

194 FERC ¶ 61,060
UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Laura V. Swett, Chairman;
David Rosner, Lindsay S. See,
Judy W. Chang, and David LaCerte.

Northwest Pipeline LLC

Docket No. CP25-204-000

ORDER ISSUING CERTIFICATE AND APPROVING ABANDONMENT

(Issued January 22, 2026)

1. On April 10, 2025, Northwest Pipeline LLC (Northwest) filed an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA)¹ and Part 157 of the Commission's regulations² for authorization to abandon and replace compression facilities in Lincoln County, Wyoming (Kemmerer Horsepower Replacement Project). As discussed below, we grant the requested authorizations, subject to certain conditions.

I. Background and Proposal

2. Northwest,³ a Delaware corporation, is a natural gas company as defined by section 2(6) of the NGA,⁴ engaged in the transportation of natural gas in interstate commerce, subject to the Commission's jurisdiction. Northwest operates natural gas transportation facilities in Washington, Oregon, Idaho, Nevada, Utah, Wyoming, Colorado, New Mexico, California, and Arizona.⁵

3. The Kemmerer Compressor Station, located in Lincoln County, Wyoming, consists of five compressor units: four reciprocating compressor units, totaling 8,500 horsepower (hp) ISO, and one 4,700 hp ISO turbine-driven compressor unit, with a

¹ 15 U.S.C. §§ 717f(b), (c).

² 18 C.F.R. pt. 157 (2025).

³ Northwest is an indirect, wholly owned subsidiary of the Williams Companies, Inc. Application at 2.

⁴ 15 U.S.C. § 717a(6).

⁵ Application at 3.

total certificated horsepower of 13,200 ISO hp.⁶ The compressor station is located on land owned by the U.S. Department of Interior's Bureau of Land Management (BLM). Northwest proposes to abandon the five existing units, and replace them with one 13,220 ISO hp turbine-driven unit, as well as related ancillary facilities and piping.⁷ Northwest states that the Kemmerer Horsepower Replacement Project is part of its Modernization and Emissions Reduction Program (MER Program), which is designed to strengthen the reliability of its pipeline system while reducing emissions.⁸

II. Notice, Interventions, and Comments

4. Notice of Northwest's application was published in the *Federal Register* on April 22, 2025.⁹ The notice established May 7, 2025, as the deadline for filing interventions, comments, and protests. The Canadian Association of Petroleum Producers, the Center for LNG, and Natural Gas Supply Association (DC) filed timely, unopposed motions to intervene.¹⁰ BLM filed comments noting that it does not allow the abandonment in place of surface facilities on federal lands.¹¹ No other comments or protests were filed.

⁶ ISO-rated power output is measured and specified according to the standard reference conditions defined by the International Organization for Standardization (ISO): 59 degrees Fahrenheit (°F) ambient temperature, 60% relative humidity, and sea level elevation.

⁷ Northwest states that the site-rated compression at the station will decrease from 9,637 hp to 8,936 hp, but that the reduction will not impact the design delivery capacity of the station or Northwest's ability to meet its firm contractual obligations. Application at 8.

⁸ The program, which was established through a 2022 settlement agreement, provides for the replacement of 23 vintage compressor units with new, low-emission compression over a period of 6 years. *Nw. Pipeline LLC*, 181 FERC ¶ 61,118 (2022). Northwest states that its MER Program is expected to reduce its systemwide NOx emissions by about 93% and methane emissions by about 89%.

⁹ 90 Fed. Reg. 16869 (Apr. 22, 2025).

¹⁰ Timely, unopposed motions to intervene are granted by operation of Rule 214 of the Commission's Rules of Practice and Procedure. 18 C.F.R. § 385.214(c) (2025).

¹¹ BLM May 1, 2025 Comments. Northwest initially proposed to abandon the units in place. However, following BLM's comments, Northwest stated that it would

III. Discussion

5. Because Northwest's proposed facilities will be used to transport natural gas in interstate commerce subject to the Commission's jurisdiction, the proposal is subject to the requirements of subsections (c), and (e) of section 7 of the NGA.¹² In addition, Northwest's proposed abandonment is subject to the requirements of section 7(b) of the NGA.¹³

A. Certificate Policy Statement

6. The Certificate Policy Statement provides guidance for evaluating proposals to certificate new construction.¹⁴ The Certificate Policy Statement establishes criteria for determining whether there is a need for a proposed project and whether the proposed project will serve the public interest. It explains that, in deciding whether to authorize the construction of new pipeline facilities, the Commission balances the public benefits against the potential adverse consequences. The Commission's goal is to appropriately consider the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant's responsibility for unsubscribed capacity, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain in evaluating new pipeline construction.

7. Under this policy, the threshold requirement for applicants proposing new projects is that the applicant must be prepared to financially support the project without relying on subsidization from its existing customers. The next step is to determine whether the applicant has made efforts to eliminate or minimize any adverse effects the project might have on the applicant's existing customers, existing pipelines in the market and their captive customers, and landowners and communities affected by the proposed project and the route of the new pipeline facilities. If residual adverse effects on these interest groups are identified after efforts have been made to minimize them, the Commission will evaluate the project by balancing the evidence of public benefits to be achieved against the residual adverse effects. This is essentially an economic test. Only when the benefits

comply with BLM's requirements and remove the units in accordance with applicable local, state, and federal regulations. Northwest May 22, 2025, Supplemental Filing.

¹² 15 U.S.C. §§ 717f(c), (e).

¹³ *Id.* § 717f(b).

¹⁴ *Certification of New Interstate Nat. Gas Pipeline Facilities*, 88 FERC ¶ 61,227, *corrected*, 89 FERC ¶ 61,040 (1999), *clarified*, 90 FERC ¶ 61,128, *further clarified*, 92 FERC ¶ 61,094 (2000) (Certificate Policy Statement).

outweigh the adverse effects on economic interests will the Commission proceed to complete the environmental analysis, where other interests are considered.

1. No Subsidy Requirement and Project Need

8. As discussed above, the threshold requirement for applicants proposing new projects is that the applicant must be prepared to financially support the project without relying on subsidization from its existing customers. The Commission has determined that it is not a subsidy under the Certificate Policy Statement for existing customers to pay for projects designed to replace existing capacity in order to improve the reliability or flexibility of existing service.¹⁵ The Kemmerer Horsepower Replacement Project is designed to improve the integrity and reliability of Northwest's system, rather than to provide additional service to any specific shippers, and will not create new capacity. Therefore, we find that Northwest's proposal will not result in subsidization of the project by Northwest's existing customers. Additionally, we find that Northwest has demonstrated a need for the project, which will improve pipeline integrity and system reliability by replacing aging facilities near the end of their useful life.

2. Impacts on Existing Customers, Existing Pipelines and Their Customers, and Landowners and Surrounding Communities

9. We also find that the project will not adversely affect service to Northwest's existing customers. The Kemmerer Horsepower Replacement Project is designed to modernize existing services and improve the reliability of Northwest's existing system. The proposed project will not create any additional capacity. Therefore, the project will not replace or otherwise displace service on other pipelines or their captive customers. No other pipelines or their captive customers have objected to Northwest's proposal.

10. We are further satisfied that Northwest has taken steps to minimize adverse economic impacts on landowners and surrounding communities. The entire replacement project will be within Northwest's existing BLM right-of-way. Accordingly, we are satisfied that the Kemmerer Horsepower Replacement Project has been designed to minimize adverse impacts on landowners and communities affected by the project.

11. We find that Northwest has demonstrated a need for the project, and, further, that the project will not have adverse impacts on existing shippers or other pipelines and their existing customers, and will have minimal economic impacts on landowners and

¹⁵ See, e.g., *N. Nat. Gas Co.*, 174 FERC ¶ 61,189, at P 15 (2021) (finding that abandoning aging pipeline and replacing the capacity while maintaining the same level of service is not a subsidy); *S. Star Cent. Gas Pipeline, Inc.*, 169 FERC ¶ 61,214, at P 19 (2019) (finding that a replacement project designed to maintain existing services is not a subsidy).

surrounding communities. Therefore, we conclude that the project is consistent with the criteria set forth in the Certificate Policy Statement, and we analyze the environmental impacts of the project below.¹⁶

B. Abandonment

12. Section 7(b) of the NGA provides that an interstate pipeline company may abandon jurisdictional facilities or services only if the abandonment is permitted by “the present or future public convenience or necessity.”¹⁷ In deciding whether a proposed abandonment is warranted, the Commission considers all relevant factors, but the criteria vary with the circumstances of the particular proposal.¹⁸ Continuity and stability of existing services are the primary consideration in assessing whether the public convenience or necessity allow the abandonment.¹⁹ If the Commission finds that an applicant’s proposed abandonment will not jeopardize continuity of existing gas transportation services, the Commission generally will find that the public convenience or necessity permits the abandonment.²⁰

13. Here, Northwest proposes to replace the abandoned compressor units with equipment that is designed to continue to meet its existing delivery capacity. Because the proposed abandonment will not jeopardize continuity of existing natural gas transportation services and will improve the reliability of Northwest’s system, we find that the public convenience or necessity permits the abandonment.

14. In its application, Northwest proposed to abandon the existing compressor units as well as related ancillary facilities and piping facilities in place. On May 1, 2025, BLM filed comments noting that the Kemmerer Compressor Station is located on federal lands and that BLM does not allow the abandonment in place of surface facilities on federal

¹⁶ See Certificate Policy Statement, 88 FERC at 61,745-46 (explaining that only when the project benefits outweigh the adverse effects on the economic interests will the Commission then complete the environmental analysis).

¹⁷ *Id.*

¹⁸ *El Paso Nat. Gas Co., L.L.C.*, 148 FERC ¶ 61,226, at P 11 (2014).

¹⁹ See, e.g., *Tex. E. Transmission, LP*, 176 FERC ¶ 61,206, at P 11 (2021) (citing *El Paso Nat. Gas Co., L.L.C.*, 148 FERC ¶ 61,226 at P 12).

²⁰ See, e.g., *id.* (citing *Trunkline Gas Co., LLC*, 145 FERC ¶ 61,108, at P 65 (2013)).

lands.²¹ On May 22, 2025, Northwest filed comments clarifying that the facilities will be removed upon the construction and placement into service of the proposed replacement facilities to avoid any customer service disruptions.²² Ordering paragraph (C) requires Northwest to abandon the compressor facilities by removal, consistent with BLM's requirements.

C. Rates

15. To implement the MER Program, Northwest established a Modernization and Emissions Cost Recovery Mechanism reflected in section 30 of the General Terms and Conditions (GT&C) of Northwest's tariff.²³ GT&C section 30 of Northwest's tariff provides that the net capital costs of the MER Program eligible facilities, such as this one, placed in service between January 1, 2023 and October 31, 2027, will be rolled into the rate base included in Northwest's next general NGA section 4 or section 5 rate case, or its next pre-filing settlement.²⁴

1. Pre-Determination of Rolled-In Rates

16. Northwest requests a pre-determination of rolled-in rates for this project in accordance with the Commission's Certificate Policy Statement, stating that the Kemmerer Horsepower Replacement Project is designed to ensure the continued safe and reliable operation of the Kemmerer Compressor Station, while reducing emissions.²⁵ To support a request for a pre-determination that a pipeline may roll the costs of a project into its system-wide rates in a future NGA section 4 general rate proceeding, a pipeline must demonstrate that rolling in the costs associated with the construction and operation of new facilities will not result in existing customers subsidizing the expansion.²⁶ The Certificate Policy Statement recognizes the appropriateness of rolled-in rate treatment for the costs of facilities constructed to improve the reliability of service to existing customers or to improve service by replacing existing capacity, rather

²¹ BLM May 1, 2025 Comments; *see* 43 C.F.R. §§ 2807.19, 2886.19 (2025).

²² Northwest May 22, 2025 Comments.

²³ *Nw. Pipeline LLC*, 181 FERC ¶ 61,118 (2022).

²⁴ Northwest Pipeline LLC, Fifth Revised Volume No. 1, Sheet No. 291, GT&C – M&ERP Cost Recovery Mechanism (0.0.0).

²⁵ Application at 12.

²⁶ *ANR Pipeline Co.*, 188 FERC ¶ 61,063, at P 15 (2024).

to increase levels of service.²⁷ Here, Northwest's project is intended to strengthen the reliability of Northwest's pipeline system while reducing emissions, through the replacement of older equipment. Accordingly, we grant Northwest's request for a pre-determination that it may roll the costs of the Kemmerer Horsepower Replacement Project into its system rates in a future NGA section 4 rate case, absent a significant change in circumstances.

2. Reporting Incremental Costs

17. We require Northwest to keep separate books and accounting of costs and revenues attributable to the project in the same manner as required by section 154.309 of the Commission's regulations.²⁸ The books should be maintained with applicable cross-reference and the information must be in sufficient detail so that the data can be identified in Statements G, I, and J in any future NGA section 4 or 5 rate case, and the information must be provided consistent with Order No. 710.²⁹

D. Environmental Impacts

18. On June 11, 2025, the Commission issued a *Notice of Scoping for the Kemmerer Horsepower Replacement Project and Request for Comments on Environmental Issues*. The notice was published in the *Federal Register*³⁰ and mailed to interested parties including federal, state, and local officials; agency representatives; environmental and public interest groups; Native American Tribes; and local libraries and newspapers. We received comments in response to the notice from BLM, the U.S. Fish and Wildlife Service, and the Wyoming Department of Environmental Quality (WDEQ). The primary issues raised during the scoping process included BLM's requirement that the existing

²⁷ Certificate Policy Statement, 88 FERC ¶ 61,227 at 61,746 n.12.

²⁸ 18 C.F.R. § 154.309 (2025). *See Gulf S. Pipeline Co., LLC*, 173 FERC ¶ 61,049, at P 6 (2020) (for projects that use existing system rates for the initial rates the Commission's requirement for separate books and accounting applies only to internal books and records).

²⁹ *Revisions to Forms, Statements, & Reporting Requirements for Nat. Gas Pipelines*, Order No. 710, 122 FERC ¶ 61,262, at P 23 (2008). In *Gulf South*, the Commission clarified that a pipeline charging its existing system rates for a project is not required to provide books and accounting consistent with Order No. 710. However, a pipeline is required to maintain its internal books and accounting such that it would have the ability to include this information in a future FERC Form No. 2 if the rate treatment for the project is changed in a future rate proceeding.

³⁰ 90 Fed. Reg. 25257 (June 16, 2025).

Kemmerer Compressor Station facilities be removed after the new project facilities are placed into service; effects on endangered species, water resources, and wetlands in the project area; recommended construction best management practices for the project; and the applicable air and water quality regulations and related permitting requirements.

19. Pursuant to the National Environmental Policy Act of 1969 (NEPA),³¹ Commission staff prepared an Environmental Assessment (EA) for Northwest's proposal, which was issued on October 9, 2025.³² The Notice of Availability of the EA established a 30-day comment period, ending November 10, 2025. The Notice of Availability was mailed to the same list of interested parties as noted above for the Notice of Scoping. The analysis in the EA addresses geology, soils, water resources, wetlands, vegetation, fisheries, wildlife, threatened and endangered species, land use, recreation, visual resources, cultural resources, air quality, noise, safety, socioeconomics, effects to all potentially affected communities, cumulative effects, including climate change, and alternatives. The EA addressed all environmental comments received during scoping and concluded that approval of the project would not constitute a major federal action significantly affecting the quality of the human environment.³³ We received comments on the EA from WDEQ, which are addressed below.

20. Under NEPA, the Commission considers impacts on all potentially affected communities.³⁴ The construction and operation of the new Kemmerer Compressor Station would affect local communities. The project would affect a total of 26.94 acres

³¹ 42 U.S.C. §§ 4321 *et seq.*, *see also* 18 C.F.R. pt. 380 (2025) (Commission's regulations implementing NEPA).

³² For tracking purposes under NEPA, the unique identification number for documents relating to this environmental review is EAXX-019-20-000-1750866092.

³³ EA at 50. Commission staff could not determine whether the effects from greenhouse gas (GHG) emissions attributable to the project would be significant or insignificant. *See* 42 U.S.C. § 4336(b)(2) ("An agency shall prepare an environmental assessment with respect to a proposed agency action that does not have a reasonably foreseeable significant effect on the quality of the human environment, or if the significance of such effect is unknown . . ."). We note that NEPA does not require that the Commission formally label project-related GHG emissions as significant or insignificant. *See Citizens Action Coal. of Indiana, Inc. v. FERC*, 125 F.4th 229, 241-242 (D.C. Cir. 2025) (holding that "the absence of a 'significance' label does not violate NEPA, CEQ guidance, or FERC regulations") (citing *Food & Water Watch v. FERC*, 104 F.4th 336, 346 (D.C. Cir. 2024) (*East 300*)); *see also Transcon. Gas Pipe Line Co.*, 187 FERC ¶ 61,200, at P 33 (2024) (applying *East 300* in the context of an EA).

³⁴ EA at 21-24.

of land during construction. Of that acreage, the project would permanently impact approximately 9.35 acres, while the remaining 17.59 acres would be restored to pre-construction conditions.³⁵

21. As described in the EA, the project's potential effects on local communities during construction would be minimal, given that the nearest residence to the project area is about 3.5 miles away. These potential effects include traffic impacts,³⁶ air quality impacts,³⁷ and noise impacts,³⁸ all of which would be temporary and less than significant. The EA explains that Northwest would implement a Traffic Management Plan to reduce traffic effects on residences and local road users.³⁹ To minimize air quality impacts during construction, Northwest will implement measures to minimize fugitive dust.⁴⁰ With respect to construction noise impacts, there are no permanent residences near the construction site, and activities would generally occur during daytime hours.⁴¹

22. The EA finds that operation of the project would result in air quality impacts,⁴² noise impacts,⁴³ and visual impacts,⁴⁴ all of which would be less than significant. With respect to air quality impacts, the EA finds that, with the exception of a small increase in carbon monoxide emissions, the project would result in a net decrease in the potential emissions of all remaining criteria pollutants.⁴⁵ Additionally, the EA finds that anticipated noise attributable to project operation would not cause a significant impact on

³⁵ *Id.* at 6.

³⁶ *Id.* at 23-24.

³⁷ *Id.* at 31.

³⁸ *Id.* at 35, 43.

³⁹ *Id.* at 23.

⁴⁰ *Id.* at 27.

⁴¹ *Id.* at 35. The two nearby noise sensitive areas include a BLM ranger station 3,000 feet east of the proposed project and a camping area 2,100 feet northeast of the project. *Id.* at 37.

⁴² *Id.* at 32-24.

⁴³ *Id.* at 35-38.

⁴⁴ *Id.* at 25-26.

⁴⁵ *Id.* at 32.

the nearest noise receptors because noise levels would be below a day-night noise level of 55 decibels on the A-weighted scale.⁴⁶ Last, the EA notes that visual impacts would not be significant.⁴⁷ We agree.

23. The EA recommends implementation of Northwest's proposed construction procedures and mitigation measures as well as Commission staff recommendations,⁴⁸ which we have adopted as conditions in the appendix of this order.

1. Additional Permit Requirements

24. WDEQ states that the permit table in the EA does not include certain permits, such as the Wyoming Pollutant Discharge Elimination System Large Construction Stormwater General Permit and the Underground Injection Control Class V (5E) permit, that may be required.⁴⁹ Additionally, WDEQ notes that if the project boundary falls within a Greater Sage-Grouse Core Area or a Mule Deer and Antelope Migration Corridor, the owner or operator must coordinate with the Wyoming Game and Fish Department to ensure that the project is consistent with the Wyoming Governor's Executive Orders 2019-3 and 2020-1, respectively.⁵⁰ As noted in the EA, Table 2 lists major federal, state, and local permits but is not intended to be an exhaustive list of requisite approvals. Regardless of whether a particular permit or approval is identified in Table 2 of the EA, Northwest is responsible for obtaining and complying with all applicable permits, certificates, or other authorizing documents.⁵¹

2. Groundwater and Surface Water Effects

25. WDEQ requests that the Commission acknowledge its regulatory authority for groundwater protection in Wyoming and states that, in the event groundwater impacts are

⁴⁶ *Id.* at 37. The U.S. Environmental Protection Agency has indicated that this level protects the public from noise interference during activities such as sleeping, working, or recreation. *Id.* at 35.

⁴⁷ *Id.* at 26.

⁴⁸ *Id.* at 50.

⁴⁹ WDEQ November 10, 2025 Comments at 1-2.

⁵⁰ *Id.*

⁵¹ EA at 9. *But see infra* P 33 (explaining that application of state or local laws may not be used to prohibit or unreasonably delay the construction or operation of facilities approved by this Commission).

discovered, WDEQ's Water Quality Division (WQD) Groundwater Section must be notified. We acknowledge WDEQ's regulatory authority for groundwater protection in Wyoming. As noted above, Northwest is responsible for obtaining and complying with all applicable permits, certificates, or other authorizing documents.

26. Next, WDEQ clarifies that groundwater has been identified to be approximately 210 to 500 feet below ground surface within the project area, which is classified as a Class I Groundwater of the State, and recommends that Northwest implement best management practices to prevent surface spills during construction and operation. WDEQ further notes that Chapter 8 of the Wyoming Water Quality Rules requires restoration to the original Class I use suitability should any unpermitted discharge result in excess concentrations of state standards. WDEQ also recommends that proper notification and remediation to restore groundwater to its intended beneficial use should be incorporated into Northwest's *Spill Plan*, *Unanticipated Discovery of Contamination Plan*, and use of the FERC Plan and Procedures.⁵²

27. Northwest has implemented best management practices to address equipment fluid leaks and spills through implementation of a Spill Plan and FERC's Plan and Procedures.⁵³ Northwest's *Spill Plan* includes spill notification procedures for both internal notifications as well as external notifications through contact with first responders and the Local Emergency Planning Committee.⁵⁴ Additionally, Northwest's *Spill Plan*'s unanticipated discovery response procedures include steps to determine the need to conduct groundwater remediation should unanticipated contaminated soil, groundwater, or other potential environmental contamination be encountered during the project.⁵⁵ The Commission will ensure Northwest's compliance with the *Spill Plan* and FERC's Plan and Procedures, which will provide appropriate measures to protect water quality.

28. Last, WDEQ states that EA incorrectly includes its July 11, 2025 comments regarding water quality in a discussion about the consumptive use of water. WDEQ clarifies that the Wyoming State Engineer's Office has sole statutory authority over the consumptive use of water in Wyoming and requests that the EA be revised to move its

⁵² WDEQ November 10, 2025 Comments.

⁵³ *Id.* at 12-13.

⁵⁴ Application, app. 1F-3 (Construction Spill Prevention and Response Procedures for Oil and Hazardous Materials) at 7.

⁵⁵ *Id.* at 2-3.

water quality comments and to accurately address WDEQ's regulatory authority.⁵⁶ Specifically, WDEQ requests that the Commission incorporate in the EA its regulatory authorities for the protection of surface water quality in Wyoming in accordance with Title 35, Chapter 11 of the Wyoming Statutes and Wyoming's Water Quality Rules.

29. We acknowledge that WDEQ lacks authority over consumptive water in Wyoming and that its comments related solely to water quality. We have reviewed the analysis in the EA and agree with staff that groundwater and surface water resources would not be significantly affected. Additionally, Commission staff has reviewed WDEQ's clarifications regarding state office authorities and state permitting requirements and determined that none of them alter any of the EA's conclusions or require revision of the EA.

3. Environmental Analysis Conclusion

30. We have reviewed the information and analysis contained in the EA, as well as the other information in the record, regarding potential environmental effects of the project. We accept the environmental recommendations in the EA and are including them as conditions in an appendix to this order. Based on the analysis in the EA, as clarified herein, we conclude that if the facilities are abandoned and constructed in accordance with Northwest's application and supplements, and in compliance with the environmental conditions in the appendix to this order, our approval of this proposal would not constitute a major federal action significantly affecting the quality of the human environment.⁵⁷

31. Compliance with the environmental conditions appended to our orders is integral to ensuring that the environmental impacts of approved projects are consistent with those anticipated by our environmental analyses. Thus, Commission staff carefully reviews all information submitted. Only when satisfied that the applicant has complied with all applicable conditions will a notice to proceed with the activity to which the conditions are relevant be issued. We also note that the Commission has the authority to take whatever steps are necessary to ensure the protection of environmental resources during construction and operation of the project, including authority to impose any additional measures deemed necessary to ensure continued compliance with the intent of the

⁵⁶ WDEQ recommends the following statement: "WDEQ-WQD commented on July 11, 2025, regarding the Project's potential impacts to water quality. These comments recommend that the EA identify all water resources potentially affected by the Project, the types of potential impacts, mitigation measures, and associated applicable permits and requirements."

⁵⁷ We are not making a significance determination regarding GHG effects for the reasons discussed in *supra* note 34.

conditions of the order, as well as the avoidance or mitigation of unforeseen adverse environmental impacts resulting from project construction and operation.

IV. Conclusion

32. We find that Northwest has demonstrated a need for the Kemmerer Horsepower Replacement Project, that the project will not have adverse economic impacts on Northwest's existing shippers or on other pipelines and their existing customers, and that it will have minimal impacts on the interests of landowners and surrounding communities. Based on the discussion above, we conclude that, under section 7 of the NGA, the public convenience and necessity requires approval of the Kemmerer Horsepower Replacement Project, subject to the conditions in this order. Further, as discussed above, we find that the public convenience or necessity permits the abandonment.

33. Any state or local permits issued with respect to the jurisdictional facilities authorized herein must be consistent with the conditions of this certificate. The Commission encourages cooperation between interstate pipelines and local authorities. However, this does not mean that state and local agencies, through application of state or local laws, may prohibit or unreasonably delay the construction or operation of facilities approved by this Commission.⁵⁸

34. The Commission on its own motion received and made a part of the record in this proceeding all evidence, including the application, and exhibits thereto, and all comments, and upon consideration of the record,

The Commission orders:

(A) A certificate of public convenience and necessity is issued to Northwest, authorizing it to construct and operate the Kemmerer Horsepower Replacement Project, as described and conditioned herein, and as more fully described in the application and subsequent filings by the applicant, including any commitments made therein.

(B) The certificate authority issued in ordering paragraph (A) is conditioned on Northwest:

⁵⁸ See 15 U.S.C. § 717r(d) (state or federal agency's failure to act on a permit considered to be inconsistent with Federal law); see also *Schneidewind v. ANR Pipeline Co.*, 485 U.S. 293, 310 (1988) (state regulation that interferes with FERC's regulatory authority over the transportation of natural gas is preempted); *Dominion Transmission, Inc. v. Summers*, 723 F.3d 238, 245 (D.C. Cir. 2013) (noting that state and local regulation is preempted by the NGA to the extent it conflicts with federal regulation, or would delay the construction and operation of facilities approved by the Commission).

- (1) completing construction of the proposed facilities and making them available for service within two years of the date of this order pursuant to section 157.20(b) of the Commission's regulations;
- (2) complying with all applicable Commission regulations under the NGA including, but not limited to, Parts 154, 157, and 284, and paragraphs (a), (c), (e), and (f) of section 157.20 of the Commission's regulations; and
- (3) complying with the environmental conditions listed in the appendix to this order.

(C) Northwest is granted permission and approval to abandon the facilities described in this order, and more fully described in the application. The abandonment shall be completed in compliance with the requirements set forth by BLM.

(D) Northwest shall complete all abandonment activities within three years of the date of this order.

(E) Northwest shall notify the Commission within 10 days of the abandonment of the facilities.

(F) A pre-determination is granted for Northwest to roll the costs of the Kemmerer Horsepower Replacement Project into its system rates in a future NGA section 4 rate case, absent a significant change in circumstances.

(G) Northwest shall notify the Commission's environmental staff by telephone or e-mail of any environmental noncompliance identified by other federal, state, or local agencies on the same day that such agency notifies Northwest. Northwest shall file written confirmation of such notification with the Secretary of the Commission within 24 hours.

By the Commission.

(S E A L)

Carlos D. Clay,
Deputy Secretary.

Appendix

Environmental Conditions

As recommended in the Environmental Assessment (EA), this authorization includes the following conditions:

1. Northwest shall follow the construction and abandonment procedures and mitigation measures described in its application and supplements (including responses to staff data requests) and as identified in the EA, unless modified by the Order. Northwest must:
 - a. request any modification to these procedures, measures, or conditions in a filing with the Secretary of the Commission (Secretary);
 - b. justify each modification relative to site-specific conditions;
 - c. explain how that modification provides an equal or greater level of environmental protection than the original measure; and
 - d. receive approval in writing from the Director of the Office of Energy Projects (OEP), or the Director's designee, **before using that modification.**
2. The Director of OEP, or the Director's designee, has delegated authority to address any requests for approvals or authorizations necessary to carry out the conditions of the Order, and take whatever steps are necessary to ensure the protection of environmental resources during abandonment, construction, and operation of the project. This authority shall allow:
 - a. the modification of conditions of the Order;
 - b. stop-work authority; and
 - c. the imposition of any additional measures deemed necessary to ensure continued compliance with the intent of the conditions of the Order as well as the avoidance or mitigation of unforeseen adverse environmental effects resulting from project construction and operation and abandonment activities.
3. **Prior to any construction**, Northwest shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, Environmental Inspectors (EI), and contractor personnel will be informed of the EIs' authority and have been or will be trained on the implementation of the

environmental mitigation measures appropriate to their jobs **before** becoming involved with construction and restoration activities.

4. The authorized facility location shall be as shown in the EA. **As soon as they are available, and before the start of construction**, Northwest shall file with the Secretary any revised detailed survey alignment maps/sheets at a scale not smaller than 1:6,000 with station positions for all facilities approved by the Order. All requests for modifications of environmental conditions of the Order or site-specific clearances must be written and must reference locations designated on these alignment maps/sheets.
5. Northwest shall file with the Secretary detailed alignment maps/sheets and aerial photographs at a scale not smaller than 1:6,000 identifying all route realignments or facility relocations, and staging areas, pipe storage yards, new access roads, and other areas that would be used or disturbed and have not been previously identified in filings with the Secretary. Approval for each of these areas must be explicitly requested in writing. For each area, the request must include a description of the existing land use/cover type, documentation of landowner approval, whether any cultural resources or federally listed threatened or endangered species would be affected, and whether any other environmentally sensitive areas are within or abutting the area. All areas shall be clearly identified on the maps/sheets/aerial photographs. Each area must be approved in writing by the Director of OEP, or the Director's designee, **before construction in or near that area**.

This requirement does not apply to extra workspace allowed by the Commission's *Upland Erosion Control, Revegetation, and Maintenance Plan* and/or minor field realignments per landowner needs and requirements which do not affect other landowners or sensitive environmental areas such as wetlands.

Examples of alterations requiring approval include all route realignments and facility location changes resulting from:

- a. implementation of cultural resources mitigation measures;
 - b. implementation of endangered, threatened, or special concern species mitigation measures;
 - c. recommendations by state regulatory authorities; and
 - d. agreements with individual landowners that affect other landowners or could affect sensitive environmental areas.
6. **Within 60 days of the acceptance of the authorization and before construction begins**, Northwest shall file an Implementation Plan with the Secretary for review

and written approval by the Director of OEP, or the Director's designee. Northwest must file revisions to the plan as schedules change. The plan shall identify:

- a. how Northwest will implement the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests), identified in the EA, and required by the Order;
 - b. how Northwest will incorporate these requirements into the contract bid documents, construction contracts (especially penalty clauses and specifications), and construction drawings so that the mitigation required at each site is clear to onsite construction and inspection personnel;
 - c. the number of EIs assigned, and how the company will ensure that sufficient personnel are available to implement the environmental mitigation;
 - d. company personnel, including EIs and contractors, who will receive copies of the appropriate material;
 - e. the location and dates of the environmental compliance training and instructions Northwest will give to all personnel involved with construction and restoration (initial and refresher training as the project progresses and personnel change);
 - f. the company personnel (if known) and specific portion of Northwest's organization having responsibility for compliance;
 - g. the procedures (including use of contract penalties) Northwest will follow if noncompliance occurs; and
 - h. for each discrete facility, a Gantt or PERT chart (or similar project scheduling diagram), and dates for:
 - (1) the completion of all required surveys and reports;
 - (2) the environmental compliance training of onsite personnel;
 - (3) the start of construction; and
 - (4) the start and completion of restoration.
7. Northwest shall employ at least one EI for the Project. The EI shall be:

- a. responsible for monitoring and ensuring compliance with all mitigation measures required by the Order and other grants, permits, certificates, or other authorizing documents;
 - b. responsible for evaluating the construction contractor's implementation of the environmental mitigation measures required in the contract (see condition 6 above) and any other authorizing document;
 - c. empowered to order correction of acts that violate the environmental conditions of the Order, and any other authorizing document;
 - d. responsible for documenting compliance with the environmental conditions of the Order, as well as any environmental conditions/permit requirements imposed by other federal, state, or local agencies; and
 - e. responsible for maintaining status reports.
8. Beginning with the filing of its Implementation Plan, Northwest shall file updated status reports with the Secretary on a **monthly** basis until all construction and restoration activities are complete. On request, these status reports will also be provided to other federal and state agencies with permitting responsibilities. Status reports shall include:
- a. an update on Northwest's efforts to obtain the necessary federal authorizations;
 - b. the construction status of the project, work planned for the following reporting period, and any schedule changes for stream crossings or work in other environmentally-sensitive areas;
 - c. a listing of all problems encountered and each instance of noncompliance observed by the EI(s) during the reporting period (both for the conditions imposed by the Commission and any environmental conditions/permit requirements imposed by other federal, state, or local agencies);
 - d. a description of the corrective actions implemented in response to all instances of noncompliance;
 - e. the effectiveness of all corrective actions implemented;
 - f. a description of any landowner/resident complaints which may relate to compliance with the requirements of the Order, and the measures taken to satisfy their concerns; and

- g. copies of any correspondence received by Northwest from other federal, state, or local permitting agencies concerning instances of noncompliance, and Northwest's response.
- 9. Northwest must receive written authorization from the Director of OEP, or the Director's designee, **before commencing construction of any project facilities.** To obtain such authorization, Northwest must file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).
- 10. Northwest must receive written authorization from the Director of OEP, or the Director's designee, **before placing the project into service.** Such authorization will only be granted following a determination that rehabilitation and restoration of the right-of-way and other areas affected by the project are proceeding satisfactorily.
- 11. **Within 30 days of placing the authorized facilities in service,** Northwest shall file an affirmative statement with the Secretary, certified by a senior company official:
 - a. that the facilities have been constructed and abandoned in compliance with all applicable conditions, and that continuing activities will be consistent with all applicable conditions; or
 - b. identifying which of the conditions in the Order Northwest has complied with or will comply with. This statement shall also identify any areas affected by the project where compliance measures were not properly implemented, if not previously identified in filed status reports, and the reason for noncompliance.
- 12. **Within 5 days of the final determination of the use of the Nationwide Permit 12 issued by the U.S. Army Corps of Engineers,** Northwest shall file the complete water quality certification issued categorically by the Wyoming Department of Environmental Quality, including all conditions. All conditions attached to the water quality certification constitute mandatory conditions of the Certificate Order. **Prior to construction,** Northwest shall file, for review and written approval by the Director of OEP, or the Director's designee, any revisions to its project design necessary to comply with the water quality certification conditions.
- 13. Northwest shall **not begin** construction of facilities and/or use of staging, storage, or temporary work areas and new or to-be-improved access roads **until:**
 - a. Northwest files with the Secretary:

- (1) the State Historic Preservation Officer's (SHPO) and U.S. Bureau of Land Management's (BLM) comments on the Class III report; and
 - (2) any further required cultural resources survey report(s) or plan(s), and the SHPO's and BLM's comments on the report(s) and plan(s).
- b. The Advisory Council on Historic Preservation is afforded an opportunity to comment if historic properties would be adversely affected; and
- c. FERC staff reviews and the Director of OEP, or the Director's designee, approves the cultural resources reports and plans, and notifies Northwest in writing that treatment plans/mitigation measures (including archaeological data recovery) may be implemented and/or construction may proceed.

All materials filed with the Commission containing **location, character, and ownership** information about cultural resources must have the cover and any relevant pages therein clearly labeled in bold lettering: "**CUI//PRIV - DO NOT RELEASE.**"

14. Northwest shall file a noise survey with the Secretary **no later than 60 days** after placing the new Kemmerer Compressor Station in service. If a full load condition noise survey is not possible, Northwest shall provide an interim survey at the maximum possible horsepower load and provide the full load survey **within 6 months**. The noise survey shall include operation of the non-emergency use generator. If the noise attributable to the operation of the equipment at the new Kemmerer Compressor Station under interim or full horsepower load conditions exceeds a day-night sound level of 55 decibels on the A-weighted scale at any nearby noise-sensitive areas, Northwest shall file a report on what changes are needed and shall install the additional noise controls to meet the level **within 1 year** of the in-service date. Northwest shall confirm compliance with the above requirement by filing a second noise survey with the Secretary **no later than 60 days** after it installs the additional noise controls.