

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Kinder Morgan Louisiana Pipeline, LLC
Columbia Gulf Transmission, LLC

Docket Nos. CP19-484-000
CP19-488-000

(Issued September 17, 2020)

GLICK, Commissioner, *dissenting in part*:

1. I dissent in part from today's orders because they fail to comply with our obligations under the Natural Gas Act¹ (NGA) and the National Environmental Policy Act² (NEPA). The Commission once again refuses to consider the consequences its actions have for climate change. Although neither the NGA nor NEPA permit the Commission to ignore the climate change implications of constructing and operating these projects, that is precisely what the Commission is doing here.

2. In today's orders authorizing Kinder Morgan Louisiana Pipeline, LLC's Acadiana Project and Columbia Gulf Transmission, LLC's Louisiana Xpress Project (Projects), the Commission continues to treat greenhouse gas (GHG) emissions and climate change differently than all other environmental impacts.³ The Commission again refuses to consider whether the Projects' contribution to climate change from GHG emissions would be significant, even though it quantifies the Projects' direct GHG emissions from construction and operation.⁴ That failure forms an integral part of the Commission's decisionmaking: The refusal to assess the significance of the Projects' contribution to the harm caused by climate change is what allows the Commission to state that approval of the Projects "would not constitute a major federal action significantly affecting the quality of the human environment"⁵ and, as a result, conclude that the Projects are

¹ 15 U.S.C. § 717f(c) (2018).

² National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 *et seq.*

³ *Kinder Morgan Louisiana Pipeline, LLC*, 172 FERC ¶ 61,259 (2020) (Kinder Morgan Certificate Order) and *Columbia Gulf Transmission, LLC*, 172 FERC ¶ 61,260 (2020) (Columbia Gulf Certificate Order).

⁴ Kinder Morgan Certificate Order, 172 FERC ¶ 61,259 at P 57; Columbia Gulf Certificate Order, 172 FERC ¶ 61,260 at P 53; Acadiana Project and Louisiana Xpress Project Environmental Assessment at 80-82, Tbls. 22-25 (EA).

⁵ EA at 116.

required by the public convenience and necessity.⁶ Claiming that these projects have no significant environmental impacts while at the same time refusing to assess the significance of the projects' impact on the most important environmental issue of our time is not reasoned decisionmaking.

3. The Commission's failure to meaningfully consider climate change forces me into dissenting from certificate orders that I might otherwise support. Prior to issuing a section 7 certificate, the Commission must find both that a proposed project is needed, and that, on balance, its potential benefits outweigh its potential adverse impacts.⁷ The Commission cannot make that determination without meaningfully considering the Projects' contribution to climate change. That leaves me no choice but to dissent. No matter what I might otherwise think of a project, I will not join an order that functionally excludes climate change from the Commission's analysis.

For these reasons, I respectfully dissent in part.

Richard Glick
Commissioner

⁶ Kinder Morgan Certificate Order, 172 FERC ¶ 61,259 at P 66; and Columbia Gulf Certificate Order, 172 FERC ¶ 61,260 at P 61.

⁷ See *Sierra Club v. FERC*, 867 F.3d 1357, 1373 (explaining that section 7 of the NGA requires the Commission to balance “the public benefits [of a proposed pipeline] against the adverse effects of the project,’ including adverse environmental effects” (quoting *Myersville Citizens for a Rural Cmty. v. FERC*, 783 F.3d 1301, 1309 (D.C. Cir. 2015))).