capable of transporting up to 1,200,000 Dth/d of natural gas to the Jordan Cove export terminal.

IV. MOTION TO INTERVENE

Pursuant to Rule 214, 18 C.F.R. § 385.214 (2017), Wyoming and the WPA move to intervene in the above-captioned proceedings. This Motion to Intervene is timely filed. The outcome of these proceedings will directly impact Wyoming's interests and the responsibilities of the WPA. No other participant can represent the sovereign interests of the State of Wyoming or those of the WPA. Wyoming's and the WPA's participation in these proceedings is in the public interest.

V. COMMENTS IN SUPPORT OF THE PROJECT

The vast majority of the natural gas produced in Wyoming is transported out of the state. Interstate pipelines such as the one proposed in Docket No. CP17-494-000 provide access to markets throughout the United States for natural gas produced in Wyoming. The export market to be served by the LNG export facilities of Jordan Cove proposed in the Docket No. CP17-495-000 will provide additional demand for the excess deliverability of natural gas in Wyoming.

The Pacific Connector Gas Pipeline and the Jordan Cove export terminal will provide much needed markets for natural gas produced in the state, improving cash flow and revenues to an important sector of the State's economy, and contributing to the royalty

income and tax revenues of the State.

Construction of the Pacific Connector Gas Pipeline and the Jordan Cove export terminal in an environmentally responsible manner will be in the public interest.

VI. CONCLUSION

The State of Wyoming and the Wyoming Pipeline Authority respectfully request that the Commission grant the Motion of the State of Wyoming and the Wyoming Pipeline Authority and designate the State of Wyoming and the Wyoming Pipeline Authority as parties to these proceedings with all the rights appurtenant thereto.

Further, the State of Wyoming and the Wyoming Pipeline Authority request the Commission to act expeditiously on the applications filed in the above-captioned dockets and to grant the certificate authorizations requested in the applications filed in the captioned dockets as in the public convenience and necessity.

Respectfully submitted,

/s/ Erik Petersen

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Senior Assistant Attorney General
Wyoming Attorney General's Office
2320 Capitol Avenue
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(307) 777-6946 (phone)
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*Counsel for the State of Wyoming and
the Wyoming Pipeline Authority*

ADDENDUM 3



Caerus Piceance LLC
1001 Seventeenth Street
Suite 1600
Denver, CO 80202

July 5, 2019

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, Northeast
Room 1A
Washington, D.C. 20426

Via Electronic Mail and Electronic Submission (<https://ferconline.ferc.gov/QuickComment.aspx>)

Re: Comments on the Jordan Cove LNG Project and the Pacific Connector Gas Pipeline Project– Docket Numbers CP17-494-000 and CP17-495-00

Dear Secretary Bose:

Caerus Piceance LLC (Caerus) is writing today in support of the Jordan Cove LNG Project and the Pacific Connector Gas Pipeline Project (collectively referred to as the “Proposed Project”). Caerus would ask that the Federal Energy Regulatory Commission (FERC) approve the necessary certificates for the Proposed Project under the Natural Gas Act. The Proposed Project is important to Caerus and the State of Colorado. It meets the high standards of design, public benefit, and environmental preservation that are outlined under the Natural Gas Act. The Draft Environmental Impact Statement (DEIS) fully informs the public and the decision makers of the potential impacts of the Proposed Project on the environment, as required by the National Environmental Policy Act (NEPA).

Background on Caerus Piceance LLC

Caerus acquires, develops and produces affordable, clean-burning natural gas in the Piceance Basin of western Colorado. Caerus owns interests in over 600,000 acres of leasehold and mineral rights, making it one of the largest such leasehold owners in the State of Colorado. Caerus operates over 4,200 producing wells, and Caerus’ geoscientists and engineers have identified nearly 8,000 future drilling locations in the Williams Fork formation alone, not including prospective drilling locations in the deeper Mancos and Niobrara formations. Caerus’ projected development of the Williams Fork formation represents approximately 150 rig-years of development.

In 2018, Caerus grew its annual production over 30% to nearly 400 mmcf/d—an amount equivalent to approximately 30% of the annual natural gas consumption in the State of Colorado. Caerus’ development plans require relationships with well over 220 suppliers of goods and services, many of whom are based in western Colorado and most of whom employ residents of western Colorado. Additionally, Caerus itself employs over 200 employees in its offices in Denver and on the West Slope of Colorado.



Caerus Piceance LLC
 1001 Seventeenth Street
 Suite 1600
 Denver, CO 80202

Importance of the Proposed Project

Caerus supports the Proposed Project not only because of the economic benefits for the State of Colorado, but also for the opportunity for the western states to provide affordable, clean-burning natural gas to America's global partners in Europe and Asia. The U.S. Energy Information Administration's (EIA) predicts that total world energy consumption will increase by 28% between 2015 and 2040. Much of this consumption will take place outside the U.S. in countries such as China and India, which are using natural gas to replace large, aging, and inefficient coal plants. The Proposed Project is the only proposed Liquefied Natural Gas (LNG) export terminal on the west coast and the only one with a direct route to Asia. Approval of the Proposed Project would create global environmental benefits..

The abundance of natural gas reserves in western Colorado and the existing midstream infrastructure make it possible for the Piceance Basin to be a major supplier for LNG exports worldwide via the west coast. The Piceance Basin in western Colorado has significant proven reserves—estimated at tens of thousands of future Williams Fork locations—along with tremendous potential reserves in the deeper Mancos and Niobrara formations. The existing midstream pipelines in western Colorado are currently underutilized. The Proposed Project would connect the existing Ruby Pipeline to the proposed 230-mile Pacific Connector pipeline to transport affordable, clean-burning natural gas from western Colorado to the Jordan Cove LNG terminal, allowing western Colorado natural gas to flow to the Pacific without requiring additional pipeline construction. The economic impact to Colorado due to additional demand for natural gas from a West Coast LNG facility is estimated at six billion dollars and 38,000 jobs.

Furthermore, LNG from the West Slope of Colorado will offset dependencies of nations around the world on energy supplies from the Middle East and Russia. Natural gas exports can be used in regions without reliable energy resources or to replace existing energy sources responsible for high levels of harmful emissions. Increased use of natural gas helps to combat climate change by lowering emissions of carbon dioxide (CO₂), a primary greenhouse gas (GHG). A proactive U.S. LNG export policy will reduce energy poverty by providing affordable new sources of energy while improving air quality and reducing greenhouse gas emissions.

Thank you for your consideration. Should you have any further questions regarding Caerus' support of the Proposed Project, please contact Kelley Huemoeller Lewis at 303-829-6536 or klh@klhadvisors.com.

Sincerely,

A handwritten signature in cursive script, appearing to read "Allison Woolston".

Allison Woolston
 General Counsel

ADDENDUM 4



TEP Rocky Mountain LLC
1058 County Road 215
Parachute, CO 81635

FILED
 SECRETARY OF THE
 COMMISSION

ORIGINAL

June 28, 2019

2019 JUL -8 P 1:40

Federal Energy Regulatory Commission
 888 First Street, NE, Room 1A
 Washington, D.C. 20426

FEDERAL ENERGY
 REGULATORY COMMISSION

Re: Docket CP17-494-000 and CP17-495-000 (Jordan Cove Energy Project and Pacific Connector Gas Pipeline)

To Whom It May Concern:

On behalf of TEP Rocky Mountain LLC ("TEP"), and for the benefit of families and businesses on the western slope and across the state of Colorado, I am writing to voice my support for Jordan Cove and Pacific Connector. I urge the Federal Energy Regulatory Commission to issue certificates to Jordan Cove Energy Project and Pacific Connector Gas Pipeline under the Natural Gas Act. As the largest natural gas producer on the West Slope, this project is important to TEP and the state of Colorado, and it meets the high standards of design, public benefit and environmental preservation that is outlined under the Natural Gas Act. Additionally, the Draft Environmental Impact Statement (DEIS) fully informs the public and the decision makers of the potential impacts of the project to the environment, as required by the National Environmental Policy Act.

The Uintah/Piceance Basin of Utah and Colorado is a massive natural gas resource and there are significant local, regional, and national economic and societal benefits that could result from developing that natural gas and taking it to markets around the world including:

- Due to its unique attributes, the Uintah/Piceance Basin natural gas supply should be the logical first choice for any Western U.S. or Pacific Rim market. According to a PricewaterhouseCoopers study, in 2015 the oil and natural gas industry contributed 66,800 jobs and \$3.5 billion in employee wages in Utah. In Colorado, oil and gas operations added 232,900 jobs and accounted for more than \$23 billion in wages. These jobs, many of which are on the western slope, represent the truck drivers, engineers, rig hands, construction workers and contractors who make oil and gas production and delivery possible;
- According to release of a report in April 2019 by the Utah Governor's Office of Energy Development, the Ute Indian Tribe and the Colorado counties of Garfield, Mesa, Moffat, and Rio Blanco entitled, "Natural Gas Markets for the Western States and Tribal Nations," the most promising U.S. LNG export option on the U.S. Pacific Coast is the proposed Jordan Cove LNG liquefaction facility located in Coos Bay, Oregon. The Jordan Cove LNG project, if completed, will become the best-positioned LNG export terminal in the U.S. to serve markets in Asia. The key advantage that Jordan Cove enjoys is a significantly shorter shipping distance to Asia relative to other LNG export terminals in the U.S.; and

- By providing market access for Uintah/Piceance natural gas, the U.S. can use LNG exports to positively impact energy geopolitics and improve its national energy security. U.S. LNG can offset dependencies of nations around the world on energy supplies from the Middle East and Russia. Natural gas exports can be used in regions without reliable energy resources or can be used to replace existing energy sources responsible for high levels of harmful emissions. Increased use of natural gas is helping to combat climate change by lowering emissions of carbon dioxide (CO₂), a primary greenhouse gas (GHG). A constructive U.S. LNG export policy can also help reduce energy poverty by providing affordable new sources of energy while improving air quality and reducing greenhouse gas emissions.

We appreciate the opportunity to provide comments on the Jordan Cove Energy Project and Pacific Connector Gas Pipeline, a project of significant importance for Oregon, Colorado and the United States of America.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Keith Brown', with a long horizontal flourish extending to the right.

J. Keith Brown
Chief Operating Officer
Terra Energy Partners LLC
4828 Loop Central Drive
Houston, TX 77081

ADDENDUM 5

ANADARKO PETROLEUM CORPORATION

TEL (303) 929-6000

1099 18TH STREET, SUITE 1800 • DENVER, COLORADO 80202

P.O. BOX 173779 • DENVER, COLORADO 80217-3779 (MAIL)

ORIGINAL

FILED
SECRETARY OF THE
COMMISSION

Federal Energy Regulatory Commission
888 First Street, NE, Room 1A
Washington, D.C. 20426

2019 JUL -8 P 1:36

FEDERAL ENERGY
REGULATORY COMMISSION

Re: Docket CP17-494-000 and CP17-495-000 (Jordan Cove Energy Project and Pacific Connector Gas Pipeline)

To Whom It May Concern:

We are writing to voice support for Jordan Cove and Pacific Connector. We urge the Federal Energy Regulatory Commission to issue certificates to Jordan Cove Energy Project and Pacific Connector Gas Pipeline under the Natural Gas Act. This project is important to industry and the state of Utah and it meets the high standards of design, public benefit and environmental preservation that is outlined under the Natural Gas Act. The DEIS fully informs the public and the decision makers of the potential impacts of the project to the environment, as required by the National Environmental Policy Act.

The Uintah/Piceance Basin of Utah and Colorado is a massive natural gas resource and there are significant local, regional, and national economic and societal benefits that could result from developing that natural gas and taking it to markets around the world including:

- Due to its unique attributes, the Uintah/Piceance Basin natural gas supply should be the logical first choice for any Western U.S. or Pacific Rim market. According to a PricewaterhouseCoopers study, in 2015 the oil and natural gas industry contributed 66,800 jobs and \$3.5 billion in employee wages in Utah. In Colorado, oil and gas operations added 232,900 jobs and accounted for more than \$23 billion in wages. These jobs represent the truck drivers, engineers, rig hands, construction workers and contractors who make oil and gas production and delivery possible;
- According to release of a report in April 2019 by the Utah Governor's Office of Energy Development, the Ute Indian Tribe and the Colorado counties of Garfield, Mesa, Moffat, and Rio Blanco entitled, "Natural Gas Markets for the Western States and Tribal Nations," the most promising U.S. LNG export option on the U.S. Pacific Coast is the proposed Jordan Cove LNG liquefaction facility located in Coos Bay, Oregon. The Jordan Cove LNG project, if completed, will become the best-positioned LNG export terminal in the U.S. to serve markets in Asia. The key advantage that Jordan Cove enjoys is a significantly shorter shipping distance to Asia relative to other LNG export terminals in the U.S.; and
- By providing market access for Uintah/Piceance natural gas, the U.S. can use LNG exports to positively impact energy geopolitics and improve its national energy security. U.S. LNG can offset dependencies of nations around the world on energy supplies from the Middle East and Russia. Natural gas exports can be used in regions without reliable energy resources or can be used to replace existing energy sources responsible for high levels of harmful emissions. Increased use of natural gas is helping to combat climate change by lowering emissions of carbon dioxide (CO₂), a primary greenhouse gas (GHG). A constructive U.S. LNG export policy can also help reduce energy poverty by providing affordable new sources of energy while improving air quality and reducing greenhouse gas emissions.

We appreciate the opportunity to provide comments on the Jordan Cove Energy Project and Pacific Connector Gas Pipeline, a project of significant importance for Oregon, Utah and the United States of America.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Aldridge".

Susan Aldridge
Director of Regulatory and External Affairs, WY/UT
Anadarko Petroleum
1099 18th Street, Denver, CO 80202
Susan.Aldridge@anadarko.com

ANADARKO PETROLEUM CORPORATION

TEL (303) 929-6000

1099 18TH STREET, SUITE 1800 • DENVER, COLORADO 80202

P.O. BOX 173779 • DENVER, COLORADO 80217-3779 (MAIL)



cc: Governor Gary Herbert, Senator Mike Lee, Senator Mitt Romney,
Congressman Rob Bishop, Congressman Chris Stewart
Congressman John Curtis, Congressman Ben McAdams

ADDENDUM 6



ORIGINAL

 RECEIVED
 JUL 10 2019

JUL -8 P 1:42

 FEDERAL ENERGY
 REGULATORY COMMISSION

Federal Energy Regulatory Commission

888 First Street, NE, Room 1A

Washington, D.C. 20426

 Re: Docket CP17-494-000 and CP17-495-000 (Jordan Cove Energy Project and Pacific
 Connector Gas Pipeline)

To Whom It May Concern:

I am writing to voice my support for Jordan Cove and Pacific Connector. I urge the Federal Energy Regulatory Commission to issue certificates to Jordan Cove Energy Project and Pacific Connector Gas Pipeline under the Natural Gas Act. This project is important to HighPoint Resources and the state of Colorado and it meets the high standards of design, public benefit and environmental preservation that is outlined under the Natural Gas Act, and the DEIS fully informs the public and the decision makers of the potential impacts of the project to the environment, as required by the National Environmental Policy Act.

The Uintah/Piceance Basin of Utah and Colorado is a massive natural gas resource and there are significant local, regional, and national economic and societal benefits that could result from developing that natural gas and taking it to markets around the world including:

- Due to its unique attributes, the Uintah/Piceance Basin natural gas supply should be the logical first choice for any Western U.S. or Pacific Rim market. According to a PricewaterhouseCoopers study, in 2015 the oil and natural gas industry contributed 66,800 jobs and \$3.5 billion in employee wages in Utah. In Colorado, oil and gas operations added 232,900 jobs and accounted for more than \$23 billion in wages. These jobs represent the truck drivers, engineers, rig hands, construction workers and contractors who make oil and gas production and delivery possible;
- According to release of a report in April 2019 by the Utah Governor's Office of Energy Development, the Ute Indian Tribe and the Colorado counties of Garfield, Mesa, Moffat, and Rio Blanco entitled, "Natural Gas Markets for the Western States and Tribal Nations." the most promising U.S. LNG export option on the U.S. Pacific Coast is the proposed Jordan Cove LNG liquefaction facility located in Coos Bay, Oregon. The Jordan Cove LNG project, if completed, will become the best-positioned LNG export terminal in the U.S. to serve markets in Asia. The key advantage that Jordan Cove enjoys is a significantly shorter shipping distance to Asia relative to other LNG export terminals in the U.S.; and
- By providing market access for Uintah/Piceance natural gas, the U.S. can use LNG exports to positively impact energy geopolitics and improve its national energy security. U.S. LNG can offset dependencies of nations around the world on energy

 33105 COUNTY ROAD 33
 GREELEY, CO 80631
 P 970.353.0407 X6015
 F 970.353.0961



supplies from the Middle East and Russia. Natural gas exports can be used in regions without reliable energy resources or can be used to replace existing energy sources responsible for high levels of harmful emissions. Increased use of natural gas is helping to combat climate change by lowering emissions of carbon dioxide (CO₂), a primary greenhouse gas (GHG). A constructive U.S. LNG export policy can also help reduce energy poverty by providing affordable new sources of energy while improving air quality and reducing greenhouse gas emissions.

We appreciate the opportunity to provide comments on the Jordan Cove Energy Project and Pacific Connector Gas Pipeline, a project of significant importance for Oregon, Colorado and the United States of America.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Dennison", is written over a horizontal line.

Doug Dennison
Director of Community Affairs

Cc: Governor Jared Polis
Senator Corey Gardner
Senator Michael Bennett
Congressman Scott Tipton
Congressman Ed Perlmutter
Congressman Jason Crow

33105 COUNTY ROAD 33
GREELEY, CO 80631
P 970.353.0407 X6015
F 970.353.0961

ADDENDUM 7



ORIGINAL

Crescent Point

June 26, 2019

FILED
JUL 10 2019
FEDERAL ENERGY
REGULATORY COMMISSION

2019 JUL -8 P 1:42

Federal Energy Regulatory Commission

888 First Street, NE, Room 1A

Washington, D.C. 20426

Re: Docket CP17-494-000 and CP17-495-000 (Jordan Cove Energy Project and Pacific Connector Gas Pipeline)

To Whom It May Concern:

Re: Jordan Cove and Pacific Connector

I am writing to voice my support for Jordan Cove and Pacific Connector. I urge the Federal Energy Regulatory Commission to issue certificates to Jordan Cove Energy Project and Pacific Connector Gas Pipeline under the Natural Gas Act. This project is important to Crescent Point Energy and the state of Utah and it meets the high standards of design, public benefit and environmental preservation that is outlined under the Natural Gas Act, and the DEIS fully informs the public and the decision makers of the potential impacts of the project to the environment, as required by the National Environmental Policy Act.

The Uintah/Piceance Basin of Utah and Colorado is a massive natural gas resource and there are significant local, regional, and national economic and societal benefits that could result from developing that natural gas and taking it to markets around the world including:

- Due to its unique attributes, the Uintah/Piceance Basin natural gas supply should be the logical first choice for any Western U.S. or Pacific Rim market. According to a PricewaterhouseCoopers study, in 2015 the oil and natural gas industry contributed 66,800 jobs and \$3.5 billion in employee wages in Utah. In Colorado, oil and gas operations added 232,900 jobs and accounted for more than \$23 billion in wages. These jobs represent the truck drivers, engineers, rig hands, construction workers and contractors who make oil and gas production and delivery possible;
- According to release of a report in April 2019 by the Utah Governor's Office of Energy Development, the Ute Indian Tribe and the Colorado counties of Garfield, Mesa, Moffat, and Rio Blanco entitled, "Natural Gas Markets for the Western States and Tribal Nations," the most promising U.S. LNG export option on the U.S. Pacific Coast is the proposed Jordan Cove LNG liquefaction facility located in Coos Bay, Oregon. The Jordan Cove LNG project, if completed, will become the best-positioned LNG export terminal in the U.S. to serve markets in Asia. The key advantage that Jordan Cove enjoys is a significantly shorter shipping distance to Asia relative to other LNG export terminals in the U.S.; and
- By providing market access for Uintah/Piceance natural gas, the U.S. can use LNG exports to positively impact energy geopolitics and improve its national energy security. U.S. LNG can offset dependencies of nations around the world on energy supplies from the Middle East and Russia. Natural gas exports can be used in regions without reliable energy resources or can be used to replace existing energy sources responsible for high levels of harmful emissions. Increased use of natural gas is helping to combat climate change by lowering emissions of carbon dioxide (CO₂), a primary greenhouse gas (GHG). A constructive U.S. LNG export policy can also help reduce energy poverty by providing affordable new sources of energy while improving air quality and reducing greenhouse gas emissions.

We appreciate the opportunity to provide comments on the Jordan Cove Energy Project and Pacific Connector Gas Pipeline, a project of significant importance for Oregon, Utah and the United States of America.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Eade', with a stylized flourish extending from the end.

Mark Eade
SVP, General Counsel & Corporate Secretary
Crescent Point Energy

Cc: Governor Gary Herbert
Senator Mike Lee
Senator Mitt Romney
Congressman Rob Bishop
Congressman Chris Stewart
Congressman John Curtis
Congressman Ben McAdams

ADDENDUM 8



LARAMIE ENERGY, LLC
 1401 SEVENTEENTH ST., SUITE 1400
 DENVER, COLORADO 80202

FILED
 SECRETARY OF THE
 COMMISSION
 JUN 18 A 11:14
 REG. ENERGY
 REGULATORY COMMISSION
 TEL: (303) 339-4400
 FAX: (303) 339-3399

June 11, 2019

ORIGINAL

Federal Energy Regulatory Commission
 888 First Street, NE, Room 1A
 Washington, D.C. 20426

Re: Docket CP17-494-000 and CP17-495-000 (Jordan Cove Energy Project and Pacific Connector Gas Pipeline)

To Whom It May Concern:

I am writing to voice my support for Jordan Cove and Pacific Connector. I urge the Federal Energy Regulatory Commission to issue certificates to Jordan Cove Energy Project and Pacific Connector Gas Pipeline under the Natural Gas Act. This project is important to Laramie Energy, LLC and the state of Colorado and it meets the high standards of design, public benefit and environmental preservation that is outlined under the Natural Gas Act, and the DEIS fully informs the public and the decision makers of the potential impacts of the project to the environment, as required by the National Environmental Policy Act.

The Uintah/Piceance Basin of Utah and Colorado is a massive natural gas resource and there are significant local, regional, and national economic and societal benefits that could result from developing that natural gas and taking it to markets around the world including:

- Due to its unique attributes, the Uintah/Piceance Basin natural gas supply should be the logical first choice for any Western U.S. or Pacific Rim market. According to a PricewaterhouseCoopers study, in 2015 the oil and natural gas industry contributed 66,800 jobs and \$3.5 billion in employee wages in Utah. In Colorado, oil and gas operations added 232,900 jobs and accounted for more than \$23 billion in wages. These jobs represent the truck drivers, engineers, rig hands, construction workers and contractors who make oil and gas production and delivery possible;
- According to release of a report in April 2019 by the Utah Governor's Office of Energy Development, the Ute Indian Tribe and the Colorado counties of Garfield, Mesa, Moffat, and Rio Blanco entitled, "Natural Gas Markets for the Western States and Tribal Nations," the most promising U.S. LNG export option on the U.S. Pacific Coast is the proposed Jordan Cove LNG liquefaction facility located in Coos Bay, Oregon. The Jordan Cove LNG project, if completed, will become the best-positioned LNG export terminal in the U.S. to serve markets in Asia. The key advantage that Jordan Cove enjoys is a significantly shorter shipping distance to Asia relative to other LNG export terminals in the U.S.; and

- By providing market access for Uintah/Piceance natural gas, the U.S. can use LNG exports to positively impact energy geopolitics and improve its national energy security. U.S. LNG can offset dependencies of nations around the world on energy supplies from the Middle East and Russia. Natural gas exports can be used in regions without reliable energy resources or can be used to replace existing energy sources responsible for high levels of harmful emissions. Increased use of natural gas is helping to combat climate change by lowering emissions of carbon dioxide (CO₂), a primary greenhouse gas (GHG). A constructive U.S. LNG export policy can also help reduce energy poverty by providing affordable new sources of energy while improving air quality and reducing greenhouse gas emissions.

We appreciate the opportunity to provide comments on the Jordan Cove Energy Project and Pacific Connector Gas Pipeline, a project of significant importance for Oregon, Colorado and the United States of America.

Sincerely,



Robert S. Boswell
Laramie Energy, LLC
1401 Seventeenth Street, Suite 1400
Denver, Colorado 80202
rsboswell@laramie-energy.com

Cc: Governor Jared Polis
Senator Corey Gardner
Senator Michael Bennett
Congressman Scott Tipton
Congressman Ed Perlmutter
Congressman Jason Crow

ADDENDUM 9



Ultra Resources, Inc

PETROLEUM

June 27, 2019

Via eComment

Federal Energy Regulatory Commission

Kimberly D. Bose, Secretary

888 First Street NE, Room 1A

Washington, DC 20426

Re: Draft Environmental Impact Statement for the Jordan Cove Energy Project, Docket No. CP17-494-000 and CP17-495-000 (Jordan Cove Energy Project, L.P. and Pacific Connector Gas Pipeline L.P.)

Dear Ms. Bose:

The Jordan Cove Energy Project (JCEP) and the Pacific Connector Gas Pipeline (PCGP) (collectively “the projects”) are critical infrastructure projects that transport and export natural gas in a responsible manner while providing the benefits of clean-burning natural gas to U.S. allies in Asia. The project would be sourced by natural gas from Colorado, Utah, and Wyoming, where it is produced in accordance with the strictest environmental requirements in the nation and world. The JCEP follows the same environmentally responsible philosophy in the Draft Environmental Impact Statement (DEIS) submittal to the Federal Energy Regulatory Committee (FERC), ensuring that waterways and wetlands are protected.

Ultra Petroleum supports the preferred alternative presented in the DEIS along with the mitigation measures recommended by FERC staff. FERC should issue the Authorization and Certificate of Public Convenience and Necessity and allow the project to move forward, as the majority of the environmental impacts are less than significant due to the avoidance, minimization, and mitigation measures contained in the DEIS.

Ultra Petroleum Corp. is an independent exploration and production company focused on developing its long-life natural gas reserves in the Green River Basin of Wyoming – the Pinedale and Jonah Fields

REDUCING GREENHOUSE GAS EMISSIONS

American companies produce clean-burning natural gas in an environmentally responsible manner that has enabled the United States to reduce greenhouse gas emissions by 14% since 2005, more than any other country.¹ By exporting western natural gas, we can export those clean air and climate change benefits to allies like Japan.

The increased use of clean-burning natural gas in the United States has provided significant climate change benefits. Because natural gas has 55% lower carbon dioxide emissions than coal,² it delivers huge GHG reductions in the electricity sector, where emissions are nearly ten times higher.³ Natural gas has delivered 61% of the reduction in greenhouse gases resulting from fuel switching in the electricity sector, removing 2,360 million metric tons of carbon dioxide equivalents since 2005.⁴ In contrast, wind and solar have only reduced GHG emissions by 1,494 million metric tons, or 39% of the total reduction.⁵ Moreover, the American oil and natural gas industry has decreased methane emissions from production by 14%⁶ over the last four decades at the same time it has increased production over 50%.⁷

AIR QUALITY

American producers minimize air quality impacts through careful design, responsible operation, and strict adherence to regulatory requirements. The export terminal is considered a minor source of air emissions, and will follow all applicable New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAP). The facility will be sited in an area that meets National Ambient Air Quality Standards (NAAQS). Air modelling conducted for the DEIS shows the facility will meet health standards and the area will remain in attainment for all NAAQS.

¹ [U.S. Energy-Related CO2 Emissions Fell Slightly in 2017, Energy Information Administration \(EIA\), September 2018.](#)

² [Cost and Performance Baseline for Fossil Energy Plants](#), U.S. Department of Energy, July 2015.

³ [Sources of Greenhouse Gas Emissions](#), EPA, 2016.

⁴ EIA, September 2018.

⁵ Note that EIA and EPA use carbon dioxide equivalents in their inventories and analyses, thereby taking into account the higher potency of methane to allow for direct comparisons among the various GHGs. Methane accounts for [10.2%](#) of total U.S. GHG emissions.

⁶ [Sources of GHG Emissions, EPA, 2016.](#)

⁷ [Petroleum and Natural Gas Production, EIA, 2018.](#)

WATER QUALITY

The project design uses proven methods and technologies to safely cross beneath southern Oregon waterways and avoid impacts to aquatic life. The project will avoid construction-related sedimentation by crossing under Coos Bay using horizontal drilling. The DEIS minimizes potential groundwater contamination by consulting with the Oregon Department of Environmental Quality (ODEQ) on remediation procedures to ensure any inadvertent drill mud releases are contained. The DEIS also uses industry-standard water modeling software to determine the potential temperature change from right-of-way vegetation clearing. The slight temperature increase of between 0.03 and 0.3 degrees Fahrenheit will have no discernible effect on water quality. The DEIS also includes enhanced monitoring protocols to reduce pipeline integrity risks in areas where there is potential for seismicity and landslides.

SPECIES PROTECTION

The DEIS was developed in consultation with federal land agencies to identify a preferred alternative that minimizes construction disturbances. The project construction and operations go above and beyond required mitigation to protect wildlife habitat. To help restore the estuarine habitat the Kentuck golf course will be returned to prime tidal saltwater marsh habitat for salmon and other fish species. When completed, the Kentuck project will increase the numbers of threatened Coho salmon and other fish species. The DEIS commits the project proponent to return the wild coastal salmon population back to a healthy and sustainable level. The projects must restore over 400 acres of upland habitat at three separate sites to maintain the levels of birds, reptiles, and wild horses in the construction affected areas.

The Survey and Manage Species Variation includes adjustments to the route that protect areas where the fungus *Sarcodon fuscoindicus* are found. The Blue Ridge Variation, the East Fork Cow Creek Variation, and the Pacific Crest Trail Variation contain route adjustments that further protect old growth forests, enhance northern spotted owl habitat, and reduce the visual disturbances to hikers.

SOCIO-ECONOMIC

The direct local economic impacts of 43,232 jobs and \$9.3 billion economic impact of the project are described in the DEIS, but the indirect and induced impacts outside of southern Oregon are not adequately analyzed. According to a PricewaterhouseCoopers study, the oil and natural gas

industry supports 57,550 jobs and \$5.4 billion in annual employee wages in Oregon.⁸ The project will help increase that economic impact in Oregon by creating construction jobs for the terminal and pipeline, as well as long-term jobs to operate and maintain them. These jobs include truck drivers, engineers, construction workers, and contractors who make oil and gas production and delivery possible.

But the natural gas feeding the pipeline and exported via the terminal will also create economic and job growth throughout the West. The DEIS does not adequately account for the upstream economic impacts from the energy-producing states and tribes that produce the natural gas flowing into the Ruby pipeline that directly feeds the PCGP. Colorado, Wyoming, Utah, the Ute Indian Tribe, and the Southern Utes all produce natural gas that could be exported via the projects. An ICF International study estimates the projects will create 39,366 upstream jobs to produce the natural gas that will be exported via the projects.⁹ The DEIS should incorporate this important study into the socio-economic analysis.

While failing to account for the full scope of socio-economic impacts and increased market access for American natural gas, the DEIS also fails to consider the national energy security implications. U.S. LNG offsets the dependency of our allies on energy supplies from the Middle East and Russia. The DEIS should include consideration of the geopolitical benefits of supplying our allies with a strategic energy resource that would otherwise come from U.S. competitors such as Russia.

We appreciate the opportunity to provide comments on the Jordan Cove Energy Project and Pacific Connector Gas Pipeline, a project of significant importance for Oregon, the West, and the United States.

Sincerely,

Levi Lozier

Operator – Ultra Petroleum

225 East Magnolia Street, P.O. Box 1768* Pinedale WY, 82941
Telephone 307-367-6442 Facsimile 307-367-4797

⁸ [*Impacts of the Oil and Natural Gas Industry on the US Economy in 2015*, American Petroleum Institute \(API\), 2017](#)

⁹ [*U.S. LNG Exports: Impacts on Energy Markets and the Economy*](#), ICF International for API, 2013, p. 104.



July 5, 2019

Via eComment

Federal Energy Regulatory Commission
Kimberly D. Bose, Secretary
888 First Street NE, Room 1A
Washington, DC 20426

Re: Draft Environmental Impact Statement for the Jordan Cove Energy Project, Docket No. CP17-494-000 and CP17-495-000 (Jordan Cove Energy Project, L.P. and Pacific Connector Gas Pipeline L.P.)

Dear Ms. Bose:

The Jordan Cove Energy Project (JCEP) and the Pacific Connector Gas Pipeline (PCGP) (collectively “the projects”) are critical infrastructure projects that transport and export natural gas in a responsible manner while providing the benefits of clean-burning natural gas to U.S. allies in Asia. The project would be sourced by natural gas from Colorado, Utah, and Wyoming, where it is produced in accordance with the strictest environmental requirements in the nation and world. The JCEP follows the same environmentally responsible philosophy in the Draft Environmental Impact Statement (DEIS) submittal to the Federal Energy Regulatory Committee (FERC), ensuring that waterways and wetlands are protected.

Western Energy Alliance supports the preferred alternative presented in the DEIS along with the mitigation measures recommended by FERC staff. FERC should issue the Authorization and Certificate of Public Convenience and Necessity and allow the project to move forward, as the majority of the environmental impacts are less than significant due to the avoidance, minimization, and mitigation measures contained in the DEIS.

Western Energy Alliance represents over 300 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in the West. Alliance members are independents, the majority of which are small businesses with an average of fourteen employees.

REDUCING GREENHOUSE GAS EMISSIONS

American companies produce clean-burning natural gas in an environmentally responsible manner that has enabled the United States to reduce greenhouse gas emissions by 14%

Comments on the Jordan Cove Energy Project DEIS

July 5, 2019

Page 2 of 4

since 2005, more than any other country.¹ By exporting western natural gas, we can export those clean air and climate change benefits to allies like Japan.

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AIR QUALITY

American producers minimize air quality impacts through careful design, responsible operation, and strict adherence to regulatory requirements. The export terminal is considered a minor source of air emissions, and will follow all applicable New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAP). The facility will be sited in an area that meets National Ambient Air Quality Standards (NAAQS). Air modelling conducted for the DEIS shows the facility will meet health standards and the area will remain in attainment for all NAAQS.

WATER QUALITY

The project design uses proven methods and technologies to safely cross beneath southern Oregon waterways and avoid impacts to aquatic life. The project will avoid construction-related sedimentation by crossing under Coos Bay using horizontal drilling. The DEIS minimizes potential groundwater contamination by consulting with the Oregon Department of Environmental Quality (ODEQ) on remediation procedures to ensure any inadvertent drill mud releases are contained. The DEIS also uses industry-standard water modeling software to determine the potential temperature change from right-of-way vegetation clearing. The slight temperature increase of between 0.03 and 0.3 degrees

¹ [U.S. Energy-Related CO2 Emissions Fell Slightly in 2017](#), Energy Information Administration (EIA), September 2018.

² [Cost and Performance Baseline for Fossil Energy Plants](#), U.S. Department of Energy, July 2015.

³ [Sources of Greenhouse Gas Emissions](#), EPA, 2016.

⁴ EIA, September 2018.

⁵ Note that EIA and EPA use carbon dioxide equivalents in their inventories and analyses, thereby taking into account the higher potency of methane to allow for direct comparisons among the various GHGs. Methane accounts for [10.2%](#) of total U.S. GHG emissions.

⁶ [Sources of GHG Emissions](#), EPA, 2016.

⁷ [Petroleum and Natural Gas Production](#), EIA, 2018.

Comments on the Jordan Cove Energy Project DEIS

July 5, 2019

Page 3 of 4

Fahrenheit will have no discernible effect on water quality. The DEIS also includes enhanced monitoring protocols to reduce pipeline integrity risks in areas where there is potential for seismicity and landslides.

SPECIES PROTECTION

The DEIS was developed in consultation with federal land agencies to identify a preferred alternative that minimizes construction disturbances. The project construction and operations go above and beyond required mitigation to protect wildlife habitat. To help restore the estuarine habitat the Kentuck golf course will be returned to prime tidal saltwater marsh habitat for salmon and other fish species. When completed, the Kentuck project will increase the numbers of threatened Coho salmon and other fish species. The DEIS commits the project proponent to return the wild coastal salmon population back to a healthy and sustainable level. The projects must restore over 400 acres of upland habitat at three separate sites to maintain the levels of birds, reptiles, and wild horses in the construction affected areas.

The Survey and Manage Species Variation includes adjustments to the route that protect areas where the fungus *Sarcodon fuscoindicus* are found. The Blue Ridge Variation, the East Fork Cow Creek Variation, and the Pacific Crest Trail Variation contain route adjustments that further protect old growth forests, enhance northern spotted owl habitat, and reduce the visual disturbances to hikers.

SOCIO-ECONOMIC

The direct local economic impacts of 43,232 jobs and \$9.3 billion economic impact of the project are described in the DEIS, but the indirect and induced impacts outside of southern Oregon are not adequately analyzed. According to a PricewaterhouseCoopers study, the oil and natural gas industry supports 57,550 jobs and \$5.4 billion in annual employee wages in Oregon.⁸ The project will help increase that economic impact in Oregon by creating construction jobs for the terminal and pipeline, as well as long-term jobs to operate and maintain them. These jobs include truck drivers, engineers, construction workers, and contractors who make oil and gas production and delivery possible.

But the natural gas feeding the pipeline and exported via the terminal will also create economic and job growth throughout the West. The DEIS does not adequately account for the upstream economic impacts from the energy-producing states and tribes that produce the natural gas flowing into the Ruby pipeline that directly feeds the PCGP. Colorado, Wyoming, Utah, the Ute Indian Tribe, and the Southern Utes all produce natural gas that could be exported via the projects. An ICF International study estimates the projects will create 39,366 upstream jobs to produce the natural gas that will be exported via the

⁸ [*Impacts of the Oil and Natural Gas Industry on the US Economy in 2015*](#), American Petroleum Institute (API), 2017

Comments on the Jordan Cove Energy Project DEIS

July 5, 2019

Page 4 of 4

projects.⁹ The DEIS should incorporate this important study into the socio-economic analysis.

While failing to account for the full scope of socio-economic impacts and increased market access for American natural gas, the DEIS also fails to consider the national energy security implications. U.S. LNG offsets the dependency of our allies on energy supplies from the Middle East and Russia. The DEIS should include consideration of the geopolitical benefits of supplying our allies with a strategic energy resource that would otherwise come from U.S. competitors such as Russia.

We appreciate the opportunity to provide comments on the Jordan Cove Energy Project and Pacific Connector Gas Pipeline, a project of significant importance for Oregon, the West, and the United States.

Sincerely,



Kathleen M. Sgamma
President

⁹ [*U.S. LNG Exports: Impacts on Energy Markets and the Economy*](#), ICF International for API, 2013, p. 104.



National Fuel Corporation

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July 1, 2019

Via eComment

Federal Energy Regulatory Commission
Kimberly D. Bose, Secretary
888 First Street NE, Room 1A
Washington, DC 20426

Re: Draft Environmental Impact Statement for the Jordan Cove Energy Project, Docket No. CP17-494-000 and CP17-495-000 (Jordan Cove Energy Project, L.P. and Pacific Connector Gas Pipeline L.P.)

Dear Ms. Bose:

The Jordan Cove Energy Project (JCEP) and the Pacific Connector Gas Pipeline (PCGP) (collectively “the projects”) are critical infrastructure projects that transport and export natural gas in a responsible manner while providing the benefits of clean-burning natural gas to U.S. allies in Asia. The project would be sourced by natural gas from Colorado, Utah, and Wyoming, where it is produced in accordance with the strictest environmental requirements in the nation and world. The JCEP follows the same environmentally responsible philosophy in the Draft Environmental Impact Statement (DEIS) submittal to the Federal Energy Regulatory Committee (FERC), ensuring that waterways and wetlands are protected.

National Fuel Corporation (NFC) supports the preferred alternative presented in the DEIS along with the mitigation measures recommended by FERC staff. FERC should issue the Authorization and Certificate of Public Convenience and Necessity and allow the project to move forward, as the majority of the environmental impacts are less than significant due to the avoidance, minimization, and mitigation measures contained in the DEIS.

Our company, NFC, is a Colorado-based, small independent natural gas and oil producer with operations primarily in the State of Utah.

REDUCING GREENHOUSE GAS EMISSIONS

American companies produce clean-burning natural gas in an environmentally responsible manner that has enabled the United States to reduce greenhouse gas emissions by 14% since 2005, more than any other country.¹ By exporting western natural gas, we can export those clean air and climate change benefits to allies like Japan.

¹ [*U.S. Energy-Related CO2 Emissions Fell Slightly in 2017*](#), Energy Information Administration (EIA), September 2018.

Comments on the Jordan Cove Energy Project DEIS

July 1, 2019

Page 2 of 3

The increased use of clean-burning natural gas in the United States has provided significant climate change benefits. Because natural gas has 55% lower carbon dioxide emissions than coal,² it delivers huge GHG reductions in the electricity sector, where emissions are nearly ten times higher.³ Natural gas has delivered 61% of the reduction in greenhouse gases resulting from fuel switching in the electricity sector, removing 2,360 million metric tons of carbon dioxide equivalents since 2005.⁴ In contrast, wind and solar have only reduced GHG emissions by 1,494 million metric tons, or 39% of the total reduction.⁵ Moreover, the American oil and natural gas industry has decreased methane emissions from production by 14%⁶ over the last four decades at the same time it has increased production over 50%.⁷

AIR QUALITY

American producers minimize air quality impacts through careful design, responsible operation, and strict adherence to regulatory requirements. The export terminal is considered a minor source of air emissions, and will follow all applicable New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAP). The facility will be sited in an area that meets National Ambient Air Quality Standards (NAAQS). Air modelling conducted for the DEIS shows the facility will meet health standards and the area will remain in attainment for all NAAQS.

WATER QUALITY

The project design uses proven methods and technologies to safely cross beneath southern Oregon waterways and avoid impacts to aquatic life. The project will avoid construction-related sedimentation by crossing under Coos Bay using horizontal drilling. The DEIS minimizes potential groundwater contamination by consulting with the Oregon Department of Environmental Quality (ODEQ) on remediation procedures to ensure any inadvertent drill mud releases are contained. The DEIS also uses industry-standard water modeling software to determine the potential temperature change from right-of-way vegetation clearing. The slight temperature increase of between 0.03 and 0.3 degrees Fahrenheit will have no discernible effect on water quality. The DEIS also includes enhanced monitoring protocols to reduce pipeline integrity risks in areas where there is potential for seismicity and landslides.

SPECIES PROTECTION

The DEIS was developed in consultation with federal land agencies to identify a preferred alternative that minimizes construction disturbances. The project construction and operations go above and beyond required mitigation to protect wildlife habitat. To help restore the estuarine habitat the Kentuck golf course will be returned to prime tidal saltwater marsh habitat for salmon and other fish species. When completed, the Kentuck project will increase the numbers of threatened Coho salmon and other fish species. The DEIS commits the project proponent to return the wild coastal salmon population back to a

² [Cost and Performance Baseline for Fossil Energy Plants](#), U.S. Department of Energy, July 2015.

³ [Sources of Greenhouse Gas Emissions](#), EPA, 2016.

⁴ EIA, September 2018.

⁵ Note that EIA and EPA use carbon dioxide equivalents in their inventories and analyses, thereby taking into account the higher potency of methane to allow for direct comparisons among the various GHGs. Methane accounts for [10.2%](#) of total U.S. GHG emissions.

⁶ [Sources of GHG Emissions](#), EPA, 2016.

⁷ [Petroleum and Natural Gas Production](#), EIA, 2018.

Comments on the Jordan Cove Energy Project DEIS
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Page 3 of 3

healthy and sustainable level. The projects must restore over 400 acres of upland habitat at three separate sites to maintain the levels of birds, reptiles, and wild horses in the construction affected areas.

The Survey and Manage Species Variation includes adjustments to the route that protect areas where the fungus *Sarcodon fuscoindicus* are found. The Blue Ridge Variation, the East Fork Cow Creek Variation, and the Pacific Crest Trail Variation contain route adjustments that further protect old growth forests, enhance northern spotted owl habitat, and reduce the visual disturbances to hikers.

SOCIO-ECONOMIC

The direct local economic impacts of 43,232 jobs and \$9.3 billion economic impact of the project are described in the DEIS, but the indirect and induced impacts outside of southern Oregon are not adequately analyzed. According to a PricewaterhouseCoopers study, the oil and natural gas industry supports 57,550 jobs and \$5.4 billion in annual employee wages in Oregon.⁸ The project will help increase that economic impact in Oregon by creating construction jobs for the terminal and pipeline, as well as long-term jobs to operate and maintain them. These jobs include truck drivers, engineers, construction workers, and contractors who make oil and gas production and delivery possible.

But the natural gas feeding the pipeline and exported via the terminal will also create economic and job growth throughout the West. The DEIS does not adequately account for the upstream economic impacts from the energy-producing states and tribes that produce the natural gas flowing into the Ruby pipeline that directly feeds the PCGP. Colorado, Wyoming, Utah, the Ute Indian Tribe, and the Southern Utes all produce natural gas that could be exported via the projects. An ICF International study estimates the projects will create 39,366 upstream jobs to produce the natural gas that will be exported via the projects.⁹ The DEIS should incorporate this important study into the socio-economic analysis.

While failing to account for the full scope of socio-economic impacts and increased market access for American natural gas, the DEIS also fails to consider the national energy security implications. U.S. LNG offsets the dependency of our allies on energy supplies from the Middle East and Russia. The DEIS should include consideration of the geopolitical benefits of supplying our allies with a strategic energy resource that would otherwise come from U.S. competitors such as Russia.

We appreciate the opportunity to provide comments on the Jordan Cove Energy Project and Pacific Connector Gas Pipeline, a project of significant importance for Oregon, the West, and the United States.

Sincerely,

NATIONAL FUEL CORPORATION



Diane Thompson
President and COO

⁸ [*Impacts of the Oil and Natural Gas Industry on the US Economy in 2015*](#), American Petroleum Institute (API), 2017

⁹ [*U.S. LNG Exports: Impacts on Energy Markets and the Economy*](#), ICF International for API, 2013, p. 104.

ADDENDUM 10



July 22, 2019

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: *Pacific Connector Gas Pipeline, LP and Jordan Cove Energy Project L.P.*
Docket Nos. CP17-494-000 and CP17-495-000
Response to Comments on Draft Environmental Impact Statement

Dear Ms. Bose:

On September 21, 2017, Jordan Cove Energy Project L.P. (“JCEP”) filed an application pursuant to Section 3(a) of the Natural Gas Act, as amended,¹ and Parts 153 and 380 of the regulations of the Federal Energy Regulatory Commission (“Commission”),² for authorization to site, construct, and operate certain liquefied natural gas facilities (“LNG Terminal”). On the same day, Pacific Connector Gas Pipeline, LP (“PCGP”, and together with JCEP, “Applicants”) filed an application pursuant to Section 7(c) of the NGA,³ and Parts 157 and 284 of the Commission’s regulations,⁴ for a certificate of public convenience and necessity authorizing PCGP to construct, install, own, and operate a new natural gas pipeline (“Pipeline”). On March 29, 2019, the Commission Staff issued its Draft Environmental Impact Statement (“DEIS”) for the Project, establishing a deadline for comments on the DEIS of July 5, 2019.

Applicants hereby submit in Attachment A their response to certain of the comments regarding the DEIS that have been filed in the above-referenced dockets. Applicants are submitting this response to assist the Commission in its review of all comments filed during the DEIS comment period as part of the preparation of the Final Environmental Impact Statement.

¹ 15 U.S.C. § 717b(a) (2012).

² 18 C.F.R. Pts. 153 and 380 (2018).

³ 15 U.S.C. § 717f.

⁴ 18 C.F.R. Pts. 157 and 284.

Ms. Kimberly D. Bose, Secretary

July 22, 2019

Page 2

Should you have any questions, please contact me at neades@pembina.com or 832-255-3841.

Sincerely,

/s/ Natalie Eades

Natalie Eades

Jordan Cove Energy Project L.P.

Pacific Connector Gas Pipeline, LP

Enclosures

cc: John Peconom (FERC)
John Crookston (Tetra Tech)

significant modifications to meet Project requirements.¹³³ This is a sufficient explanation for why the storage facilities were not considered further.

4. *The Commission is not required to assess renewable energy resources as an alternative to the Project.*

Commenters requested that the Commission explore alternatives to the Project such as renewable energy resources.¹³⁴ However, this is not a reasonable alternative to the Project. Commission Staff reasonably determined that the Project's purpose is to export natural gas supplies derived from existing interstate natural gas transmission systems to overseas markets, and that other energy alternatives do not meet this purpose and need.¹³⁵ Implementing commenters' suggestions to depart entirely from the purpose of the proposed Project would violate NEPA as courts have held that "[a]n agency cannot redefine the goals of the proposal that arouses the call for action; it must evaluate alternative ways of achieving *its* goals, shaped by the application at issue and by the function that the agency plays in the decisional process."¹³⁶

5. *The analysis of various site alternatives satisfies NEPA's requirements.*

Several commenters question why some site alternatives were not included in the DEIS's site alternative analysis.¹³⁷ The Commission need not analyze every project permutation and variation to meet its NEPA obligations.¹³⁸ Rather, the Commission must "set forth . . . those alternatives necessary to permit a reasoned choice."¹³⁹ The Commission's consideration of alternatives satisfies NEPA if it considers an appropriate range of alternatives, even if it does not consider every available alternative.¹⁴⁰

For example, one commenter argues that the DEIS is insufficient because it does not consider a site at Cherry Point, Washington, that connects to existing pipeline infrastructure.¹⁴¹ The DEIS appropriately used screening criteria to identify reasonable alternatives, including whether the site had adequate available land, adequate waterfront access and channel depth for LNG carrier access (at least 36 feet MLLW), and access to gas from both the GTN and Ruby pipelines (an important aspect necessary to meet the Project's purpose of accessing natural gas supply basins in both Western Canada and the U.S. Rocky Mountains).¹⁴² The Commission reviewed potential alternative sites along the entire Western Coast, with particular focus on sites

¹³³ DEIS at p. 3-5.

¹³⁴ See, e.g., Comments of Mark H. Coaffney, Accession No. 20190705-0022 at p. 3 (July 5, 2019) ("Mark Coaffney Comments"); Comments of Sierra Club, Accession No. 20190705-5236 (July 5, 2019) ("Sierra Club Comments").

¹³⁵ DEIS at p. 3-1.

¹³⁶ *Busey*, 938 F.2d at 199 (emphasis in original); see also *Louisiana Wildlife Fed'n, Inc.*, 761 F.2d at 1048 ("Indeed, it would be bizarre if the [Commission] were to ignore the purpose for which the applicant seeks a [project] and to substitute a purpose [the Commission] deems more suitable.").

¹³⁷ See, e.g., Paul Watte Comments at p. 1.

¹³⁸ See *Headwaters*, 914 F.2d at 1180-81.

¹³⁹ *Navajo Nation v. U.S. Forest Serv.*, 408 F. Supp. 2d 866, 874 (D. Ariz. 2006), *aff'd in part, rev'd in part and remanded on other grounds*, 479 F.3d 1024 (9th Cir. 2007).

¹⁴⁰ See *Headwaters*, 914 F.2d at 1180-81.

¹⁴¹ Paul Watte Comments at p. 1.

¹⁴² DEIS at p. 3-10.

in California, Oregon, and Washington, and ultimately carried forward five alternative sites that met the screening criteria into the DEIS for further analysis.¹⁴³

The Commission had good reason for not carrying forward any Cherry Point alternative. For one, Cherry Point does not have access to a channel deep enough to accommodate the anticipated LNG vessels with a loaded draft of 36 feet.¹⁴⁴ A review of available information indicates that the Vessel Traffic Services Area surrounding Cherry Point varies between 12 and 30 feet deep, and the nearest point that reaches a depth of 36 feet is approximately two nautical miles away from the Cherry Point site.¹⁴⁵ Moreover, even if Cherry Point did meet the screening criteria and was carried forward for review in the DEIS, it would likely be eliminated for the same reason as the Grays Harbor, Washington, site. Cherry Point is farther from the GTN and Ruby pipeline connection point near Malin, Oregon than the Grays Harbor alternative, and would require a similar suite of supply pipeline expansions that Grays Harbor would.¹⁴⁶ Thus, even if a Cherry Point alternative had been carried forward in the analysis, it would have been eliminated both because it does not satisfy the screening requirements necessary to be feasible and meet the Project's purpose and need, and because it, like Grays Harbor, would result in a significant increase in impacts associated with pipeline expansions in order to bring U.S. Rocky Mountain gas from Malin to the Cherry Point site.

One commenter claims that the DEIS fails to properly consider impacts to the human environment and places too much emphasis on the natural environment when determining that the Wauna, Oregon, alternative does not offer a significant environmental advantage over the proposed site.¹⁴⁷ The commenter claims that locating the Terminal in the rural site of Wauna rather than the more urban area of Coos Bay would cause a far less negative impact on the *human* environment, even if it resulted in more impacts on the natural environment.¹⁴⁸ This is incorrect for at least two reasons. First, NEPA does not recognize the distinction the commenter suggests between “human” and “natural” environments. Rather, CEQ’s regulations direct that the “human environment” is to be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment.¹⁴⁹ Furthermore, the effects on the human environment include those related to ecological, aesthetic, historic, cultural, economic, social, and health issues.¹⁵⁰ Thus, the “human” environment that the commenter advocates to be treated superior to the natural environment actually includes, pursuant to CEQ regulations, the natural environment. Second, as stated in the DEIS, connecting the Wauna site to the GTN and Ruby pipelines would require 146 more miles of supply pipeline length than the proposed Project and require an estimated 3,154 additional acres of disturbance for pipeline construction.¹⁵¹ Although the Wauna site is rural, the 3,154 additional acres of disturbance for pipeline construction would cause increased impacts on more aspects of the “human” environment, as framed by the

¹⁴³ DEIS at pp. 3-8 to 3-10.

¹⁴⁴ National Oceanic and Atmospheric Administration, *Rosario Strait to Cherry Point Nautical Chart: Soundings in Feet* (2019), available at <https://www.charts.noaa.gov/PDFs/18431.pdf>.

¹⁴⁵ *Id.*

¹⁴⁶ See DEIS at p. 3-11 for environmental impacts of the Grays Harbor alternative.

¹⁴⁷ League of Women Voters Comments at pp. 24-25.

¹⁴⁸ *Id.*

¹⁴⁹ 40 C.F.R. § 1508.14.

¹⁵⁰ 40 C.F.R. § 1508.8.

¹⁵¹ DEIS at p. 3-10.

commenter. The DEIS reasonably concluded that the Wauna site did not merit additional detailed analysis.

The commenter acknowledges that the Wauna site lacks nearby infrastructure access to natural gas supplies that are available from the Ruby Pipeline. Omitting any source access from Ruby or the U.S. Rocky Mountains would result in an alternative that does not meet the Project purpose, and is therefore not a reasonable alternative.¹⁵² The Applicants cannot meet the gas supply needs of the Terminal and the purpose of the overall Project without accessing U.S. Rocky Mountain supplies, which are available from the Ruby pipeline.¹⁵³ Thus, an alternative siting of the Terminal in Wauna and only connecting to the Pacific Northwest Pipeline does not meet the Project purpose and is not a reasonable alternative.

The Commission has significant discretion in weighing alternatives.¹⁵⁴ NEPA does not impose substantive obligation to select the most environmentally preferable alternative.¹⁵⁵ Rather, the Commission is simply required to take a hard look at the environmental consequences of the proposed action and reasonable alternatives, as it has done in this case.¹⁵⁶ The DEIS supports the Commission's determination that none of the alternative sites, including Wauna, offer a significant environmental advantage over the proposed site.¹⁵⁷ This process of weighing environmental impacts, and not the selection of a certain alternative, is what demonstrates compliance with NEPA.

6. The analysis of various route and variation alternatives satisfies NEPA's requirements.

Some commenters claim that the DEIS's discussion of alternatives is insufficient and that eliminated alternatives should be retained for a more in-depth analysis.¹⁵⁸ The DEIS explains why numerous potential route variations or adjustments were not preferable and why they were eliminated from further analysis. For example, one commenter argues that the DEIS is insufficient because the All Highway Alternative was not fully explored and that the DEIS does not support the conclusion that this alternative would not offer a significant environmental advantage.¹⁵⁹ However, the DEIS explains that the All Highway Alternative was not preferable because it would result in approximately 600 acres of additional construction disturbance and would encounter significant constraints due to highway fills, elevated roadway sections, overpasses and underpasses, and interchange, as well as constraints caused by commercial, industrial, and residential developments located immediately adjacent to highways.¹⁶⁰ As noted above, the CEQ's

¹⁵² League of Women Voters Comments at pp. 24-25.

¹⁵³ JCEP Resource Report 10.

¹⁵⁴ *Federal Power Comm'n v. USCA Transcon. Gas Pipeline Corp.*, 365 U.S. 1, 7 (1961) (the Commission is "the guardian of the public interest," entrusted "with a wide range of discretionary authority").

¹⁵⁵ *See Myersville Citizens for a Rural Cmty., Inc. v. FERC*, 783 F.3d 1301, 1324 (D.C. Cir. 2015) ("Even if an agency has conceded that an alternative is environmentally superior, it nevertheless may be entitled under the circumstances not to choose that alternative.").

¹⁵⁶ *See Sierra Club v. Dep't of Energy*, 867 F.3d at 196; *Del. Riverkeeper Network v. FERC*, 857 F.3d 388, 394 (D.C. Cir. 2017).

¹⁵⁷ DEIS at p. 3-10.

¹⁵⁸ *See e.g.*, Trout Unlimited Comments at pp. 3-4.

¹⁵⁹ Trout Unlimited Comments at pp. 3-4.

¹⁶⁰ DEIS at pp. 3-15 to 3-16.

ADDENDUM 11



Jordan Cove Energy Project L.P.

Resource Report No. 10

Alternatives

Jordan Cove Energy Project

September 2017

Purpose and Need:

The Project is a market-driven response to the burgeoning and abundant natural gas supply in the US Rocky Mountain and Western Canada markets, and the growth of international demand, particularly in Asia.

The overall Project purpose and need is to construct a natural gas liquefaction and deep-water export terminal capable of receiving and loading ocean-going LNG carriers, in order to export natural gas derived from a point of origin near the intersections of the GTN Pipeline system and Ruby Pipeline system.

The Pipeline origin near the intersection of the GTN Pipeline system and Ruby Pipeline system is strategically located to give reliable and secure supplies of natural gas from two natural gas supply basins – one in the U.S. Rocky Mountains (through the existing Ruby Pipeline) and a second in western Canada (through the existing GTN Pipeline) – capable of delivering volumes of at least 1,200,000 Dth/d in order to support export of 7.8 mtpa of LNG.

The LNG Terminal, proposed to be located on the bay side of the North Spit of Coos Bay, would support receipt, liquefaction, storage, and loading of LNG onto ocean-going LNG carriers for delivery to export markets giving those supplies an efficient and cost-effective outlet. The Pipeline is needed to transport natural gas from near the intersection of the GTN Pipeline system and Ruby Pipeline system to the LNG Terminal.

Geographic Area of Potential Sites:

The west coasts of Washington, Oregon and northern California are the geographic areas evaluated for potential alternative LNG Terminal sites. Section 10.3 of this report details the analysis performed to narrow the geographic area.

Criteria to Screen Site Alternatives and Identify Reasonable Alternatives:

Potential alternative sites consistent with the Project purpose and need are screened based on whether they are technically and economically feasible, reasonable, and practical. Cost, existing technology, and logistics are used to define the project criteria. Section 10.3 outlines the process of screening potential site alternatives.

Compare the environmental impacts of the Proposed Project and the reasonable alternatives:

Sections 10.3.3 and 10.4 compare the potential environmental impacts of the proposed Project with the identified reasonable site alternatives and design configurations.

10.1 NO ACTION ALTERNATIVE

10.1.1 No Action Alternative

In licensing and permitting situations, the No Action Alternative reflects the scenario in which the necessary federal permits and authorizations are not granted, and the proposed action is not undertaken. If the Commission selects the No Action Alternative and denies the authorizations for the Project, the Project will not be developed, and certain short- and long-term environmental impacts associated with the construction and operation of the Project would not occur.

Under the No Action Alternative, the Project would not be constructed, and the Project's purpose and need would not be met. The environmental impacts caused by development of the Project would not occur. However, the property on which the LNG Terminal would be sited is zoned for industrial use. Whether the LNG Terminal is built or not, the site will likely be used for industrial purposes resulting in environmental impacts that could be similar to or greater than those that would be associated with the Project. Adoption of the No Action alternative would not eliminate the potential for environmental impacts as development of the proposed site for the LNG Terminal or an alternate development concept would likely occur—although possibly later in time, thereby delaying any environmental impacts.

Selection of the No Action Alternative could also result in the use or expansion of other existing or proposed LNG facilities and associated interstate natural gas pipeline systems, or the construction of new infrastructure to meet the purpose and need of this proposed Project (i.e., to make other sources of natural gas available for LNG export to Asian markets). Section 10.2 below examines LNG system alternatives. Although the specific impacts of any future construction on the Coos Bay site or construction or expansion of other LNG facilities to meet the purpose and need for the Project are not reasonably foreseeable, any expansion of existing systems or construction of new facilities would result in additional environmental impacts associated with the expansion or construction of those alternative facilities that would likely be similar to those associated with the Project. Therefore, Jordan Cove does not consider adoption of the No Action alternative to be reasonable.

10.1.2 Energy Alternatives

The Project will provide natural gas from the U.S. Rocky Mountains and western Canada as an outlet for export to Asian markets. As a result, there are no domestic energy alternatives or energy conservation measures that would meet the Project's purpose and need. The Project will not displace alternative energy sources in the U.S. and Canada. Rather, LNG exported to foreign markets can serve as a complement to conventional and renewable energy sources in those markets, and provide consuming nations with an alternative to fossil fuels that emit higher levels of carbon dioxide and other pollutants (USDOE National Energy Technology Laboratory 2014).

10.2 SYSTEM ALTERNATIVES

System alternatives are alternatives that could make use of other existing or proposed LNG facilities to meet the stated purpose and need of the proposed Project. Adoption of a system alternative could preclude the need to construct all or part of a project, although some modifications or additions to other existing systems could be required.

System alternatives have been reviewed to evaluate the ability of other existing, modified, approved, planned, or proposed LNG facilities to meet the purpose and need of the Project and to determine whether a system alternative exists that would have less significant adverse environmental impacts than those associated with the Project. The status identified for each system alternative (e.g., planned, proposed, or approved) is current as of the time of writing of this resource report but is subject to change over time.

10.2.1 Existing LNG Export Terminals

U.S. East Coast and Gulf Coast LNG export facilities are far removed from the pipeline intersection that provides sufficient diversity and volume of supply for the Project. The need to source natural gas from the major production basins in the U.S. Rocky Mountains and western Canada, for the purpose of exporting to Asian markets, cannot be reasonably and practicably met by such projects, whether existing or proposed.

Likewise, the one existing LNG export terminal on the West Coast of North America, the Kenai LNG Plant, a 1.4 mtpa LNG export facility, located in Alaska, cannot be accessed through existing or practicable expansions of pipeline networks that connect the natural gas supplies from the western Canadian and the U.S. Rocky Mountain supply basins that would be exported by the Project.

In sum, existing U.S. East Coast and Gulf Coast projects and the Kenai LNG Plant cannot meet the purpose and need of the Project. They therefore cannot be considered reasonable system alternatives and are not discussed further in this analysis.

10.2.2 LNG Export Terminal Projects Proposed or in Development

West Coast LNG export terminal projects proposed or in development are discussed in this section.

10.2.2.1 U.S. West Coast

One project is proposed in Alaska—Alaska LNG in the Nikiski area of the Kenai Peninsula, which is designed to source gas from the North Slope of Alaska. Similar to the Kenai LNG Plant, the Alaska LNG facility would not be able to access natural gas supplies from the western Canadian and U.S. Rocky Mountain supply basins. Therefore, even if this project were ultimately developed, it would not meet the purpose and need of the proposed Project and is not a reasonable alternative. Therefore it is not carried forward in the analysis.

ADDENDUM 12



Federal Energy Regulatory Commission

Office of Energy Projects
Washington, DC 20426

**FINAL
ENVIRONMENTAL IMPACT STATEMENT
FOR THE
JORDAN COVE ENERGY PROJECT**

Docket Nos. CP17-494-000 and CP17-495-000

FERC/FEIS-0292F

November 2019

Cooperating Agencies:



**US Army Corps
of Engineers®**



would likely be more acutely felt by low-income households who are spending a large share of their income on housing. In section 4.9.2.2, we recommend that Jordan Cove and Pacific Connector designate a Construction Housing Coordinator to address construction contractor housing needs and potential impacts in each county affected by the Project, including Coos County.

Tribal populations are considered an environmental justice population with the potential to be disproportionately affected by construction and operation of the terminal as a result of their unique relationship with the surrounding environment. The potential for Tribal populations to be disproportionately affected by the high and adverse effects identified in the preceding section would be similar to that described above for low-income populations. We discuss consultations with Indian tribes and potential project-related impacts on cultural and other resources that may be important to tribes in section 4.11. In addition, the recommended cultural resources environmental condition described in section 4.11 includes the recommendation that a revised Ethnographic Report be filed prior to construction, for the review of the FERC staff, SHPO, cooperating federal land-managing agencies, and interested Indian tribes. We expect that study to identify Historic Properties of Religious and Cultural Significance (HPRCS) to Indian tribes, and address what traditionally gathered plants, fisheries, and hunted species may still exist in the Project area.

4.9.2 Pacific Connector Pipeline Project

4.9.2.1 Population

Population data for the four counties that would be crossed by the pipeline are summarized in table 4.9.2.1-1. The pipeline route mainly passes through sparsely populated rural areas, with population densities in 2018 ranging from 11.3 people per square mile in Klamath County to 76.8 people per square mile in Jackson County. Estimated population in the affected counties in 2018 ranged from 63,275 in Coos County to 219,200 in Jackson County.

TABLE 4.9.2.1-1					
Population by State and County					
State/County	Population			Percent Change in Population 2010-2018	Persons per Square Mile 2018
	2000	2010	2018		
Oregon	3,421,399	3,831,074	4,195,300	9.5%	42.5
Coos County	62,779	63,043	63,275	0.4%	39.6
Douglas County	100,399	107,667	111,735	3.8%	21.9
Jackson County	181,269	203,206	219,200	7.9%	76.8
Klamath County	63,775	66,380	67,960	2.4%	11.3
Total ^{a/}	408,222	440,296	462,170	5.0%	29.6
^{a/} This row is the sum of the four counties that would be crossed by the pipeline. Sources: Portland State University 2012, 2018; U.S. Census Bureau 2017					

As described previously, Pacific Connector estimates that construction of the pipeline would occur over a 4-year period, with an average monthly workforce of 885 people over this period. The pipeline construction workforce is expected to peak at approximately 4,242 workers in June of Year 3, dropping to 4,027 the following month. The pipeline construction workforce would be distributed over seven construction spreads.

Based on Pacific Connector's initial estimates, monthly employment for pipeline construction is estimated to average 241 workers in Coos County, 194 workers in Douglas County, 361 workers in Jackson County, and 89 workers in Klamath County. ECONorthwest (2017a) assumed that approximately 64 percent of the average pipeline workforce would temporarily relocate to the affected counties for the duration of their employment, with about 5 percent of the total expected to be accompanied by their families. Assuming an average household size of 2.74 persons, estimated temporary increases in population would range from 0.1 percent (Douglas, Jackson, and Klamath Counties) to 0.3 percent (Coos County) of their respective county populations in 2018.

Peak pipeline construction workforces would include an estimated 1,002 workers in Coos County, 1,350 workers in Douglas County, 1,524 workers in Jackson County, and 366 workers in Klamath County. ECONorthwest (2017a) assumed that approximately 78 percent of the peak workforce would temporarily relocate to the affected counties, with 1 to 2 percent of workers expected to be accompanied by their families. Assuming an average household size of 2.74 persons, estimated temporary increases in population would range from 0.4 percent (Klamath County) to 1.3 percent (Coos County) of their respective county populations in 2018. These estimated population increases and associated impacts would be temporary and short term, with very few if any of the temporary construction workers relocating to the project area expected to stay permanently. Impacts associated with construction-related population increases are discussed throughout this section.

Construction of the Pacific Connector pipeline in Coos County would coincide with Jordan Cove LNG Project construction. Based on the above analyses, the combined temporary increase in population (workers and family members) associated with both projects would average 1,069 workers over the life of the Project. Assuming that LNG terminal and pipeline construction activities in Coos County were to peak at the same time, the combined influx of construction workers would result in a temporary increase in population of approximately 2,561 workers. These potential additions would be equivalent to approximately 1.7 percent (average) and 4.0 percent (peak) of the total estimated population in Coos County in 2018. Note that construction activities for the LNG terminal and pipeline in Coos County are not expected to peak at the same time. The combined peak increase identified here represents a worst-case scenario for the purposes of analysis.

Operating the pipeline would require an estimated permanent staff of 15 employees, consisting of six operations technicians in Coos Bay, Coos County, five employees in the Medford pipeline office in Jackson County, and four employees at the compressor station near Malin in Klamath County. Employees are expected to live within driving distance of their work location and are not expected to affect population levels or trends in the counties along the pipeline route.

Crime

We received numerous comments expressing concern that a temporary influx of construction workers would result in increases in crime, particularly prostitution, human trafficking, and domestic violence. In addition, commenters have expressed concern that impromptu or informal worker camps may occur along the pipeline's length and result in negative impacts on surrounding areas. Informal camps could potentially occur if a landowner allows workers to use their property or workers park RVs in business parking lots that allow RV camping. These types of camps, were

housing concerns. Additionally, Jordan Cove and Pacific Connector should describe the measures it would implement to inform affected communities about the Construction Housing Coordinator.

4.9.2.3 Property Values

We received numerous comments concerning the potential effect of the pipeline on property values. These comments included concerns that the pipeline would negatively affect sales prices and result in an inability to sell one's property. Concern was also expressed that a decrease in property values would result in reduced property tax revenues for the affected counties.

A number of studies have sought to determine whether the presence of a pipeline affects property values using a range of statistical techniques including paired sales and other sales comparisons, linear regression and hedonic price modeling, and descriptive statistics. These studies include two national case studies conducted by the Interstate Natural Gas Association of America (Allen, Williford & Seale, Inc. 2001; Integra Realty Resources 2016), two case studies that evaluated the effects of the South Mist Pipeline Extension in Clackamas and Washington Counties, Oregon (Fruits 2008; Palmer 2008), and studies from Arizona and Nevada (Diskin et al. 2011; Wilde et al. 2014). These studies suggest that natural gas pipelines do not necessarily negatively affect the value of that property. The effect a pipeline may have on a property's value depends on many factors, including the size of the tract, the values of adjacent properties, the presence of other utilities, the current value of the land, and the current land use. Subjective valuation is generally not considered in appraisals, but may affect individual decisions when a property is offered for sale. Purchase decisions are often based on the purchaser's plans for the property, such as occupancy, use for agriculture, future residential development, or commercial/industrial development. If the presence of a pipeline interferes with a purchaser's plans, the potential buyer may decide against acquiring the property. However, each potential purchaser has different criteria and differing capabilities to purchase land. Therefore, based on our review of available studies and our understanding of property valuation, we conclude that the likelihood of the pipeline resulting in a long-term decline in property values and a related decrease in property tax revenues is low.

Public comments expressed concern that placement of the pipeline on private property would either prevent or make it more difficult for a potential purchaser to obtain a mortgage loan or insurance. There are no documented cases or verifiable information in the FERC administrative record for this Project supporting the assertion that insurance rates and access to home loans would be adversely affected by construction and operation of the Project.

4.9.2.4 Economy and Employment

The four counties that would be crossed by the pipeline had a total combined estimated labor force of 207,096 in 2018. Labor force estimates by county ranged from 26,460 in Coos County to 104,763 in Jackson County (table 4.9.2.4-1). Annual unemployment rates in 2018 ranged from 4.8 percent in Jackson County to 5.4 percent in Coos and Douglas Counties and were higher than the state average (4.2 percent) in all four counties. Table 4.9.2.4-1 also presents average per capita income and median household income by county, and identifies the two largest economic sectors based on total employment data compiled by the U.S. Bureau of Economic Analysis (2018). Average per capita income in 2017 (the most recent year available) was lower than the state average (\$48,137) in all of the affected counties. Median household income was also below the state median (\$60,123) in 2017 in all four counties.

TABLE 4.9.2.4-1

Employment and Labor Statistics for the Pacific Connector Pipeline Project Area

State/ County	Civilian Labor Force 2018 ^{a/}	Unemployment Rate (%) 2018 ^{a/}	Per Capita Income (\$) 2017	Median Household Income (\$) 2017	Two Largest Economic Sectors 2017 (By Percent of Employment) ^{b/}
Oregon	2,104,156	4.2	\$48,137	\$60,123	Health Care and Social Assistance (12%); Retail (10%)
Coos	26,460	5.4	\$41,802	\$42,464	State and Local Government (16%); Health Care and Social Assistance (12%)
Douglas	46,374	5.4	\$38,752	\$47,157	Health Care and Social Assistance (12%); State and Local Government I (11%)
Jackson	104,763	4.8	\$44,360	\$51,364	Health Care and Social Assistance (15%); Retail Trade (14%)
Klamath	29,499	6.4	\$38,446	\$41,875	Health Care and Social Assistance (14%); State and Local Government (12%)

^{a/} Labor force and unemployment data are annual averages.

^{b/} Employment by economic sector is summarized in more detail in table 4.9.2.4-2.

Sources: Oregon Employment Department 2019; U.S. Bureau of Economic Analysis 2018, 2019; U.S. Census Bureau 2018

All four counties were identified as distressed on Business Oregon's Temporary Distressed List for 2019 (Business Oregon 2019). A county is considered distressed by Business Oregon based on an index calculated from four composite factors (unemployment rates, per capita personal income, changes in covered payroll by worker, and changes in employment). Twenty-five of Oregon's 36 counties were identified as distressed in 2019.

Similar to the analysis prepared for the Jordan Cove LNG Project (see section 4.9.1.4, above), ECONorthwest (2017c) used IMPLAN to estimate the total (direct, indirect, and induced) regional economic impacts of pipeline construction and operation. Pacific Connector estimates that constructing the pipeline and related facilities would cost about \$2.46 billion, with an estimated \$1.4 billion expected to be spent in Oregon (ECONorthwest 2017c). ECONorthwest (2017c) estimated that total direct employment over the 24-month construction period would be equivalent to 2,854 FTE jobs, with the equivalent of 1,712 FTE jobs expected to be filled by Oregon workers.²¹¹ Total direct labor income during pipeline construction would be approximately \$926 million; with \$544 million of this total expected to be paid to Oregon workers (table 4.9.2.4-2).

Constructing the pipeline would also support an estimated total of 4,102 indirect and 6,344 induced FTE jobs. In addition, pipeline construction would support total (direct, indirect, and induced) output, value added, and labor income of \$2.8 billion, \$1.3 billion, and \$1.1 billion, respectively (table 4.9.2.4-2).

²¹¹ Pacific Connector revised its construction workforce estimates in a November 2018 filing with the FERC, increasing the length of the construction period and the total number of FTE workers. These changes would likely result in an increase in direct impacts in Oregon, as well as potential increases in indirect and induced impacts.

TABLE 4.9.2.4-2

Regional Economic Impacts of Construction of the Pacific Connector Pipeline Project in Oregon

Impact Type <u>a/</u>	Output <u>b/</u>	Value Added <u>b/</u>	Labor Income <u>b/</u>	FTE Jobs <u>b/</u>
Total Direct Impacts	\$2,460	na	\$926	2,854
Local Impacts (State of Oregon) <u>c/</u>				
Direct	\$1,400	\$578	\$544	1,712
Indirect	\$591	\$313	\$241	4,102
Induced	\$820	\$467	\$272	6,344
Total <u>d/</u>	\$2,811	\$1,359	\$1,056	12,159

Notes:
na = not applicable.
a/ Pacific Connector revised its construction workforce estimates in a November 2018 filing with the FERC, increasing the length of the construction period and the total number of FTE workers. These changes would likely result in an increase in direct impacts in Oregon, as well as potential increases in indirect and induced impacts.
b/ Impacts are presented for the entire construction period. Output, value added, and labor income are expressed in millions of dollars.
c/ Local impacts in this context are impacts that would occur within the state of Oregon. Direct impacts are the share of the total direct impacts expected to occur in Oregon.
d/ Totals may not sum due to rounding.
Source: ECONorthwest 2017c

Based on the share of workers expected to commute daily to and from pipeline work sites, an estimated 489 of 685 annual average direct FTE jobs would be filled by local workers (i.e., workers typically residing in or near the county where the work would take place) (ECONorthwest 2019). ECONorthwest (2019) estimated that construction employees (including resident, itinerant, and commuting employees) for the LNG terminal and pipeline would together spend an annual average of \$51.9 million in Coos County and support annual average local business sales of \$70.3 million and 642 local jobs. Pipeline construction workers alone would spend from \$5.6 million (Klamath County) to \$24.6 million (Jackson County) in the other three counties, supporting from \$7.8 million to \$38.4 million in local business sales and from 68 to 327 local jobs (table 4.9.2.4-3).

TABLE 4.9.2.4-3

Local Economic Impacts of Construction of the Pacific Connector Pipeline Project by County

County	Annual Average FTEs by Place of Residence <u>a/</u>	Construction Employee Spending <u>a/</u>	Local Business Sales <u>a/</u>	Local Jobs Supported (FTEs) <u>a/</u>
Coos <u>b/</u>	132	\$51.9	\$70.3	642
Douglas	107	\$13.5	\$18.7	159
Jackson	202	\$24.6	\$38.4	327
Klamath	48	\$5.6	\$7.8	68
Itinerant and Commuters	196	na	na	na
Total <u>c/</u>	685	\$95.7	\$135.2	1,196

Notes:
na = not applicable.
a/ Impacts are estimated annual average impacts. Employee spending and local business sales are expressed in millions of dollars.
b/ Estimated construction employee spending, local business sales, and local jobs for Coos County include the impacts of spending by LNG terminal workers, as well as pipeline workers.
c/ Totals may not sum due to rounding.
Source: ECONorthwest 2019

In the first full year of operations, Pacific Connector would directly employ 15 workers in Oregon, with total labor compensation (including benefits and payroll taxes) of approximately \$3.1 million.

This direct employment in conjunction with facility expenditures on Oregon sourced goods and services would support additional economic activity in Coos, Douglas, Jackson, and Klamath Counties and elsewhere in Oregon. Annual pipeline operation is estimated to support total (direct, indirect, and induced) employment of 180 FTE jobs in Oregon in the first full year of operations, with total associated labor compensation of approximately \$11.3 million. Viewed in 2017 dollars, total compensation would be about \$9.5 million or \$53,200 per FTE job (ECONorthwest 2017d).

All of the pipeline operations workforce would likely reside in or near one of the four counties crossed by the pipeline, with pipeline-related expenditures also expected to occur locally (i.e., in the four counties). ECONorthwest (2019) estimated that operation employees for the LNG terminal (180 FTEs) and pipeline (15 FTEs) would together spend an annual average of \$12.2 million in Coos County and support annual average local business sales of \$29.5 million and 120 local jobs, with the most of these impacts associated with operation of the LNG terminal. Pipeline operations in the other three counties crossed by the pipeline would support a combined total of approximately \$2.9 million in business sales and 25 local jobs (ECONorthwest 2019).

As noted with respect to the Jordan Cove LNG Project, indirect and induced impact estimates developed by ECONorthwest (2017c, 2017d) are based on the share of construction expenditures that Pacific Connector estimates would occur in Oregon. Changes in actual levels of in-state spending would result in changes to the indirect and induced impact estimates.

4.9.2.5 Tax Revenues

The Pacific Connector pipeline would generate federal, state, and local tax revenues during both the construction and operation phases of the Project. Federal tax revenues would be generated from federal income tax on Project-related earnings. There is no sales and use tax in Oregon, but state tax revenues would be generated through income and lodging taxes. Local tax revenues would be generated from property taxes and city lodging taxes.

Federal lands generate revenues for local counties through 25 percent fund/Secure Rural Schools payments and Payment in Lieu of Taxes (PILT) payments. Secure Rural Schools payments are discussed below in section 4.9.3.2. The PILT program is designed to compensate local governments for lost property tax revenue associated with federal lands. Annual PILT payments to the four affected counties in Fiscal Year 2018 ranged from \$649,640 in Coos County to \$1,864,853 in Jackson County (U.S. Department of the Interior 2018).

Total revenues for the four counties that would be crossed by the pipeline in fiscal year 2018 ranged from \$53.7 million in Klamath County to \$136.7 million in Jackson County (table 4.9.2.5-1). The intergovernmental revenue category identified in table 4.9.2.5-1 includes payments from the federal and state governments to the counties. These revenues include PILT payments, which help local governments maintain public services such as firefighting and police protection, public schools and roads, and search-and-rescue operations.

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CP17-494, CP17-495

CERTIFICATE OF SERVICE

I hereby certify that, on June 11, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Beth G. Pacella
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