



**Federal Energy
Regulatory
Commission**

**Office of
Energy Projects**

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November 2022

GTN XPress Project

FINAL ENVIRONMENTAL IMPACT STATEMENT

Gas Transmission Northwest LLC

Docket No. CP22-2-000

Abstract:

The staff of the Federal Energy Regulatory Commission (Commission) prepared a final environmental impact statement (EIS) for the GTN XPress Project (Project) proposed by Gas Transmission Northwest LLC (GTN). GTN proposes to modify three existing compressor stations in Idaho, Washington, and Oregon. This Project would increase the capacity of GTN's existing natural gas transmission system by about 150 million standard cubic feet per day between Idaho and Oregon. Commission staff conclude that construction and operation of the project, with the mitigation measures recommended in the EIS, would result in some adverse environmental impacts; however, with the exception of climate change, those impacts would not be significant. Climate change impacts are not characterized in this EIS as significant or insignificant.

Contact: Office of External Affairs, (866) 208-FERC

Estimate of Staff's Time Spent in the Preparation of this EIS: \$39,478.35. There were no direct contracts or travel costs.

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Cooperating Agencies



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WASHINGTON, D.C. 20426
OFFICE OF ENERGY PROJECTS

In Reply Refer To:
OEP/DG2E/Gas Branch 3
Gas Transmission Northwest LLC
GTN XPress Project
Docket No. CP22-2-000

TO THE INTERESTED PARTY:

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a final environmental impact statement (EIS) for the GTN XPress Project (Project), proposed by Gas Transmission Northwest LLC (GTN) in the above-referenced docket. GTN proposes to modify existing compressor stations in Idaho, Washington, and Oregon. This Project would increase the capacity of GTN's existing natural gas transmission system by about 150 million standard cubic feet per day between Idaho and Oregon. According to GTN, the Project is necessary to serve the growing market demand its system is experiencing.

The final EIS assesses the potential environmental effects of modifying and installing new facilities at the existing compressor stations in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed Project, with the mitigation measures recommended in the EIS, would result in some adverse environmental impacts, but none that are considered significant. Regarding climate change impacts, the EIS is not characterizing the Project's greenhouse gas emissions as significant or insignificant because the Commission is conducting a generic proceeding to determine whether and how the Commission will conduct significance determinations going forward.¹ The EIS also concludes that no system or other alternative would meet the Project objectives while providing a significant environmental advantage over the Project as proposed.

The U.S. Environmental Protection Agency participated as a cooperating agency in the preparation of the EIS. A cooperating agency has jurisdiction by law or special expertise with respect to resources potentially affected by the proposal and participates in the NEPA analysis.

The final EIS addresses the potential environmental effects of construction and operation of the following Project facilities at GTN's existing compressor stations:

¹ *Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews*, 178 FERC ¶ 61,108 (2022); 178 FERC ¶ 61,197 (2022).

Athol Compressor Station (Kootenai County, Idaho)

- Uprate an existing Solar Turban Titan 130 gas-fired turbine compressor from 14,300 horsepower (HP) to 23,470 HP via a software upgrade only, no mechanical work or ground disturbance would occur at this location.

Starbuck Compressor Station (Walla Walla County, Washington)

- Uprate an existing Solar Turban Titan 130 gas-fired turbine compressor from 14,300 HP to 23,470 HP; and
- Install a new 23,470 HP Solar Turbine Titan 130 gas-fired turbine compressor, 3 new gas cooling bays, and associated piping.

Kent Compressor Station (Sherman County, Oregon)

- Uprate an existing Solar Turban Titan 130 gas-fired turbine compressor from 14,300 HP to 23,470 HP;
- Install 4 new gas cooling bays and associated piping; and
- Improve an existing access road.

The new Starbuck Compressor Station facilities would be located within the fenced boundaries of the existing site. The new Kent Compressor Station facilities would be located in an expanded and fenced area abutting the existing site.

The Commission mailed a copy of the *Notice of Availability* of the final EIS to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Indian tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the Project area. The final EIS is only available in electronic format. It may be viewed and downloaded from the FERC's website (www.ferc.gov), on the natural gas environmental documents page (<https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents>). In addition, the final EIS may be accessed by using the eLibrary link on the FERC's website. Click on the eLibrary link (<https://elibrary.ferc.gov/eLibrary/search>) select "General Search" and enter the docket number in the "Docket Number" field, excluding the last three digits (i.e. CP22-2). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or toll free at (866) 208-3676, or for TTY, contact (202) 502-8659.

The EIS is not a decision document. It presents Commission staff's independent analysis of the environmental issues for the Commission to consider when addressing the merits of all issues in this proceeding.

Additional information about the Project is available from the Commission's Office of External Affairs, at **(866) 208-FERC**, or on the FERC website (www.ferc.gov) using the [eLibrary](#) link. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

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TECHNICAL ACRONYMS AND ABBREVIATIONS

ACHP	Advisory Council on Historic Preservation
APE	area of potential effect
ATWS	additional temporary workspace
AVERT	Avoided Emissions and Generation Tool
BCC	Birds of Conservation Concern
BGEPA	Bald and Golden Eagle Protection Act
BIA	Bureau of Indian Affairs
BMP	Best Management Practice
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CEQ Environmental Justice Guidance	CEQ's Environmental Justice Guidance Under the National Environmental Policy Act
Certificate	Certificate of Public Convenience and Necessity
CFR	Code of Federal Regulations
CO	carbon monoxide
CO ₂	carbon dioxide
CO _{2e}	carbon dioxide equivalents
COE	U.S. Army Corps of Engineers
CWA	Clean Water Act
dB	decibels
dBA	decibels on the A-weighted scale
DOT	Department of Transportation

Director of OEP	Director of the Office of Energy Projects
EA	Environmental Assessment
ECS	Environmental Construction Standards
EDR	Environmental Data Resources
EI	Environmental Inspector
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
°F	Degrees Fahrenheit
FERC or Commission	Federal Energy Regulatory Commission
FR	Federal Register
FWS	U.S. Fish and Wildlife Service
g	gravity
GHG	greenhouse gasses
GTN	Gas Transmission Northwest LLC
GWP	global warming potential
HAP	hazardous air pollutants
HP	horsepower
IPCC	Intergovernmental Panel on Climate Change
IF	isolated find
KW	kilowatt
lb	pound
L _{dn}	day-night sound level
MBTA	Migratory Bird Treaty Act
MCL	maximum contaminant level
MLV	mainline valve
MP	milepost
MW	Megawatts
MWh	Megawatt hour
NGPL	Natural Gas Pipeline of America
N ₂ O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NGA	Natural Gas Act
NHPA	National Historic Preservation Act
NO _x	nitrogen oxides
NO ₂	nitrogen dioxide
NOA	Notice of Application and Establishing Intervention Deadline Notice of Intent to Prepare an Environmental Impact Statement for the Proposed GTN Xpress Project, Request for Comments on Environmental Issues, and Schedule for Environmental Review
NOI	

NPS	National Park Service
NRHP	National Register of Historic Places
NRCS	Natural Resources Conservation Service
NSA	noise sensitive area
OEP	Office of Energy Projects
OPP	Office of Public Participation
PGA	peak horizontal ground acceleration
PHMSA	Pipeline and Hazardous Materials Safety Administration
Plateau	Plateau Archaeological Investigations LLC
PM ₁₀	particles 10 micrometers in diameter and smaller
PM _{2.5}	particles 2.5 micrometers in diameter and smaller
Project	GTN XPress Project
Promising Practices	Promising Practices for EJ Methodologies in NEPA Reviews
SHPO	State Historic Preservation Officer
SSA	sole source aquifer
SO ₂	sulfur dioxide
SPCC Plan	Spill Prevention Control and Countermeasures Plan
THPO	Tribal Historic Preservation Officer
tpy	tons per year
UDP	Unanticipated Discovery Plan
ug/m ³	Microgram per cubic meter
USACE	U.S. Army Corps of Engineers
USC	United States Code
USGCRP	U.S. Global Change Research Program
VOCs	volatile organic compounds
WDFW	Washington Department of Fish and Wildlife

EXECUTIVE SUMMARY

On October 4, 2021, Gas Transmission Northwest LLC (GTN) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) pursuant to section 7(c) of the Natural Gas Act (NGA) in FERC docket no. CP22-2-000. GTN is seeking a Certificate of Public Convenience and Necessity to modify a total of three existing compressor stations in Idaho, Washington, and Oregon. This proposed project is referred to as the GTN XPress Project (Project).

The Commission's environmental staff has prepared this final Environmental Impact Statement (EIS) to fulfill requirements of the National Environmental Policy Act of 1969 (NEPA) and the Commission's implementing regulations under Title 18 of the Code of Federal Regulations Part 380 (18 Code of Federal Regulations [CFR] 380). The purposes of this EIS are to: assess the potential environmental impacts on the environment resulting from construction and operation of the Project; and to inform decision-makers, affected landowners, the public, permitting agencies, and other interested parties about the potential environmental impacts of the Project, alternatives, and mitigation measures we are recommending to reduce adverse impacts on the environment. Our¹ analysis is based on information provided in GTN's application and supplemental filings, its responses to our requests for additional information; public comments; literature research; and correspondence with federal, state, and local regulatory agencies. Per the NGA, the FERC is the federal agency responsible for authorizing interstate natural gas transmission facilities and is the lead federal agency responsible for the NEPA review. The U.S. Environmental Protection Agency (EPA) participated as a cooperating agency and provided FERC environmental staff with assistance preparing the EIS because they have special expertise with respect to environmental resources and impacts associated with the Project.

PROPOSED ACTION

GTN proposes to modify three existing compressor stations along its existing pipeline transmission system in Idaho, Washington, and Oregon. GTN would uprate existing compressor units at each station and install a new compressor unit at its Starbuck Compressor Station. These modifications would result in a total increase of 50,980 horsepower (hp) along GTN's system and increase capacity by 150 million standard cubic feet per day. GTN would also install additional cooling bays and associated piping at the Starbuck Compressor Station in Washington and Kent Compressor Station in Oregon.

No physical work or ground disturbance would occur at the Athol Compressor Station in Idaho (software upgrade only). At the Starbuck Compressor Station, the proposed facilities (new compressor, cooling bays, and piping) would be located within the fenced boundaries of the existing site. At the Kent Compressor Station, the proposed

¹ The pronouns "we," "us," and "our" refers to environmental and engineering staff of the Office of Energy Projects.

facilities (cooling bays and piping) would be located in an expanded and fenced area abutting the existing site.

PUBLIC INVOLVEMENT

On October 19, 2021, the Commission issued a *Notice of Application and Establishing Intervention Deadline* for the Project. This notice described ways to become involved in the Commission's review of the Project, including filing comments with the Commission and becoming an intervenor, or party to the proceeding. On January 21, 2022, the Commission issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed GTN XPress Project, Request for Comments on Environmental Issues, and Schedule for Environmental Review*. The notices were mailed or emailed to over 100 entities, including affected landowners (as defined in the Commission's regulations); federal, state, and local officials; Indian tribes; agency representatives; environmental and public interest groups; and local libraries and newspapers. In response to the notices, the Commission received comment letters from local government representatives, businesses, associations, labor union members, concerned citizens, the National Park Service, the EPA, Columbia River Keeper, Rouge Climate, and the Idaho Governor's Office. The comments concerned EIS preparation, geology and soils, water resources, threatened and endangered species, environmental justice, land use, cultural resources, air quality and noise, climate change, reliability and safety, and alternatives.

On June 30, 2022, the Commission issued a *Notice of Availability of the Draft Environmental Impact Statement for the Proposed GTN XPress Project* (NOA). The NOA was published in the Federal Register and established a closing date of August 22, 2022, for receiving comments on the draft EIS. In response to the draft EIS, we received written comments from the EPA, the States of Washington, Oregon, and California, Crag Law Center, Rogue Climate, Wild Idaho Rising Tide, Earth Ministry, Columbia Riverkeeper, Oregon Physicians for Social Responsibility, Washington Physicians for Social Responsibility, 350 Eugene, 350 Deschutes, 350 PDX, 350 Seattle, Rogue Riverkeeper, Oregon Just Transition Alliance, Southern Oregon Climate Action Now, Ministry/Washington Interfaith Power and Light, Red Earth Descendants, Oregon Women's Land Trust, Breach Collective, Southern Oregon Pachamama Alliance, Siskiyou Rising Tide, Climate Solutions, Beyond Toxics, Columbia River Inter-Tribal Fish Commission, the Pipelines Local 798, and 9 individuals expressing concerns for environmental justice communities, sensitive species, climate change and greenhouse gas emissions, the purpose and need for the Project, and cumulative impacts in the Project area. All substantive comments received are addressed in the relevant resource sections of the EIS and in appendix E.

PROJECT IMPACTS AND MITIGATION

Based on our review of the Project; specifically, the proposed Project facilities, the locations of the existing compressor stations sites, surrounding land uses, existing environmental resources, and proximity to local residences and communities, we have determined that several environmental resources would not be affected including waterbodies, wetlands, aquatic resources, and visual resources; therefore, these resources are not addressed in the environmental analysis. Additionally, several resources including geology, soils, vegetation, wildlife, protected species, socioeconomics, and land use would experience only minimal impacts. Therefore, the discussions of these resources and the impacts on them are commensurate to the scope of the Project and its potential impact on the environment. Lastly, the proposed software upgrade at the existing Athol Compressor Station would not require any physical work or ground disturbance; therefore, potential impacts on the environment resulting from this component of the Project are only discussed in the Air Quality, Climate Change, and Noise sections of this EIS.

We have determined, based on public review and scoping comments received, agency consultations, and our analyses, the potential impacts on the environment of most concern are impacts on air quality, climate change, and noise. Our analyses of these specific issues are summarized below. Additionally, in section 4.0 of this EIS, we address these issues in greater detail as well as other environmental issues raised and considered. Section 5.0 of this EIS summarizes our recommendations to further avoid, reduce, and minimize potential impacts on the environment, which can be found in the appropriate resource discussions in Section 4.0 of this EIS.

Air Quality and Climate Change

Modifying and installing the Project facilities would not result in a significant impact on local air quality. During the modification and installation processes, the use of construction vehicles and equipment would result in a temporary reduction in ambient air quality due to criteria pollutant emissions and fugitive dust; however, based on the size of the work crews and associated vehicles (50 workers per crew), these emissions would be minor, temporary, and localized. Emissions from gasoline and diesel engines would comply with applicable EPA mobile source emissions regulations (40 CFR 85) by using equipment manufactured to meet these specifications. The combustion and fugitive dust emissions that would occur during construction would be largely limited to the immediate vicinity of the Project. Furthermore, based on an air quality dispersion modeling analysis conducted by GTN at our request, we have determined that the emissions and ambient pollutant concentrations that would result from operating the modified compressor stations would not lead to a violation of any ambient air quality standard or exceedance of any other air quality impact criterion.

Climate change is the variation in the Earth's climate over time and is driven by the accumulation of greenhouse gasses (GHGs) in the atmosphere. Modifying and installing the

Project facilities would increase the atmospheric concentration of GHGs in combination with past, current, and future emissions from all other sources globally and contribute incrementally to future climate change impacts. Construction activities are estimated to result in emissions of 6,941 metric tons of carbon dioxide equivalents (CO_{2e}); in subsequent years, Project operations and downstream emissions could result in emissions of 1.9 million metric tons of CO_{2e}. This EIS does not characterize the Project's GHG emissions as significant or insignificant because the Commission is conducting a generic proceeding to determine whether and how the Commission will conduct significance determinations going forward.²

Noise

Modifying and installing new compressor station equipment and facilities would temporarily and permanently increase noise emitted at each station. This increased noise could impact noise sensitive areas (NSAs) and nearby communities. At the Athol Compressor Station, there would be no construction noise. Operating the modified station would permanently increase noise emitted from the station and measured at nearby NSAs by about 0.2 decibel (dB). At the Starbuck Compressor Station, uprating and installing the proposed facilities would increase noise at the closest NSA (a single residence, 0.5 mile from the station) and operating the modified station would permanently increase noise at the nearest NSA by about 2.0 dB. At the Kent Compressor Station, uprating and installing the proposed facilities would increase noise at the closest NSA (a single residence, 1.1 miles from the station) and operating the modified station would permanently increase noise at the nearest NSA by about 0.3 dB. For reference, the human ear's threshold of perception for noise change is considered to be 3 dB; 6 dB is clearly noticeable to the human ear, and 10 dB is perceived as a doubling of noise. Based on our noise analysis, the noise level increase associated with operations at NSAs are estimated to be less than 55 decibels on the A-weighted scale day-night sound level. Therefore, given the small changes in noise at each station, we conclude that the Project would not significantly increase noise affecting the environment.

MAJOR CONCLUSIONS

We conclude that modifying and installing the Project facilities would result in some adverse impacts on the environment. However, based on the scope of the Project and GTN's proposed construction procedures and impact minimization measures, we also conclude that most of these impacts would be minor, temporary, and localized. To ensure impacts on the environment are avoided, reduced, and minimized to the extent practical, we are recommending that GTN implement additional mitigation measures. These

² Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews, 178 FERC ¶ 61,108 (2022); 178 FERC ¶ 61,197 (2022).

recommendations are summarized in section 5.0. We also recommend that these mitigation measures be attached as conditions to any authorization issued by the Commission. Therefore, with the exception of climate change impacts that are not characterized in this EIS as significant or insignificant, we conclude that Project impacts on the environment would not be significant.

1.0 INTRODUCTION

On October 4, 2021, Gas Transmission Northwest LLC (GTN) filed an application with the Federal Energy Regulatory Commission (FERC or Commission) pursuant to section 7(c) of the Natural Gas Act (NGA) in FERC docket no. CP22-2-00. GTN is seeking a Certificate of Public Convenience and Necessity (Certificate) to modify a total of three existing compressor stations in Idaho, Washington, and Oregon. This proposed project is referred to as the GTN XPress Project (Project).

In accordance with the NGA (Title 15 United States Code [USC] § 717), the Commission is responsible for regulating the siting, construction, and operation of interstate natural gas transmission facilities. The FERC is also the lead federal agency responsible for complying with the requirements of the National Environmental Policy Act (NEPA).

Commission staff has prepared this Environmental Impact Statement (EIS) to assess the potential impacts on the natural and human environment resulting from construction and operation of GTN's Project. The U.S. Environmental Protection Agency (EPA), an independent federal agency responsible for protecting human health and safeguarding the natural environment, is a cooperating agency that is assisting in the preparation of the EIS due to its special expertise with respect to environmental resources potentially affected by GTN's proposal. Cooperating agencies play a role in the environmental analyses of a proposed project. They participate in the NEPA process by reviewing the application and related materials, and by reviewing administrative drafts of the overall EIS or the specific portions related to agency permitting or special expertise.

The vertical line in the margin identifies text that is new or modified in the final EIS and differs materially from corresponding text in the draft EIS. Changes were made to address comments from agencies and other stakeholders on the draft EIS.

1.1. PURPOSE AND NEED

The Council on Environmental Quality's (CEQ) regulations concerning NEPA recommend that an EIS should briefly address the underlying purpose and need for a project. As described in its application, the Project would increase the capacity of GTN's existing natural gas transmission system by about 150 million standard cubic feet per day between its Kingsgate Meter Station in Idaho and its Malin Meter Station in Oregon. According to GTN, the Project is necessary to serve the growing market demand its system is experiencing. To address this market need, GTN offered potential shippers an opportunity to purchase Project capacity through an open season in 2019. As a result, the entirety of the Project capacity was awarded to three shippers, who have each executed a

precedent agreement with GTN for a minimum of 30 years of long-term firm transportation service of their respective Project capacity.

Under section 7(c) of the NGA, the Commission determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate to construct and operate them. The Commission bases its decisions on both economic issues, including need, and environmental impacts.

The Commission will consider the findings contained herein, as well as non-environmental issues, in its review of GTN's application. The identification of environmental impacts related to the construction and operation of the Project, and the mitigation of those impacts, as disclosed in this EIS, would be components of the Commission's decision-making process. The Commission would issue its decision in an Order. If the Project is approved, the Commission would issue a Certificate to GTN. The Commission may accept GTN's application in whole or in part and can attach conditions to the Order that would be enforceable actions to assure that the proper mitigation measures are implemented.

1.2. PURPOSE AND SCOPE OF THIS EIS

This EIS has been prepared in compliance with NEPA requirements (NEPA, 42 USC § 4321 et seq.) which require the Commission to consider the environmental impacts of a proposed action prior to making a decision. This EIS has also been prepared in compliance with CEQ regulations implementing NEPA (Title 40 of the Code of Federal Regulations (CFR), Parts 1500-1508 [40 CFR 1500-1508]), and with the Commission's implementing regulations under 18 CFR Part 380. Our¹ principal purposes in preparing this EIS are to:

- identify and assess the potential impacts on the natural and human environment that would result from constructing and operating the Project;
- describe and evaluate reasonable alternatives to the Project that would avoid or minimize adverse impacts on environmental resources;
- recommend mitigation measures, as necessary, that could be implemented by GTN to reduce impacts on specific environmental resources; and
- encourage and facilitate involvement by the public and interested agencies in the environmental review process.

¹ The pronouns "we," "us," and "our" refers to environmental and engineering staff of the Office of Energy Projects.

This EIS addresses topics including geology, soils; groundwater, vegetation; wildlife and protected species; land use; environmental justice; cultural resources; air quality and noise; climate change; and reliability and safety. This EIS describes the affected environment as it currently exists, addresses the environmental consequences of the Project, and compares the Project's potential impacts to those of various alternatives. Lastly, this EIS presents our conclusions and recommended mitigation measures.

1.3. PUBLIC REVIEW AND COMMENT

In response to GTN's filing of an application in October 2021, the Commission issued a *Notice of Application and Establishing Intervention Deadline* (NOA) for the Project on October 19, 2021, and the notice appeared in the Federal Register on October 25, 2021. In response to the NOA, the Commission received 34 comments from local government representatives, businesses, associations, labor union members, and concerned citizens, all of which were in support of the Project.

On January 21, 2022, the Commission issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Proposed GTN XPress Project, Request for Comments on Environmental Issues, and Schedule for Environmental Review* (NOI). The NOI was mailed and/or emailed to approximately 138 entities, including affected landowners; federal, state, and local officials; Indian tribes; regulatory agency representatives; environmental and public interest groups; and local libraries and newspapers. In response to the NOI, the Commission received comments from the National Park Service (NPS), the EPA, the Columbia River Keeper, Rogue Climate, and the Idaho Governor's Office. As of June 2022, the Commission received a total of 39 comment letters on the Project.²

The comments provided by the NPS appear to be misfiled as they refer to facilities not associated with the Project. Specifically, the comments address facilities located in Morrow County, Oregon. The unrelated GTN Coyote Springs Compressor Station Project is located in Morrow County; therefore, we are not addressing these comments further in this EIS. Appendix A summarizes the environmental issues and concerns identified in the comment letters received during the scoping period and identifies the EIS sections where each issue is addressed.

On June 30, 2022, the Commission issued a *Notice of Availability of the Draft Environmental Impact Statement for the Proposed GTN XPress Project* (NOA). The NOA was published in the Federal Register and established a closing date of August 22, 2022, for receiving comments on the draft EIS. The NOA was mailed to federal, state, and local

² The Columbia River Keeper's comments included over 1,000 submissions derived from an internet-based petition. <https://www.columbiariverkeeper.org/news/2022/1/inside-scoop-latest-fracked-gas-threat>.

government agencies; elected officials; Native American Tribes; affected landowners; local libraries and newspapers; intervenors in the FERC's proceeding; and other interested parties (i.e., individuals who provided scoping comments or asked to be on the mailing list). The draft EIS was also filed with the EPA, and the NOA was published in the Federal Register on July 7, 2022 (87 FR 40516).

Written comments on the draft EIS were filed from the EPA, the States of Washington, Oregon, and California, Crag Law Center, Rogue Climate, Wild Idaho Rising Tide, Earth Ministry, Columbia Riverkeeper, Oregon Physicians for Social Responsibility, Washington Physicians for Social Responsibility, 350 Eugene, 350 Deschutes, 350 PDX, 350 Seattle, Rogue Riverkeeper, Oregon Just Transition Alliance, Southern Oregon Climate Action Now, Ministry/Washington Interfaith Power and Light, Red Earth Descendants, Oregon Women's Land Trust, Breach Collective, Southern Oregon Pachamama Alliance, Siskiyou Rising Tide, Climate Solutions, Beyond Toxics, Columbia River Inter-Tribal Fish Commission, the Pipelines Local 798, and 9 individuals expressing concerns for environmental justice communities, sensitive species, climate change and greenhouse gas emissions, the purpose and need for the Project, and cumulative impacts in the Project area. All substantive comments received are addressed in the relevant resource sections of the EIS and in appendix E.

The Commission mailed a copy of the Notice of Availability of the *Final Environmental Impact Statement for the GTN XPress Project* to agencies, individuals, organizations, and other parties identified in the distribution list provided as appendix A. Additionally, the final EIS was filed with the USEPA for issuance of a Notice of Availability in the Federal Register.

Summary of Submitted Alternatives, Information, and Analyses

NEPA regulations at 40 CFR § 1502.17 state that a draft and final EIS shall include a summary that identifies all alternatives, information, and analyses submitted by State, Tribal, and local governments and other public commenters during the scoping process for consideration by the lead and cooperating agencies in developing the EIS. During scoping we received comments concerning EIS preparation, cumulative impacts, public health impacts, purpose and need, geology and soils, water resources, threatened and endangered species, land use, cultural resources, environmental justice, noise, air quality, greenhouse emissions, climate change, reliability and safety, waste management, and alternatives. As appropriate, these comments are addressed in the Environmental Analysis section of this EIS.

In its comments submitted, the EPA made numerous recommendations concerning issues that should be included or considered in the EIS including how the public's need for energy services (e.g., electricity generation and building heating) would be met with and without the Project; the extent to which existing renewable and fossil fuel energy facilities at current production levels are able to supply regional users' current and future needs; the

inclusion of contracts that demonstrate the need for the compressor stations' proposed modifications, and an explanation of how gathering system compressor stations are scaled up in response to more wells being drilled upstream, increasing demand for compression. The Commission's decision, in its Order, would review the need for the Project, rather than staff's NEPA analysis. We note the Commission does not have a program to direct the development of the natural gas industry's infrastructure, either on a broad regional basis or in the design of specific projects, and does not engage in regional energy planning exercises. Therefore, these issues are outside the scope of this EIS (see Purpose and Scope of this EIS above) and are not considered further in this analysis.

In comments submitted on the Project, during scoping and on the draft EIS, commenters suggest that GTN's Coyote Springs Compressor Station Project (FERC docket no. CP21-29-000) is a connected action and should be considered in this EIS. In March 2022, we issued a Supplemental Environmental Assessment (EA) for the Coyote Springs Compressor Station Project. In the EA, we describe GTN's project purpose which it states that as a result of existing design pressure requirements and operational fluctuations, it is operationally constrained on its mainline. Therefore, in order to alleviate delivery pressure concerns, GTN proposes to install, own and operate the Coyote Springs Compressor Station on the Coyote Springs Lateral. The Coyote Springs Project would provide operational reliability and flexibility and allow GTN to meet its mainline certificated design capacity and design pressure requirements. The Coyote Springs Compressor Station Project would not result in an increase in incremental capacity, whereas the Project would increase the capacity of GTN's existing system. The Project does not involve activities at the Coyote Springs Compressor Station and we find the project purposes are independent of one another.

In other comments submitted on the Project, commenters stated that the EIS should consider the public health and safety risks of increasing reliance on fracked gas and how the Project could prolong the region's reliance on fossil fuels; that information related to how the gas that will be transported by the proposed project will ultimately be used and why the project is needed to serve those uses; and information regarding the expected utilization rate of the proposed project must be provided and assessed. These issues are also outside the scope of this EIS and are not considered further in this analysis.

In comments during scoping and on the draft EIS the Columbia River Keeper's comments included submissions from concerned citizens expressing: general opposition to the Project; opposition to "fracked gas" projects; applicability of state and local policy efforts; consideration of the no-action alternative; climate change impacts, cumulative impacts; and impacts on the transition to renewable energy. As appropriate, these comments are addressed in this EIS. General opposition and opposition to "fracked gas" do not inform the assessment of impacts from the proposed Project on the natural and human environment and are not addressed in subsequent analyses. Additionally, impacts on the transition to renewable energy is outside the scope of this EIS. The no-action alternative is described in section 3.0. Climate change impacts and cumulative impacts are addressed in section 4.0.

1.4. PERMITS, APPROVALS, AND CONSULTATIONS

In addition to a FERC Certificate, numerous other permits, approvals, and regulatory requirements (including consultations) must be obtained/met by GTN. Table 1.4-1 below identifies the major federal and state permits, approvals, and consultations required to construct and operate the Project. The table also provides the dates, or anticipated dates, when GTN commenced, anticipates commencing, or has completed the required permitting and consultation. GTN would be responsible for obtaining all permits and approvals required to construct and operate the Project, regardless of whether or not they appear in this table.

TABLE 1.4-1 Permits, Approvals, and Consultations			
Permitting/Approval Agency	Permit, Approval, or Consultation	File Date (Anticipated)	Receipt Date (Anticipated)
FEDERAL			
Federal Energy Regulatory Commission	Certificate of Public Convenience and Necessity	October 2021	Pending
U.S. Fish and Wildlife Service - Oregon	Endangered Species Act, section 7 consultation; Migratory Bird Treaty Act consultation	September 2021	September 2021
U.S. Fish and Wildlife Service-Washington	Endangered Species Act, section 7 consultation; Migratory Bird Treaty Act consultation	September 2021	September 2021
STATE AGENCIES			
Idaho			
Idaho Department of Environmental Quality	Tier 1 Operating Permit	June 2020	January 2021
	Permit to Construct P-2019.0045	June 202	January 2021
Idaho State Historical Society	Section 106, National Historic Preservation Act Consultation	April 2022	May 2022
Washington			
Washington Department of Ecology	Waste Discharge Permit, Construction Stormwater General Permit	(September/October 2022)	(October/November 2022)
	State Environmental Policy Act	(September/October 2022)	(October/November 2022)
	Air Quality Program Approval Order No. 21AQ-E009	May 2020	January 2021
	State Waste Discharge Permit	(September/October 2022)	(October/November 2022)

TABLE 1.4-1
Permits, Approvals, and Consultations

Permitting/Approval Agency	Permit, Approval, or Consultation	File Date (Anticipated)	Receipt Date (Anticipated)
	Final Renewal Air Operating Permit and Statement of basis 21AQ-E048	May 2020	March 2021
Washington Department of Fish and Wildlife	State Threatened and Endangered Species Consultation	September 2021	September 2021
Washington Department of Archaeology and Historic Preservation	Section 106, National Historic Preservation Act Consultation	May 2020	May, 2020
Oregon			
	Title V Operating Permit 28-007-CS-01	May 2020	January 2021
Oregon Department of Environmental Quality	Water Pollution Control Facilities General Permit and Construction Stormwater Permit	(August 2022)	(September 2022)
	Air Contaminant Discharge Permit	May 2020	January 2021
Oregon Department of Fish and Wildlife	State Threatened and Endangered Species Consultation	September 2021	September 2021
Oregon Heritage/State Historic Preservation Office	Section 106, National Historic Preservation Act Consultation	May 2020	June 2020

2.0 DESCRIPTION OF THE PROPOSED ACTION

2.1 PROPOSED FACILITIES AND LOCATIONS

GTN proposes to modify the existing Athol Compressor Station in Kootenai County, Idaho; the existing Starbuck Compressor Station in Walla Walla County, Washington; and the existing Kent Compressor Station in Sherman County, Oregon. Specifically, GTN proposes to complete the activities described below.

Athol Compressor Station

- Uprate an existing Solar Turban Titan 130 gas-fired turbine compressor from 14,300 horsepower (HP) to 23,470 HP via a software upgrade only, no mechanical work or ground disturbance would occur at this location.

Starbuck Compressor Station

- Uprate an existing Solar Turban Titan 130 gas-fired turbine compressor from 14,300 HP to 23,470 HP; and
- Install a new 23,470 HP Solar Turbine Titan 130 gas-fired turbine compressor and associated piping⁵, and 3 new gas cooling bays⁶ and associated piping.

Kent Compressor Station

- Uprate an existing Solar Turban Titan 130 gas-fired turbine compressor from 14,300 HP to 23,470 HP;
- Install 4 new gas cooling bays and associated piping; and
- Improve an existing access road.

The new Starbuck Compressor Station facilities would be located within the fenced boundaries of the existing site. The new Kent Compressor Station Facilities would be located in an expanded and fenced area abutting the existing site. The Project would result in a total increase of 50,980 hp along GTN's natural gas transmission system.

⁵ "Associated piping" refers to the piping necessary to connect the new facilities within existing facilities.

⁶ GTN describes a cooling bay or more commonly a "fin-fan aerial cooler" or just "air cooler", as a type of heat exchanger that moves air over finned tubes through which hot gas flows.

Figure 2.1-1 through 2.1-3 below depict the locations of the existing compressor stations and the proposed facilities. Additional project mapping is available in GTN's application (FERC Accession No. 20211004-5100)⁷.

2.2 LAND REQUIREMENTS

Modifying the existing compressor stations (and installing the proposed facilities) would require the temporary use of about 46.9 acres of land. Lands would be temporarily disturbed for workspace, staging, and equipment/materials laydown. GTN would permanently maintain about 1.2 acres of land to operate the Project facilities. Lands would be permanently affected to accommodate the expanded aboveground facilities at the Kent Compressor Station, permanent easement, and a modified permanent access road. Specifically, modifying the Starbuck Compressor Station would require the temporary use of about 25.8 acres of land⁸; and modifying the Kent Compressor Station would require the temporary and permanent use of 21.1 and 1.2 acres of land, respectively. The software upgrade occurring at the Athol Compressor Station would not require the temporary or permanent use of lands.

2.3 CONSTRUCTION WORKFORCE, SCHEDULE, AND PROCEDURES

According to GTN, installing the Project facilities would require a peak workforce of about 100 individuals divided into two work crews (about 50 individuals each) generally working six days a week between the hours of 7:00 am and 7:00 pm for approximately seven to eight months. Additionally, overnight work and work on Sundays may be undertaken depending on specific construction activity needs (x-ray testing, hydrostatic testing, and indoor electrical work). Construction activities would commence upon receipt of all applicable permits and authorizations, satisfaction of the pre-construction conditions that are incorporated in a potential Commission order, and receipt of a notice to proceed from the Commission.

GTN would be required to construct the Project facilities in accordance with all applicable federal permits, consultations, regulations, and guidance. Specifically, GTN would adhere to the Department of Transportation (DOT) regulations under 49 CFR 192 (Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards). DOT regulations specify minimum design requirements; protection from internal, external, and atmospheric corrosion; and qualification procedures for welders and operations personnel, in addition to other design standards. GTN would also be required

⁷ A "General Search" of the Commission's eLibrary can be used to access information by accession number. From the FERC website at www.ferc.gov, click on the eLibrary link, select a "General Search", and then using the drop-down arrow in the first field, switch to "Accession", and enter the accession number "20211004-5100".

⁸ No new land outside of the existing boundaries of the Starbuck Compressor Station would be required for operation of the proposed facilities.

Figure 2.1-1 GTN Xpress Project Area – Idaho

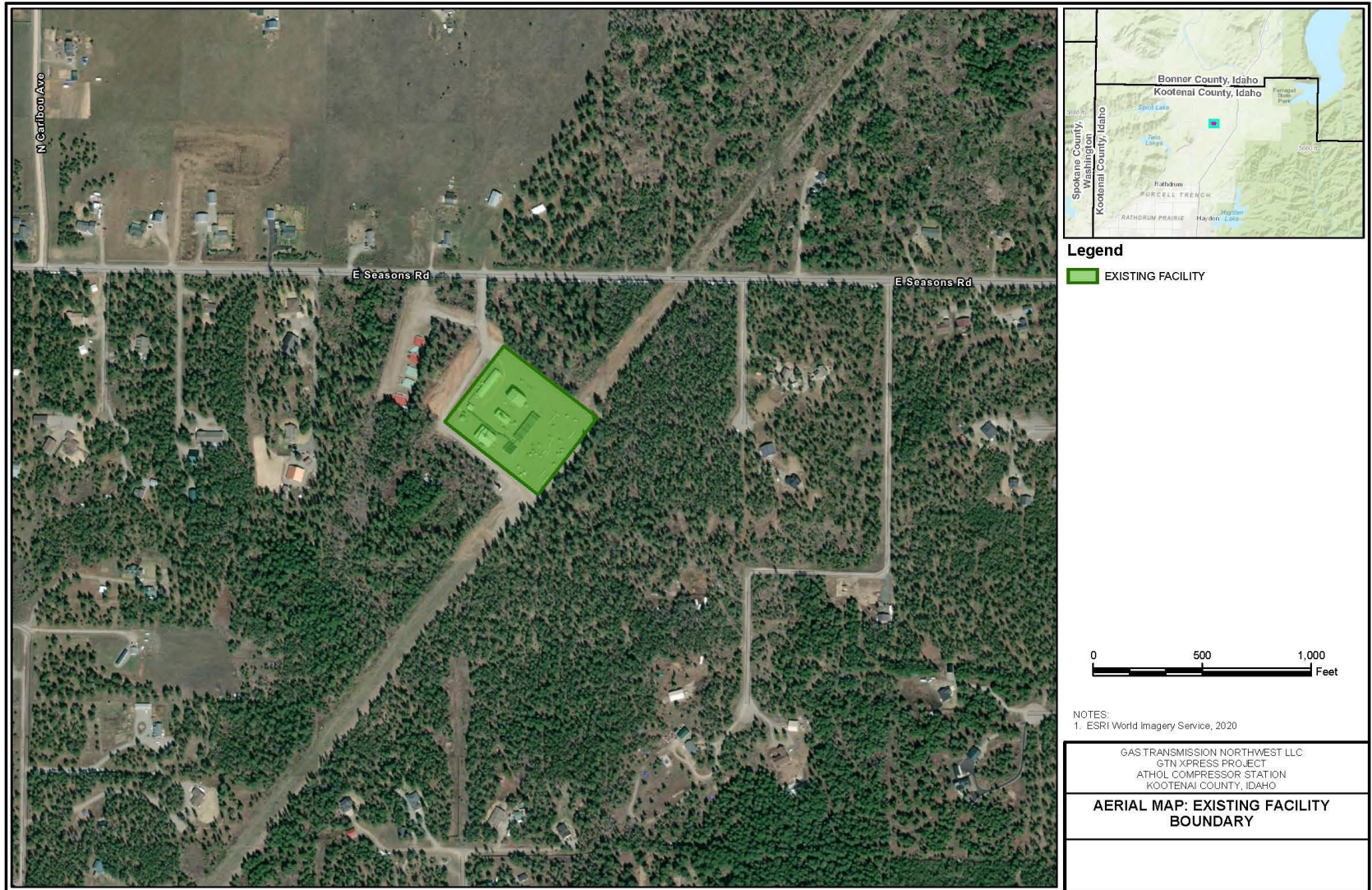


Figure 2.1-2 GTN Xpress Project Area – Washington

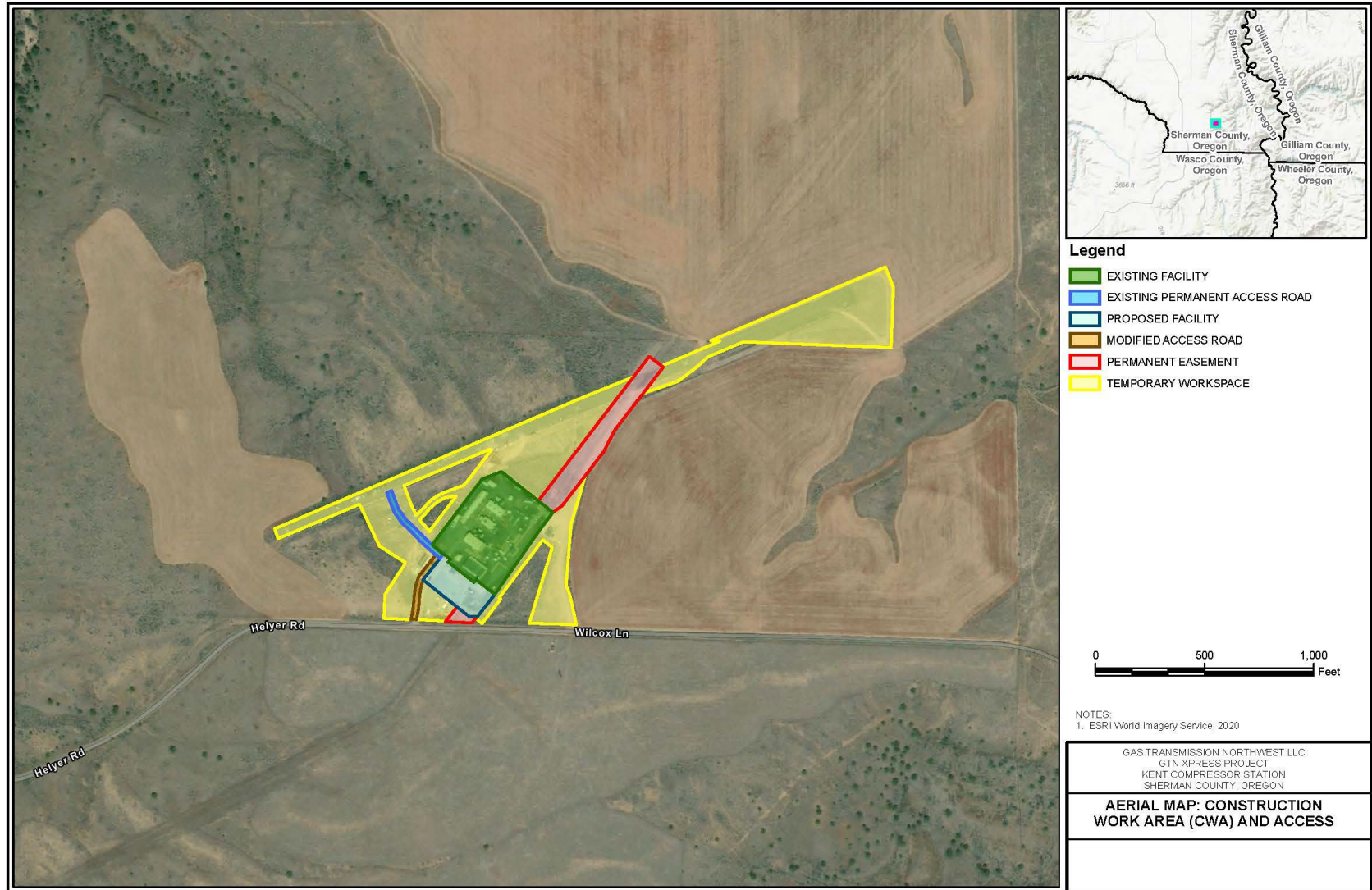
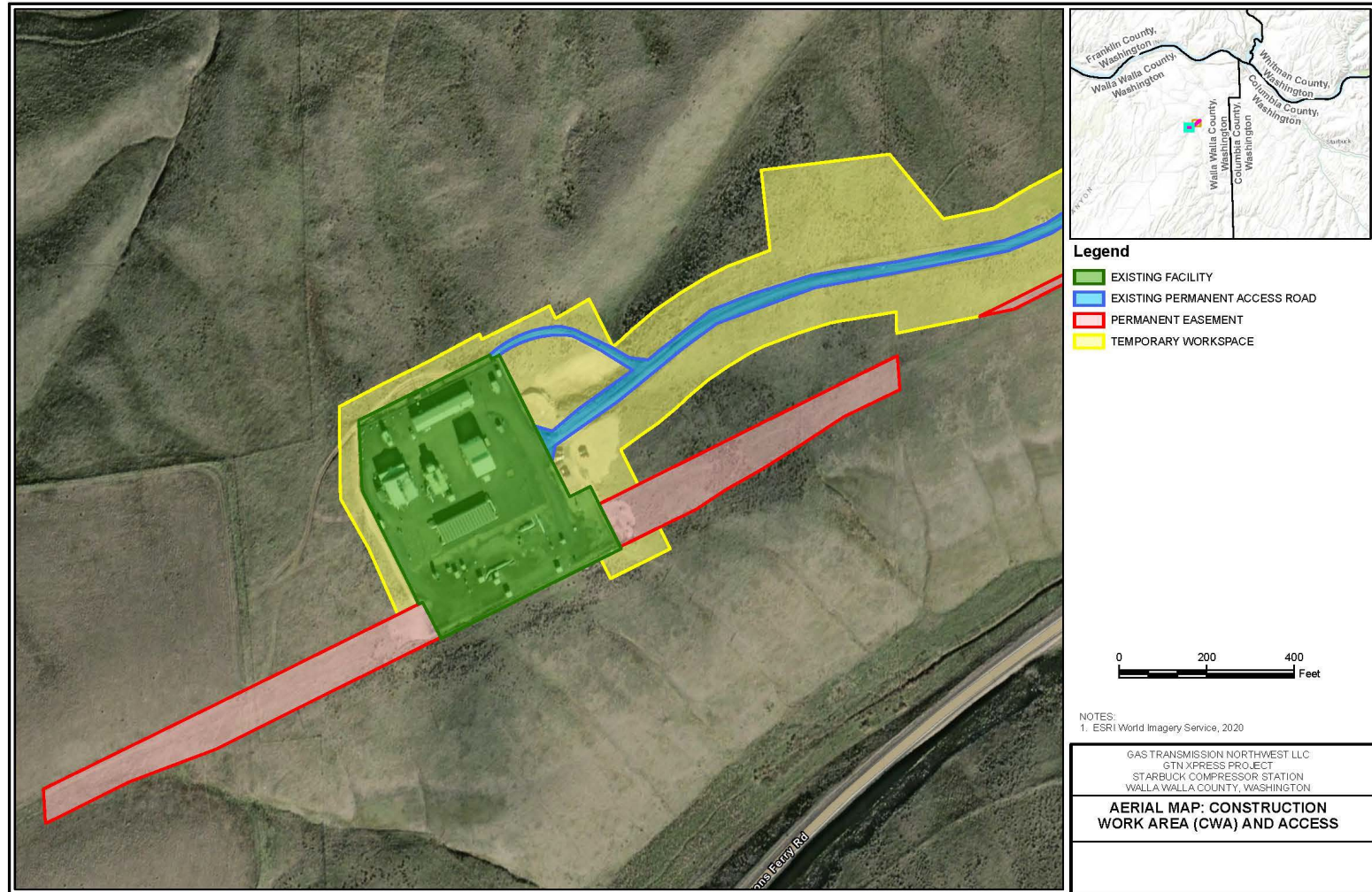


Figure 2.1-3 GTN Xpress Project Area – Oregon



to construct the Project in accordance with applicable state and local permits and conditions.

To minimize and reduce potential impacts on the environment, GTN would implement measures identified in its Environmental Construction Standards (ECS). GTN's ECS incorporates and is consistent with the FERC *Upland Erosion Control, Revegetation, and Maintenance Plan* (FERC, 2013a [Plan]) and *Wetland and Waterbody Construction and Mitigation Procedures* (FERC, 2013b [Procedures]). Additionally, GTN has prepared a Spill Prevention, Control, and Countermeasures Plan (SPCC Plan). Commission environmental staff has reviewed the ECS and SPCC Plan and has determined that they are acceptable. This EIS refers to the ECS and SPCC Plan throughout the Environmental Analysis section.

Construction Procedures

Prior to conducting any ground disturbing activities, GTN contractors would contact and coordinate with state one-call systems to ensure any potentially affected utilities (overhead electric utility lines) are not disrupted. GTN contractors would then clear and grade the necessary workspaces. As appropriate, erosion control devices would be installed. The new turbines, cooling bays, and associated piping would then be constructed, installed, and tested⁹. Following construction, affected lands would be stabilized and incorporated into the existing compressor station sites.

In its comments on the Project, the EPA states that a hazardous and solid waste material handling, storage, management, and disposal plan should be developed. In section 4.1 of its ECS, GTN addresses waste management. Specifically, GTN states that while construction work is on-going, workspaces would be kept clean of all rubbish and debris resulting from the work. Excess construction materials and debris would be collected, contained, and disposed of at regular intervals. The frequency of disposal would vary, but typically containers would be disposed of when they are filled. A supply of excess debris/waste storage containers would be available on-site to ensure there are no unmanaged waste piles. Hazardous waste shall be handled separately from non-hazardous waste and disposed of in accordance with company policies and federal, state, and local regulations.

2.4 ENVIRONMENTAL COMPLIANCE AND MONITORING

GTN has committed to comply with applicable permits and approvals. GTN would train company and contractor personnel to familiarize them with environmental requirements and other conditions and provide at least one Environmental Inspector (EI)

⁹ Some facilities may require hydrostatic testing. Hydrostatic testing involves the pressurizing of pipes and equipment with water to ensure material integrity and would be conducted in accordance with the requirements of DOT pipeline safety regulations.

to monitor compliance during construction. GTN would also require contractors to designate an Environmental Foreman. Environmental Foremen would be responsible for the contractor's efforts to correctly install and maintain environmental controls as well as implementing specific controls for construction in environmentally sensitive areas. Environmental Foremen would be available at all times during the duration of the Project and have a sufficient number of employees and equipment to implement the Project's compliance standards.

GTN personnel would be responsible for the implementation of environmental requirements and would file with the Commission environmental compliance training and inspection information prior to construction of the Project. During construction, if the construction contractor does not comply with environmental requirements, GTN would direct the contractor to comply and may take other corrective actions as necessary, including issuing site specific stop-work orders, until the contractor meets the environmental requirements. Lastly, GTN would incorporate relevant environmental requirements and project-specific environmental mitigation plans into the construction documents for the Project and would include copies of relevant environmental permits and approvals in the construction bid packages and contracts.

In addition to GTN's efforts to ensure environmental compliance, FERC staff or its representatives would monitor construction activities and may conduct periodic inspections to ensure GTN's compliance with its commitments and any conditions of a Commission order. FERC environmental staff would also monitor regularly filed inspection reports, address compliance issues, and would have the authority to stop any activity that violates an environmental condition of a FERC Certificate.

Post-Construction Monitoring

After construction, GTN would conduct follow-up inspections of all disturbed lands and would continue monitoring areas until revegetation thresholds are met, temporary erosion control devices are removed, and restoration is deemed successful, based on the criteria defined in Section VII of the FERC Plan and Section VI.D of the FERC Procedures. If it is determined that the success of any of the restoration activities are not adequate at the end of the respective timeframes, GTN would be required to extend their post-construction monitoring programs and implement corrective actions as deemed necessary.

2.5 OPERATION AND MAINTENANCE

As described previously, GTN would operate and maintain the Project facilities in compliance with DOT regulations provided in 49 CFR Part 192, the Commission's guidance in 18 CFR § 380.15, and maintenance provisions of its ECS.

3.0 ALTERNATIVES

As required by NEPA and Commission policy, we identified and evaluated reasonable alternatives to the Project to determine whether the implementation of an alternative would be environmentally preferable to the proposed action. A reasonable alternative would meet the Project's purpose and would be technically and economically feasible and practical. Specifically, we describe and evaluate system alternatives and design alternatives in the following analyses. We also evaluate the no-action alternative as required by NEPA. We did not identify or evaluate alternatives to compressor uprating and cooling, facility siting, or layout alternatives because the Project facilities are proposed within or abutting existing compressor station sites and selecting an alternative site for facilities that complement existing facilities is not a feasible and practical alternative.

No-Action Alternative

NEPA requires the Commission to consider and evaluate the no-action alternative. According to CEQ guidance, in instances involving federal decisions on proposals for projects, no-action would mean the proposed activity would not take place and the resulting environmental effects from taking no-action would be compared with the effects of permitting the proposed activity. Further, the no-action alternative provides a benchmark for decisionmakers to compare the magnitude of environmental effects of the proposed activity and alternatives.

In comments received on the Project, commenters stated that the No-Action Alternative should consider and evaluate non-gas energy alternatives as well as other non-project related alternatives that satisfy the ultimate need for the project. Specifically, commenters request that alternative energy services that would be provided by the delivered fuel should be considered and the FERC should review market studies that project volumetric or peak day load growth. Commentors further suggest that GTN should submit contracts that demonstrate the need for the proposed modifications and that FERC should consider whether the proposal is, in fact, a response to more wells being drilled upstream, increasing demand for compression.

As described previously, the purpose of this EIS is to assess the impacts on the natural and human environment resulting from construction and operation of the proposed Project facilities and to assess reasonable alternatives to the proposed action (see Purpose and Scope of this EIS in section 1.2). The purpose of this Project is to increase the capacity of GTN's existing natural gas transmission system. An alternative that does not increase the capacity of GTN's natural gas transmission system is not a reasonable alternative because it does not meet the purpose of the Project; and is therefore, not considered in this EIS. Additionally, a review of market studies and GTN's contracts would not inform the assessment of potential Project impacts on the natural and human environment action (see Purpose and Scope of this EIS in section 1.2). Furthermore, determining the need for the Project or assessing the effects of upstream wells as they relate to the need for the Project

are outside the scope of this EIS. The Commission will determine the need for the Project in any subsequent Order it may issue.

Here, under the no-action alternative, the environmental impacts associated with the proposed activity, as described in the Environmental Analysis section of this EIS, would not occur. We have prepared this EIS to inform the Commission and stakeholders about the expected impacts that would occur if the Project facilities are constructed and operated. The Commission will ultimately determine the Project need and could choose the no-action alternative.

Alternatives Evaluation Process

To ensure a consistent environmental comparison among alternatives and to normalize the comparison factors of alternatives and the proposed action, we generally use desktop sources of information (e.g., publicly available data, geographic information system data, aerial imagery) and where appropriate, we also use site-specific information (e.g., field surveys or detailed designs). Our environmental evaluation of alternatives considers quantitative data and uses common comparative factors such as land requirements and resources amounts affected. Our evaluation of the identified alternatives is also based on Project-specific information provided by the applicant; publicly available information; and our expertise and experience regarding the siting, construction, and operation of natural gas transmission facilities and their potential impact on the environment. Furthermore, our evaluation considers impacts on both the natural and human environments and in recognition of the competing interests and the different nature of impacts that sometimes exist (i.e., impacts on the natural environment versus impacts on the human environment), we also consider other factors that are relevant to a particular alternative and discount or eliminate factors that are not relevant or may have less weight or significance.

We would generally consider an alternative to be preferable to a proposed action if three evaluation criteria are met, as discussed in greater detail below. These criteria include:

1. the alternative meets the stated purpose of the project;
2. is technically and economically feasible and practical; and
3. offers a significant environmental advantage over a proposed action.

The alternatives discussed below were reviewed against the evaluation criteria in the sequence presented above. The first consideration for including an alternative in our analysis is whether or not it could satisfy the stated purpose of the Project. A preferable alternative must meet the stated purpose of the Project, which is to increase the capacity of GTN's existing natural gas transmission system by about 150 million standard cubic feet per day between its Kingsgate Meter Station in Idaho and its Malin Meter Station in Oregon.

It is important to recognize that not all conceivable alternatives can meet the Project's purpose and an alternative that does not meet the Project's purpose cannot be considered a reasonable alternative. Many alternatives are technically and economically feasible but not practical. Technically practical alternatives, with exceptions, would generally use industry-standard construction methods and techniques. An alternative that would require the use of new, unique, or experimental construction method(s) or equipment may not be practical because the required technology is not available, unproven or not cost effective. Economically practical alternatives would result in an action that generally maintains the price competitive nature of the proposed action. Generally, we do not consider the cost of an alternative as a critical factor unless the added cost to design, permit, and construct the alternative would render a project economically impractical. Alternatives that do not meet the Project's purpose or are not technically/economically feasible or practical were not brought forward to the next level of review.

In comments received on the Project, it was recommended that the EIS should compare the costs and benefits of each of the alternatives, including the costs for required mitigation measures. As stated above, our alternatives analysis focuses on a comparison of resource impacts and we generally only consider costs as consequential if they could render a project economically impractical.

Determining if an alternative provides a significant environmental advantage requires a comparison of the impacts on each resource as well as an analysis of impacts on resources that are not common to the alternatives being considered. Alternatives that initially resulted in less than or similar levels of environmental impact were reviewed in greater detail. An alternatives determination must balance the overall impacts and all other relevant considerations. In comparing the impact between resources, we also considered the degree of impact anticipated on each resource. Ultimately, an alternative that results in equal or minor advantages in terms of environmental impact would not compel us to shift the impacts from the current set of landowners to a new set of landowners.

The following discussion addresses alternatives that warranted further review and provide sufficient detail to explain why they were eliminated from further consideration or are recommended for adoption into the Project.

System Alternatives

System alternatives would use existing, modified, or proposed natural gas transmission pipeline systems to meet the purpose of the Project. Although modifications or additions to existing or proposed pipeline systems may be required, implementation of a system alternative would deem it unnecessary to construct all or part of the Project.

Based on a review of DOT's National Pipeline Mapping System, there are no pipeline systems other than GTN's pipeline system that originate at or near GTN's Kingsgate Meter Station and terminate at or near GTN's Malin Meter Station. Numerous

pipeline systems interconnect with GTN's system between these two points, primarily in Washington, but to transport additional natural gas between Idaho and Oregon using other systems would involve at least two other natural gas pipeline systems and the movement of gas across several hundred additional miles. It is likely additional compression would also be necessary in order to move the gas across the greater distances required. Additional pipeline may also be required to connect pieces of existing infrastructure. Any additional facility construction required would result in a net increase in the footprint for the alternative when compared with the proposed facilities because the permanent footprint for the Project is only 1.2 acres.

We did not identify any proposed natural gas transmission pipelines that could be considered as a system alternative. Therefore, we conclude that a system alternative is not technically and economically practical and do not consider it further.

Design Alternatives

Design alternatives would use GTN's existing pipeline system in a manner different than proposed to meet the purpose of the Project. Design alternatives would also evaluate facility/equipment alternatives. Implementation of a design alternative may reduce Project-related impacts.

Pipeline Looping Alternative

As an alternative to increased compression along its existing system and in response to a request for additional information issued by staff, GTN provided an assessment of new pipeline looping segments that if constructed would result in additional capacity similar to that of the Project. To create additional capacity equal to that of the Project, GTN would need to construct three pipeline loops: Loop 1 – 15 miles of pipeline upstream of the Athol Compressor Station; Loop 2 – 30 miles of pipeline upstream of the Starbuck Compressor Station; and Loop 3 – 30 miles of pipeline upstream of the Kent Compressor Station. A total of 75 miles of pipeline looping would need to be constructed to replace the capacity provided by the Project. Constructing these pipeline loops using industry standard techniques and assuming a 100-foot-wide construction right-of-way, this alternative would impact at least 900 acres of land. When compared to the 46.9 acres of land required to construct the Project facilities, this would result in a significant increase in impacts on the environment. Additionally, at least 38 waterbody crossings would be required, and at least 11 acres of wetland would be affected. Lastly, 39.3 acres of federally-managed lands and 10 acres of state-managed would be affected. Therefore, we conclude that this alternative does not offer a significant environmental advantage over the proposed action.

Electrical Compression Alternative

In its comments on the Project, the EPA recommends that the EIS assess an alternative that investigates the use of electric compressors instead of natural gas compressors. The EPA goes on to state that electric compressors are better suited to

provide sustained pressure to meet new demands, have several long-term cost advantages, minimize environmental impacts, and require reduced maintenance and labor.

In its application, GTN states that it evaluated the use of an electric motor-driven compressor at the Starbuck Compressor Station as an alternative to a gas-fired, turbine compressor. The new compressor proposed at the Starbuck Compressor Station is the only new compressor proposed as part of this Project. GTN reported that in order to utilize an electric compressor, a 38-mile-long, high-voltage (115 kilovolt) transmission line and electric substation, constructed by the electric utility, would need to be installed in order to supply the electricity necessary to operate the compressor. Installing a 38-mile-long, high-voltage transmission line and substation would impact at least 375 acres of land and require the crossing of at least 23 waterbodies. When compared to the 25.8 acres of land required to construct and install Project facilities at the Starbuck Compressor Station site, this would result in a substantial increase in impacts on the environment.

The use of electric compressors would shift the emissions impacts from the compressor station site to the electrical power generation site(s). In order to assess this shift and disclose it so that concerned stakeholders and decisionmakers are better informed, we instructed GTN to use EPA's Emissions & Generation Resource Integrated Database and its Avoided Emissions and Generation Tool (AVERT) and provide us with a generic estimate of emissions (carbon dioxide, nitrogen dioxide, particulate matter 2.5, and sulfur dioxide) that would result from the installation of an electric compressor unit at the Starbuck Compressor Station; and discuss the comparative emissions to those of the proposed natural gas compressor unit.

As reported by GTN, the proposed addition of 23,470 hp at the Starbuck Compressor Station equates to 17,501 kilowatts (KW) or 17.51 megawatt hours/hour (MW-h/h). EPA's AVERT software assumes a grid-powered compression non-baseline condition. An addition of 17.51 MW-h/h of demand at the Starbuck Compressor Station was modeled in AVERT to show the impact of adding the Project-related electrical load to the grid, as summarized in the table below. Then, using vendor emissions data for the proposed gas turbine, specific emissions due to the gas turbine were compared to demonstrate the net effect of using gas power versus electric grid power. Positive numbers indicate an increase in the pollutant when grid power is used. The results indicate that use of an electric compressor reliant on grid-based power would result in a net increase in emissions for the noted criteria pollutants. This increase in emissions is likely due to the fuel sources employed at regional power generation facilities containing greater amounts of carbon than that contained within the natural gas which be used to fuel the proposed compressor unit. We note that comparisons between gas-fired compressor emissions and electric grid-sourced emissions are complicated and would change over time due to differences in the contributing generating stations configurations, emission control and scrubber systems. Considering these factors, we cannot with certainty determine whether electric-driven compressors would represent a significant environmental advantage in terms of greenhouse gasses (GHG) emissions.

Table 3.0-1 Electric Compressor Emissions Comparison			
Pollutant	Annual Emissions based on Avert	Annual Emissions from the Proposed Natural Gas Compressor	Annual Emissions Change
SO ₂ (lb)	78,950	1,176	+77,774
NO _x (lb)	142,760	89,055	+53,705
CO ₂ (tons)	120,680	96,318	+24,362
PM _{2.5} (lb)	12,440	10,869	+1,571

Furthermore, in a response to EPA's comments, GTN states that an electric compressor would be considered cost and schedule prohibitive relative to the proposed gas-fired, turbine. The combined purchase and installation cost of the unit, as well as the facilities necessary to supply electricity to the that unit would approximately double the cost of the station facilities, as compared to the cost of the proposed gas-fired compressor. The anticipated lead time to permit and construct the 38-mile-long, high-voltage transmission line and electric substation needed to power the unit is estimated to be approximately 32 to 36 months from engineering kickoff to in-service date, which is inconsistent with GTN's plans to place the Project facilities in-service by late 2023. An electric unit would also require a consistent electrical energy source, which may not always be available in remote areas, such as the Starbuck Compressor Station. In the event of a power outage on the electric grid, an electric compressor would stop operating until the outage was resolved or a backup power source was engaged, whereas a gas-fired compressor would continue working regardless of local power outages. Although emergency generators are in place at Starbuck Compressor Station and available to provide power for station auxiliary equipment, those generators are not of sufficient capacity to power an electric compressor in the event of a power outage.

Based on the increased environmental impacts associated with the installation of the 38-mile-long, high-voltage electrical transmission line necessary to operate an electric compressor and our evaluation of grid sourced emissions versus gas-fired compressor emissions, we conclude that this alternative does not offer a significant environmental advantage over the proposed action.

Alternatives Conclusion

As described above, we considered alternatives to GTN's proposal and conclude that no system or design alternatives would satisfy our evaluation criteria. Therefore, we conclude that the Project, with our recommended mitigation measures, is the preferred alternative to meet the Project objectives.

4.0 ENVIRONMENTAL ANALYSIS

The following sections describe the Project's potential impacts on the natural and human environment. Our description of the affected environment is based on a combination of information sources, including GTN's application and its responses to our requests for environmental information, scientific literature, regulatory agency reports, and stakeholder comments.

For the purposes of this analysis, we discuss four impact durations: temporary, short-term, long-term, and permanent. A temporary impact generally occurs during construction with an affected resource returning to a condition similar to that prior to construction almost immediately afterward. A short-term impact could continue for up to three years following construction. An impact is considered long-term if the resource would require more than three years to recover. A permanent impact would occur if an activity modifies a resource to the extent that it would not be restored during the life of the Project. For example, constructing and operating aboveground facilities would cause permanent impacts as the land use and visual character would not return to pre-construction (or similar) conditions. Permanent impacts may also extend beyond the life of a project. When determining the significance of an impact, we consider the duration of the impact; the geographic, biological, and/or social context in which the impact would occur; and the magnitude and intensity of the impact. The duration, context, and magnitude of impacts vary by resource and therefore significance would vary accordingly.

In its comments on the Project, the EPA recommends that this EIS include temporary and permanent as well as direct, indirect, and cumulative impacts. Specifically, EPA recommends the EIS assess the additive and synergistic impacts of climate change upon local natural resources, such as seasonal water patterns and wildfires; the cumulative impacts of hazardous and solid waste; and the cumulative impacts of increased air emissions. Our analysis considers direct and indirect impacts on resources collectively, as well as impact duration, consistent with the CEQ's July 16, 2020 final rule, *Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act* (2020 Final Rule, 85 FR 43,304) that was in effect throughout the development of the draft EIS. The CEQ issued another final rule amending its NEPA regulations, *National Environmental Policy Act Implementing Regulations Revisions* (2022 Final Rule, 87 FR 23453), reinstating the definition of cumulative effects consistent with CEQ's pre-2020 NEPA regulations. The 2022 Final Rule was effective as of May 20, 2022 and is reflected in the final EIS.

In other comments on the EA, the EPA makes several recommendations concerning the identification of geological resources and the assessment of these resources. As described in section 2.0, the Project involves the modification of existing facilities and the installation of one new compressor, several gas cooling bays, and associated enclosures/structures and piping. These are relatively minor facilities that would be incorporated into existing facility sites, operating with similar equipment, and which do

not require significant excavation. Aside from land leveling and grading and the installation of minor facility foundations, no actions would occur affecting geological resources. Therefore, as described above we have determined that these resources would not be affected and are not addressed further.

The EPA also makes several recommendations concerning the Project's potential impacts on water resources. No surface waters or wetlands would be affected by the modification and installation of equipment at the existing facility sites. Water necessary to conduct hydrostatic testing of the new facilities would be trucked in from a municipal source. Therefore, we have determined water resources would not be affected by the Project and do not address them further.

As described previously, the analysis contained in this EIS is based upon information contained in GTN's application and supplemental filings and our experience with the construction and operation of natural gas infrastructure. However, if the Project is approved and proceeds to the construction phase, it is not uncommon for a project proponent to require modifications (e.g., minor changes in workspace configurations). These changes are often identified by a company once on-the-ground implementation work is initiated. Any Project modifications would be subject to review and approval from the Director of FERC's Office of Energy Projects (OEP), or his/her designee, and any other permitting/authorizing agencies with jurisdiction.

Based on our review of the Project; specifically, the proposed Project facilities, the locations of the existing compressor stations sites, surrounding land uses, existing environmental resources, and proximity to local residences and communities, we have determined that several environmental resources would not be affected including geology, waterbodies, wetlands, aquatic resources, and visual resources. As such, we do not address these resources further in this analysis. Additionally, several resources including soils, vegetation, wildlife, protected species, socioeconomics, and land use would experience only minimal impacts. Therefore, the discussions of these resources and the impacts on them are commensurate to the scope of the Project and its potential impact on the environment. Lastly, the proposed software upgrade at the existing Athol Compressor Station would not require any physical work or ground disturbance; therefore, potential impacts on the environment resulting from this component of the Project are only discussed in the Air Quality, Climate Change, and Noise sections of the following analysis.

Environmental Trends and Planned Activities

The Project facilities would be located in the Northwestern United States. Both the Kent and Starbuck Compressor Stations lie within the Level III Ecoregion defined as the

North American Deserts – Cold Deserts - Columbia Plateau.¹⁰ This Ecoregion is made up entirely of lowlands with an arid climate, cool winters, and hot summers. It is characterized by sagebrush steppe and grasslands with extensive areas of agriculture, surrounded on all sides by mountainous ecoregions (U.S. Geological Survey [USGS], 2012). According to the Fourth National Climate Assessment, the Northwest is expected to experience strong climate variability, owing in part to the year-to-year and decade-to-decade climate variability associated with the Pacific Ocean. Periods of prolonged drought are projected to be interspersed with years featuring heavy rainfall driven by powerful atmospheric rivers and strong El Niño winters associated with storm surge, large waves, and coastal erosion.

The Athol Compressor Station is located in Kootenai County in an area of the state known as the Idaho panhandle, about 75 miles south of the Canadian border. Kootenai County is 1,310 square miles in size, consisting of 70 square miles of water, and 245,000 acres of national forest and 33,000 acres of state timberland. Managed public lands account for about 43 percent of county lands. The Idaho panhandle is considered a destination location for regional, national and international outdoor tourism and recreation. The area surrounding the Athol Compressor Station is considered primarily rural residential with some timber and agricultural activities. With a 20 percent growth in population between 2010 and 2020, it appears that the area will continue to experience growth due to population influx, but otherwise, given the amount of public lands in the region, rural residential and outdoor recreation will likely continue to remain the defining characteristics of the area.

The Starbuck Compressor Station is located in Walla Walla County in southeast Washington, about 40 miles north of the Oregon border. This facility is located in a part of the state that is rural in nature with sparse agriculture and relatively little industrial or residential development. Almost all of the development in the region is associated with the Columbia and Snake Rivers, which are located 5 miles to the north and 40 miles to the southwest, respectively. Based on the remote location of the station and the general lack of development, we expect the area to remain in a similar condition for the foreseeable future.

The Kent Compressor Station is located in Sherman County in north central Oregon. Similar to the Starbuck Compressor Station which is located about 150 miles to the northeast, this facility is located in a rural and mountainous part of the state with sparse agriculture and relatively little industrial and residential development. Based on the remote location of the station and the general lack of development, we expect the area to remain in a similar condition for the foreseeable future.

¹⁰ The EPA recognizes a hierarchy of ecoregions that denote areas where ecosystems are generally similar. These designations are based on analysis of geology, physiography, vegetation, climate, soil, wildlife, and hydrology and can be used for ecosystem management within the same geographic areas (USEPA, 2018a).

Lastly, we did not identify any planned activities in any of the Project areas.

4.1 Geology

Physiographic Settings and Geologic Conditions

The Starbuck and Kent Compressor Stations are located within the Columbia Plateau Physiographic Province, which has topography primarily made up of geologically young lava flows from the last 17 million years (National Park Service, 2017). Elevations associated with the Project range from 850 to 1,070 feet above mean sea level (ft-amsl) at the Starbuck Compressor Station in Walla Walla County, Washington; and 2,670 to 2,710 ft-amsl at the Kent Compressor Station in Sherman County, Oregon (United States Geological Service [USGS], 2020b; USGS 2020a).

The bedrock at the Starbuck compressor station is Miocene Volcanic Rocks and Quaternary Nonmarine Deposits (USGS, 2021e). The Miocene Volcanic Rocks are comprised of dense, aphanitic basalt flows that exhibit columnar or platy jointing. The Quaternary Nonmarine Deposits are comprised of unconsolidated, periglacial, eolian and fluvial loess sediments that are likely early Pleistocene in age. The bedrock at the Kent compressor station is Wanapum Basalt Formation (USGS, 2021a), which is comprised of medium-grained, porphyritic basalt flows that exhibit blocky to platy jointing.

Mineral Resources

GTN reviewed publicly available records for the presence of oil and gas wells, and mining facilities in the vicinity of the Project (Oregon Department of Geology and Mineral Industries [ODGMI], 2021a; Washington Department of Natural Resources [WDNR], 2021). No oil or gas well, or surface or underground mines were identified within 0.25 mile of the Project. Based on absence of nearby wells or mines, we conclude the Project would not significantly impact mineral resources.

Geologic Hazards

Geologic hazards are natural, physical conditions that can result in damage to land and/or structures and injury to people. Such hazards typically are seismic-related, including earthquakes, surface faulting, and soil liquefaction. Other potential hazards include landslides, flooding, and ground subsidence (including karst terrain). These hazards are discussed below.

Seismic Hazards

Earthquake severity can be expressed in terms of intensity and magnitude. Intensity is based on observed effects of ground shaking, while magnitude describes seismic energy released at the earthquake source. Additionally, peak horizontal ground acceleration (PGA; expressed in terms of acceleration as a percent of gravity [g]) is a measure of the effect of an earthquake at a certain distance from the source and based on geological

conditions. Based on USGS seismic hazard probability mapping at the Starbuck compressor station, there is a 2 percent probability of an earthquake with an effective PGA of 14 percent g being exceeded in 50 years, and a 10 percent probability of an earthquake with an effective PGA of 5 percent g being exceeded in 50 years. Based on USGS seismic hazard probability mapping at the Kent compressor station, there is a 2 percent probability of an earthquake with an effective PGA of 14 percent g being exceeded in 50 years, and a 10 percent probability of an earthquake with an effective PGA of 7 percent g being exceeded in 50 years.

According to the USGS (2021b), the Project is not located near any mapped quaternary faults. The nearest fault systems to the Starbuck compressor station are the Central Ferry fault, which is approximately 20 miles to the east of the Project, and Hite fault system, which is approximately 20 miles to the southeast of the Project. The nearest fault systems to the Kent compressor station are unnamed faults northwest of Condon, approximately 15 miles to the northeast of the Project, and the Warm Springs fault zone, which is approximately 40 miles to the southwest of the Project. No earthquakes are recorded in association with these faults (USGS, 2021b). Given the distance to these mapped faults and the absence of recorded earthquake events associated with the faults we conclude the risk of a significant earthquake damaging any Project facility is low and the risk of seismic ground faulting to occur is also low.

Soil Liquefaction

Soil liquefaction is a phenomenon often associated with seismic activity in which saturated, non-cohesive soils temporarily lose their strength and liquefy (i.e., behave like viscous liquid) when subjected to forces such as intense and prolonged ground shaking. All three of these conditions (non-cohesive soils, near-surface saturation, and seismicity) are necessary for soil liquefaction to occur.

According to the WDNR (2021), an approximately 800-footlong segment of the Starbuck compressor station access road, starting at the access road entrance, is in area of low to moderate liquefaction susceptibility, but all other parts of the Starbuck compressor station portion of the Project are in an area of low liquefaction susceptibility. According to the OGDMI (2021c), the Kent compressor station workspace is not in an area of earthquake liquefaction hazard. Appropriate best management practices identified in GTN's ECS would be implemented to prevent erosion and sedimentation. Soil liquefaction is not expected to affect the Project.

GTN would install foundations at the Starbuck and Kent compressor stations (gas cooling bays). Ground improvements during the construction of deep foundations can affect unconsolidated sediments that are susceptible to soil liquefaction. However, given the absence of soil conditions susceptible to liquefaction at the proposed gas cooling bays at the Starbuck and Kent compressor stations, we conclude that risks from soil liquefaction are low.

Landslides

Landslides involve the downslope mass movement of soil, rock, or a combination of materials on an unstable slope. Most Project activities would occur on previously disturbed lands. In addition, based on a review of topographic maps and available elevation data for each facility, the workspaces at the Starbuck and Kent compressor stations are flat to gently sloping. At the Starbuck compressor station, about 11.8 acres of the facility are classified as steeply sloping; however, construction of the gas cooling bays and other modifications to the facility would not take place in the steeply sloping portions of the compressor station site. As such, we conclude the potential for landslides to occur during modification and installation of the Project facilities is negligible.

Subsidence

Ground subsidence is a lowering of the land-surface elevation that results from changes that take place underground. Subsidence can range from small, localized areas of collapse to a broad, regional lowering of the ground surface. Common causes of land subsidence include karst formation due to carbonate-rock dissolution (limestone, dolomite, or gypsum) and the collapse of underground mines. Subsidence can also be caused by sediment compaction due to pumping groundwater, oil, and gas from underground reservoirs. As noted above, there are no oil and/or gas wells or subsurface mines within 0.25 mile of the Project. There are no rock formations near the ground surface that are susceptible to dissolution (USGS, 2021c). Further, the Project components do not overlie major unconsolidated aquifer systems susceptible to subsidence from excessive groundwater pumping (USGS, 2021d).

Flooding

According to available data from the Federal Emergency Management Agency, the proposed modification sites are not within designated 100-year floodplains (FEMA 1984, 1983). Therefore, we conclude that the Project facilities would not discernably alter the flood storage capacity of impacted floodplains.

Blasting

No blasting is proposed as part of the Project.

Based on the geological resources present, the Project's potential impacts on them, and the potential for geological hazards to affect Project facilities as described above, we conclude that no operational impacts on geologic resources would occur. We also conclude that impacts on geologic resources, including impacts from geologic hazards, would not be significant.

Paleontological Resources

Paleontological resources are the fossilized remains of prehistoric plants and animals, as well as the impressions left in rock or other materials. GTN reviewed the Paleobiology Database (2021) for fossils in the vicinity of the Project. No fossils were identified within 0.25 mile. There are no federal laws or regulations that protect paleontological resources on private lands. Further, the Project involves modifications that would occur at existing compressor stations within mostly previously disturbed areas. Therefore, we conclude that modification and installation of the Project facilities are unlikely to encounter significant fossils. In the event that fossils are discovered during Project activities, GTN would stop work where the resource was found and would notify the appropriate state agency and would follow the measures described in the Unanticipated Discovery Plan for Cultural Resources. Based on this assessment and GTN's proposed measures, we conclude the Project would not significantly impact paleontological resources.

4.2 Soils

Modifying and installing the Project facilities would affect a variety of sandy and silty loam soils occurring within and abutting the fenced boundaries of the Starbuck and Kent Compressor Stations. These soils are generally derived from loess alluvium, loess and basalt alluvium over glacial outwash, and loess over fractured basalt parent materials. Additionally, these well-drained soils have been identified as having permeability rates ranging from moderately high to high. No prime farmland, soils of statewide importance, or hydric soils would be affected by the Project.

In its comments on the Project, the EPA recommends that soils assessments should be detailed enough for appropriate geotechnical evaluations to be conducted to support the geohazards analysis and that the EIS should include site-specific geological analysis to ensure the integrity of the site soils where new facilities (e.g., the new cooling bays) will be constructed at the compressor stations. The Project involves the modification of existing facilities, the installation of one compressor unit, and the construction of ancillary facilities. All of these facilities would be conducted within the fenced-boundaries of existing stations or abutting to an existing station. We do not consider the required work to be substantial and thus are not requiring or including the assessments and evaluations suggested by the EPA. Additionally, as described previously, our analyses in this section are commensurate to the Project's potential impacts on the environment.

As described previously, the Project would require the temporary use of 46.9 acres of land to install and modify the Project facilities; and the permanent use of 1.2 acres of land to operate the expanded Kent Compressor Station. The use of access roads and workspaces to modify and install the Project facilities could compact soils and increase rates of potential erosion (primarily related to wind erosion). Additionally, the soil disturbance necessary to erect the new aboveground facilities and install associated piping

would impact soil structure, increase rates of potential erosion, and could impact other soil characteristics including revegetation potential and drainage. Lastly, an inadvertent equipment fluid spill could adversely affect soils.

To reduce and mitigate potential impacts on soils, GTN would implement numerous measures as described in its ECS. These measures include installing erosion control devices, avoiding work during adverse weather conditions, compaction testing, reseeding of affected lands, and implementing spill prevention and control measures as described in its SPCC Plan.

In comments on the Project, the EPA stated that soil compaction due to earth-moving, soil stockpiling, equipment staging, or construction should be analyzed for impacts to soil productivity and plant re-growth rates which may be reduced and that areas that have low revegetation potential should be considered and mitigations applied as appropriate to encourage regrowth. The EPA also stated that mitigations such as using only low-ground-pressure construction equipment and stopping work when soils are wet and most susceptible to compactive forces would be most beneficial. As described in this section and sections 4.4 Vegetation and 4.8 Land Use, we address the Project's impacts on soils, vegetation, and land use and conclude that based on the scope of the Project and GTN's implementation of impact avoidance, minimization, and mitigation as described in its ECS that impacts on these resources would not be significant.

Based on the scope of the Project including the location of the proposed facilities within and abutting the fenced boundaries of existing industrial sites, affected soils characteristics, current land use, the minimal amount of soil that would be disturbed to install new aboveground facilities and piping, GTN's implementation of impact minimization measures, and the amount of soils permanently affected (1.2 acres), we conclude that the Project would not significantly impact this resource.

4.3 Groundwater

Groundwater resources underlying both the Starbuck and Kent Compressor Stations are within the Columbia Plateau basaltic-rock aquifers, which occur over an area of about 42,000 square miles in Washington, Idaho, and Oregon.

GTN would install foundations at the Starbuck and Kent Compressor Stations as part of construction of proposed gas cooling bays. Ground improvements during the construction of deep foundations can affect shallow groundwater quality and flow regimes. However, these effects are typically temporary and return to pre-construction conditions shortly after construction activities are completed. We conclude that any impacts on groundwater resulting from foundation construction would be temporary and minor.

Surface drainage and groundwater recharge patterns can be temporarily altered by clearing, grading, foundation construction, and soil stock-piling activities, potentially causing minor fluctuations in groundwater levels and/or increased turbidity, particularly in

shallow surficial aquifers. We expect that there would not be any resulting changes in water levels and/or turbidity in groundwater, but should any occur they would be localized and temporary because water levels quickly re-establish equilibrium, and turbidity levels rapidly subside once disturbance has ceased. Additionally, soil compaction could reduce the ability of the soil to absorb water, thereby reducing groundwater recharge.

An inadvertent spill of fuel or hazardous materials during refueling or maintenance of construction equipment could also affect groundwater if not contained and cleaned up appropriately. We do not expect an inadvertent spill to occur, but we do recognize that a spill could occur. Also, contaminated soils could continue to leach contaminants into groundwater long after a spill has occurred.

To minimize the risk of potential fuel or hazardous materials spills, GTN would implement measures contained in its SPCC Plan. The SPCC Plan includes spill prevention measures as well as containment and clean-up measures. Specifically, GTN's SPCC Plan requires spill prevention and response training, equipment inspection and maintenance, prohibits refueling and storage of hazardous materials near water supply wells and other sensitive resources, and the onsite storage of spill response equipment including absorbents, containment and collection tools, and storage containers. Further, and as described previously, GTN would implement its ECS to minimize the potential for soil erosion and downgradient sedimentation from stormwater runoff. If GTN encounters contaminated groundwater during construction, it would follow the procedures in its Unanticipated Discovery of Contaminated Environmental Media Plan. Work in the area of contamination would be halted until the appropriate remedial activities have been completed.

With implementation of the mitigation measures described above, and adherence to its ECS and SPCC Plan, we conclude that the Project would not result in significant impacts on groundwater resources.

Sole Source Aquifers

The EPA defines a sole source aquifer as one that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer and for which there are no reasonably available alternative drinking water sources should the aquifer become contaminated. In the Project areas the groundwater resources are not classified as Sole Source Aquifers (SSA). The nearest SSA to the Starbuck compressor station is the Lewiston Basin Aquifer Source Area about 38 miles to the east (USEPA, 2021a). The nearest SSA to the Kent compressor station is the Troutdale Aquifer System Area about 91 miles to the west (USEPA, 2021a).

State-Designated Aquifers and Aquifer Protection Areas

Individual states may enact regulations protecting significant aquifer recharge areas, critical areas where excessive use of groundwater poses a threat to the long-term integrity of a water supply source, or preservation areas to protect natural resources including public water supply sources. There are no public water supply wells or wellhead protection areas within 1 mile of the Kent compressor station.

Water Supply Wells and Springs

GTN assessed publicly available data and conducted site surveys to determine if public or private groundwater wells or springs were within 150 feet of Project workspaces. One water supply well, owned by Pacific Gas & Electric is located within 1 mile of the Starbuck compressor station (Environmental Data Resources [EDR], 2021a). Another private groundwater well owned by GTN is located within 150 feet of the Starbuck compressor station and multiple resource protection wells are located within the Starbuck compressor station. One private groundwater well owned by GTN is located within the Kent Compressor Station site. No spring or seeps were identified within the Starbuck and Kent compressor stations work areas. Given that the only excavation activities at the Starbuck and Kent Compressor Stations would be shallow trenching and grading to construct foundations for the proposed gas cooling bays, the onsite groundwater wells owned by GTN would not be significantly affected. GTN would further minimize the potential for impacts to the groundwater and wells by adhering to measures contained in its ECS and SPCC Plan.

Aside from the three wells owned by GTN at the Starbuck and Kent compressor stations, no other drinking water wells or springs have been identified within 150 feet of any construction activities. If drinking water wells or springs are identified within 150 feet of any construction workspace, GTN would offer pre-construction and post-construction evaluations of water quality and yield to affected landowners.

Contaminated Groundwater

GTN searched publicly available data resources to identify any potential sources of groundwater contamination in the vicinities of Project facilities. The Starbuck Compressor Station is listed as a site of interest to the Washington State Department of Ecology and the Kent Compressor Station is identified as a federal conditionally exempt small quantity generator. No additional sources of potential groundwater contamination were identified within 1 mile of the Starbuck and Kent Compressor Stations (EDR, 2021a,b).

4.4 Vegetation

Lands affected by the Project facilities have been classified as grass lands or unvegetated. Grass lands consists of commonly found plant species such as yellow rabbitbrush (*Chrysothamnus viscidiflorus*), bluebunch wheatgrass (*Pseudoroegneria spicata*), Idaho fescue (*Festuca idahoensis*), Indian ricegrass (*Achanatherum hymenoides*), needle and thread grass (*Hesperostipa comata*), and Sandberg bluegrass (*Poa secunda*). Unvegetated lands are industrial/maintained in nature; graveled, paved, or otherwise disturbed. No sensitive vegetation was identified during surveys of the Project areas, and thus, sensitive vegetation would not be affected by the Project.

Modifying and installing the Project facilities would impact a total of 28.4 acres of grass land and 18.5 acres of unvegetated lands. Vegetation may be cleared or trampled. Vegetation that is disturbed could be temporarily lost and as a result associated benefits; soil stability and structure, evapotranspiration, and habitat functions could be precluded. However, these impacts would likely be short-term as affected lands would be stabilized and seeded to improve restoration success. Additionally, loss of vegetation and ground disturbance would increase the potential for the introduction and/or spread of invasive/noxious plant species.¹¹ No noxious and invasive species were noted during surveys of Project areas; therefore, in the absence of a known seed source, we conclude that any possible impacts would be minor.

Based on the type of vegetation occurring on lands that would be affected by the Project, the generally small scope of the Project, and the minor impacts that would occur to vegetation, we conclude that modifying and installing the Project facilities would not result in a significant impact on vegetation.

4.5 Wildlife and Protected Species

Wildlife

The grass lands and unvegetated lands described above provide habitats for a variety of commonly occurring wildlife. Furthermore, given the existing nature of these facilities, the wildlife occupying the affected areas that could be affected by the Project are already accustomed to human disturbance and the presence/operation of industrial facilities. No

¹¹ Noxious weeds are plants designated by the Secretary of Agriculture, Secretary of the Interior, or by state law or regulation, that generally possess one or more of the characteristics of being aggressive and difficult to manage, parasitic, a carrier or host of deleterious insects or disease, and being non-native, new to, or not common to the U.S. An invasive species are those species whose introduction causes or is likely to cause economic or environmental harm or harm to human health (NRCS, 2016). Under Executive Order 13112, a federal agency shall not authorize, fund, or carry out actions likely to cause or promote the introduction or spread of invasive species in the U.S.

sensitive wildlife or wildlife habitat would be affected by the Project. Protected wildlife are addressed in the following sub-section.

Typical wildlife found in the two habitat types crossed by the proposed Project is provided in Table 4.5-1 below.

Table 4.5-1 Habitat Types Crossed by the Project and Examples of Typical Wildlife ^{a,b,c}				
Habitat	Mammals	Aves	Reptiles	Amphibians
Unvegetated Land	Coyote (<i>Canis latrans</i>), ground squirrel (<i>Spermophilus beecheyi</i>), marmot (<i>Marmota flaviventris</i>)	California quail (<i>Callipepla californica</i>), northern flicker (<i>Colaptes auratus</i>), hummingbirds (<i>Archilochus sp.</i>), ferruginous hawk (<i>Buteo regalis</i>), rock pigeon (<i>Columbia livia</i>)	Racer (<i>Coluber constrictor</i>), garter snake (<i>Thamnophis atratus</i>), desert horned lizard (<i>Phrynosoma platyrhinos</i>)	Western toad (<i>bufo boreas</i>), Woodhouse's toad (<i>Bufo woodhouseii</i>)
Open Land	Mule deer (<i>Odocoileus hemionus</i>), pronghorn antelope (<i>Antilocapra americana</i>), Elk (<i>Cervus canadensis</i>), bighorn sheep (<i>Ovis canadensis</i>), Belding's ground squirrel (<i>Uroditellus beldingi</i>); black-tailed jackrabbit (<i>Lepus californicus</i>); coyote (<i>Canis latrans</i>)	Common nighthawk (<i>Chordeiles minor</i>), ferruginous hawk, grasshopper sparrow (<i>Ammodramus savannarum</i>), Swainson's Hawk	Northern sagebrush lizard (<i>Sceloporus graciosus</i>); western rattlesnake (<i>Crotalus viridis</i>), gopher snake (<i>Pituophis catenifer</i>)	Western toad (<i>bufo boreas</i>)

^a Obtained from USFWS (USFWS, 2018).
^b Obtained from ODFW (ODFW, 2021b)
^c Obtained from iNaturalist (iNaturalist, 2021)

Modifying and installing the Project facilities would temporarily increase human presence at the Starbuck and Kent Compressor Stations. Additionally, Project-related activities (equipment use and facility installation) would also temporarily increase the amount of general disturbance associated with these facilities. Together, these actions may cause wildlife to avoid the Project areas and could cause changes to wildlife behaviors (primarily foraging and resting). Wildlife avoidance and behavior changes could impact rates of predation. Collectively, project activities including construction work and increased traffic to and from the Project sites and their impacts would likely increase the rates of stress, injury, and mortality experience by wildlife. However, these impacts would be temporary and minor. In addition, only minor operational noise increases are expected at each of the three Project locations (see section 4.10 for additional information). Therefore, based on the scope of the Project, the vegetation and habitat present, and the impacts on these resources, we conclude that modifying and installing the Project facilities would not significantly impact wildlife.

Protected Species

Protected species and special status species are afforded protection by law, regulation, or policy by federal and state agencies. Special status species include federally-listed threatened and endangered species that are protected under the ESA, migratory birds, bald and golden eagles, and state protected species.

Federally-listed Threatened and Endangered Species

The Commission is required by Section 7 of the Endangered Species Act (ESA) to ensure that the Project would not jeopardize the continued existence of a federally-listed threatened or endangered species or result in the destruction or adverse modification of the designated critical habitat of a federally-listed species (16 USC § 1536(a)(2)). In its comments on the Project, the EPA recommended that our analysis consider nesting habitat, breeding seasons, noise impacts, increased vehicle traffic, and changes to surrounding land cover.

Based on information obtained by GTN representatives from the FWS' IPaC system, two federally-listed species occur or could occur in the vicinities of the Project facilities. These species are: bull trout (*Salvelinus confluentus*) and yellow-billed cuckoo (*Coccyzus americanus*), both of which were identified as potentially occurring near the Starbuck Compressor Station. No species were identified in the vicinity of the Athol or Kent Compressor Stations and no designated critical habitat was identified near any of the Project facilities.

According to the FWS, the federally-threatened bull trout requires cold water to survive, so they are seldom found in waters where temperatures exceed 59 to 64 degrees Fahrenheit. They also require stable stream channels, clean spawning and rearing gravel, complex and diverse cover, and unblocked migratory corridors.¹² Modifying the Starbuck Compressor Station would not impact surface waters; therefore, based on the lack of habitat, the distance to the nearest potential habitat, the amount of land disturbed, and the scope of the Project and its impacts on the environment as described in this EIS, we have determined the Project would result in *no effect* on this species. The federally-threatened yellow-billed cuckoo use wooded habitat with dense cover and water nearby, including woodlands with low, scrubby, vegetation, overgrown orchards, abandoned farmland, and dense thickets along streams and marshes.¹³ The Starbuck Compressor Station does not contain and would not affect suitable habitat for this species nor does any suitable habitat occur nearby; therefore, we have determined based on the lack of habitat, the amount of land disturbed, and the scope of the Project and its impacts on the environment as described in this EIS that the Project would result in *no effect* on this species. Furthermore, increased

¹² <https://ecos.fws.gov/ecp/species/8212>

¹³ <https://ecos.fws.gov/ecp/species/3911#lifeHistory>

vehicle traffic would not affect these species and as described in the noise section of this analysis, increased noise would be minimal as would change to land use in the area.

As described in its application, GTN sent correspondence to the two FWS field offices in September 2021. Neither office expressed any opposition or concerns. Because we have determined the Project would result in *no effect* on federally-listed threatened and endangered species, our obligations under section 7 of the ESA have been met and no additional action is required.

Migratory Birds

Migratory birds are species that nest in the U.S. and Canada during the summer and then migrate to and from the tropical regions of Mexico, Central and South America, and the Caribbean for the non-breeding season. Migratory birds are protected under the Migratory Bird Treaty Act (MBTA [Title 16 of the USC, sections 703-711]). The MBTA, as amended, prohibits the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. EO 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, was enacted in 2001 to, among other things, ensure that environmental analyses of federal actions evaluate the impacts of actions on migratory birds. EO 13186 directs federal agencies to identify where unintentional take is likely to have a measurable negative effect on migratory bird populations and avoid, minimize, or mitigate adverse impacts on migratory birds through enhanced collaboration with the FWS, and states that emphasis should be placed on species of concern, priority habitats, and key risk factors, with particular focus given to population-level impacts.

On March 30, 2011, the FWS and FERC entered into a Memorandum of Understanding regarding implementation of EO 13186, that focuses on birds of conservation concern and strengthening migratory bird conservation through enhanced collaboration between the two agencies. This memorandum does not waive legal requirements under the MBTA, Bald and Golden Eagle Protection Act, the ESA, or any other statutes, and does not authorize the take of migratory birds.

The Starbuck and Kent Compressor Stations are located within the Pacific Flyway and within the Great Basin Bird Conservation Region. However, due to the existing nature of these facilities, bird habituation to them, and the proposed modifications and resulting minor impacts on the environment including noise and ground (habitat) disturbance, we conclude that the Project would not result in significant population-level impacts on Birds of Conservation Concern or migratory birds.

Bald and Golden Eagles

The bald eagle was officially removed from the endangered species list in 2007 but is still protected under Bald and Golden Eagle Protection Act (BGEPA) as well as the MBTA. The BGEPA prohibits anyone without a permit issued by the Secretary of the Interior from “taking” a bald or golden eagle, including their parts, nests, or eggs (16 USC

§ 668–668c). According to GTN, no eagles or their nests were observed during surveys conducted for the Project. Furthermore, the Project would not require the clearing of trees and no trees or other wooded areas occur in the immediate vicinity of the Project; therefore, we conclude the Project would not impact bald or golden eagles.

State-Listed Species

In response to an inquiry from GTN representatives concerning stated-listed threatened and endangered species, the Oregon Department of Fish and Wildlife responded that it does not forecast any impacts to state-listed species from the Project.¹⁴ In response to a similar inquiry, the Washington Department of Fish and Wildlife (WDFW) notified GTN that the state-endangered ferruginous hawk is known to occur in the area around the Starbuck Compressor Station and that GTN should coordinate with the WDFW regarding the types of grasses and shrubs that would be used to restore affected lands. The WDFW responded to an inquiry by GTN in October 2022 that no nesting pairs of ferruginous hawks are known to exist in the Project area but that nesting pairs may occur in the future. WDFW requested that native grasses and shrubs be used for restoration and GTN would adhere to this request. Therefore, we conclude that the Project would not result in significant impacts on state-listed species.

4.6 Cultural Resources

The National Historic Preservation Act (NHPA) is the cornerstone of the federal government’s historic preservation program. Section 101(d)(6) of the NHPA states that properties of traditional religious and cultural importance to Indian tribes¹⁵ may be determined eligible for the National Register of Historic Places (NRHP). Section 106 of the NHPA requires that FERC take into account the effects of its undertakings¹⁶ (including authorizations under Section 7 of the NGA) on historic properties,¹⁷ and afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment. GTN, as a non-federal applicant, is assisting FERC staff in meeting our obligations under the NHPA

¹⁴ See GTN application, Ascension No. 20211004-5098.

¹⁵ Indian tribes are defined in 36 CFR Part 800.16(m) as: “an Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation, or Village Corporation, as those terms are defined in Section 3 of the Alaska Native Claims Settlement Act (43 USC 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.”

¹⁶ “Undertaking means a project activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; those requiring a Federal permit, license or approval; and those subject to state or local regulation administered pursuant to a delegation or approval by a Federal agency,” as defined in Part 800.16(y).

¹⁷ Historic properties include prehistoric or historic sites, districts, buildings, structures, objects, landscapes, or properties of traditional religious or cultural importance listed on or eligible for listing on the NRHP, as defined in Part 800.16(l).

by providing data, analyses, and recommendations in accordance with Title 36 CFR Part 800.2(a)(3) and the FERC's regulations at 18 CFR 380.12(f).

Consultations

In accordance with the implementing regulations for complying with Section 106, at 36 CFR 800, FERC consulted with the State Historic Preservation Offices (SHPO) of Washington and Oregon,¹⁸ and potentially interested Indian tribes, prior to making our determinations of NRHP eligibility and Project effects for all cultural resources¹⁹ identified in the area of potential effect (APE). We sent copies of the NOI to a wide range of stakeholders, including other federal agencies, such as the ACHP, U.S. Department of the Interior Bureau of Indian Affairs (BIA), and NPS; state and local government agencies, such as the SHPOs; affected landowners; and Indian tribes that may have an interest in the Project area. The NOI contained a paragraph about Section 106 of the NHPA, which stated that we use the notice to initiate consultations with the SHPOs, and to solicit the views of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.

Consultations with the SHPOs

The Oregon, Washington, and Idaho SHPOs did not respond directly with a filing to FERC in response to our NOI. However, the SHPOs did respond to correspondence from GTN and its consultant (Arcadis). In a letter to GTN dated May 12, 2020, the Washington State Archaeologist, representing the SHPO, stated: "We have reviewed the professional cultural resources survey report you provided for the proposed GTN – Fuel Gas Heater / Station 7 – Starbuck Project, Walla Walla County, Washington. We concur with the Determination of No Historic Properties Affected with the stipulation for an unanticipated discovery plan." On June 9, 2020, the Oregon State Archaeologist, representing the SHPO, wrote of the GTN Station 10-Kent Fuel Gas Heater Project, that: "We have reviewed the report and concur that a good faith effort has been implemented and the project will likely have no effect on any significant archaeological objects or sites. Based on the information provided, additional archaeological research is not anticipated for this project." In a letter to Arcadis dated May 17, 2022, the Idaho SHPO stated that

¹⁸ In the State of Washington, the SHPO is housed within the Department of Archaeology and Historic Preservation, while in Oregon the SHPO is within the Parks and Recreation Department.

¹⁹ Cultural resources are locations of human activity, occupation, or use. According to FERC's Office of Energy Projects (OEP) *Guidelines for Reporting on Cultural Resources Investigations for National Gas Projects* (July 2017), "cultural resources include any prehistoric or historic archaeological site, district, object, cultural feature, building or structure, cultural landscape, or traditional cultural property." Although "cultural resources" are not defined in 36 CFR 800, it is a "term-of-art" in the field of historic preservation and archaeological research. Some Indian tribes believe that cultural resources could include natural resources, such as plants and animals of traditional importance to tribes, and topographic features and viewsheds that may be sacred.

no historic properties should be affected by the proposed work at the Athol Compressor Station.

Consultations with Indian Tribes

FERC Staff Consultations

FERC contacted Indian tribes that may attach religious or cultural significance to sites in the region or may be interested in potential Project impacts on cultural resources. We identified Indian tribes that historically used or occupied the Project area through basic ethno-historical sources such as the *Handbook of North American Indians*, communications with the SHPOs, and information provided by the applicant and its cultural resources consultants. We sent our NOI for this Project to 14 federally-recognized Indian tribes. No tribe filed a response in the FERC record.

Communications between the Applicant and Indian Tribe

On August 30, 2021, GTN contacted the Confederated Tribes of the Umatilla Indian Reservation and the Confederated Tribes of the Warm Springs Indian Reservation with information about the Project. On February 17, 2022, GTN contacted the same two tribes with emails. On April 15, 2022, GTN sent copies of its revised Unanticipated Discovery Plan (UDP) and other information about the Project to the Confederated Tribes of the Colville Reservation, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Indian Reservation, Confederated Tribes and Bands of the Yakama, Coeur D' Alene Tribes, and Nez Perce Tribe.

On April 21, 2022, the Confederated Tribes of the Colville Reservation sent an email to GTN's consultant raising concerns about rock cairn sites that may not have been recorded in the vicinity of the Starbuck Compressor Station. GTN's consultant responded with an email back to the tribe that in August 2021 the compressor station direct APE was surveyed by Plateau Archaeological Investigations LLC (Plateau) and no sites were found. GTN acknowledged work on the Lower Monumental Transmission Line dating from 2011 to 2014; however, it appears those surveys, that were conducted about one mile from the compressor station, did not record any rock cairns.

The Nez Perce Tribe, in an April 27, 2022 email to GTN's consultant, questioned if there had been any previous surveys that covered the Starbuck Compressor Station. In an email response, filed with the FERC on September 16, 2022, Arcadis informed the Nez Perce Tribal Historic Preservation Officer that the Starbuck Compressor Station had previously been surveyed in April 2020 and August 2021 by Plateau Archaeological Investigations (Plateau) as further discussed below.

Identification of Historic Properties

Area of Potential Effect

We define the direct APE as all areas subject to ground disturbance. The direct APE at the Kent Compressor Station totals 21.06 acres. At the Starbuck Compressor Station, the direct APE totals 25.84 acres. GTN defined the indirect APE as a one-mile circle around each compressor station.

Results of Investigations

Five previous surveys were conducted within one mile of the Starbuck Compressor Station. Three of these previous surveys overlapped a portion of the direct APE (McGuire and Nelson 2001; Sheldon et al 2017; Sackman et al. 2020). Those surveys covered a combined total of about 16.16 acres in and around the compressor station. One historic isolated find (45WW290, agricultural equipment) was previously recorded by Historical Research Associates, Inc. in 2010 within the indirect APE. Plateau conducted an on-the-ground inspection of about 35 acres at the Starbuck Compressor Station in August 2021, including 30 probes. No cultural resources were found (Sackman et al 2022).

GTN stated that seven surveys for cultural resources have been previously conducted within one-mile of the Kent Compressor Station. Of these, six covered portions of the direct APE (Mallory 1961; Combs 1961; Moratto et al. 1990; Silvermoon et al. 1992; Root and Ferguson 2001; Fulgham et al. 2020). These previous surveys examined a combined total of about 25.2 acres in and around the compressor station. Seven cultural resources were previously recorded within one-mile of the Kent Compressor Station. Two of those resources (Isolates PEP-5-ISO-4 and PEP-5-ISO-5 - a piece of farm machinery and a mower) were originally recorded in 1992 and evaluated as not eligible for the NRHP (Silvermoon et al. 1992), and also appear to be within the direct APE. A more recent survey at the Kent Compressor Station did not relocate the previously recorded historic isolated finds (Fulgham et al. 2020).

Unanticipated Discoveries Plan

On April 15, 2022, GTN filed a revised UDP and documentation that the revised UDP was provided to potentially interested Indian tribes. None of the tribes have yet to file comments on the plan in the FERC record for this proceeding. On April 26, 2022, GTN's consultant provided the revised UDP to the Oregon, Washington, and Idaho SHPOs. In an August 8, 2022 email to Arcadis, filed with FERC on September 16, 2022, the Washington SHPO indicated that the UDP was "fine." FERC staff reviewed the revised UDP and found it acceptable.

Compliance with the NHPA

No traditional cultural properties or properties of religious or cultural importance to Indian tribes were identified in the APE by GTN or its consultants, the SHPOs, BIA, NPS, or Indian tribes contacted. Therefore, we have complied with the intent of Section 101(d)(6) of the NHPA. We agree with the SHPOs that the Project would not affect any historic properties. Therefore, the intent of Section 106 of the NHPA is satisfied.

4.7 Socioeconomics and Environmental Justice

Socioeconomics

Introducing 50 workers each into Walla Walla and Sherman Counties for seven to eight months may impact the socioeconomic character of the respective Project areas depending upon the source of the increased labor. Local workers shifting from local projects to the Project would not substantially impact local businesses or county/municipal services. Non-local workers coming to the Project area could impact the socioeconomic characters of the respective project areas. Public road use, local business, housing, and public/community services may experience greater use and demand during the modification and installation of Project facilities. Construction vehicles including personal trucks and heavy equipment use of area roads would increase and may result in additional traffic and associated impacts on public safety. Patronage of local businesses may also increase due to the increased presence of construction workers associated with the Project. Project workers not sourced from the local area would affect housing occupancy rates. However, the resulting pressure on housing availability and cost would be minor and temporary. In general, an increase in population results in a greater demand for public services; utilities, police, fire, and medical. These increases in demand and use of local socioeconomic resources would result in minor and temporary impacts to these resources that would cease following construction. Therefore, we have determined that modifying and installing the Project facilities would not result in a significant impact on socioeconomic resources.

Environmental Justice

According to the EPA, “environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies (USEPA 2020b). Meaningful involvement means:

1. people have an appropriate opportunity to participate in decisions about a proposed activity that may affect their environment and/or health;
2. the public’s contributions can influence the regulatory agency’s decision;
3. community concerns will be considered in the decision-making process; and
4. decision makers will seek out and facilitate the involvement of those potentially affected (USEPA 2020b).

In conducting NEPA reviews of proposed natural gas projects, the Commission follows the instruction of Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, which directs federal agencies to identify and address the “disproportionately high and adverse human health or environmental effects” of their actions on minority and low-income populations (i.e., environmental justice communities).²⁰ Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, also directs agencies to develop “programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related, and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts.”²¹ The term “environmental justice community” includes disadvantaged communities that have been historically marginalized and overburdened by pollution.²² Environmental justice communities include, but may not be limited to minority populations, low-income populations, or indigenous peoples.²³

Commission staff used the Federal Interagency Working Group on Environmental Justice & NEPA Committee’s publication, *Promising Practices for EJ Methodologies in NEPA Reviews (Promising Practices)* (USEPA 2016), which provides methodologies for conducting environmental justice analyses throughout the NEPA process for this Project. Commission staff’s use of these methodologies is described throughout this section.

Commission staff used EJScreen 2.0 as an initial step to gather information regarding minority and/or low-income populations; potential environmental quality issues; environmental and demographic indicators; and other important factors. EPA recommends that screening tools, such as EJScreen 2.0, be used for a “screening-level” look and a useful first step in understanding or highlighting locations that may require further review.

Meaningful Engagement and Public Involvement

The CEQ’s *Environmental Justice Guidance Under the National Environmental Policy Act (CEQ Environmental Justice Guidance)* (CEQ 1997) and *Promising Practices* recommend that Federal agencies provide opportunities for effective community participation in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of public meetings, crucial documents, and notices.²⁴ They also recommend using adaptive

²⁰ Exec. Order No. 12,898, 59 Fed. Reg. 7629, at 7629, 7632 (Feb. 11, 1994).

²¹ Exec. Order No. 14,008, 86 Fed. Reg. 7619, at 7629 (Jan. 27, 2021).

²² Id.

²³ See USEPA, *EJ 2020 Glossary* (Aug. 2, 2019), <https://www.epa.gov/environmentaljustice/ej-2020-glossary>.

²⁴ CEQ, *Environmental Justice: Guidance Under the National Environmental Policy Act*, 4 (Dec. 1997) (CEQ’s *Environmental Justice Guidance*), https://www.energy.gov/sites/default/files/nepapub/nepa_documents/RedDont/G-CEQ-EJGuidance.pdf.

approaches to overcome linguistic, institutional, cultural, economic, historical, or other potential barriers to effective participation in the decision-making processes of federal agencies. In addition, Section 8 of Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, strongly encourages independent agencies to “consult with members of communities that have been historically underrepresented in the Federal Government and underserved by, or subject to discrimination in, federal policies and programs.”

FERC received several public comments regarding outreach to environmental justice communities. There have been opportunities for public involvement during the Commission’s environmental review processes, though the record does not demonstrate that these opportunities were targeted at engaging environmental justice communities. FERC’s communication and involvement with the surrounding communities began when the NOA was issued in October 2021 and continued with the NOI that was issued in January 2022 and the Notice of Availability for the draft EIS which was issued in June 2022. These notices were mailed to the parties on FERC’s environmental mailing list, which included Federal and state resource agencies; elected officials; environmental groups and non-governmental organizations; Indian Tribes; potentially affected landowners; all residents (including members of environmental justice communities) within ½ mile of the compressor stations, local libraries and newspapers; and other stakeholders who had indicated an interest in the Project. Issuance of the NOI opened a 30-day formal scoping period and the issuance of the draft EIS opened a 45-day comment period.

GTN has complied with the Commission’s regulations pertaining to landowner and public notification requirements and has engaged in consultation with federally recognized Indian tribes as described in the Cultural Resources section of this EIS. GTN plans to continue its current outreach efforts prior to and during the Project construction period. The GTN virtual open house website (<https://www.tcenergyopenhouse.com/gtnxp/>), originally launched in October 2021, remains active. The virtual open house website includes a feedback form for the public, including environmental justice communities, to submit feedback on the project. GTN has not, to-date, received any comments expressing concern through the feedback form. The virtual open house website also addresses TC Energy’s policies in working with indigenous populations and identifies a specific point of contact for GTN. The site also has several resources for indigenous communities to review including a link for indigenous vendors and suppliers.

GTN has conducted environmental justice community outreach activities to-date in the vicinity of the Starbuck Compressor Station. including sending letters to impacted landowners. These outreach activities have built a means for continuing outreach to, and dialogue with, the environmental justice community identified near the Starbuck Compressor Station.

FERC has identified an environmental justice community in the vicinity of the existing Athol Compressor Station; however, the proposed Project work at Athol Station is minimal and does not involve ground disturbance. GTN has made similar outreach efforts to the local environmental justice community including notifying impacted landowners.

During Project construction, GTN's land agents would remain available to address landowner questions and obtain feedback. In addition, GTN would issue courtesy notifications to landowners within 1 mile as well as the county sheriff, when blowdowns are scheduled to occur.

In addition, regarding future engagement and involvement, in 2021, the Commission established the Office of Public Participation (OPP) to support meaningful public engagement and participation in Commission proceedings. OPP provides members of the public, including environmental justice communities, landowners, Tribal citizens, and consumer advocates, with assistance in FERC proceedings—including navigating Commission processes and activities relating to the Project. For assistance with interventions, comments, requests for rehearing, or other filings, and for information about any applicable deadlines for such filings, members of the public are encouraged to contact OPP directly at 202-502-6592 or OPP@ferc.gov for further information.

FERC received several comments from the EPA, the States of Oregon, Washington, California, and several non-government organizations concerning the EIS's environmental justice analysis. Copies of the summaries of the comments received during scoping are included in appendix A and copies of the comments received in response to the draft EIS are included in appendix E. As an illustration, the EPA recommends we: 1) conduct an EJSCREEN analysis and consider EJSCREEN information for the block group(s) which contain the proposed facilities and a one-mile radius around those areas; 2) apply the "Environmental Justice Interagency Working Group Promising Practices for EJ Methodologies in NEPA Reviews" report; 3) include information about the OPP and FERC's process to meaningfully engage with communities affected by the Project, whether such engagement is through the OPP or another process; 4) incorporate Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government; 5) use detailed assessment language; 6) assess potential air pollution impacts associated with the larger compressors or additional "blow down" events that may be necessary during the construction phase of the project on environmental justice communities; 7) consider cumulative impacts of the potentially increased emissions associated with the larger compressor units in conjunction with pre-existing air quality issues in the areas surrounding the compression stations; consider any increase in negative climate related impacts from failure to meet regional and U.S. GHG reduction targets; and 8) evaluate potential rate increases if demand for natural gas falls and ratepayers are left footing the bill for the cost of this project. In its comments, Columbia Riverkeeper/Sierra Club outlines EO 12898 directions, emphasizes meaningful participation, and reiterates

EPA recommendations concerning emissions, air quality impacts, climate change impacts, and potential rate increases. Comments 1 through 4 were addressed in the preceding discussion. “Detailed assessment language” will be used to the extent necessary and practical. Impacts to air quality affecting environmental justice communities are addressed below. Potential rate increases due to decreased demand are outside the scope of this EIS.

Identification of Environmental Justice Communities

According to the CEQ’s *Environmental Justice Guidance* and *Promising Practices*, minority populations are those groups that include populations categorized as: American Indian or Alaskan Native; Asian or Pacific Islander; Black, not of Hispanic origin; or Hispanic. Following the recommendations set forth in *Promising Practices*, FERC uses the **50 percent** and the **meaningfully greater analysis** methods to identify minority populations. Using these methodologies, minority populations exist when either: (a) the aggregate minority population of a block group in the affected area exceeds 50 percent; or (b) the aggregate minority population of a block group in the affected area is 10 percent higher than the aggregate minority population percentage in the county. The aforementioned guidance also directs low-income populations to be identified based on the annual statistical poverty thresholds from the U.S. Census Bureau. Using *Promising Practices*’ **low-income threshold criteria** method, low-income populations exist when the percentage of low-income population in the identified block group is equal to or greater than that of the county.

Table 4.7-1 and Figures 4.7-1 and 4.7-2 below identify the minority populations (by race and ethnicity) and low-income populations (by block group) present within one mile of the respective Project facilities. Additionally, and based on concerns expressed about emissions and impacts on air quality and environmental justice communities, we requested GTN model the radius of impact for any pollutants that exceeded Significant Impact Levels (SILs). The EPA has historically interpreted Clean Air Act section 165(a)(3) and associated regulations to mean that a source must have a “significant impact” on ambient air quality in order to cause or contribute to a violation. Consequently, EPA designated emission levels for criteria pollutants that if exceeded by a source, could cause or contribute to an exceedance of the NAAQS. These levels are conservative to ensure the protection of air quality and, if predicted, would trigger additional analyses to include ambient conditions. The term used for these designated emission concentrations are the significant impact levels, or SILs. The SILs are based on standard deviation confidence intervals to represent the inherent variability in pollutant concentrations, as determined by the national monitoring network. For the purposes of our analysis, an exceedance of a SIL concentration indicates that the impact may be significant; however, we would only conclude significance if further analysis determines that the emissions would lead to an exceedance of the NAAQS. In its response to our request, GTN provided modeling results indicating that many emissions attributable to the Project facilities would not exceed SILs and for those emissions that did exceed SILs (NO_x and SO₂ at the Starbuck Compressor

Station only), they would only do so within 0.25 mile. In addition, based on total facility emissions modeling, the Project's anticipated incremental and cumulative emissions are below the NAAQS for all pollutants.

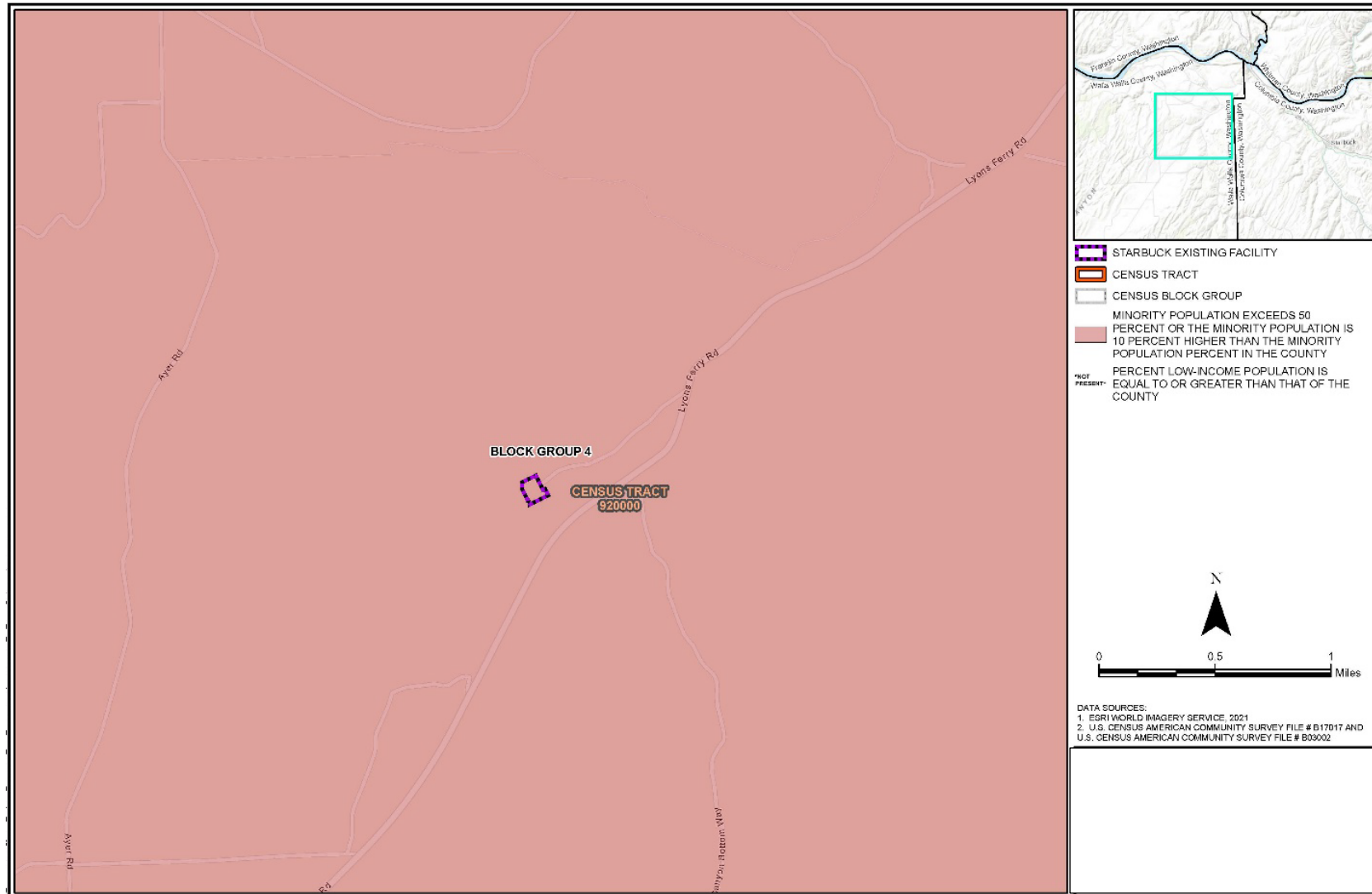
To ensure we are using the most recent available data, we use the U.S. Census American Community Survey File# B03002 and File# B17017 as the source for race, ethnicity, poverty, and age data for households at the census block group level. According to the current U.S. Census Bureau information and consistent with the 50 percent, meaningfully greater analysis, and low-income threshold criteria described above, three minority and/or low-income populations are present within one mile of Project facilities. Specifically, one minority population (Kootenai County, Idaho - Census Tract 1.01, Block Group 2) and one minority and low-income population (Kootenai County, Idaho - Census Tract 2.03, Block Group 2) are present within one mile of the Athol Compressor Station; and one minority population Walla Walla County, Washington - Census Tract 9200, Block Group 4) is present within one mile of the Starbuck Compressor Station. No minority or low-income populations are present within one mile of the Kent Compressor Station.

Table 4.7-1												
Minority Populations by Race and Ethnicity and Low-Income Populations												
State/County/ Census Tract and Block Group	POPULATION COLUMN	RACE AND ETHNICITY COLUMNS										LOW- INCOME COLUMN
	Total	White (Not Hispanic) (%)	Black or African American (%)	Asian (%)	American Indian and Alaska Native (%)	Native Hawaiian & Other Pacific Islander (%)	Some Other Race (%)	Two or More Races (%)	Hispanic or Latino (%)	Total Minority (%)	Total Households Below Poverty Level (%)	
Athol Compressor Station												
Idaho	1,754,367	81.4	0.6	1.3	1.1	0.1	0.2	2.6	12.7	18.6		11.8
Kootenai County	161,676	89.2	0.4	0.8	1.1	0.1	0.5	3.1	4.8	10.8		10.1
Census Tract 1.01 Block Group 2	1,488	78.6	0	0	0	0	11.4	3.6	6.5	21.4		3.1
Census Tract 2.01 Block Group 2	1,603	98.8	0	0	0	0	0	0	1.2	1.2		0
Census Tract 2.03 Block Group 2	1,389	92.9	0	2.5	2.3	0.1	0	1.9	0.2	7.1		11.2

Table 4.7-1												
Minority Populations by Race and Ethnicity and Low-Income Populations												
State/County/ Census Tract and Block Group	POPULATION COLUMN	RACE AND ETHNICITY COLUMNS										LOW- INCOME COLUMN
	Total	White (Not Hispanic) (%)	Black or African American (%)	Asian (%)	American Indian and Alaska Native (%)	Native Hawaiian & Other Pacific Islander (%)	Some Other Race (%)	Two or More Races (%)	Hispanic or Latino (%)	Total Minority (%)	Total Households Below Poverty Level (%)	
Starbuck Compressor Station												
Washington	7,512,000	67.5	3.7	8.7	1.0	0.7	0.3	5.2	12.9	32.5	9.8	
Walla Walla County	60,785	71.2	1.7	1.8	0.3	0.2	0.1	3.2	21.6	28.8	12.8	
Census Tract 9200 Block Group 4	1,559	36.3	0.4	0	0	0	0.8	1.2	61.3	63.7	7.9	
Kent Compressor Station												
Oregon	4,176,346	74.9	1.8	4.4	0.9	0.4	0.3	4.1	13.2	25.1	12.0	
Sherman County	1,686	88.4	0.1	0	0.7	1.2	0	3.2	6.5	11.6	10.9	

Table 4.7-1												
Minority Populations by Race and Ethnicity and Low-Income Populations												
State/County/ Census Tract and Block Group	POPULATION COLUMN	RACE AND ETHNICITY COLUMNS										LOW- INCOME COLUMN
	Total	White (Not Hispanic) (%)	Black or African American (%)	Asian (%)	American Indian and Alaska Native (%)	Native Hawaiian & Other Pacific Islander (%)	Some Other Race (%)	Two or More Races (%)	Hispanic or Latino (%)	Total Minority (%)	Total Households Below Poverty Level (%)	
Census Tract 9501 Block Group 1	834	92.2	0.1	0	0.6	2.4	0	2.5	2.2	7.8	7.9	
Note: Highlighted cells indicate populations that exceed 50 percent and meaningfully greater analysis thresholds and low-income threshold criteria.												

Starbuck Compressor Station Figure 4.7-2



Impacts on Environmental Justice Communities

As previously described, *Promising Practices* provides methodologies for conducting environmental justice analyses. Issues considered in the evaluation of environmental justice include human health or environmental hazards; the natural physical environment; and associated social, economic, and cultural factors. Consistent with *Promising Practices* and our understanding of Executive Order 12898, we reviewed the Project to determine if its resulting impacts would be disproportionately high and adverse on minority and low-income populations and also whether impacts would be significant.²⁵

GTN would modify three existing compressor stations in Idaho, Washington, and Oregon. As described above, no minority or low-income populations are present within one mile of the Kent Compressor Station; therefore, this facility is not addressed further in this analysis.

The Athol Compressor Station in Idaho is located in a suburban and residential environment; however, the only activity at this site would be a software upgrade that would result in the uprating of an existing compressor unit. Hence, with the exception of increased noise and air emissions (discussed below), minority and low-income populations near this facility would not be affected as there is no physical work, ground disturbance, or other activities at this site.

The Starbuck Compressor Station is located in a remote part of southeast Washington. Work at the Starbuck Compressor Station would involve installing a new gas-fired compressor unit, three new gas cooling bays, and associated piping at the existing station site; and uprating an existing gas-fired compressor unit. Based on GTNs surveys, a single residence is located about 0.5 mile from the station and the nearest identified sensitive receptors to the Starbuck Compressor Station, a school and playground, are located about 16 miles away.

Impacts on the natural and human environment resulting from the modification and installation of Project facilities are identified and discussed throughout this document. Factors that could affect environmental justice communities include, socioeconomic impacts (including traffic impacts and increased demand for temporary housing and public services), and air and noise impacts (see sections 4.9 and 4.10). Potentially adverse environmental effects on surrounding communities associated with the Project, including environmental justice communities, would be minimized and/or mitigated. In general, the magnitude and intensity of the aforementioned impacts would be greater for individuals and residences closest to the Project's facilities and would diminish with distance. These

²⁵ See *Promising Practices* at 33 (stating that “an agency may determine that impacts are disproportionately high and adverse, but not significant within the meaning of NEPA”).

impacts are addressed in greater detail in the associated sections of this EIS. Environmental justice concerns are not present for other resource areas such as geology, soils, groundwater, surface water, wetlands, wildlife, visual resources²⁶, or cultural resources due to the minimal overall impact the Project would have on these resources.

Socioeconomics

Due to the relatively small workforce (one crew of 50 individuals), the seven-to-eight-month work period, and the concentration of activities at an existing industrial site, impacts on local communities including nearby minority and low-income populations would be minor. Use of local roads, primarily a single county road and the existing compressor station access road (both paved) would increase during construction (no dirt or gravel roads would be traversed). The addition of 50 vehicle round trips per day and occasional materials deliveries would not substantially impact traffic or local use of roads. Any impact on local economies, housing, or demand for municipal services would also be minor given the scope of the Project.

Noise

As described further in section 4.11, modifying and installing new compressor station equipment and facilities would temporarily and permanently increase noise emitted at each station. This increased noise could impact noise sensitive areas (NSA) and nearby communities including minority and low-income populations. For reference, the human ear's threshold of perception for noise change is considered to be 3 decibels (dB); 6 dB is clearly noticeable to the human ear, and 10 dB is perceived as a doubling of noise.

At the Athol Compressor Station, there would be no construction noise. Operating the modified station would permanently increase noise emitted from the station by about 0.2 dB, measured at nearby NSAs. A 0.2 dB increase in noise would not generally be perceptible at the numerous houses located between 800 and 1,500 feet from the station or the surrounding community. Similarly, minority and low-income populations near the existing station would not likely experience an observable increase in noise as a result of the Project.

At the Starbuck Compressor Station, upgrading and installing the Project facilities would result in varying noise levels on the closest NSA (a single residence, 0.5 mile from the station) ranging from 33.7 dB to 43.7 dB. Operating the modified station would permanently increase noise at the nearest NSA by about 2.0 dB. A 2.0 dB increase in noise would not generally be perceptible at the nearest NSA or the surrounding community.

²⁶ No visual impacts would be observable as there is no construction involved for the Athol Compressor Station and the Starbuck Compressor Station would not be visible from any sensitive receptors, and the proposed facilities would be consistent with the visual character of the existing facilities.

Similarly, minority and low-income populations near the existing station would not likely experience an observable increase in noise as a result of the Project.

In both Project areas, construction and operational noise would remain below the FERC's 55 dBA threshold at nearby NSAs. Additionally, a "blow down" event is not expected at the Athol Compressor Station as only a software upgrade would occur. Should a "blow down" event occur at the Starbuck Compressor Station due to modification and installation activities, the resulting noise would not likely be perceptible at the closest NSA, approximately 0.5 mile away. Therefore, we conclude that the Project facilities would result in a permanent, but minor impact on minority and low-income populations.

Air Quality

Construction emissions in the form of particulate matter (e.g., dust) and construction emissions from equipment exhaust would result in short-term, localized impacts in the immediate vicinity of construction work areas. These emissions would occur over seven to eight months and would vary depending on the construction activity. If necessary, dust suppression measures would be implemented to minimize the impacts of fugitive dust on sensitive areas. Construction air emissions from the Project, when considered with current background concentrations, would be below the NAAQS.

Operational emissions at the modified compressor stations would come from two primary sources: direct gas releases associated with operation and maintenance of the stations and fugitive emissions. GTN completed an air quality dispersion modeling analysis for the Athol and Starbuck Compressor Stations, which are located within environmental justice communities. Based on total facility emissions modeling, the Project's anticipated incremental and cumulative emissions are below the NAAQS for all pollutants for both the compressor stations. Additionally, and as stated above, GTN provided modeling results indicating that many emissions attributable to the Project facilities would not exceed SILs and for those emissions that did exceed SILs (NO_x and SO₂ at the Starbuck Compressor Station only), they would only do so within 0.25 mile. The nearest sensitive receptor to the Starbuck Compressor Station is 0.5 mile away; therefore, no receptors would experience emissions above the SIL.

EPA requested that staff assess potential air pollution impacts associated "blow down" events that may be necessary during the construction phase of the project on environmental justice communities. We do not expect a "blow down" event to occur at the Athol Compressor Station; and should a "blow down" event occur at the Starbuck Compressor Station, the emissions, primarily methane, would quickly dissipate into the atmosphere, and we would not expect that the nearest sensitive receptor (0.5 mile away) would experience an adverse impact.

Although the Project and each compressor station would be in compliance with the NAAQS and the NAAQS are designated to protect sensitive populations, we acknowledge

that NAAQS attainment alone may not assure there is no localized harm to such populations due to Project emissions of VOCs, hazardous air pollutants (HAPs) as well as issues, such as the presence of non-Project related pollution sources, local health risk factors, disease prevalence, and access (or lack thereof) to adequate care. Air quality impacts are discussed in more detail in section 4.9.

Determination of Disproportionately High and Adverse Impacts on Environmental Justice Communities

As described throughout this EIS, the Project would have a range of impacts on the environment and individuals living in the vicinity of the Project, including minority and low-income populations. To reduce potential impacts on the environment, GTN would implement measures identified in its ECS and SPCC Plan. GTN would be required to construct the Project facilities in accordance with all applicable federal permits, consultations, regulations, and guidance, including the Department of Transportation regulations under 49 CFR 192 (Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards). GTN would train company and contractor personnel to familiarize them with environmental requirements and other conditions and provide at least one Environmental Inspector to monitor compliance during construction. FERC environmental staff would also monitor regularly filed inspection reports, address compliance issues, and would have the authority to stop any activity that violates an environmental condition of a FERC Certificate. To ensure that the modified compressor stations operate in compliance with our noise requirements, we recommend in section 4.10 that GTN conduct noise surveys after placing each modified compressor station into service and file those with the Commission for our review.

In conclusion, impacts on environmental justice communities associated with the Athol and Starbuck Compressor Stations would be disproportionately high and adverse as they would be predominately borne by environmental justice communities. However, Project impacts associated with socioeconomics (including traffic), noise, and air quality would be less than significant.

4.8 Land Use

All lands within the fenced-boundaries of the Starbuck and Kent Compressor Stations and the access roads leading to them are considered developed/industrial. Developed/industrial lands are generally characterized as graveled or paved, or generally disturbed and maintained, unvegetated or having minimal vegetation, and occupied or adjacent to/associated with aboveground natural gas transmission facilities. Lands outside the fenced-boundaries of the Starbuck Compressor Station, but abutting the station, are considered unmanaged open space or “open lands”. These lands are also considered grass lands (see Vegetation discussion above). No planned residential, commercial, or industrial developments were identified in the vicinity of the Project sites. Additionally, there are no agricultural lands, or state or federally-managed lands or other specially designated or

managed lands within 0.25 mile of either site. The nearest residence to either the Starbuck or Kent Compressor Stations is about 0.5 mile away.

In its comments on the Project, the EPA recommends that the EIS discuss the land use types covering the Kent Compressor Station and its surrounding areas since it is the only facility that will have new construction outside of its existing footprint. The EPA also recommends the EIS describe the impacts to open land use types, indicate if these impacts would be permanent or temporary, and describe any mitigation measures to impacts. Lastly, the EPA recommends the EIS discuss impacts to farmlands and any measures to restore farmlands and compensate landowners for losses incurred because of the proposed action. We have addressed the EPA's comments in this section.

Modifying and installing the Project facilities would temporarily impact about 18.6 acres of developed/industrial lands and 28.3 acres of open space/land. Operating the new facilities would result in the permanent conversion of about 1.2 acres of land from open space/land to developed industrial. This conversion and permanent impact would occur on lands abutting the Kent Compressor Station and these lands would be incorporated into the management operations of the existing facilities/site.

Based on the existing uses of affected lands, the scope of the Project, the temporary nature of impacts on land use, and the minimal permanent impacts on open space/lands due to the installation of the aboveground facilities, we conclude that modifying and installing the Project would not significantly impact land use.

4.9 Air Quality and Climate Change

Air Quality

The term "air quality" refers to the relative concentrations of pollutants in the ambient air. Local and regional air quality in the Project area would be affected by modification and installation of the Project facilities. This section summarizes federal and state air quality regulations that are applicable to the Project facilities. This section also characterizes the existing air quality and describes the potential impacts the modified facilities may have on air quality regionally and locally, as well as the Project's potential impacts on climate change.

Ambient air quality is protected by the Clean Air Act (CAA) of 1970, as amended in 1977 and 1990. The EPA oversees the implementation of the CAA and has established the National Ambient Air Quality Standards (NAAQS) to protect human health and welfare.²⁸ NAAQS have been developed for seven "criteria air pollutants" including

²⁸ The current NAAQS are listed on the USEPA's website at <https://www.epa.gov/criteria-air-pollutants/naaqs-table>.

nitrogen dioxide (NO₂), carbon monoxide (CO), ozone, sulfur dioxide (SO₂), particulate matter less than or equal to 2.5 microns in aerodynamic diameter (PM_{2.5}), particulate matter less than or equal to 10 microns in aerodynamic diameter (PM₁₀), and lead, and includes levels for short-term (acute) and long term (chronic) exposures. Ozone is not directly emitted into the atmosphere from an emission source. Ozone develops as a result of a chemical reaction between nitrogen oxides (NO_x) and Volatile Organic Compounds (VOCs) in the presence of sunlight.

As well as being the reactant to form ozone, VOCs are a subset of organic compounds that are emitted during fossil-fuel combustion and can cause a variety of health effects, from irritation to more serious health impacts. Fossil fuels would be used in construction equipment for the Project and during operation of the modified facilities at the compressor stations. Hazardous Air Pollutants (HAPs) are also emitted during fossil-fuel combustion and contain compounds that are known or suspected of causing serious health effects.

The NAAQS include two standards, primary and secondary. Primary standards establish limits that are considered to be protective of human health and welfare, including sensitive populations such as children, the elderly, and asthmatics. Secondary standards set limits to protect public welfare, including protection against reduced visibility and damage to crops, vegetation, animals, and buildings (USEPA 2021e). Under the CAA, each state prepares a State Implementation Plan to demonstrate the state's air quality management program to attain or maintain the NAAQS. States must adopt standards that are at least as stringent as the NAAQS. At the state level, the States of Idaho, Washington, and Oregon have adopted standards which are equivalent to the NAAQS for CO, ozone, SO₂, PM_{2.5}, PM₁₀, and lead. Kootenai County, Idaho, where the Athol Compressor Station is located, Walla Walla County, Washington where the Starbuck Compressor Station is located and Sherman County, Oregon, where the Kent Compressor Station is located, are considered to be in attainment or unclassified for all criteria pollutants.

The term "greenhouse gases" also referred to as GHGs refers to the gases and aerosols that occur in the atmosphere both naturally and as a result of human activities, such as the burning of fossil fuels. GHGs are non-toxic and non-hazardous at normal ambient concentrations; however, they were identified as pollutants by the EPA due to their impact on the global climate. The primary GHGs that would be emitted by the Project are carbon dioxide (CO₂), methane, and nitrous oxide. The modification, installation, and operation of the Athol, Starbuck, and Kent Compressor Stations would result in GHG emissions.

GHG emissions are typically quantified and regulated in units of carbon dioxide equivalents (CO_{2e}). The CO_{2e} takes into account the global warming potential (GWP) of each GHG. The GWP is the measure of a particular GHG's ability to absorb solar radiation as well as its residence time within the atmosphere. The GWP allows comparison of global

warming impacts between different gases; the higher the GWP, the more that gas contributes to climate change in comparison to CO₂. For comparison, CO₂ has a GWP of 1, methane has a GWP of 25, and nitrous oxide has a GWP of 298 (USEPA 2021f).² There are no applicable ambient standards or emission limits for GHG under the CAA.

Existing Air Quality

The Project areas for this air analysis are located in Kootenai County, Idaho, Walla Walla County, Washington, and Sherman County, Oregon. Based on data obtained from The National Weather Service Meteorological Station in Spokane, Washington (KOTX) which is located 35 miles from Kootenai County, the average maximum daily temperature is 54.8 degrees Fahrenheit (°F) and the average minimum daily temperature is 37.3°F. The average annual precipitation is 15.36 inches. In Walla Walla County the average maximum daily temperature is 65.8 °F and the average minimum daily temperature is 43.6 °F. The average annual precipitation is 7.73 inches. Long-term temperature and precipitation values used the annual and seasonal climate normal - computed for the 30-year period from 1981 to 2010 obtained from the Western Regional Climate Center (2021a). In Sherman County the average maximum daily temperature is 62.1 °F and the average minimum daily temperature is 32.7 °F. The average annual precipitation is 8.64 inches. Long-term temperature and precipitation values used the annual and seasonal climate normal - computed for the period from 1948 to 2016 obtained from the Western Regional Climate Center (2021b).

The EPA and state and local agencies have established a network of ambient air quality monitoring stations to measure concentrations of criteria pollutants across the United States. The data are then averaged over a specific time-period and used by regulatory agencies to determine compliance with the NAAQS and to determine if an area is in attainment (criteria pollutant concentrations are below the NAAQS), nonattainment (criteria pollutant concentrations exceed the NAAQS), or maintenance (area was formerly nonattainment and is currently in attainment). Dispersion modeling was conducted for the Project facilities as part of the respective permitting processes. The modeling demonstrated that the Project would comply with all state and federal air quality standards and was approved by the state authorities.

Regulatory Requirements

The CAA is the basic federal statute governing air pollution in the United States. We have reviewed the following federal requirements and determined their applicability to the proposed Project.

- **Prevention of Significant Deterioration (PSD)** permits, which are required for new major sources or an existing source making a major modification in an

attainment area. The Athol, Starbuck and Kent Compressor Stations area each located in an area of attainment. PSD is intended to keep new air emission sources from causing the existing air quality to deteriorate beyond acceptable levels. The modifications of Athol, Starbuck and Kent Compressor Stations would not trigger any requirements under PSD.

- **Nonattainment and Minor NSR** permits, which are required for new major sources or an existing source making a major modification in a nonattainment area. The proposed Project would not be located in a nonattainment area; therefore, NSR would not be applicable.
- **Title V** of the CAA requires major source of air pollutants to obtain and operate in compliance with a federal enforceable operating permit. Sources subject to the Title V operating permit program are required to certify compliance with the applicable requirements of the permits. The EPA has delegated 40 CFR 70 Operating Permit Program authority to each of the applicable state environmental agencies (i.e., Idaho Department of Environmental Quality, Oregon Department of Environmental Quality, and Washington State Department of Ecology). The Project facilities would be subject to Title V requirements. GTN submitted copies of the applicable permits in their original application filed on October 4, 2021.
- **The National Emissions Standards for Hazardous Air Pollutants (NESHAP)**, codified in 40 CFR 61 and 63, regulate the emissions of hazardous air pollutants (HAPs), from new and existing sources. All project compressor stations would continue to be an area source of HAPs. The applicable regulations included 40 CFR 63 Subpart A and ZZZZ.
- **The New Source Performance Standards (NSPS)** are codified in 40 CFR Part 60. NSPS apply to new, modified, and reconstructed affected facilities in specific source categories. The applicable regulations are included in GTN's current air permits, where are 40 CFR 60 NSPS Subpart A, GG, JJJJ, KKKK and OOOOa.
- **A General Conformity applicability analysis** would be required for any part of the Project occurring in a nonattainment of maintenance areas for criteria pollutants. General conformity regulations in 40 CFR 93, Subpart B, are designed to ensure that actions taken by federal agencies in nonattainment and maintenance areas do not interfere with a state's ability to attain or maintain compliance with the NAAQS. The Project is a federal action because a federal agency would be approving the Project. Because the Project would occur only in areas designated as attainment/unclassified, a general conformity determination is not needed

Construction Emissions Impacts and Mitigation

The modification and installation of the Project facilities would result in a temporary reduction in ambient air quality due to criteria pollutant emissions and fugitive dust generated by construction equipment. The quantity of fugitive dust emissions would depend on the moisture content and texture of the soils that would be disturbed. Fugitive dust and other emissions due to Project-related activities generally do not pose a significant increase in regional pollutant levels; however, local pollutant levels could increase. If necessary, dust suppression measures would be implemented to minimize the impacts of fugitive dust on sensitive areas. Moreover, large equipment that is powered by diesel or gasoline engines are sources of combustion-related emissions including GHGs [reported as CO_{2e}], NO_x, CO, VOC, SO₂, PM₁₀, PM_{2.5} and HAPs. We have determined based on the scope of the Project and the amount of land affected that the Project facilities would result in temporary, localized, and minor impacts on air quality. Additionally, construction equipment emission estimates demonstrate that the Project would not cause or contribute to an exceedance of the NAAQS.

Construction emissions from the Project are shown in table 4.9-1 below. As described previously, no construction activities would occur in Kootenai County, Idaho; therefore, none are reported in table 4.9-1. These construction activities are a substantial component of total emissions for the Project; and as shown below, the construction emissions for the Project are below the General Conformity applicability thresholds for a serious nonattainment area, marginal nonattainment area, and a maintenance area. Therefore, a General Conformity Determination is not required.

Table 4.9-1								
Construction Emissions (tons)								
Construction Activity	CO	NO_x	VOC	PM₁₀	PM_{2.5}	SO₂	HAP	CO_{2e}
Walla Walla County, Washington								
Diesel non-road equipment	2.99	5.35	0.72	0.91	0.91	0.45	0.11	2,739
Diesel and gas on-road equipment	3.44	0.6	0.14	0.02	0.02	0.005	0.05	399
Construction activity fugitive dust	N/A	N/A	N/A	0.09	0.01	N/A	N/A	N/A
Roadway fugitive dust	N/A	N/A	N/A	0.07	0.03	N/A	N/A	N/A
Fugitive Components	N/A	N/A	0	N/A	N/A	N/A	N/A	0
Subtotal	6.43	5.95	0.87	1.09	0.97	0.45	0.16	3,140
Sherman County, Oregon								
Diesel non-road equipment	2.62	6.35	0.94	1.14	1.14	0.6	0.14	3,574
Diesel and gas on-road equipment	1.75	0.44	0.09	0.02	0.02	0.003	0.03	226
Construction activity fugitive dust	N/A	N/A	N/A	0.47	0.05	N/A	N/A	N/A
Roadway fugitive dust	N/A	N/A	N/A	0.08	0.04	N/A	N/A	N/A
Fugitive Components	N/A	N/A	0	N/A	N/A	N/A	N/A	0
Subtotal	4.37	6.79	1.03	1.71	1.26	0.6	0.17	3,800
Totals	10.8	12.74	1.9	2.8	2.23	1.05	0.33	6,940

Table 4.9-1 Construction Emissions (tons)								
Construction Activity	CO	NO _x	VOC	PM ₁₀	PM _{2.5}	SO ₂	HAP	CO _{2e}
N/A - not applicable								

In its comments on the Project, the EPA recommends the implementation of best practices to reduce emissions during the construction phase of compressor station upgrades, such as options that explore diesel controls, and cleaner fuel (ultra-low sulfur diesel) and construction practices for on-road and off-road equipment. GTN has committed to use low-sulfur diesel fuel in all construction equipment and vehicles that use diesel fuel.

Operational Emissions Impacts and Mitigation

Operational emissions at the modified compressor stations would come from two primary sources: direct gas releases associated with operation and maintenance of the stations and fugitive emissions (blowdowns and leaks). Emissions of individual pollutants were calculated by multiplying the total fugitive gas emissions from gas releases by the estimated weight percent of each pollutant in the natural gas. Emissions from fugitive components were estimated using design documents to determine the quantity of components and using EPA emission factors for oil and gas facilities. GTN has stated that emissions from the proposed modifications would be minimal, and there would not be any increase in fugitive emissions from the Athol and Kent Compressor Stations. Existing operational emissions from the Project are shown in table 4.9-2 below.

Table 4.9-2 Compressor Station Operational Emissions (tpy)							
Emission Units	NO _x	CO	VOC	PM ₁₀ /PM _{2.5}	SO ₂	CO _{2e}	Total HAPs
Athol Compressor Station							
Unit 5D Solar Titan 130 Turbine	41.29	128.97	6.5	4.91	0.53	87,081	0.76
IA - Fuel Gas Heater	0.43	0.36	0.02	0.03	0.003	513	0.01
IA - Space Heaters	0.12	0.10	0.01	0.01	0.001	138	0.002
AUX-1 Caterpillar G3512 Emergency Generator	2.01	4.03	1.01	0.03	0.002	382	0.325
Equipment Leaks (Fugitive Emissions)	N/A	N/A	15.18	N/A	N/A	41,793	N/A
Venting	N/A	N/A	0.49	N/A	N/A	1,339	N/A
Proposed Facility PTE	43.85	133.45	14.55	4.98	0.54	107,401	1.10

Table 4.9-2 Compressor Station Operational Emissions (tpy)							
Emission Units	NO_x	CO	VOC	PM₁₀/PM_{2.5}	SO₂	CO_{2e}	Total HAPs
Unit 5C Cooper Coberra 6000 Turbine	197.03	142.79	3.07	3.01	3.81	156,885	1.38
Lube Oil Tanks	N/A	N/A	0.001	N/A	N/A	N/A	N/A
Equipment Leaks (Fugitive Emissions)	N/A	N/A	8.66	N/A	N/A	23,845	N/A
Existing Facility PTE	197.03	142.79	11.7	3.01	3.81	180,730	1.38
Facility Total	240.88	276.25	26.28	7.99	4.35	288,131	2.48
<i>Title V Threshold</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>N/A</i>	<i>25</i>
<i>PSD Major Source Threshold</i>	<i>250</i>	<i>250</i>	<i>250</i>	<i>250</i>	<i>250</i>	<i>100,000</i>	<i>N/A</i>
Starbuck Compressor Station							
Unit 7D Solar Titan 130 Turbine	44.53	48.26	5.89	5.43	0.59	96,416	0.85
Unit 7E Solar Titan 130 Turbine	44.53	48.26	5.89	5.43	0.59	96,416	0.85
IA - Fuel Gas Heater	0.86	0.72	0.05	0.07	0.006	1,026	0.02
IA - Space Heaters	0.27	0.23	0.01	0.02	0.002	323	0.005
AUX GEN2 Caterpillar G3512 Emergency Generator	2.01	4.03	1.01	0.03	0.002	382	0.236
Equipment Leaks (Fugitive Emissions)	N/A	N/A	8.87	N/A	N/A	24,431	N/A
Venting	N/A	N/A	6.83	N/A	N/A	18,818	N/A
Proposed Facility PTE	92.20	101.49	18.37	10.98	1.19	213,135	1.96
Unit 7C Cooper Rolls Coberra RB-211	236	173	5.26	3.6	4.6	142,532	1.25
IA - Space Heaters	0.86	0.72	0.05	0.07	0.01	1,026	0.02
IA - Water Heater	0.02	0.01	0.001	0	0.0001	21	0.0003
Pipeline Fluids Tank	N/A	N/A	0.002	N/A	N/A	N/A	N/A
Lube Oil Tanks	N/A	N/A	0.06	N/A	N/A	N/A	N/A
Equipment Leaks (Fugitive Emissions)	N/A	N/A	7.48	N/A	N/A	20,598	N/A
Venting	N/A	N/A	1.32	N/A	N/A	3,625	N/A
Existing Facility PTE	236.88	173.74	14.17	3.67	4.61	167,801	1.27

Table 4.9-2 Compressor Station Operational Emissions (tpy)							
Emission Units	NO_x	CO	VOC	PM₁₀/PM_{2.5}	SO₂	CO_{2e}	Total HAPs
Facility Total	329.08	275.23	33.92	14.65	5.8	381,391	3.23
<i>Title V Threshold</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>N/A</i>	<i>25</i>
<i>PSD Major Source Threshold</i>	<i>250</i>	<i>250</i>	<i>250</i>	<i>250</i>	<i>250</i>	<i>100,000</i>	<i>N/A</i>
Kent Compressor Station							
Unit 10D Solar Titan 130 Turbine	40.95	128.59	6.46	4.86	0.53	86,244	0.76
IA - Fuel Gas Heater	0.64	0.54	0.04	0.05	0.005	769	0.01
IA - Space Heaters	0.32	0.27	0.02	0.02	0.002	385	0.01
AUX-1 Caterpillar G3512 Emergency Generator	0.12	0.1	0.01	0.01	0.001	138	0.002
Equipment Leaks (Fugitive Emissions)	N/A	N/A	26.78	N/A	N/A	73,758	N/A
Venting	N/A	N/A	9.84	N/A	N/A	27,124	N/A
Proposed Facility PTE	42.04	129.50	15.67	4.94	0.54	112,743	0.78
Unit 10A Solar Mars	31.23	10.69	1	3.16	1.36	53,843	0.49
Unit 10C Solar Titan	34.01	21.12	1.28	4.02	1.73	68,409	0.63
Caterpillar G3516	11.61	1.58	0.34	0.03	0.002	333	0.21
Condensate Tank	N/A	N/A	0.002	N/A	N/A	N/A	N/A
Lube Oil Tanks	N/A	N/A	0.001	N/A	N/A	N/A	N/A
Equipment Leaks (Fugitive Emissions)	N/A	N/A	20.26	N/A	N/A	17,948	N/A
Venting	N/A	N/A	7,21	N/A	N/A	7,257	N/A
Existing Facility PTE	76.84	33.40	30.09	7.20	3.09	198,262	1.32
Facility Total	118.88	162.89	45.77	12.15	3.63	311,003	2.11
<i>Title V Threshold</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>100</i>	<i>N/A</i>	<i>25</i>
<i>PSD Major Source Threshold</i>	<i>250</i>	<i>250</i>	<i>250</i>	<i>250</i>	<i>250</i>	<i>100,000</i>	<i>N/A</i>

The Athol Compressor Station, the Starbuck Compressor Station, and the Kent Compressor Station are all Title V facilities and require Title V permits and must meet all their permit requirements. The compressor stations are also above the PSD major source threshold for CO_{2e}; however, major source thresholds would only be triggered if the compressor stations were an “anyway source” which means triggering PSD for one of the

other regulated PSD pollutants. Even though the compressor stations are above the PSD threshold for CO_{2e}, PSD is not triggered because none of the other pollutants exceed the PSD threshold.

Modeling results for the total facility emissions, inclusive of the proposed Project facility modifications, are provided for the Athol, Starbuck, and Kent Compressor Stations in tables 4.9-3, 4.9-4, and 4.9-5 below. The AERMOD Model version 19191 was used to conduct the modeling. Meteorological data was obtained from the National Oceanic and Atmospheric Administration. The weather data was obtained from airports located closest to the compressor stations. The modeling results demonstrate that the Project's anticipated incremental and cumulative emissions are below the NAAQS for all pollutants

Table 4.9-3 Athol Compressor Station Modeling Results					
Pollutant	Averaging Period	Facility Emissions (µg/m³)	Background (µg/m³)	Total (µg/m³)	NAAQS (µg/m³)
NO_x	1-hour	94.88	27.3	122.18	188
	Annual	3.62	6.4	10.02	100
CO	1-hour	94.84	1443	1537.84	40000
	8-hour	37.65	1111	1148.65	10000
PM₁₀	24-hour	0.88	94.1	94.98	150
PM_{2.5}	24-hour	0.73	20.7	21.43	35
	Annual	0.26	6.6	6.86	12
SO₂	1-hour	23.18	12.3	35.48	196
	3-hour	21.49	16.8	38.29	1300

Table 4.9-4 Starbuck Compressor Station Modeling Results					
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Pollutant	Averaging Period	Facility Emissions ($\mu\text{g}/\text{m}^3$)	Background ($\mu\text{g}/\text{m}^3$)	Total ($\mu\text{g}/\text{m}^3$)	NAAQS ($\mu\text{g}/\text{m}^3$)
NO _x	1-hour	98.88	85.35	184.23	188
	Annual	5.73	21.21	26.95	100
CO	1-hour	223.28	1231.2	1454.48	40000
	8-hour	104.1	980.4	1084.5	10000
PM ₁₀	24-hour	1.39	127.4	128.79	150
PM _{2.5}	24-hour	1.15	30.4	31.55	35
	Annual	0.44	7.38	7.82	12
SO ₂	1-hour	24.6	15.72	40.32	196
	3-hour	34.93	17.29	52.22	1300

**Table 4.9-5
Kent Compressor Station Modeling Results**

Pollutant	Averaging Period	Facility Emissions ($\mu\text{g}/\text{m}^3$)	Background ($\mu\text{g}/\text{m}^3$)	Total ($\mu\text{g}/\text{m}^3$)	NAAQS ($\mu\text{g}/\text{m}^3$)
NO _x	1-hour	30	67.68	97.68	188
	Annual	3.82	16.40	20.23	100
CO	1-hour	34.31	2188.80	2223.11	40000
	8-hour	21.41	1618.8	1640.21	10000
PM ₁₀	24-hour	1.33	66.60	67.93	150
PM _{2.5}	24-hour	1.08	22.40	23.48	35
	Annual	0.29	6.88	7.17	12
SO ₂	1-hour	19.86	8.38	28.24	196
	3-hour	20.72	10.95	31.68	1300

In its comments on the Project, the EPA recommends consulting the Natural Gas STAR Program, which provides information on a range of cost-effective technologies and practices that improve operational efficiency and reduce methane emissions. In response to a staff information request concerning the EPA's comments and the measures GTN would implement to reduce methane and fugitive emissions, GTN states that it is focused on modernizing its existing natural gas assets to facilitate a reduction in GHG emissions as well as minimizing GHG emissions during the construction and operation of new natural gas infrastructure. GTN's parent company, TC Energy participates and partners with research organizations such as the Pipeline Research Council International and industry groups, including EPA's Natural Gas STAR program, the ONE Future Coalition, and the

American Petroleum Institute's Environmental Partnership. GTN's methane emissions information is submitted annually to the ONE Future Coalition and would be also reported for the EPA's Methane Challenge Program. TC Energy is further committed to complying with existing and emerging regulatory requirements that are intended to facilitate a reduction in GHGs during construction and operation of its facilities. As such, GTN would maintain compliance with requirements for notifications, reporting, and recordkeeping as specified in New Source Performance Standards Subpart OOOOa.

Downstream Emissions

Regarding downstream GHG, the Project is subscribed for 150,000 Dth/d of natural gas, of that, Cascade Natural Gas Corporation subscribed for 20,000 Dth/d, Intermountain Gas Company subscribed for 79,000 Dth/d, and Tourmaline Marketing Corp (Tourmaline) subscribed for 51,000 Dth/d. Based on information in GTN's application, Cascade Natural Gas Corporation and Intermountain Gas Company are local distribution companies LDCs that provide natural gas service to residential, commercial, and industrial users in Washington, Oregon, and Idaho. However, Tourmaline is a Canadian natural gas producer and it's unclear where the gas would be delivered and for what end-use, aside from general statements about West Coast markets. Therefore, we cannot estimate the nature or location of end use of Tourmaline subscribed capacity, so, we conclude that downstream emissions from Tourmaline's subscribed capacity are not reasonably foreseeable. For the purpose of our calculation, we assume 99,000 Dth/d would be the subscribed capacity with a reasonably foreseeable end-users, we further assume that the natural gas would be completely combusted.

In its comments on the Project, the EPA stated that upstream emissions from production are demonstrably reasonably foreseeable indirect effects of the proposed action and therefore should be considered NEPA. The EPA also stated that GTN should be required to submit information on the foreseeable upstream impacts caused by the project or an explanation as to why there are none. GTN should be required to provide information on the foreseeable induced production demand, disclose any known hydrocarbon accumulations for the region and provide other information necessary to allow for an appropriate regional and local impact analysis.

As the Commission has stated in previous proceedings, the environmental effects resulting from natural gas production are generally neither caused by a proposed natural gas infrastructure project nor are they reasonably foreseeable consequences of our approval of an infrastructure project, as contemplated by CEQ regulations, where the supply source is unknown. Here, the specific source of the additional natural gas to be transported via the GTN Xpress Project is currently unknown and may change throughout the project's operation. Accordingly, we affirm that the GHG emissions associated with upstream production of gas are not a reasonably foreseeable impact of this project. The Commission will continue to determine, on a case-by-case basis, whether GHG emissions from

upstream production activities are a reasonably foreseeable and causally connected result of a proposed project.

Climate Change

Climate change is the variation in the Earth's climate (including temperature, precipitation, humidity, wind, and other meteorological variables) over time. Climate change is driven by accumulation of GHGs in the atmosphere due to the increased consumption of fossil fuels (e.g., coal, petroleum, and natural gas) since the early beginnings of the industrial age and accelerating in the mid- to late-20th century.²⁹ The GHGs produced by fossil-fuel combustion are CO₂, methane, and nitrous oxide.

In comments on the Project, the EPA recommends that the EIS should include a discussion of reasonably foreseeable effects that changes in the climate may have on the proposed project, and what impacts the proposed project will have on climate change consequences. We address this comment in the following discussion.

In 2017 and 2018, the U.S. Global Change research Program (USGCRP)³⁰ issued its *Climate Science Special Report: Fourth National Climate Assessment, Volumes I and II*.³¹ This report and the recently released report by the Intergovernmental Panel on Climate Change, *Climate Change 2021: The Physical Science Basis*, state that climate change has resulted in a wide range of impacts across every region of the country and the globe. Those impacts extend beyond atmospheric climate change alone and include changes to water resources, agriculture, ecosystems, human health, and ocean systems.³² According to the Fourth Assessment Report, the United States and the world are warming; global sea level is rising, and oceans are acidifying; and certain weather events are becoming more frequent

²⁹ Intergovernmental Panel on Climate Change, United Nations, *Summary for Policymakers of Climate Change 2021: The Physical Science Basis*. (Valerie Masson-Delmotte et al., eds.) (2021), https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf (IPCC Report) at SPM-5. Other forces contribute to climate change, such as agriculture, forest clearing, and other anthropogenically driven sources.

³⁰ The U.S. Global Change Research Program is the leading U.S. scientific body on climate change. It comprises representatives from 13 federal departments and agencies and issues reports every 4 years that describe the state of the science relating to climate change and the effects of climate change on different regions of the United States and on various societal and environmental sectors, such as water resources, agriculture, energy use, and human health.

³¹ U.S. Global Change Research Program, *Climate Science Special Report, Fourth National Climate Assessment | Volume I* (Donald J. Wuebbles et al. eds) (2017), https://science2017.globalchange.gov/downloads/CSSR2017_FullReport.pdf (USGCRP Report Volume I); U.S. Global Change Research Program, *Fourth National Climate Assessment, Volume II Impacts, Risks, And Adaptation In The United States* (David Reidmiller et al. eds.) (2018), https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf (USGCRP Report Volume II).

³² IPCC Report at SPM-5 to SPM-10.

and more severe.³³ These impacts have accelerated throughout the end of the 20th and into the 21st century.³⁴

GHG emissions do not result in proportional local and immediate impacts; it is the combined concentration in the atmosphere that affects the global climate. These are fundamentally global impacts that feed back to local and regional climate change impacts. Thus, the geographic scope for cumulative analysis of GHG emissions is global rather than local or regional. For example, a project 1 mile away emitting 1 ton of GHGs would contribute to climate change in a similar manner as a project 2,000 miles distant also emitting 1 ton of GHGs.

Climate change is a global concern; however, for this analysis, we will focus on the existing and potential cumulative climate change impacts in the Project area. The EPA recommended that the EIS include an assessment of climate change impacts on the Project area. The USGCRP's Fourth Assessment Report notes the following observations of environmental impacts are attributed to climate change in the Northwest region:

- the region has warmed nearly 2°F since 1900;
- warmer winters have led to reductions in mountain snowpack, resulting in drought, water scarcity, and large wildfires;
- declines in dissolved oxygen in streams and lakes have caused fish kills and loss of aquatic species diversity; and
- moderate to severe spring and summer drought areas have increased 12 percent to 14 percent.

The USGCRP's Fourth Assessment Report notes the following projections of climate change impacts in the Project region with a high or very high level of confidence (USGCRP, 2018):³⁵

³³ USGCRP Report Volume II at 73-75.

³⁴ See, e.g., USGCRP Report Volume II at 99 (describing accelerating flooding rates in Atlantic and Gulf Coast cities).

³⁵ The report authors assessed current scientific understanding of climate change based on available scientific literature. Each "Key Finding" listed in the report is accompanied by a confidence statement indicating the consistency of evidence or the consistency of model projections. A high level of confidence results from "moderate evidence (several sources, some consistency, methods vary and/or documentation limited, etc.), medium consensus." A very high level of confidence results from "strong evidence (established theory, multiple sources, consistent results, well documented and accepted methods, etc.), high consensus."

<https://science2017.globalchange.gov/chapter/frontmatter-guide/>

- increase in stream temperature indicate a 22 percent reduction in salmon habit by the late 20th century;
- more frequent severe winter storms, which may contribute to storm surge, large waves, coastal erosion, and flooding in low-lying coastal areas;
- the warming trend is projected to be accentuated in certain mountain areas in the Northwest in late winter and spring, further exacerbating snowpack loss and increasing the risk for insect infestations and wildfires;
- longer period of time between rainfall events may lead to declines in recharge of groundwater and decreased water availability, and responses to decreased water availability, such as increased groundwater pumping, may lead to stress or depletion of aquifers and strain on surface water source; and
- increase in evaporation and plant water loss rates may alter the balance of runoff and groundwater recharge, which would likely to lead to saltwater intrusion into shallow aquifers.

It should be noted that while the impacts described above taken individually may be manageable for certain communities, the impacts of compound extreme events (such as simultaneous heat and drought, wildfires associated with hot and dry conditions, or flooding associated with high precipitation on top of saturated soils) can be greater than the sum of the parts.³⁶

Modifying and installing the Project facilities would increase the atmospheric concentration of GHGs in combination with past, current, and future emissions from all other sources globally and contribute incrementally to future climate change impacts. To assess impacts on climate change associated with the Project, Commission staff considered whether it could identify discrete physical impacts resulting from the Project's GHG emissions or compare the Project's GHG emissions to established targets designed to combat climate change. To date, Commission staff have not identified a methodology to attribute discrete, quantifiable, physical effects on the environment resulting from the Project's incremental contribution to GHGs. Without the ability to determine discrete resource impacts, Commission staff are unable to assess the Project's contribution to climate change through any objective analysis of physical impact attributable to the Project. Additionally, Commission staff have not been able to find an established threshold for determining the Project's significance when compared to established GHG reduction targets at the state or federal level. Ultimately, this EIS is not characterizing the Project's GHG emissions as significant or insignificant because the Commission is conducting a generic proceeding to determine whether and how the Commission will conduct

³⁶ USGCRP Report Volume II.

significance determinations going forward.³⁷ However, as we have done in prior NEPA analyses and to address EPA's comment recommending that the EIS should assess the extent to which the proposed project is consistent with U.S. and global policy to limit GHG emissions, we disclose the Project's GHG emissions in comparison to national and state GHG emission inventories.

In order to provide context of the Project emissions on a national level, we compare the Project's GHG emissions to the total GHG emissions of the United States as a whole. At a national level, 5,222 million metric tons of CO_{2e} were emitted in 2020 (inclusive of CO_{2e} sources and sinks) (EPA, April 2022). Construction emissions from the Project could potentially increase CO_{2e} emissions based on the national 2020 levels by 0.0001 percent. In subsequent years, the Project's proposed operational emissions would be 393,065 metric tons of CO_{2e}. The annual downstream emissions, based on the reasonably foreseeable subscribed capacity would be (1.9 million metric tons of CO_{2e}), which could potentially increase emissions by 0.04 percent based on the national 2020 levels.

In order to provide context of the Project emissions on a state level, we compare the Project's GHG emissions (above) to the state's emission inventories. The Project's total downstream emissions were allocated to Washington, Oregon, and Idaho based on the service area of the LDCs that have subscribed capacity.³⁸ At a state level, 19.4 million metric tons of CO_{2e} were emitted in 2020 in the state of Idaho; 68.4 million metric tons of CO_{2e} were emitted in 2020 in the state of Washington; and 37.5 million metric tons of CO_{2e} were emitted in 2020 in the state of Oregon (inclusive of CO_{2e} sources and sinks) (USEIA 2022).

Construction emissions from the Project could potentially increase CO_{2e} emissions based on the state's 2020 levels by 0.005 percent in Washington; and construction emissions from the Project could potentially increase CO_{2e} emissions based on the state's 2020 levels by 0.01 percent in Oregon. In subsequent years, Project operations and downstream emissions could potentially increase emissions by 8.4 percent based on the

³⁷ *Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews*, 178 FERC ¶ 61,108 (2022); 178 FERC ¶ 61,197 (2022).

³⁸ We assume that end use for Intermountain Gas Company's 79,000 Dth/d of subscribed capacity would occur in Idaho, as that is the service area for this LDC. Cascade Natural Gas Corporation's 20,000 Dth/d of subscribed capacity could be used in either Washington or Oregon based on the service area for this LDC, and we allocate the total to each state for purposes of our context calculations, as a conservative approach. We cannot determine the end use of the 51,000 Dth/d of subscribed capacity for Tourmaline and therefore the downstream emissions are not reasonably foreseeable, and are not included in our downstream calculations.

state of Idaho 2020 levels; by 0.8 percent based on the based on the state of Washington 2020 levels; and by 1.3 percent based on the based on the state of Oregon 2020 levels.

The state of Idaho does not have statewide GHG emissions goal. The state of Washington has GHG emissions goal of reducing GHG by 95% by 2050 based on 1990 GHG emission levels. In 1990, based on EPA's emissions Inventory, Washington emitted 71.6 million metric tons of GHGs, their reduction goal would be an annual GHG of 29,260,000 metric tons. The Project's operational emission and reasonably foreseeable downstream subscribed emissions would constitute 2.0% of Washington's reduction goals. The state of Oregon has goals to reduce emissions by 75 percent of 1990 levels by 2050. In 1990 based on EPA's emissions Inventory, Oregon emitted 30.8 million metric tons of GHGs as such, their reduction goal would be an annual GHG of 23,100,000 metric tons. The Project's operational emission and reasonably foreseeable downstream subscribed emissions would constitute 2.1% of Oregon's reduction goals.

Climate Resilience

In its comments on the Project, the EPA and other commenters recommend that the EIS should: identify how climate resiliency has been considered in the Proposed Action (and Alternatives); address the potential for changing climatic conditions, that may impact operations and maintenance of the proposed action facilities in the future; and prioritize the consideration of climate adaptation and resilience. Project facilities would be designed and installed in accordance with the DOT standards found in 49 CFR 192, Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards to provide adequate protection from hazards that could cause the facilities to move due to washouts, floods, subsidence, landslides and earthquakes.

Additionally, the existing facilities are located in remote areas that are unforested and not near significant waterbodies; therefore, they would not likely be subject to significant wildfires or floods. GTN also reported that according to the United States Forest Service the Starbuck Compressor Station is in an area classified as having a low and moderate wildfire hazard potential; the Kent Compressor Station is located in an area classified as non-burnable and areas having moderate wildfire hazard potential; and the Athol Compressor Station is located in areas classified as non-burnable and areas having low and moderate wildlife hazard potential. An existing rock apron also surrounds the compressor station facilities for a break in the path of a potential wildlife and GTN Operations maintains an Emergency Response Plan that includes wildfire response measures. This plan is reviewed yearly with local fire departments to ensure alignment in response to wildfires as well as to maintain updated contact information.

As a result, we conclude based on the locations of the Project facilities and potential climate change impacts that could occur in the area that the modification of existing facilities would ensure a greater level of climate resiliency when compared to other reasonable alternatives as described previously.

Social Cost of GHGs

We include a disclosure of the social cost of GHGs (also referred to as the “social cost of carbon” [SCC]) to assess climate impacts generated by each additional metric ton of GHGs emitted by the Project. We note there is pending litigation challenging federal agencies’ use of the Interagency Working Group (IWG) on Social Cost of Greenhouse Gases’ interim values for calculating the social cost of GHGs.³⁹ In addition, the CEQ noted that it is working with representatives on the GHG IWG to develop additional guidance regarding the application of the SCC tool in federal decision-making processes, including in NEPA analyses.⁴⁰ The Commission has not determined which, if any, modifications are needed to render the SCC tool useful for project-level analyses.⁴¹ As both EPA and CEQ participate in the IWG, Commission staff used the methods and values contained in the IWG’s current draft guidance but note that different values will result from the use of other methods.⁴²

To calculate the social cost of GHGs, Commission staff made several assumptions about construction timing and future Project operations. We assume construction emissions would occur entirely in 2023 and that following construction, fugitive emissions during operation and downstream emissions would be at a constant rate throughout the life of the Project. Regarding downstream emissions, we assume downstream combustion of the reasonably foreseeable subscribed Project capacity as stated in GTN’s Project purpose, resulting in 1.9 million metric tons of CO_{2e} per year.

Regarding the duration of Project operations, the long-term operation of a natural gas compressor station could be determined by a variety of factors. The duration of a precedent agreement or contract between the end-user and GTN would be one method to forecast the duration of impacts. GTN has a 30-year precedent agreement. Alternatively, we could assume that natural gas compressor stations have an operational life that spans decades. However, the maximum extent of the social cost of GHG data tables are to the year 2050. Accordingly, Commission staff calculated the social cost of carbon dioxide, nitrous oxide, and methane using the available GHG data tables, which equates to 28 years. For this analysis, staff assumed discount rates of 5 percent, 3 percent, and 2.5

³⁹ *Missouri v. Biden*, 8th Cir. No. 21-3013; *Louisiana v. Biden*, No. 21-cv-1074-JDC-KK (W.D. La). On February 11, 2022, the U.S. District Court for the Western District of Louisiana issued a preliminary injunction limiting federal agencies’ employment of estimates of the social costs of GHGs and use of the IWG’s interim estimates. On March 16, 2022, the U.S. Court of Appeals for the Fifth Circuit issued a stay of the district court’s preliminary injunction, finding among other things that the federal agency defendants’ continued use of the interim estimates was lawful. *Louisiana v. Biden*, No. 22-30087 (5th Cir. Mar. 16, 2022).

⁴⁰ Council on Environmental Quality’s May 27, 2021 Comments filed in Docket No. PL18-1-000, at 2.

⁴¹ See Order Issuing Certificates and Approving Abandonment, 178 FERC ¶ 61,199 (2022) at fn 141.

⁴² *Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates under Executive Order 13990*, Interagency Working Group on Social Cost of Greenhouse Gases, United States Government, February 2021 (IWG Interim Estimates Technical Support Document).

percent.⁴³ Staff also assumed the Project would begin service in 2023 and that the Project's emissions would be at a constant rate throughout the 28-year period for which Commission staff calculated social cost of GHGs. Subsequently, staff calculated the social cost of GHGs for the 28-year period for which IWG numbers are available (2023-2050).⁴⁴ Noting these assumptions, the emissions from modification, installation, and operation of the Project facilities are calculated to result in a total social cost of GHGs equal to \$739,364,852, \$2,895,307,401, and \$4,414,305,120, respectively (all in 2020 dollars).⁴⁵ Using the 95th percentile of the social cost of GHGs using the 3 percent discount rate,⁴⁶ the total social cost of GHGs from the Project is calculated to be \$8,807,239,545 (in 2020 dollars).

4.10 Noise

The noise currently emitted from the Athol, Starbuck, and Kent Compressor Stations would increase as a result of modifying and installing the Project facilities. Existing noise (ambient/background noise plus ongoing operational noise), particularly magnitude and frequency, vary over the course of the day, throughout the week, and across seasons due to operational demands and changing weather conditions. Two measures to relate the time-varying quality of environmental noise to its known effect on people are the 24-hour equivalent sound level (L_{eq}) and day-night sound level (L_{dn}). The L_{eq} is the level of steady sound with the same total (equivalent) energy as the time-varying sound of interest, averaged over a 24-hour period. The L_{dn} is the L_{eq} plus 10 decibels on the A-weighted scale (dBA) added to account for people's greater sensitivity to nighttime sound levels during late evening and early morning hours (between the hours of 10:00 p.m. and 7:00 a.m.). The A-weighted scale is used because human hearing is less sensitive to low and high frequencies than mid-range frequencies. The human ear's threshold of perception for noise change is considered to be 3 dBA; 6 dBA is clearly noticeable to the human ear, and 10 dBA is perceived as a doubling of noise.

⁴³ IWG Interim Estimates Technical Support Document at 24. To quantify the potential damages associated with estimated emissions, the IWG methodology applies consumption discount rates to estimated emissions costs. The IWG's discount rates are a function of the rate of economic growth where higher growth scenarios lead to higher discount rates. For example, IWG's method includes the 2.5 percent discount rate to address the concern that interest rates are highly uncertain over time; the 3 percent value to be consistent with OMB circular A-4 (2003) and the real rate of return on 10-year Treasury Securities from the prior 30 years (1973 through 2002); and the 5 percent discount rate to represent the possibility that climate-related damages may be positively correlated with market returns. Thus, higher discount rates further discount future impacts based on estimated economic growth. Values based on lower discount rates are consistent with studies of discounting approaches relevant for intergenerational analysis. Id. at 18-19, 23-24.

⁴⁴ The IWG guidance only provides costs for the years 2020 to 2050.

⁴⁵ The IWG draft guidance identifies costs in 2020 dollars. Id. at 5 (Table ES-1).

⁴⁶ This value represents "higher-than-expected economic impacts from climate change further out in the tails of the [social cost of CO₂] distribution." Id. at 11. In other words, it represents a higher impact scenario with a lower probability of occurring.

Construction Noise

Noise resulting from the modification and installation of the Project facilities would vary. Construction equipment and worker vehicles generally operate intermittently and may change depending on project activity/phase. Sound level changes would depend on the type of equipment used, the duration of use for each piece of equipment, the number of construction vehicles and machines used simultaneously, and the distance between the sound source and receptor. Nighttime noise due to construction would be limited since construction generally occurs during daylight hours, Monday through Saturday.

GTN has stated that the majority of construction activities would be conducted between the hours of 7 AM and 7 PM. However, extended work on Sundays and holidays and limited night-time construction activities, which may include x-ray testing, hydrostatic testing, inside electrical work, and other work related to commissioning, may occur.

Based on our noise analysis, the noise level associated with Project-related activities at the nearest noise sensitive areas (NSAs) are estimated to be less than 55 dBA L_{dn} and the estimated noise increase over background levels at these NSAs would be less than 10 dBA.

In its comments on the Project, the EPA recommends that the Commission: demonstrate engagement with residents living in the vicinity of the Athol, Kent, and Starbuck compressor stations to inform them of planned construction activities and establish procedures for complaints investigation; establish a noise monitoring program to establish baseline noise before beginning construction; monitoring should be used to assess impacts of noise to workers and adjacent communities in the vicinity of the project, as well as to verify that actual noise levels do not exceed maximum levels predicted by the Commission; and analyze in the EIS the potential increase in noise associated with compressor station upgrades and implement best practices for acoustic shielding (e.g., through strategic positioning of non-noise generating equipment) and other noise reduction techniques. The Athol Compressor Station is located in a rural community; however, no construction would occur at this site. The Starbuck and Kent Compressor Stations are not located in the vicinity of any communities and the nearest noise sensitive area to either site is over one-half mile away. However, in Section 5, we are recommending that any complaints received by GTN concerning the Project be documented and reported to the Commission on a biweekly basis. Therefore, based on this recommendation, the scope of the Project, and the distance to noise receptors, we conclude that additional mitigation as recommended by the EPA is unwarranted.

EPA also notes that compressor stations are associated with low frequency noise (LFN) which may increase the adverse effects of noise exposure and result in additional health effects. EPA recommends that the Commission consider the potential health impacts of LFN in all of its EIS noise analyses. The A-weighted noise metric referenced above takes into account noise from low frequencies.

Operational Noise

Operational noise associated with the Project would generally be produced on a continuous basis at the compressor stations. Below are tables of the sound analysis at the respective NSAs.

Table 4.10-1 Operational Noise Analysis - Athol Compressor Station				
NSAs	Distance	L _{dn} Existing Units at Full Load	Total L _{dn} of Existing Unit + Modifications at Full Load	Potential Increase Above Existing Station Sound Level (dB)
Athol Compressor Station				
NSA #1	800 ft. N-NW to N-NE	53.1	53.3	0.2
NSA #2	900 ft. E to E-NE	52.8	53.0	0.2
NSA #3	1,275 ft. E to NE	48.2	48.4	0.2
NSA #4	1,550 ft. S-SE to S	45.9	46.1	0.2
Starbuck Compressor Station				
NSA #1	2,700 ft. SE	38.0	40.0	2
NSA #2	5,300 ft. SW	30.9	32.9	2
Kent Compressor Station				
NSA #1	5,800 ft. SE	35.8	36.1	0.3

Based on our noise analysis, the noise level increase associated with operations at NSAs are estimated to be less than 55 dBA L_{dn}. Given the temporary nature of the construction activities and our analysis of the operations; the Project's construction and operational noise levels would not result in significant impacts on the existing environment. However, to ensure that the modified compressor stations operate in compliance with our requirements, **we recommend that:**

- **GTN should file a noise survey with the Secretary of the Commission (Secretary) no later than 60 days after placing each modified Compressor Station in service. If a full power load condition noise survey is not possible, GTN should provide an interim survey at maximum possible horsepower load and provide the full load survey within 6 months. If the noise attributable to the operation of the equipment at the Compressor Station under interim or full horsepower load conditions exceeds an L_{dn} of 55 dBA at any nearby NSAs, GTN should file a report on what changes are needed and should install the additional noise controls to meet the level within 1**

year of the in-service date. GTN should 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.

During the public comment period we also received comments regarding blowdown noise. The compressor stations would be equipped with silencers and the estimated noise at the closest NSA would be below FERC's 55 dBA requirement.

4.11 Safety and Reliability

The pressurization of natural gas at a compressor station involves some incremental risk to the public due to the potential for accidental release of natural gas. The greatest hazard is a fire or explosion following a major pipeline rupture. Methane, the primary component of natural gas, is colorless, odorless, and tasteless. It is not toxic, but is classified as a simple asphyxiate, possessing a slight inhalation hazard. If breathed in high concentration, oxygen deficiency can result in serious injury or death. Methane has an auto-ignition temperature of 1,000 degrees Fahrenheit and is flammable at concentrations between 5.0 and 15.0 percent in air. An unconfined mixture of methane and air is not explosive; however, it may ignite and burn if there is an ignition source. A flammable concentration within an enclosed space in the presence of an ignition source can explode. It is buoyant at atmospheric temperatures and disperses rapidly in air.

In its comments on the Project, EPA made statements and recommendations concerning pipeline operations and safety. As described below, the safety of natural gas transmission pipelines and associated transmission facilities are regulated by the DOT. GTN operates its existing facilities in compliance with these standards and requirements. The modified facilities would be incorporated into GTN's existing operations and would be subject to the same standards and requirements. The EPA also stated that the EIS should describe if operations or an incident would threaten a nearby community or a sensitive ecological area. No sensitive ecological areas are located in the vicinity of the three compressor stations. The existing Athol Compressor Station is located in a rural community. The Starbuck and Kent Compressor Stations are not located in the vicinity of a community. The modifications (software upgrade) to the Athol Compressor Station would not result in new or additional equipment; therefore, we do not anticipate an associated change to public safety.

Safety Standards

DOT is mandated to prescribe minimum safety standards to protect against risks posed by natural gas facilities under Title 49 of the U.S. Code, Chapter 601. The DOT's Pipeline and Hazardous Materials Safety Administration administers the national regulatory program to ensure the safe transportation of natural gas and other hazardous materials by pipeline. It develops safety regulations and other approaches to risk management that ensure safety in the design, construction, testing, operation, maintenance,

and emergency response of natural gas facilities. Many of the regulations are written as performance standards, which set the level of safety to be attained and allow the operator to use various technologies to achieve safety. The Pipeline and Hazardous Materials Safety Administration's safety mission is to ensure that people and the environment are protected from the risk of incidents. This work is shared with state agency partners and others at the federal, state, and local level.

Station Design

The Project facilities would be designed, constructed, operated, and maintained in accordance with the DOT Minimum Federal Safety Standards in 49 CFR 192. The regulations are intended to ensure adequate protection for the public and to prevent natural gas facility accidents and failures. The DOT specifies material selection and qualification; minimum design requirements; and protection from internal, external, and atmospheric corrosion. Federal regulations at 50 Part 192 of 49 CFR establish safety guidelines for the design and construction of compressor stations in addition to pipeline safety standards. Part 192.163 requires the location of each main compressor building of a compressor station be on a property under the control of the operator. The compressor station must also be far enough away from adjacent property, not under control of the operator, to minimize the possibility of fire spreading to the compressor building from structures on adjacent properties. Part 192.163 also requires each building on a compressor station site be made of specific building materials and to have at least two separate and unobstructed exits. The compressor station must be in an enclosed fenced area and must have at least two gates to provide a safe exit during an emergency.

Emergencies

The DOT prescribes the minimum standards for operating and maintaining pipeline and aboveground natural gas facilities, including the requirement to establish a written plan governing these activities. Each operator is required to establish an emergency plan that includes procedures to minimize the hazards of a natural gas emergency. Key elements of the plan include procedures for:

- receiving, identifying, and classifying emergency events, gas leakage, fires, explosions, and natural disasters;
- establishing and maintaining communications with local fire, police, and public officials, and coordinating emergency response;
- emergency system shutdown and safe restoration of service;
- making personnel, equipment, tools, and materials available at the scene of an emergency; and

- protecting people first and then property and making them safe from actual or potential hazards.

The DOT requires that each operator establish and maintain liaison with appropriate fire, police, and public officials to learn the resources and responsibilities of each organization that may respond to a natural gas pipeline or facility emergency, and to coordinate mutual assistance. GTN must also establish a continuing education program to enable customers, the public, government officials, and those engaged in excavation activities to recognize a gas emergency and report it to the appropriate public officials. GTN would provide the appropriate training to local emergency service personnel before the Project is placed in service. With continued compliance with DOT safety standards, operation, and maintenance requirements, the Project facilities would be modified, installed, and operated safely.

As mentioned above, during the public comment period we received comments regarding wildfires. GTN's Emergency Response Plan (Plan) includes measures to address wildfires. GTN's Plan is reviewed yearly with local fire department to ensure alignment in the event of a wildfire, as well as ensure updated contact information in the event of an emergency.

4.12 Cumulative Impacts

In accordance with NEPA and FERC policy, we evaluated the potential for cumulative impacts of the Project when combined with other projects or actions in the area. Cumulative impacts represent the incremental effects of a proposed action when added to impacts associated with past, present, or reasonably foreseeable future projects, regardless of what agency or person undertakes such other actions. Although the individual impact of each separate project may be minor, the additive or synergistic effects of multiple projects could be significant. In the preceding analysis, we consider the impacts of past projects within the region as part of the affected environment (environmental baseline). However, present effects of past actions that are relevant and useful are also considered.

This cumulative impacts analysis uses an approach consistent with the methodology set forth in relevant guidance (CEQ 1997, 2005; USEPA 1999). Under these guidelines, inclusion of actions within the analysis is based on identifying commonalities between the impacts that would result from the Project and the impacts likely to be associated with other potential projects.

The Project-specific impacts of the GTN XPress Project are discussed in detail in other sections of this EIS. The purpose of this section is to identify and describe cumulative impacts that would potentially result from implementation of the proposed Project along with other projects in the vicinity that could affect the same resources

within the same approximate timeframe. To ensure that this analysis focuses on relevant projects and potentially significant impacts, the actions included in the cumulative impact analysis include projects that:

- impact a resource potentially affected by the proposed Project;
- impact that resource within all or part of a common time span; and
- impact that resource within all or part of the same geographic area affected by the proposed Project. The geographic area considered varies depending on the resource being discussed, which is the general area in which the projects could contribute to cumulative impacts on that particular resource (geographic scope of analysis).

Table 4.12-1 summarizes the resource-specific geographic scopes considered in this analysis and the justification for each. Actions occurring outside of the geographical boundaries were not evaluated because as distance from the Project increases, the potential for an action to contribute to a cumulative impact diminishes.

<u>Table 4.12-1</u> <u>Geographic Scope by Resource for Cumulative Impacts Associated with the GTN XPRESS Project</u>		
Resource	Geographic Scope	Justification for Geographic Scope
Geology and Soils	Limits of Project disturbance/construction workspaces	Impacts on soils and surficial geology would be highly localized and are not expected to extend beyond the area of direct disturbance associated with the Project.
Groundwater, Surface Water, Wetlands, Aquatic Resources	HUC-12 watersheds	Watersheds are natural, well-defined boundaries for surface water flow, and commonly contribute to the recharge of groundwater resources. Impacts on groundwater, surface water resources, wetlands, and aquatic resources could reasonably extend throughout a HUC-12 watershed.
Vegetation, Wildlife, Special Status Species	HUC-12 watersheds	Consideration of impacts within a HUC-12 watershed sufficiently accounts for impacts on vegetation and wildlife (including special status species) that would be directly affected by construction activities and for indirect impacts such as changes in habitat availability and displacement of transient species.
Land Use	Within 1 mile of construction workspace	Impacts on general land uses, including public recreational areas, would be restricted to the construction workspaces and the adjacent landscape up to 1 mile where indirect impacts could occur.
Visual Resources	The distance the tallest features would be visible from neighboring communities	Assessing the impact based on the viewshed allows for the impact to be considered with any other feature that could have an effect on visual resources.
Socioeconomics	Counties where Project activities are proposed	Most workers would be expected to reside in the affected counties during construction and operation of the Project.

		Affected counties would experience the greatest impacts associated with employment, housing, public services, transportation, traffic, property values, economy and taxes, and environmental justice.
Environmental Justice	Affected environmental block groups	The 1-mile radius is sufficiently broad considering the likely concentration of air emissions, noise, and traffic impacts proximal to the aboveground facilities.
Cultural Resources	APE, which typically includes overlapping impacts within the Project’s footprint (direct) and within 0.25 mile of aboveground facilities (indirect)	The impact area for direct effects (physical) includes areas subject to ground disturbance, while indirect effects (visual or audible) include aboveground ancillary facilities or other project elements that are visible from historic properties in which the setting contributes to their NRHP eligibility.
Air Quality – Construction ^a	Within 0.25 mile of all active construction (pipeline, road crossing, aboveground facilities)	Air emissions during construction would be limited to vehicle and construction equipment emissions and dust, and would be localized to the Projects’ active construction work areas and areas adjacent to these active work areas.
Air Quality – Operation ^a	20 kilometers (about 12.4 miles) from aboveground compression facilities	We adopted the distance used by the EPA for cumulative modeling of major sources during permitting (40 CFR 51, appendix W), which is a 20-kilometer radius. Impacts on air quality beyond 20 kilometers (31.1 miles) would be <i>de minimis</i> .
Noise – Construction	NSAs within 0.25 mile of any construction and within 0.5 mile of compressor stations	Areas in the immediate proximity of pipeline or aboveground facility construction activities would have the potential to be affected by construction noise.
Noise – Operation	NSAs within 1 mile of a noise-emitting permanent aboveground facility	Noise from the Projects’ permanent aboveground facilities could result in cumulative noise impacts on NSAs within 1 mile.
^a We note that GHGs do not have a localized geographic scope. GHG emissions from the Project combined with projects all over the planet lead to increased CO ₂ , methane, and other GHG concentrations in the atmosphere (see section 4.9).		

As the GTN XPress Project would not impact or only have minimal impacts on socioeconomics, geology, soils, groundwater, waterbodies, wetlands, aquatic resources, and visual resources, cumulative impacts on these resources are not discussed below.

Projects and Activities Considered Our cumulative impacts analysis looks at the potential impacts of other actions as described in NEPA guidance. NEPA requires reasonable forecasting, but an agency is not required to engage in speculative analysis or to do the impractical, if not enough information is available to permit meaningful consideration. The scope of the cumulative impact assessment depends in part on the availability of information about other projects. Other projects considered for this assessment were identified from information provided by GTN; FERC’s documentation of other planned, pending, and ongoing jurisdictional natural gas projects; input from applicable agencies and stakeholders; comments received during the public scoping and comment periods; and via online research.

No other projects were identified within the geographic scopes for the Starbuck Compressor Station and the Athol Compressor Station. One reasonably foreseeable project, the Kent Launcher/Receiver project, was identified within the geographic scopes of the Kent Compressor Station. The Kent Launcher/Receiver project consists of modifications in order to make the pipeline piggable, which includes the installation of a launcher and receiver at the Kent Compressor Station to allow for the use of inline inspection tools. The Kent Launcher/Receiver Project is an integrity undertaking and is not connected to the Project. The Kent Launcher/Receiver Project is expected to result in 15.3 acres of temporary land impacts with the exception of the footprint of new equipment, which will be minor and adjoining existing equipment within the current compressor station footprint and permanent easement. It is anticipated that the Kent Launcher/Receiver Project will be installed pursuant to the automatic provisions of GTN's blanket certificate with construction anticipated to occur from May 2023 through August 2023, which is expected to overlap with the Project construction schedule.

Per the requirements of the blanket certificate, all necessary federal, state, and local permits and authorizations will be obtained prior to construction. Given the schedules proposed, the Kent Launcher/Receiver Project may partially overlap the temporal and spatial extent of the Project; thus, a cumulative impact analysis is applicable.

Only 1.5 acres of the Kent Launcher/Receiver Project are proposed outside the Project boundaries. Due to the similarities in the timing, nature, and location of the Project and the Kent Launcher/Receiver Project, resource impacts and required permits and authorizations are expected to be similar.

The Kent Launcher/Receiver Project has overlapping workspace and is within the same watershed (HUC 170702040603 – Eakin Canyon) as the Project area at the Kent Compressor Station. The following sections address the potential cumulative impacts on vegetation, wildlife, land use, air quality, noise and environmental justice from the Project and the other project identified within the cumulative geographic scope.

Vegetation and Wildlife

Modifying and installing the Project facilities would impact a total of 28.4 acres of grass land and 18.5 acres of unvegetated lands. These impacts would likely be short-term as affected lands would be stabilized and seeded to improve restoration success. Only 1.5 acres of the Kent Launcher/Receiver Project are proposed outside the Project boundaries. Due to the similarities in the timing, nature, and location of the Project and the Kent Launcher/Receiver Project, resource impacts and required permits and authorizations are expected to be similar.

The grass lands and unvegetated lands impacted by the Project and the Kent Launcher/Receiver Project provide habitats for a variety of commonly occurring wildlife. However, as the Kent Compressor Station is existing, the wildlife occupying the affected areas that could be affected by the Project are already accustomed to human disturbance and the presence/operation of industrial facilities. No sensitive wildlife or wildlife habitat would be affected by the Project.

Based on the type of vegetation occurring on lands that would be affected by the projects, the generally small scope of the Project, and the minor impacts that would occur to vegetation and wildlife, we conclude that modifying and installing the Project facilities would not result in a significant cumulative impact on vegetation and wildlife.

Land Use

Construction and operating the new facilities at the Kent Compressor Station would result in the permanent conversion of about 1.2 acres of land from open space/land to developed industrial. This conversion and permanent impact would occur on lands abutting the Kent Compressor Station and these lands would be incorporated into the management operations of the existing facilities/site. As mentioned above, only 1.5 acres of the Kent Launcher/Receiver Project are proposed outside the Project boundaries.

Based on the existing uses of affected lands, the scope of the Project and the Kent Launcher/Receiver Project, and the minimal permanent impacts on open space/lands due to the installation of the aboveground facilities, we conclude that modifying and installing the Project would not result in a significant cumulative impact on land use. Air Quality

The AERMOD dispersion model was utilized to evaluate the cumulative air impacts of the proposed modification for the Kent Compressor Station. The model calculated impacts of the station in combination with ambient monitoring data, which was used to account for other nearby sources and compared to EPA's NAAQS. A modeling analysis was conducted for the compressor station demonstrating that the facility would have emissions below the significant impact levels (SILs) and therefore in compliance with the NAAQS.

The combined effect of multiple construction projects occurring in the same airshed, and timeframe could temporarily add to the ongoing air quality effects of existing activities. No major projects have been identified in the vicinity of the Project. The construction periods for the Project and the Kent Launcher/Receiver Project are anticipated to overlap, which will result in some cumulative impacts associated with construction are emission, which would be short-term. Operational emissions from the Kent Launcher/Receiver Project would be minor. We conclude after review of the past, present, and reasonably foreseeable future projects/actions occurring within the Project

area and the small nature of the Project, that the Project would not have a significant long-term adverse impact on air quality and would not result in a significant cumulative impact on air quality.

Noise

The Project could contribute to cumulative noise impacts. However, the impact of noise is highly localized and attenuates quickly as the distance from the noise source increases. Other than the Kent Launcher/Receiver project, we have not identified any other projects that could cumulatively add to noise impacts during construction within a 0.25-mile radius. In addition, we have not identified any other facility that could affect noise at NSAs within 0.25 mile of the compressor stations.

Construction and operation of the Kent Launcher/Receiver project may contribute to some cumulative noise impacts; however, we don't anticipate any significant cumulative noise impacts. In addition, the nearest noise sensitive resource is located over 1-mile from the Kent Compressor Station. Therefore, we conclude that cumulative noise impacts from construction and operations would not be significant.

Environmental Justice

As described above, no minority or low-income populations are present within one mile of the Kent Compressor Station; therefore, there are no project related impacts on environmental justice communities and no project contribution to cumulative impacts on environmental justice communities.

Modification and installation of the Project facilities would increase the atmospheric concentration of GHGs, in combination with past and future emissions from other sources and would contribute incrementally to future climate change impacts. While the climate change impacts taken individually may be manageable for certain communities, the impacts of compounded extreme events (such as simultaneous heat and drought, or flooding associated with high precipitation on top of saturated soils) may exacerbate preexisting community vulnerabilities and have a cumulative adverse impact on environmental justice communities. This EIS is not characterizing the Project's GHG emissions as significant or insignificant because the Commission is conducting a generic proceeding to determine whether and how the Commission will conduct significance determinations going forward.⁴⁷

⁴⁷ Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews, 178 FERC ¶ 61,108 (2022); 178 FERC ¶ 61,197 (2022).

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1 Summary of the Environmental Analysis

The conclusions and recommendations presented in this EIS are those of the Commission's environmental staff with input from EPA who has assisted in the preparation of this analysis as a cooperating agency. The EPA's input on this EIS has no effect on its authority under Section 102(2)(C) of the NEPA, Section 309 of the CAA, or the CWA.

We conclude that modifying and installing the Project facilities would result in limited adverse impacts on the environment. Most adverse environmental impacts would be temporary or short-term and would have minimal impact on existing land use as the Project facilities would be located within the fenced-boundaries of existing compressor stations or abutting an existing compressor station. This determination is based on a review of the information provided by GTN and further developed from environmental information requests; scoping; literature research; alternatives analysis; and correspondence with federal and state agencies.

Overall, Commission staff conclude that approval of the Project would not result in significant environmental impacts with the exception of potential impacts on climate change. This EIS is not characterizing the Project's GHG emissions as significant or insignificant because the Commission is conducting a generic proceeding to determine whether and how the Commission will conduct significance determinations going forward.⁴⁸ We also conclude that no system or other alternative would provide a significant environmental advantage over the Project as proposed. Therefore, we conclude that the proposed Project, with our recommended mitigation measures, is the preferred alternative to meet the Project objectives.

5.2 FERC Staff's Recommended Mitigation

If the Commission authorizes the Project, we recommend that the following measures be included as specific conditions in the Commission's Order. We have determined that these measures would further mitigate the environmental impacts resulting from construction and operation of the Project.

1. GTN shall follow the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests) and as identified in the EIS, unless modified by the Order. GTN must:

⁴⁸ Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews, 178 FERC ¶ 61,108 (2022); 178 FERC ¶ 61,197 (2022).

- a. request any modification to these procedures, measures, or conditions in a filing with the 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 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 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 impact resulting from project construction and operation activities.
3. **Prior to any construction**, GTN shall file an affirmative statement with the Secretary, certified by a senior company official, that all company personnel, EIs, and contractor personnel will be informed of the EI's 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 locations shall be as shown in the EIS, as supplemented by filed alignment sheets. **As soon as they are available, and before the start of construction**, GTN 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.

GTN's exercise of eminent domain authority granted under Natural Gas Act section 7(h) in any condemnation proceedings related to the Order must be consistent with these authorized facilities and locations. GTN's right of eminent domain granted under Natural Gas Act section 7(h) does not authorize it to increase the size of its natural gas pipeline to accommodate future needs or to acquire a right-of-way for a pipeline to transport a commodity other than natural gas.

5. GTN 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**, GTN shall file an Implementation Plan with the Secretary for review and written approval by the Director of OEP, or the Director's designee. GTN must file revisions to the plan as schedules change. The plan shall identify:
 - a. how GTN will implement the construction procedures and mitigation measures described in its application and supplements (including responses to staff data requests), identified in the EIS, and required by the Order;
 - b. how GTN 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 GTN 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 GTN's organization having responsibility for compliance;
 - g. the procedures (including use of contract penalties) GTN 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. GTN shall employ at least one EI at each compressor station site where physical ground disturbance would occur. 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. a full-time position, separate from all other activity inspectors;
 - e. 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
 - f. responsible for maintaining status reports.
8. Beginning with the filing of its Implementation Plan, GTN shall file updated status reports with the Secretary on a **biweekly** 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 GTN'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 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 GTN from other federal, state, or local permitting agencies concerning instances of noncompliance, and GTN's response.
9. GTN 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, GTN must file with the Secretary documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof).
10. GTN 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**, GTN shall file an affirmative statement with the Secretary, certified by a senior company official:
- a. that the facilities have been constructed 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 GTN 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. GTN shall file a noise survey with the Secretary **no later than 60 days** after placing each modified Compressor Station in service. If a full power load condition noise survey is not possible, GTN shall provide an interim survey at maximum possible horsepower load and provide the full load survey **within 6 months**. If the noise attributable to the operation of the equipment at the Compressor Station under interim or full horsepower load conditions exceeds an Ldn of 55 dBA at any nearby NSAs, GTN 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. GTN 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.

APPENDIX A
COMMENTS RECEIVED IN RESPONSE
TO THE NOTICE OF SCOPING

Comment	Accession	Filed	Files
Comments of Columbia Riverkeeper and Sierra Club on the Proposed GTN Xpress Project under CP22-2.	20220222-5370	02/22/2022	Riverkeeper and Sierra Club GTN Xpress Scoping Comments.pdf
Comments of Columbia Riverkeeper on the Notice of Intent to Prepare an Environmental Impact Statement for the Proposed GTN Xpress Project under CP22-2.	20220222-5328	02/22/2022	EIS Scoping Comments from CRK Members_Supporters.pdf
Comments of Idaho Governor's Office of Energy and Mineral Resources under CP22-2.	20220222-5368	02/22/2022	State of Idaho Comment Docket No. CP22-2-000.pdf
Comments of Rogue Climate for the GTN Xpress Project under CP22-2.	20220222-5331	02/22/2022	22.2.22_RC_FERC_Scoping_Comments.pdf
Environmental Protection Agency Region Ten submits comments on FERC's January 2022 Notice of Intent to prepare an Environmental Impact Statement for the GTN Xpress Project under CP22-2.	20220217-5103	02/17/2022	22-0003-FERC WA-ID-OR GTN Express.pdf
Comments of Lauren Boldrick under CP22-2.	20220217-5094	02/17/2022	118240.txt
Comments of National Park Service on the FERC Application Notice for the GTN Xpress Project under CP22-2	20220209-5000	02/09/2022	NPSComments_Regions678.docx
Comments of Sherman County, Oregon re TC Energy's Gas Transmission Northwest Xpress Project under CP22-2.	20211117-0006	11/17/2021	DocBatch211117-0043.tif
Comments of Sherman County, Oregon Judge Joe Dabulskis re the Gas Transmission Northwest Xpress Project under CP22-2.	20211117-0008	11/17/2021	DocBatch211117-0043.tif
Comments of David Hawkins under CP22-2.	20211109-5102	11/09/2021	116946.txt
Comments of Delbert E Fox under CP22-2.	20211109-5022	11/09/2021	116940.txt
Comments of Seth Krueger under CP22-2.	20211109-5014	11/09/2021	116939.txt
Comments of William Winkler under CP22-2.	20211109-5004	11/09/2021	116932.txt
Comments of Bert I Card Jr under CP22-2.	20211109-5006	11/09/2021	116931.txt
Comments of Marcus L Sellers-Vaughn under CP22-2.	20211109-5001	11/09/2021	116927.txt
Intermountain Gas Company submits comments re the October 4, 2021, application for the GTN Xpress Project under CP22-2.	20211109-5094	11/09/2021	GTN Expansion Comments in Support IGC.pdf
Comments of Danise Brakeman under CP22-2.	20211109-5000	11/09/2021	116926.txt
Comments of Dave Vanwinkle under CP22-2.	20211109-5005	11/09/2021	116929.txt
Comments of Greg Smith under CP22-2.	20211109-5109	11/09/2021	116948.txt
Comments of Yuri Belko under CP22-2.	20211109-5008	11/09/2021	116934.txt

Comment	Accession	Filed	Files
Comments of Gabe Marshall under CP22-2.	20211109-5007	11/09/2021	116933.txt
Comments of Adam Castle under CP22-2.	20211109-5003	11/09/2021	116930.txt
Comments of Oregon Business & Industry Association under CP22-2.	20211109-5223	11/09/2021	OBI Support TC Energy GTNXP.pdf
Comments of National Park Service under CP22-2.	20211108-5086	11/08/2021	NPSComments_Regions678.docx
Comments of Steven cross under CP22-2.	20211108-5149	11/08/2021	116916.txt
Laborers' International Union of North America Local 737 submits comments re the Northwest Xpress Project under CP22-2.	20211108-0006	11/08/2021	DocBatch211108-0009.tif
Comments of Alex Rojas under CP22-2.	20211108-5088	11/08/2021	116911.txt
Comments of Ben Armstrong under CP22-2.	20211108-5217	11/08/2021	116925.txt
Comments of Jeff Gregory under CP22-2.	20211108-5159	11/08/2021	116919.txt
Comments of Logan McKinley under CP22-2.	20211108-5138	11/08/2021	116917.txt
Comments of Megan Morris under CP22-2.	20211108-5118	11/08/2021	116914.txt
Comments of Bill Hansell under CP22-2.	20211108-5120	11/08/2021	116915.txt
Comments of Emma Nicole Sattler under CP22-2.	20211108-5018	11/08/2021	116907.txt
Comments of Cheri Stewart under CP22-2.	20211105-5000	11/05/2021	116881.txt
Comments of James Van Winkle under CP22-2.	20211105-5001	11/05/2021	116882.txt
Comments of Jack Tortorici under CP22-2.	20211104-5000	11/04/2021	116880.txt
Comment of Chad Fenison in Docket(s)/Project(s) CP22-2-000.	20211103-5003	11/03/2021	116863.txt
Comments of Jerome Delvin under CP22-2.	20211102-5000	11/02/2021	116876.txt
Comments of LiUNA Local 238 and its 759 members re the TC Energy's Gas Transmission Northwest Xpress Project under CP22-2.	20211101-0007	11/01/2021	DocBatch211101-0001.tif
Comment of Wesley McPhearson in Docket(s)/Project(s) CP22-2-000.	20211101-5011	11/01/2021	116875.txt
Comment of Jared Horst in Docket(s)/Project(s) CP22-2-000.	20211029-5168	10/29/2021	116870.txt
Comments of Lance Ragan under CP22-2.	20211029-5001	10/29/2021	116868.txt
Comment of Northwest Gas Association under CP22-2.	20211028-5084	10/28/2021	102821 GTNXP FERC Letter.pdf

ISSUES RAISED DURING PUBLIC SCOPING FOR THE GTN XPRESS PROJECT	
Issue/Concern	EIS Section(s) Addressing Issue
GENERAL	
The EIS should describe the scale it uses to categorize the extent of potential impacts to specific resources and transparently account for how subject matter experts applied criteria to categorize impacts to resources.	4.0
The EIS should discuss how the public's need for energy services (e.g., electricity generation and building heating) would be met with and without the project, rather than a narrower focus on the project's immediate function of delivering natural gas.	1.3
The EIS should evaluate the extent to which existing renewable and fossil fuel energy facilities at current production levels are able to supply regional users' current and future needs.	1.3
This analysis would benefit from the inclusion of contracts that demonstrate the need for the compressor stations' proposed modifications and an explanation of how gathering system compressor stations are scaled up in response to more wells being drilled upstream, increasing demand for compression.	1.3
The EIS should include and describe all indirect impacts (i.e., project effects that would not or could not occur except for the implementation of a project).	4.0
The EIS should include a cumulative impacts analysis.	4.0
The EIS should consider the local public health and environmental impacts of gas extraction.	4.0
The EIS should consider the local public health and environmental impacts of expanding compressor stations.	4.0
The EIS should consider the public health and safety risks of increasing reliance on fracked gas.	4.0
To determine not only the public interest, information related to how the gas that will be transported by the proposed project will ultimately be used and why the project is needed to serve those uses is necessary to determine environmental and health impacts from the project.	1.3
Information regarding the expected utilization rate of the proposed project and connected actions, such as GTN's Coyote Springs new compressor station project, must be provided and assessed. All connected actions must be considered.	1.3
GEOLOGY AND SOILS	
EPA recommends the EIS discuss the baseline geologic information from geologic, seismic, and geotechnical literature covering the Starbuck and Kent compressor stations, and their surrounding areas.	4.1
This section should discuss varieties of rocks, minerals, fossils, soils and landforms and the natural processes that shape the local landscapes.	4.1
Identify the type of rock and its geological structures, particularly local geomechanical or structural discontinuities, may be important to understanding new potential design risks.	4.1
Analysis of existing data should make clear of the possibility of disturbing fossil-yielding alluvium or bedrock that is near to the surface and that may yield paleontological resources. Fossil finds should be reported to the respective state Department of Natural Resources.	4.1
A description of the potential mineral resources at the compressor stations should be discussed.	4.1

ISSUES RAISED DURING PUBLIC SCOPING FOR THE GTN XPRESS PROJECT	
Issue/Concern	EIS Section(s) Addressing Issue
Soils assessments should be detailed enough for appropriate geotechnical evaluations to be conducted to support the geohazards analysis.	4.2
The EIS should include site-specific geological analysis to ensure the integrity of the site soils where new facilities (e.g., the new cooling bays) will be constructed at the compressor stations. This analysis should support design choices described in the document for the facilities, such as the type of structural foundations, erosion control, grading practices and other site-specific issues (i.e., shallow groundwater or corrosive potential).	4.2
Soil compaction due to earth-moving, soil stockpiling, equipment staging, or construction should be analyzed for impacts to soil productivity and plant re-growth rates may be reduced; soils may become more susceptible to erosion, and natural drainage patterns may be altered.	4.2
Areas that have low revegetation potential should be considered and mitigations applied as appropriate to encourage regrowth.	4.2
Mitigations such as using only low-ground-pressure construction equipment and stopping work when soils are wet and most susceptible to compactive forces would be most beneficial.	4.2
When evaluating the local hazardous wastes, FERC should include response information for the discovery of inadvertent spills or other contaminants at the compressor stations. Safety plans should include analysis of an accidental release of petroleum hydrocarbons or other materials during construction.	4.1
EPA recommends that FERC analyze reasonable geohazards in Walla Walla County, Washington and Sherman County, Oregon that may impact the facilities.	4.1
Regarding geohazards EPA encourages FERC to conduct a quantitative assessment in order to quantify the impacts of the strong ground motion and the potential induced permanent ground deformations on the proposed new facility components, particularly the above ground piping and its structural support systems.	4.1
In tandem with the Geology and Soils analysis, it may be helpful to incorporate the Modified Mercalli Scale of Earthquake Intensities which presents clear descriptions for the public to understand the potential damage to projects' proposed infrastructure.	4.1
WATER RESOURCES^a	
EPA recommends coordination with affected states as well as Canada to ensure that their water quality standards will not be affected by the project.	4.0
Given that each of the compressor stations are existing facilities, EPA finds it prudent to review the best practices that were used for the initial construction activities, and use site-specific lessons learned to incorporate more robust practices for the proposed construction activities.	4.0
EPA recommends that FERC clearly indicate the location and extent of aquatic resources in the project vicinity and characterize these resources.	4.0
EPA recommends that best management practices for sediment and erosion control plans and post-construction stormwater management to prevent pollutants and reduce runoff be implemented during construction, as well as in-stream monitoring up and downstream of proposed construction sites.	4.0

ISSUES RAISED DURING PUBLIC SCOPING FOR THE GTN XPRESS PROJECT	
Issue/Concern	EIS Section(s) Addressing Issue
If there will be significant adverse impacts to a nearby waterbody, the Commission should develop restoration plans to mitigate temporary impacts to streams and other waterbodies and to ensure a timely return to baseline conditions.	4.0
EPA recommends that the EIS identify and describe any waterbodies that may be used as sources for hydrostatic testing, as well as estimates of the total volume of water required. EPA recommends recycling water used for hydrostatic testing to reduce total water use.	4.0
EPA also recommends that FERC look into Waste Heat Recovery technologies that have the potential to increase operation efficiency through energy recovery and reduce overall water usage by compressor stations.	4.0
THREATENED AND ENDANGERED SPECIES	
EPA recommends that evaluation of the proposed project identify: the species in the project area and surrounding areas and their critical habitats; impacts the project will have on these resources (i.e., impacts to migratory species’ habitats); and how the proposed project will meet all requirements under the Endangered Species Act, including consultation with the US Fish and Wildlife Service under Section 7 of the Endangered Species Act and NOAA’s National Marine Fisheries Service.	4.5
Where facilities are in close proximity to potential wildlife nesting habitat (i.e., Athol Compressor Station), EPA recommends monitoring and adoption of mitigation measures that will minimize impacts during peak breeding season.	4.5
The analysis should be clear in describing the temporal duration of noise impacts. EPA also recommends the use of noise-dampening technology to minimize noise propagation surrounding areas that may serve as bird habitat.	
Impacts to wildlife should be assessed for both the construction and operation phases, including impacts from increased vehicle traffic, noise production, water withdrawal from water resources, and changes to surrounding landcover associated with the expansion of the Starbuck and Kent Compressor Stations.	4.5
LAND USE	
EPA recommends that FERC discuss the land use types covering the Kent Compressor Station and its surrounding areas since it is the only facility that will have new construction outside of its existing footprint. The EIS should describe the impacts to open land use types, indicate if these impacts would be permanent or temporary, and describe any mitigation measures to impacts.	4.8
EPA also recommends the EIS discuss impacts to farmlands, including the number of acres that would be impacted as well as the potential crop loss. Also discuss measures to restore farmlands and compensate landowners for losses incurred because of the proposed action.	4.8
CULTURAL RESOURCES	

ISSUES RAISED DURING PUBLIC SCOPING FOR THE GTN XPRESS PROJECT	
Issue/Concern	EIS Section(s) Addressing Issue
Analysis should describe the potential to encounter prehistoric or historic resources at the project sites. Prehistoric and/or historic discoveries should be reported to the respective State Historic Preservation Officer.	4.6
EPA encourages FERC to consult with the Tribes and incorporate feedback from the Tribes when making decisions regarding the project. EPA recommends the EIS describe the issues raised during the consultations and how those issues were addressed.	4.6
EPA recommends the EIS describe project impacts to the Warm Springs Tribe’s resources.	4.6
The EIS should include a thorough evaluation of the project’s impacts on Tribal Nations and Indigenous people.	4.6
ENVIRONMENTAL JUSTICE	
EPA recommends that FERC not include inappropriately narrow statements such as, “while the impacts described above taken individually may be manageable for certain communities, the impacts of compound events...can be greater than the sum of the parts” and use more detailed assessment language.	4.7
EO 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government should also be incorporated to FERC’s analysis since it includes a modern definition of equity that clarifies a broader approach.	4.7
EPA recommends an EJSCREEN analysis consider EJSCREEN information for the block group(s) which contains the proposed action and a one-mile radius around those areas.	4.7
EPA recommends applying the "Environmental Justice Interagency Working Group Promising Practices for EJ Methodologies in NEPA Reviews" report, or the Promising Practices Report, to this project; characterizing project site(s) with specific information or data related to EJ concerns; describing potential EJ concerns for all EJ Indexes at or above the 80th percentile in the state and/or nation; describing block groups which contain the proposed action and at a minimum, a one-mile radius around those areas; and describing individual block groups within the project area in addition to an area wide assessment.	4.7
EPA recommends that a further EJ analysis and community outreach be conducted around Starbuck Compressor Station. Kent Compressor Station is also situated in the vicinity of census block groups that warrant further EJ analysis (wastewater discharge).	4.7
The EIS should include information about the OPP and FERC’s process to meaningfully engage with communities affected by the proposed project, whether such engagement is through the OPP or another process. EPA recommends that when establishing trust with all types of stakeholders, interaction with the affected community should encourage active community participation, recognize community knowledge, and utilize cross-cultural formats and exchanges.	4.7
Assess potential air pollution impacts associated with the larger compressors or additional blow down events that may be necessary during the construction phase of the project on environmental justice communities.	4.7
Consider cumulative impacts of the potentially increased emissions associated with the larger compressor units in conjunction with preexisting air quality issues in the areas surrounding the compression stations.	4.0

ISSUES RAISED DURING PUBLIC SCOPING FOR THE GTN XPRESS PROJECT	
Issue/Concern	EIS Section(s) Addressing Issue
Consider any increase in negative climate related impacts from failure to meet regional and U.S. GHG reduction targets.	4.7
Evaluate potential rate increases if demand for fossil gas falls and ratepayers are left footing the bill for the cost of this project.	4.7
NOISE	
EPA recommends that the Commission: demonstrate engagement with residents living in the vicinity of the Athol, Kent, and Starbuck compressor stations to inform them of planned construction activities and establish procedures for complaints investigation; establish a noise monitoring program to establish baseline noise before beginning construction; monitoring should be used to assess impacts of noise to workers and adjacent communities in the vicinity of the project, as well as to verify that actual noise levels do not exceed maximum levels predicted by the Commission; and analyze in the EIS the potential increase in noise associated with compressor station upgrades and implement best practices for acoustic shielding (e.g., through strategic positioning of non-noise generating equipment) and other noise reduction techniques.	4.10
EPA notes that compressor stations are also associated with low frequency noise (LFN) which may increase the adverse effects of noise exposure and result in additional health effects. EPA recommends that the Commission consider the potential health impacts of LFN in all of its EIS noise analyses.	4.10
AIR QUALITY AND CLIMATE CHANGE	
The EIS should include a discussion of reasonably foreseeable effects that changes in the climate may have on the proposed project, and what impacts the proposed project will have on climate change consequences.	4.9
The EIS should analyze the local and regional impacts of methane from the activities proposed.	4.9
The analysis should include consideration of downstream impacts to public health associated with the use of natural gas appliances, which emit methane and nitrogen oxides, affecting indoor air quality and exacerbating respiratory illnesses.	1.3
EPA recommends the implementation of best practices to reduce emissions during the construction phase of compressor station upgrades, such as options that explore diesel controls, and cleaner fuel (ultra-low sulfur diesel) and construction practices for on-road and off-road equipment.	4.9
EPA recommends consulting the Natural Gas STAR Program, which provides information on a range of cost-effective technologies and practices that improve operational efficiency and reduce methane emissions.	4.9
EPA also recommends that FERC consult proposed New Source Performance Standards.	4.9
The analysis should focus on the potential for changing climatic conditions, that may impact operations and maintenance of the proposed action facilities in the future.	4.9
The EIS should assess the extent to which the proposed project is consistent with U.S. and global policy to limit GHG emissions.	4.9

ISSUES RAISED DURING PUBLIC SCOPING FOR THE GTN XPRESS PROJECT	
Issue/Concern	EIS Section(s) Addressing Issue
Identify how climate resiliency has been considered in the Proposed Action and Alternatives.	4.9
Assess the additive and synergistic impacts of climate change upon local natural resources, such as seasonal water patterns and wildfires, to the proposed facilities.	4.0
Relate climate change to environmental justice and human health impacts, prevent environmental damage that harms communities and poses a risk to public health and safety – such as projects to reduce methane emissions.	4.7
FERC should incorporate modern information related to climate change, such as the reference to the Sixth Assessment Report, Climate Change 2021: The Physical Science Basis, issued by the Intergovernmental Panel on Climate Change and review of the U.S. Global Change Research Program’s Fourth National Climate Assessment Report.	4.9
The EIS should prioritize the consideration of climate adaptation and resilience.	4.9
The EIS should recommend all practicable mitigation measures for emissions resulting from these compressors and that practical mitigation measures to reduce the proposed action’s GHG emissions be considered and incorporated into any proposed terms and conditions required as part of certificate issuance.	4.9
Upstream emissions from production are demonstrably reasonably foreseeable indirect effects of the proposed action and therefore should be considered under NEPA.	4.9
Include construction and operational GHG emissions in carbon dioxide equivalents (CO2e).	4.9
Quantify all upstream and downstream GHG emissions associated with the proposed action in carbon dioxide equivalents (CO2e).	4.9
Disclose all potential mitigation measures that have been considered to avoid and minimize impacts related to GHG emissions from the proposed action.	4.9
Consider how the facilities’ expansions are prolonging the region’s reliance on fossil fuels.	1.3
FERC should conduct technical evaluations for each type of compressor station and recommend the most appropriate technologies to mitigate methane emissions.	
The EIS should consider the impact the expansion project will have on Oregon and Washington’s legislatively mandated effort to replace fossil fuel generated electricity with clean energy options.	4.9
The EIS should consider lifecycle greenhouse gas emissions.	4.9
To consider the scope of GHG emission impacts, GTN should be required to submit information on the foreseeable upstream impacts caused by the project or an explanation as to why there are none. GTN should be required to provide information on the foreseeable induced production demand, disclose any known hydrocarbon accumulations for the region and provide other information necessary to allow for an appropriate regional and local impact analysis.	4.9
RELIABILITY AND SAFETY	
Clearly explain if the associated pipeline segments and compressor stations are in a “high consequence area”. It should be clear if incidents could be very impactful to a nearby community.	4.11

ISSUES RAISED DURING PUBLIC SCOPING FOR THE GTN XPRESS PROJECT	
Issue/Concern	EIS Section(s) Addressing Issue
Describe what quantifies as minor, moderate, and major accidental releases.	4.11
Identify major root causes of events that may cause incidents, particularly those associated with injuries and fatalities and describe how the proposed facilities will minimize that risk. Clearly discuss regular maintenance procedures, describing the occurrence and level of potential GHG or volatile organic compounds, that may occur.	4.11
Discuss corrosion inhibitors, focusing on projected climatic trends, particularly the predicated increased precipitation over the proposed operational life of facilities (typically 25 – 30 years).	4.11
Describe shutdown and spill response mechanisms.	4.11
Analyze pigging operations and potential emissions mitigations for these routine maintenance procedures.	4.11
Describe if operations or an incident would threaten a nearby community or a sensitive ecological area.	4.11
WASTE MANAGEMENT	
EPA recommends the EIS address the potential direct, indirect, and cumulative environmental impacts of hazardous and solid waste from the proposed project.	4.0
Identify current waste management practices at the existing facilities.	2.3
Develop a hazardous and solid waste material handling, storage, management, and disposal plan.	2.3
ALTERNATIVES	
The EIS should explore and objectively consider a full range of alternatives and evaluate in detail all reasonable alternatives that fulfill the project's purpose and need.	3.0
In the EIS, present the environmental impacts of the proposed action and alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decision maker and the public.	3.0
Describe how each alternative was developed, how it addresses project objectives, how it will be implemented, and quantify the potential environmental impacts of each alternative to the greatest extent.	3.0
The EIS should compare the costs and benefits of each of the alternatives, including the costs for required mitigation measures.	3.0
The No Action Alternative should consider and evaluate non-gas energy alternatives as well as other non-project related alternatives that satisfy the ultimate need for the project, specifically the energy services that would be provided by the delivered fuel.	3.0
The EIS should analyze an alternative that investigates the use of electric compressors instead of natural gas. Explain the rationale to use install a new gas-fired turbine compressor instead of a new electric compressor.	3.0
To provide an appropriate analysis of the no-action alternative, FERC should review market studies that project volumetric or peak day load growth. GTN should submit contracts	3.0

ISSUES RAISED DURING PUBLIC SCOPING FOR THE GTN XPRESS PROJECT	
Issue/Concern	EIS Section(s) Addressing Issue
that demonstrate the need for proposed modifications. FERC should consider whether the proposal is, in fact, a response to more wells being drilled upstream, increasing demand for compression.	
^a Water Resources are not affected by the Project and are not addressed in the environmental analysis.	

APPENDIX B
DISTRIBUTION LIST FOR THE NOTICE OF AVAILABILITY OF
THE FINAL ENVIRONMENTAL IMPACT STATEMENT

Federal and State Agencies	
Contact Name	Agency
Lauren Boldrick	EPA R10
Jesse Ratcliffe	Oregon Department of Justice
Marissa Warren	Idaho Governor's Office of Energy and Mineral Resources
Marisa Meyer	U.S. Fish and Wildlife Service, Bend Field Office
Ann Froschauer	U.S. Fish and Wildlife Service, Washington Field Office
Darrin Pampaian	Idaho Department of Environmental Quality
Mark Bailey	Oregon Department of Environmental Quality
Jeremy Thompson	Oregon Department of Fish and Wildlife
Christine Curran	Oregon State Historic Preservation Office
Kathy Taylor	Washington Department of Ecology
Vince McGowan	Washington Department of Ecology
David Karl	Washington Department of Fish and Wildlife
Allyson Brooks	Washington State Historic Preservation Office
BJ Howerton	Bureau of Indian Affairs, DOI
US Department of Interior	U.S. Bureau of Land Management, DOI
Dr. Jill Lewandowski	Bureau of Ocean Energy Management, DOI
David Fish	Bureau of Safety and Environmental Enforcement, DOI
Patrick Walsh	National Park Service, DOI
Murray Carter	U.S. Department of Health and Human Services
Stephen Finn	Environment and Natural Resources Division, DOJ
Cindy Barger	U.S. Environmental Protection Agency
Sharunda Buchanan	National Center for Environmental Health, CDC, HHS
James Smalls	USDA Forest Service-Ecosystem Management Coordination
Nell Fuller	Conservation and Environmental Program Division, FSA, USDA
NOAA National Marine Fisheries Service	NOAA National Marine Fisheries Service, Dept. of Commerce
Danielle Schopp	Office of Environment and Energy, HUD
Mark Whitney	Office of Environmental Management, DOE
Amy Sweeney	US Department of Energy

John Eddins	Office of Federal Programs, Advisory Council on Historic Preservation
Camille Mittelholtz	Office of Assistant Secretary for Transportation Policy, USDOT
William Schoonover	Pipeline & Hazardous Materials Safety Administration USDOT
Melanie Stevens	Office of Pipeline Safety USDOT PHMSA
Ahuva Battams	Office of Pipeline Safety USDOT PHMSA
Esther Eng	US Geological Survey
Christopher Oh	US Customs and Border Protection Dept. of Homeland Security
Brian Lavoie	U.S. Department of Energy

Elected Officials	
Contact Name	Association
Bill Hansell	OR State Senate
Greg Smith	OR State House of Representatives
Bill Hill	City of Athol
Bill Brooks	Kootenai County
Chris Fillios	Kootenai County
Leslie Duncan	Kootenai County
Steve Vick	ID State Senate
Vito Barbieri	ID State House of Representatives
Doug Okuniewicz	ID State House of Representatives
Jenny Mayberry	Walla Walla County
Todd Kimball	Walla Walla County
Greg Tompkins	Walla Walla County
Perry Dozier	WA State Senate
Mark Klicker	WA State House of Representatives
Skyler Rude	WA State House of Representatives
Joe Dubulskis	Sherman County
Joan Bird	Sherman County
Justin Miller	Sherman County
Lynn Findley	OR State Senate

Elected Officials	
Contact Name	Association
Daniel Bonham	OR State House of Representatives
Kate Brown	Governor
Ron Wyden	US Senator
Jeff Merkley	US Senator
Cliff Bentz	Congressman
Jay Inslee	Governor
Patty Murray	US Senator
Maria Cantwell	US Senator
Cathy McMorris	Congresswoman
Brad Little	Governor
Mike Crapo	US Senator
James Risch	US Senator
Russ Fulcher	Congressman
Shane McDaniel	City of Athol
Steve Cutaiar	City of Athol
Jeanette Kramer	City of Athol
Cindi Devine	City of Athol
Jesse Ratcliffe	Oregon Department of Justice
Marissa Warren	Idaho Governor's Office of Energy and Mineral Resources

Indian Tribes	
Contact Name	Tribe
Christian Nauer	Confederated Tribes of the Warm Springs Reservation
Teara Farrow Ferman	Confederated Tribes of the Umatilla Indian Reservation

Stakeholders and Other Parties	
Contact Name	Organization

Athol Library	
Wasco Library	
Mid-Columbia	
Dan Kirschner	Northwest Gas Association
Scott Holstrom	LiUna Local 238
Wesley McPhearson	
Justin Sturger	Oregon Department of Environmental Quality
Eric Nigg	Oregon Department of Environmental Quality
Zack Culver	LiUna Local 737
Delbert Fox	
Scott Madison	Intermountain Gas Company
Sharla Moffett	Oregon Business & Industry
GAS TRANSMISSION NORTHWEST CORP	
PGE GAS TRANSMISSION-NORTHWEST1	
ALAN & CINDY POWELL	
ARRTY LE RUDE	
BARNES MICHAEL H	
BART & LYNN SHIELDS LIVING TR	
BOE EDWARD A	
BOOTH RYAN	
BUDAI MARK ETUX	
CASSITY CINDY	
CHARLES D YERIAN	
COLEMAN WILLIAM J	
CORNELISON BRENT	
COSSAIRT CASSIE D	
DALE R BEMIS	
DANIEL S SMITH	
DAVID & JACQUELINE ALLAWAY	
DAVID E & CASSIE C PRICE	

DAVIS WILLIAM HARRY	
DELONG BRIAN S ETUX	
DONNA M RAMSEY	
FEVOLD JOHN O	
FONTAINE BARBARA A	
FRED & AYME HUNT	
GOODMAN CHARLES FAMILY TRUST	
GROTH GERRY L ETUX	
HAGAN KRISTI L	
HARRIS ALVIN L JR	
HAYDEN RHEA R	
HICKMAN ARLAIN L	
HUGHES LARRY	
HUNTER SHERMAN R SR ETUX	
JASON D & AMY M JEROME	
JEFFREY L SILBAUGH	
JENNIFER PINHEIRO	
JERAULD JANETTE	
JOHNSON TODD D	
JOSEPH S & CYNTHIA L PERRY	
LARRY & LINDA HARWOOD	
LINCOLN S & JORDANNA L FOURNIER	
LINDA D DEETER LIVING TRUST	
LORI STATON	
MAINUS VERNON D	
MARC S & STEFANI R NELSON	
MORENO FEDERICO JR ETUX	
NEMBACK FAMILY TRUST	
PECHENINO LIVING TRUST	
PIGOTT FRANCIS X	

RIPLEY AIDEN D	
ROBERT R & DEBORAH M SPILKER	
ROSE DEBORAH R	
ROSE JACOB S	
RUDE MATTHEW K	
SAUTER JEFFREY R ETUX	
SEAN P & KRISTIE L MCKENNEY	
SHYLA C TILTON	
TECKLA M GOTREAU	
THOMPSON RICHARD C	
TIMOTHY & JOYCE WILHITE	
VETTER MADELINE	
VICTOR & LORRAINE GABRIEL REVOCABLE TRUST	
WEBBER THOMAS W	
WESLEY J SCOTT	
WESTBROOK KENNETH M	
WESTER MATTHEW S	
WIDMAYER RANDY S ETUX	
WILLIAM FRANK & KAREN DI TRUST	
PACIFIC GAS TRANSMISSION COMP	
PINE CREEK GRAZING ASSOCIATION	
WILSON, JANET M	
HAMPTON HILLS INVESTMENT GROUP LIMITED PARTNERSHIP	
HAMPTON HILLS LLC	
ZMI JOINT VENTURE	
Tonia Moro	Rogue Climate
Brett VandenHauevel	Columbia Riverkeeper

APPENDIX C
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APPENDIX D
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LIST OF PREPARERS

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2000

APPENDIX E

COMMENTS ON THE DRAFT EIS AND RESPONSES

Comments on the Draft EIS¹ and Responses

INTRODUCTION

Twenty-one parties submitted a total of twenty-seven timely correspondences in response to the draft EIS (DEIS). This appendix presents our responses to relevant comments provided on the draft DEIS. Correspondences are classified as follows:

- FA: Federal agencies and elected officials
- SA: State/Commonwealth elected officials
- NGO: Non-governmental Organizations
- IND: Individuals
- APL: Applicant

¹ Appendices/attachments/exhibits to comment letters were considered and addressed as appropriate in the final EIS; however, copies of some of these documents were not included in this summary of comments due to file sizes. Comment letter appendices/attachments/exhibits may be viewed using the Commission's eLibrary system.

INDEX OF COMMENTS RECEIVED**Document ID No. Commentor (FERC eLibrary Accession No.)****FEDERAL AGENCIES**

FA01 U.S. Environmental Protection Agency - Region 10 (20220818-5151)

STATE AGENCIES/ELECTED OFFICIALS

SA01 States of Washington, Oregon, and California (20220822-5123)

SA02 States of Washington, Oregon, and California (20220822-5118)

SA03 Representative Pam Marsh (20220819-5154)

NON-GOVERNMENTAL ORGANIZATIONS

NGO01 Crag Law Center (20220822-5140)

NGO02 Rogue Climate (20220822-5084)

NGO03 Wild Idaho Rising Tide (20220823-5021)

NGO04 Earth Ministry (20220822-5170)

NGO05 Columbia Riverkeeper, Rogue Climate, Oregon Physicians for Social Responsibility, Washington Physicians for Social Responsibility, 350 Eugene, 350 Deschutes, 350 PDX, 350 Seattle, Rogue Riverkeeper, Wild Idaho Rising Tide, Oregon Just Transition Alliance, Southern Oregon Climate Action Now, Ministry/Washington Interfaith Power and Light, Red Earth Descendants, Oregon Women's Land Trust, Breach Collective, Southern Oregon Pachamama Alliance, Siskiyou Rising Tide, Climate Solutions, Beyond Toxics (20220819-5155)

NGO06 350 PDX (20220822-5134)

NGO07 Columbia River Inter-Tribal Fish Commission (20220822-5155)

NGO08 Oregon Physicians for Social Responsibility (20220823-5011)

NGO09 Columbia Riverkeeper (20220822-5072)

NGO10 Columbia Riverkeeper (20220822-5144)

NGO11 Pipelines Local 798 (20220822-5088)

INDIVIDUALS

IND01 Kristen Edmark (20220810-5001)

IND02 Jean M. Avery (20220811-5014)

IND03 Thomas Gordon (20220822-5002)

IND04 Theodora Tsongas (20220823-5000)

IND05 Diana Gordon (20220822-5001)

IND06 Diana Gordon (20220822-5147)

IND07 Ted Glick (20221020-4002)

IND08 Lucinda Stroud (20221020-5105)

IND09

Kay Reibold (20221021-4002)

APPLICANTS

APL01

Gas Transmission Northwest LLC (20220822-5083)

FA01 – U.S. Environmental Protection Agency – Region 10



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10
1200 Sixth Avenue, Suite 155, 14-D12
Seattle, WA 98101-3144

REGIONAL
ADMINISTRATOR'S
DIVISION

August 18, 2022

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

Dear Kimberly D. Bose:

The U.S. Environmental Protection Agency has reviewed the Federal Energy Regulatory Commission's July 2022 Draft Environmental Impact Statement for the GTN XPress Project (EPA Project Number 22-0003-FERC). EPA has conducted its review pursuant to the National Environmental Policy Act and our review authority under Section 309 of the Clean Air Act. The CAA Section 309 role is unique to EPA and requires EPA to review and comment publicly on any proposed federal action subject to NEPA's environmental impact statement requirement.

The Draft EIS evaluates the potential environmental impacts associated with modification and operation of three existing compressor stations in Idaho, Washington, and Oregon. The modifications to the existing compressor stations would require the disturbance of about 46.9 acres of land. The Project proponent would maintain about 1.2 acres of land for operation of the Project facilities; the remaining acreage would be restored. The Project would increase the capacity of GTN's existing natural gas transmission system by about 150,000 dekatherms per day between its Kingsgate Meter Station in Idaho and its Malin Meter Station in Oregon.

EPA has identified environmental concerns and deficiencies in the NEPA analysis and mitigation commitments to be addressed in the Final EIS. The enclosed detailed comments provide recommendations related to the estimation and disclosure of greenhouse gas emissions (GHG), national and state reduction policies, air quality, and mitigation measures. Specifically, EPA is concerned that the Draft EIS does not adequately evaluate the greenhouse gas emissions associated with the proposed Project and provides the following most significant recommendations for improving the Final EIS:

Key Climate and Greenhouse Gas Emissions recommendations:

- Identify the applicable climate policies and requirements and discuss the extent the estimated GHG emissions from the proposed alternatives impact achieving national GHG reduction targets and any relevant state or local goals.
- Discuss the future local and regional energy needs (e.g., electricity generation and building heating) and opportunities to meet that need outside of the Project.
- Modify the No Action Alternative, or creating a new renewable alternative, to consider and evaluate non-gas energy alternatives that satisfy the ultimate need for the Project, specifically the energy services that would be provided by the Project.
- Avoid expressing the overall Project-level GHG emissions as a percentage of the state or national GHG emissions.

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Thank you for the opportunity to review the Draft EIS for this Project, and we look forward to coordinating with the Commission to finalize the EIS. If you have questions about this review, please contact Lauren Boldrick of my staff at 907.271.5097 and boldrick.lauren@epa.gov, or me, at (206) 553-1774 or at chu.rebecca@epa.gov.

Sincerely,

REBECCA CHU Digitally signed by REBECCA
CHU
Date: 2022.08.18 12:36:32
-07'00'

Rebecca Chu, Chief
Policy and Environmental Review Branch

Enclosure

FA01 – U.S. Environmental Protection Agency – Region 10

U.S. EPA Detailed Comments on the
GTN Xpress Project Draft EIS
Idaho, Washington, Oregon
August 2022

- FA01-1 {
 - Climate Science and Policy**
EPA recommends that the Final EIS identify the applicable climate policies and requirements and discuss the extent the estimated GHG emissions from the proposed alternatives impact achieving national GHG reduction targets and any relevant state or local goals. For example, the Final EIS could include a description of the reasonably foreseeable GHG emissions from the proposed Project and how those emissions would affect science-based GHG Federal and State reduction goals, such as those in peer reviewed reports like the "Long-Term Strategy of the United States: Pathways to Net-Zero Greenhouse Gas Emissions by 2050."¹
 - The United States has established a Paris-agreement target to reduce net GHG emissions economy-wide by 50-52% below 2005 levels, consistent with a pathway to net-zero by 2050. Executive Order (EO) 14057 establishes a policy for the federal government to lead by example in order to achieve a carbon-pollution free electricity sector by 2035 and net-zero emissions economy-wide by no later than 2050.² These and other policies reflect science-based GHG reduction goals to avoid the worst impacts of climate change. The most recent scientific reports by the Intergovernmental Panel on Climate Change reinforce the urgent need to take climate action.³
- FA01-2 {
 - EPA also recommends that the Final EIS discuss the future local and regional energy needs (e.g., electricity generation and building heating) and opportunities to meet that need outside of the Project. Specifically, EPA recommends identifying and discussing other proposed renewable energy and fossil fuel Projects (i.e., those that have permit applications in queue with the States of Idaho, Washington, and Oregon and the U.S. Government). This information, combined with an overview of the Project's impact on National, State, and local GHG emission reduction goals, provides information to inform decision-making with respect to GHG emission mitigation. EPA recommends development of this valuable information for the public and decision-makers, consistent with the Council on Environmental Quality's (CEQ) current position, as expressed in the preamble to their October 7, 2021, notice of proposed rulemaking.⁴
- FA01-3 {
 - Alternatives Analysis**
EPA continues to recommend that the Final EIS explore and consider a full range of alternatives and evaluate in detail all reasonable alternatives that could provide energy services to support public convenience and necessity.

¹ U.S. Department of State and U.S. Executive Office (November 2021). The Long-Term Strategy of the United States: Pathways to Net-Zero Greenhouse Gas Emissions by 2050. Accessible at: <https://www.whitehouse.gov/wp-content/uploads/2021/10/US-Long-Term-Strategy.pdf>

² Executive Order (EO) 14057: Executive Order on Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability. December 2021. Accessible at: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/12/08/executive-order-on-catalyzing-clean-energy-industries-and-jobs-through-federal-sustainability/>

³ Intergovernmental Panel on Climate Change, United Nations. *Summary for Policymakers of Climate Change 2021: The Physical Science Basis* SPM-5 (Valerie Masson Delmotte et al. eds.) (2021). Accessible at: https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf (IPCC Report).

⁴ Council of Environmental Quality. National Environmental Policy Act Implementing Regulations Revisions: Notice of Proposed Rulemaking. October 2021. Accessible at: <https://www.govinfo.gov/content/pkg/FR-2021-10-07/pdf/2021-21867.pdf>

FA01-1: Comment noted. Greenhouse gas emissions are discussed in section 4.9.

FA01-2: Comment noted. In addition, renewable energy is outside the scope of this EIS. The purpose of the project is to increase the transportation capacity of existing natural gas infrastructure. Production of energy by renewables or by any other means is not the purpose.

FA01-3: As explained section 3.0, because renewable energy sources are not natural gas transportation alternatives, and therefore, do not meet the purpose and need of the Project, they were not considered in our alternatives analysis.

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FA01-4: see response to FA01-3

FA01-5: A cumulative impacts analysis in EIS section 4.12.

FA01-4

Consistent with our earlier recommendation, the Final EIS would be improved if it includes information about other renewable energy and fossil fuel projects. The Draft EIS lacks comparison between the associated emissions for the alternatives and the determination that no system or other alternative would provide a significant environmental advantage over the proposed Project is not fully supported. The Draft EIS appears to explain that the proposed Project is the best suited to provide energy services because it is least impactful, without including comparison of the most adverse impacts, those from greenhouse gas emissions.

For example, the Final EIS could include an exploration of non-gas alternatives, as referenced in the FERC 2017 NGA Guidance Manual for Environmental Report Preparation⁵ and how the need for the energy services potentially provided by the natural gas that would be delivered by Project could be met through other means, including those that do not emit GHGs in accordance with both state and Federal GHGs reduction goals and programs.

EPA recommends the Final EIS modify the No Action Alternative, or creating a new renewable alternative, to consider and evaluate non-gas energy alternatives that satisfy the ultimate need for the Project, specifically the energy services that would be provided by the Project.

Climate Change

Analysis

EPA reiterate our previous recommendations that additional context regarding the urgency of the attainment of national and international GHG goals be included in the Final EIS.

For example, according to the 2017 U.S. Climate Science Special Report, models Project that if yearly emissions continue to increase rapidly, as they have since 2000, then by the end of this century, global temperature will be at least 5 degrees Fahrenheit warmer (and possibly as much as 10.2 degrees warmer) than the 1901-1960 average. If annual emissions increase more slowly and begin to decline significantly by 2050, models Project temperatures would still be at least 2.4 degrees warmer than the first half of the 20th century, and possibly up to 5.9 degrees warmer.⁶ According to NOAA's 2021 Annual Climate Report the combined land and ocean temperature has increased at an average rate of 0.14 degrees Fahrenheit (0.08 degrees Celsius) per decade since 1880; however, the average rate of increase since 1981 (0.18°C / 0.32°F) has been more than twice that rate.⁷

EPA recognizes that the Commission is conducting a generic proceeding to determine whether and how it will conduct significance determinations going forward. In the interim statement, FERC stated that projects with projected CO₂e of 100,000 metric tons per year or more will require an EIS.

The GHG emissions from the proposed Project are a reasonably foreseeable indirect effect of authorizing the Project. EPA recommends the Final EIS include a discussion of the potential level of

FA01-5

⁵ Federal Energy Regulatory Commission. Guidance Manual for Environmental Report Preparation. February 2017. Accessible at:

<https://www.ferc.gov/sites/default/files/2020-04/emidance-manual-volume-1.pdf>

⁶ Wuebbles, D.J., D.W. Fahey, K.A. Hibbard, B. DeAngelo, S. Doherty, K. Hayhoe, R. Horton, J.P. Kossin, P.C. Taylor, A.M. Waple, and C.P. Weaver, 2017. Executive summary. In: Climate Science Special Report: Fourth National Climate Assessment, Volume I [Wuebbles, D.J., D.W. Fahey, K.A. Hibbard, D.J. Dokken, B.C. Stewart, and T.K. Maycock (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, pp. 12-34, doi: 10.7930/J0D5CTG.

⁷ National Centers for Climate Information. Annual 2021 Global Climate Report. Accessible at:

<https://www.ncei.noaa.gov/access/monitoring/monthly-report/global/202113>

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- FA01-5cont.
 - FA01-6
 - FA01-7
 - FA01-8
 - FA01-9
- impact of this indirect effect, as well as the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions.⁸
- EPA recommends the Final EIS include a comparison of the Project’s GHG emissions to emissions from other analogous Projects located in Washington, Oregon, or Idaho, and to total emissions from the state or the region in the context of regional or national emissions-control goals. These comparisons will improve the transparency of the proposed Project’s GHG emission in the context of national and regional goals and GHG effects of this Project.
- EPA recommends that the Final EIS avoid expressing the overall Project-level GHG emissions as a percentage of the state or national GHG emissions. This approach diminishes the significance of the Project-scale GHG emissions.
- The proposed Project is anticipated to produce 3.01 million metric tons of CO₂e per year. The Commission may not be able to determine the state or national significance of the Project at this time, but relative to all the impacts associated with the Project, the Final EIS should make clear that the impacts of GHG emissions.
- Regulatory, Policy, and Energy Transition Trends**
 EPA recommends that the Final EIS include analysis of regulatory, policy, and energy transition trends that may impact local and regional energy grids and markets over the proposed Project duration. To achieve the climate goals specified seven years ago in the Paris Agreement, the energy transition will need to accelerate markedly from current trends. A recent article published in the journal Science⁹ and referenced in the White House’s 2022 Economic Report of the President¹⁰ estimates that without additional policy actions, there is less than a 10 percent probability that temperatures will stay below 2 degrees Celsius above preindustrial temperatures by 2100.¹¹
- As previously stated, EPA recommends the Final EIS include Federal and State GHG reduction policies and goals in the Project’s climate change analysis. In 2020, the State of Oregon established GHG reduction goals for 2035 and 2050, for 45% and 80%. Similarly, the State of Washington has committed to similar greenhouse reduction goals through emission “capping.”
- Energy Grids and Markets**
 EPA recommends the Final EIS include a description of the local and regional energy grids and markets that may be impacted by the proposed Project. This will help the public to understand how the Project will allow for reliable, safe, secure, and economically efficient energy for consumers.
- EPA recommend including information from the Energy Information Administration (EIA), which reported in 2021 that about 38% of U.S. utility-scale electricity generation is produced by natural gas.¹²

FA01-6: A cumulative impacts analysis can be found in EIS section 4.12. In addition, a discussion of national and regional goals can be found in EIS section 4.9.

FA01-7: The Commission has stated in recent orders that the comparisons provide additional context in considering a project’s potential impact on climate change. Accordingly, we have included those comparisons in our NEPA analysis. For response on GHG reduction goal considering, see section 4.9.

FA01-8: For response on GHG reduction goals, see section 4.9.

FA01-9: As stated in section 1.2, the purpose of the EIS is to comply with NEPA requirements which require the Commission to consider the environmental impacts of a proposed action prior to making a decision. The purpose and need for the GTN XPress Project is briefly discussed in sections 1.0 and 1.1 of this EIS. A project’s need is established by the Commission when it determines whether a project is required by the public convenience and necessity. Additional description of the local and regional energy grids, markets, and energy sources is not needed here.

⁸ Sierra Club v. FERC, 867 F.3d 1357 (D.C. Cir. 2017).
⁹ Ou et al. 2021. Accessible at: <https://www.science.org/doi/pdf/10.1126/science.abi8976>.
¹⁰ White House. 2022 Economic Report of the President. 2022. Accessible at: <https://www.whitehouse.gov/cea/written-materials/2022/04/14/summary-of-the-2022-economic-report-of-the-president/>.
¹¹ White House. 2022 Economic Report of the President, Chapter 4: Accelerating and Smoothing Clean Energy Transition. 2022. Accessible at: <https://www.whitehouse.gov/wp-content/uploads/2022/04/Chapter-7-new.pdf>.
¹² US Energy Information Administration. US Overview Energy Estimates. Accessible at: <https://www.eia.gov/tools/faqs/faq.php?id=427&t=3>.

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Aligning that information, with EPA’s *Inventory of U.S. Greenhouse Gas Emissions and Sinks*,¹³ which tracks total annual U.S. emissions, improves transparency of the Project need and significance of its impacts. The 2020 report states that for GHG sources, electricity accounts for 25%, commercial and residential uses accounts for 13%, agriculture accounts for 11%, industrial uses accounts for 24%, and transportation accounts for 27%. The Final EIS can also be improved by further discuss the existing energy sources in each state, noting that currently, the State of Idaho generates about 74% of its electricity from renewable energy sources and, since 2015, several utility-scale solar Projects have been installed or are in the permitting process, adding over 700 MW to the local energy grid.¹⁴

FA01-10

Since the EIA reports that the fastest-growing sources of electricity are from renewable resources (e.g., wind, solar, etc.), accounting for about 20% of total U.S. electricity generation in 2021, it is important to discuss future energy grids and markets. For example, the Final EIS could include a discussion of the Cat Creek Energy’s proposed Water Storage Renewable Power Station Project, which could supply power for nearly 300,000 homes.¹⁵ Similarly, useful context would be given with a discussion on Projects in development, such as Duke Energy Sustainable Solutions’ development of the 120 MW Jackpot Solar Project in Twin Falls County, the utility subsidiary’s first utility-scale Project in Idaho.

Greenhouse Gas Emissions

As previously stated, EPA is concerned that the Draft EIS has inadequately disclosed the estimate of GHGs from the proposed action and may not present the Commission with the reasonably foreseeable significant adverse impacts of the proposed action essential to make an informed decision.

Upstream Analysis

EPA recommends that Final EIS include quantified estimates of all indirect GHG emissions from each of the alternatives over their anticipated lifetime, including reasonably foreseeable emissions from the production, processing, and transportation of natural gas. Estimated indirect emissions, as with the direct emissions already estimated in the Draft EIS, provide essential information to the public and decisionmakers.

FA01-11

The purpose of the proposed Project is to transport additional natural gas for consumption; that additional natural gas must be produced and transported to supplement the existing throughput volume. If the proposed Project would not occur, the existing throughput would continue at its current rates and additional upstream production would not occur. Upstream emissions from that production and transportation are demonstrably reasonably foreseeable indirect effects of the proposed action and therefore should be considered under the NEPA analysis for this project. Omitting consideration of upstream emissions results in an underestimation of the proposal’s impacts.

TC Energy stated in 2019 that they were initiating their West Path Delivery Program, expanding the Nova Gas Transmission Line (NGTL) System and Foothills for contracted incremental export capacity on GTN. The NGTL is TC Energy’s natural gas gathering and transportation system for the Western Canadian Sedimentary Basin, connecting most of the natural gas production in western Canada to

¹³ Environmental Protection Agency. *Inventory of US Greenhouse Gas Emissions and Sinks*. 2022. Accessible at: <https://www.epa.gov/ghemissions/inventory-us-greenhouse-gas-emissions-and-sinks>.

¹⁴ Energy Information Administration. *Idaho State Profile and Energy Estimates*. 2022. Accessible at: <https://www.eia.gov/state/?sid=ID>.

¹⁵ K. Ridler. (June 7, 2022). *Massive water, wind, and solar Idaho energy Project advances*. Associated Press. Accessible at: <https://www.ktvb.com/article/tech/water-wind-solar-idaho-energy-Project-advances/277-3d203539-45cc-4f75-813c-6cde95168f0>.

FA01-10: See response to FA01-3.

FA01-11: As stated in section 4.9, the Commission has stated in previous proceedings, the environmental effects resulting from natural gas production are generally neither caused by a proposed natural gas infrastructure project nor are they reasonably foreseeable consequences of our approval of an infrastructure project, as contemplated by CEQ regulations, where the supply source is unknown. Here, the specific source of the additional natural gas to be transported via the GTN Xpress Project is unknown may change throughout the project’s operation. Accordingly, we affirm that the GHG emissions associated with upstream production of gas are not a reasonably foreseeable impact of this project. The Commission will continue to determine, on a case-by-case basis, whether GHG emissions from upstream production activities are a reasonably foreseeable and causally connected result of a proposed project.

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FA01-11
cont.

domestic and export markets. The proposed Projects consist of approximately 66 miles of pipeline and associated facilities with in-service dates in fourth quarter 2022 and fourth quarter 2023. The program is underpinned by approximately 275 TJ/d (258 MMcf/d) of new firm-service contracts with terms that exceed 30 years. The Project proponent provided the following rationale for the proposed Project, "Along with TC Energy Corporation's system expansions upstream, GTN XPress will enhance market access and reliability for growing Western Canadian Sedimentary Basin (WCSB) supplies and *allow additional market penetration along GTN's system in the Pacific Northwest.* (Emphasis added)"¹⁶

FA01-12: Project's outside of the United States are not discussed in this EIS.

FA01-12

Additional relevant information for this Project may be found in the Environmental Assessment for this Project. The Canadian government reported that NGTL forecasted that the average flow through the ABC Border Export point on the NGTL System is expected to grow from approximately 2.4 Bcf/d in 2019, to approximately 3.0 Bcf/d in 2030¹⁷. NGTL also forecasted decreased sectorial demand for natural gas in the U.S. Pacific Census Region between 2019 and 2040. NGTL assumed that legislation to increase renewable portfolio standard regulations set by the U.S. state governments will lessen natural gas demand gradually over time. However, NGTL also stated that California plans to replace at least some of its natural gas-fired electricity generation with new gas-fired electricity generation, and that there are plans in California to take the last remaining nuclear facility offline, resulting in a need to replace some gas-fired generation NGTL noted that there could be a range of outcomes different from what was forecasted in the Application. It may be relevant to contextualize the downstream impacts to California's natural gas consumption.

FA01-13: See response to FA01-11.

These emissions and more appropriate disclosure of their social cost are critical to disclosing the total climate impact of each alternative. These impacts include implications for climate justice, given that communities with environmental justice concerns and other underserved populations are disproportionately impacted by climate change.¹⁸

Social Cost of Greenhouse Gases
In the current CEQ Guidance for consideration of GHG Emissions and the Effects of Climate Change in NEPA Reviews (2016), CEQ declares that agencies "should consider the potential effects of a proposed action on climate change as indicated by assessing GHG emissions"... and "recommends that agencies quantify a proposed agency action's Projected direct and indirect GHG emissions, taking into account available data and GHG quantification tools that are suitable for the proposed agency action."

FA01-13

As previously stated, EPA recommends the Final EIS improve the completeness of GHG emissions associated with the proposed Project and provide greater transparency of the GHG emissions and climate impacts.
Section 4.9 "Air Quality and Climate Change" has a section on the "Social Cost of GHGs," where emissions are monetized. It appears only a portion of the total emissions associated with the pipeline expansion are monetized. In this Project, there are three main categories of emissions to be monetized: (1) the downstream impacts of the natural gas, (2) the upstream emissions associated with the Project,

¹⁶ TC Energy. Announcements. 2019. Accessible at: <https://www.tcpipelineslp.com/announcements/2019/2019-11-01-tc-pipelines-lp-announces-gtn-xpress-to-enhance-market-access-for-growing-wcsb-supply-and-allow-additional-market-penetration-along-gtn/>.

¹⁷ Canada Energy Regulator. NGTL West Path Delivery 2023 Project (GH-002-2020). 2022. Accessible at: <https://apps.cer-rec.gc.ca/REGDOCS/Item/View/3968941>.

¹⁸ See, e.g., Climate Change and Social Vulnerability, EPA (2021). https://www.epa.gov/system/files/documents/2021-09/climate-vulnerability_september-2021_508.pdf.

FA01 – U.S. Environmental Protection Agency – Region 10

FA01-14: The Commission has stated in recent orders that the comparisons provide additional context in considering a project’s potential impact on climate change. Accordingly, we have included those comparisons in our NEPA analysis (Section 4.9).

FA01-13
cont

and (3) the emissions associated with operation and construction. Section 4.9 only presents the monetized impacts of the downstream emissions. The text in that section mentions 3.27 million metric tons of CO₂e per year, which corresponds to only the downstream estimates presented in section 9.1.5. NCEE replicated the social cost exercise for the downstream estimates and produced estimates roughly close to those presented in the text.

Although it is difficult to compute the other categories due to inconsistencies in the documents (discussed further below), what follows are estimated values for the other missing categories:

Upstream impacts

Assuming an additional 150,000 dekatherms per day, and assuming a timeline of 2023-2050:

Total; Present and Annualized Values of GHG Emission Changes (millions, 2020\$)				
GHG	Total	Total	Total	Total
Discount Rate	5.00%	3.00%	2.50%	3%
Statistic	avg	avg	avg	95th
Present Value in 2023 (2020\$)	\$208	\$655	\$945	\$1.883

Operation and construction emissions

Assume annual operation emissions match Document Accession #: 20220526-5247, (which has values that are lower than the CO₂e cited in section 9.1.5):

Total; Present and Annualized Values of GHG Emission Changes (millions, 2020\$)				
GHG	Total	Total	Total	Total
Discount Rate	5.00%	3.00%	2.50%	3%
Statistic	avg	avg	avg	95th
Present Value in 2023 (2020\$)	\$48	\$186	\$282	\$566

The Draft EIS did not include construction emissions broken down by individual GHG, so this was not included in the preceding in the estimate.

Based on the above estimates, the current analysis of GHG emissions for the GTN Xpress pipeline expansion described in the Draft EIS possibly omits several hundred million to over a billion dollars in impacts (depending on which SC-GHG discount rate is used).

Other specific concerns related to GHG characterization in the Draft EIS:

- It difficult to track down the impact of the Project in terms of all three GHGs that are used to calculate social costs.
- In several cases, such as the construction impacts, the provided documents specify impacts only in CO₂ equivalent, which cannot be specified by GHG (CO₂, CH₂, and N₂O).
- Although the analysis compares Project emissions to national percentages, it does not explore the potential impact on state and regional goals for climate change. Oregon and Washington have explicit goals related to emissions, and this Project represents an expansion of fossil fuel use that is counter to those goals.¹⁹

FA01-14

¹⁹ See, for example: <http://www.oregon.gov/energy/energy-oregon/pages/greenhouse-gas-snapshot.aspx>.

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FA01-15

EPA recommends that the Final EIS include additional information on future gas prices and markets. While the EIA projects natural gas prices are expected to fall slightly over the next 20 years, natural gas combustion is a relatively mature technology that has limited potential for further cost-saving innovations.²⁰ In contrast, renewable energy sources, such as wind and solar, are relatively new technologies with unsubsidized costs that are already competitive with new coal and natural gas electricity generating units (EGUs). Renewable energy sources may therefore retain greater potential for further cost reductions via innovation and learning-by-doing. Coal and natural gas technologies have experienced similarly rapid technological innovation, but remaining opportunities for further cost reductions may be comparatively rare and expensive to exploit.

New or refurbished fossil fuel electric power generating facilities have very long expected lives; many natural gas EGUs are over 30 years old with the capacity-weighted age of the current U.S. natural gas fleet approximately 22 years. EIA projects that coal and natural gas EGUs will operate for 30 years. Multi-decade time horizons, particularly when initial fixed costs represent a large share of total or levelized costs, exacerbate risks associated with locking in uneconomic non-renewable energy sources, which would cause significant excess costs to accrue. This time horizon is a financial risk to energy producers in the Northwest and their ratepayers.

Air Quality

FA01-16

EPA recommends that sections of the Final EIS (notably 4.9) disclose the increase in Potential to Emit (PTE) source from all three facilities and a conclusion on whether New Source Review (NSR) construction permits would be required based on the PTE increases. If these are not required for the Athol and Starbuck station, the Final EIS should explain why NSR air permits are not required for these sources. If NSR air permits are required, we recommend they be listed in Table 1.4-1. Additional guidance is available at: <https://www.epa.gov/nsr/potential-emit-pte-guidance-specific-source-categories>.

FA01-17

EPA recommends inclusion of a brief additional discussion be added to this section (4.9) to disclose what Title V air operating permit and minor/major NSR construction air permit requirements apply to the three compressor stations.

FA01-18

It would be most useful if Table 4.9-2 (or an additional table or discussion) indicated the original PTE of the Unit 5D Solar Titan Turbine and disclosed the increase in emissions associated with the Project (from uprating of the turbine). EPA recommends the Final EIS clarify if this turbine is already permitted (through an original NSR air permit) to operate at the PTE indicated in this table or if the original permit allows only the restricted PTE. Sufficiently describe this additional information to demonstrate why an NSR construction air permit is not required for the Project. This same comment is also applicable to the existing turbines at the Starbuck and Kent stations that will be uprated as part of the Project.

FA01-19

Based on the PTE of the new source unit at the Starbuck station, EPA would expect a Notice of Construction air permit (minor NSR Project under Washington State) would be required for the Project. The Draft EIS indicates on page 4-35, under "Regulatory Requirements" that NSR is not applicable to the Project. Additional brief discussion is needed to explain either why an NSR air permit is not required for the Project or to disclose that an NSR air permit is required for the Project and what the permitting requirements entail.

FA01-15: Renewable energy sources are not natural gas transportation alternatives, and therefore, do not meet the purpose and need of the Project. They were not considered in our alternatives analysis.

FA01-16: Comment noted.

FA01-17: Comment noted.

FA01-18: Comment noted.

FA01-19: Comment noted.

²⁰ US Energy Information Administration. Annual Energy Outlook. 2022. Accessible at: <https://www.eia.gov/outlooks/aeo/>.

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- FA01-20 { The discussion in this section reveals little about the modeling methodology. Some information regarding the modeling was found in Chapter 4.7 (regarding Environmental Justice) that would be useful to disclose in this section also. EPA recommends some brief additional information be added to this section to disclose a) the maximum impacts indicated in the table are within 0.25 miles of the source, b) what, if any, sensitive receptors are located in range of the maximum impacts, c) what air quality model was used to determine the impacts, and d) if a reference to a modeling report cannot be provided, brief additional information on how the modeling was conducted and what meteorological inputs were used.
- FA01-21 { **Mitigation Measures**
Mitigation plays a particularly important role in NEPA. EPA continues to recommend that Final EIS consider and incorporate practicable mitigation measures to reduce the proposed action’s GHG emissions into the proposed terms and conditions required as part of certificate issuance. Specifically, EPA recommends the Final EIS analyze and disclose mitigation measures that will reduce net GHG emissions. EPA encourages the Final EIS illustrate how the Project has and will mitigate GHG emissions to the greatest extent possible, given that the Project will receive authorization to increase transmission capacity by about 150,000 dekatherms per day.
- FA01-22 { **Public Involvement**
A public meeting was not held during the Draft EIS comment period. EPA recommends the Final EIS include information describing what was done to inform impacted communities about the Project and its potential impacts, what input was received from the communities, and how that input was utilized in the decisions that were made regarding the Project. An important part of the NEPA process is to provide opportunities through multiple methods (e.g., notices, mailings, fact sheets, briefings, presentations, translations, newsletters, reports, community interviews, surveys, canvassing, telephone hotlines, question and answer sessions, stakeholder meetings, on-scene information that may be provided in multiple languages, and employ different strategies for rural communities that have limited internet access) for affected communities to provide input into the NEPA process.

FA01-20: See additional language added to section 4.9 of this EIS.

FA01-21: Mitigation measures are discussed in section 4.9 of this EIS.

FA01-22: A 45-day comment period was initiated with the issuance of the draft EIS. All comments received on the docket, including those related to environmental justice concerns, have been addressed throughout this EIS.

SA01 – States of Washington, Oregon, and California

**Comments on the Draft Environmental Impact Statement
by the States of Washington, Oregon, and California**

August 22, 2022

Via Electronic Filing

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

RE: Gas Transmission Northwest, LLC, Docket No. CP22-2-000 (GTN Xpress Project)

Dear Ms. Bose:

Washington, Oregon, and California (collectively, the States) submit these comments on the Commission's Draft Environmental Impact Statement (Draft EIS) for the GTN Xpress Project. The Project seeks to increase the supply of methane gas for the States at significant environmental costs. It will increase air pollution and greenhouse gas emissions from compressor stations in Idaho, Washington, and Oregon, from production of the gas upstream, and from combustion downstream. The Project conflicts with State efforts to reduce greenhouse gas emissions and consumption of methane to combat climate change. The Draft EIS fails to analyze, and in some cases even disclose, these and other significant environmental impacts.

The Draft EIS contains conclusory, unsupported, and, in some cases, factually wrong analyses and conclusions to minimize or dismiss environmental impacts. Specifically, the Draft EIS:

- Inadequately analyzes the Project's climate impacts by declining to discuss their significance, omitting conflicts with national policy and state laws to reduce greenhouse gas emissions; and offering scant analysis of emissions and climate impacts;
- Relies on a purpose and need statement focused entirely on GTN's private purpose, unlawfully constraining the alternatives considered;
- Ignores reasonable alternatives, such as renewable energy and electrification;
- Does not take a hard look at other impacts, including environmental justice impacts; and
- Does not consider any measures that mitigate the project's significant climate impacts.

To comply with the law, the Commission must substantially revise its environmental review to fully consider the impacts of, and alternatives to, expanding methane in the Pacific Northwest.¹

¹ As detailed in the States' joint motion to intervene and protest, the Commission should deny GTN's application because the project does not serve the public necessity or interest. See Mot. To Intervene and Protest by Washington, Oregon, and California (filed Aug. 22, 2022) (hereinafter "Protest").

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I THE DRAFT EIS VIOLATES NEPA

SA01-1



The Draft EIS violates the basic principles of the National Environmental Policy Act (NEPA), its implementing regulations, and the Commission’s NEPA regulations. Its current form does not serve the fundamental purposes of an EIS. It does not aid agencies in making informed decisions based on a detailed and thorough analysis of a project’s environmental impacts, nor does it inform and involve the public.² It also violates the Administrative Procedure Act, which requires the Commission to consider all important aspects of a decision and rationally explain its reasoning.³

A. THE DRAFT EIS UNDERMINES INFORMED DECISION-MAKING BECAUSE IT INADEQUATELY ANALYZES SIGNIFICANT CLIMATE IMPACTS.

1. The Commission Must Acknowledge the Significant Climate Impacts of GTN’s Project.

SA01-2



The Draft EIS must acknowledge that GTN’s project will have significant climate impacts. Under NEPA regulations, an EIS must present a “full and fair discussion of significant environmental impacts” to inform decision-makers and the public.⁴ This “shall include” a discussion of the environmental impacts of a proposed action “and the significance of those impacts.”⁵ Inherent in these requirements is the obligation for the Commission to determine whether environmental impacts assessed in an EIS are significant. For pipelines, this includes a discussion of the “significance” of greenhouse gas emissions, “as well as the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions.”⁶

The Commission nonetheless declined to determine the significance of the project’s climate impacts, purportedly because it has no established threshold for when emissions are significant.⁷ While the Commission may set a threshold to guide future decisions, that future action does not absolve it of the duty to comply with NEPA in the present case.

The Commission also cannot reasonably conclude the impacts from GTN Xpress are insignificant. The Draft EIS states the project will result in over twelve billion dollars in harm

² See 42 U.S.C. § 4332(2) (directing environmental review “to the fullest extent possible”); *Pit River Tribe v. U.S. Forest Serv.*, 469 F.3d 768, 781 (9th Cir. 2006) (quoting *Earth Island Inst. v. U.S. Forest Serv.*, 442 F.3d 1147, 1153–54 (9th Cir. 2006)) (stating NEPA requires agencies to “consider every significant aspect of the environmental impact of a proposed action and inform the public that it has indeed considered environmental concerns in its decisionmaking process.”).

³ *Greater Yellowstone Coal, Inc. v. Servheen*, 665 F.3d 1015, 1023 (9th Cir. 2011) (describing the arbitrary and capricious standard).

⁴ 40 C.F.R. § 1502.1 (2020).

⁵ 40 C.F.R. § 1501.16(a)(1) (2020); see also 40 C.F.R. § 1501.3(a) (2020). Commission regulations also require staff to include summaries of “[t]he significant environmental impacts of the proposed action” and “[a]ny significant environmental impacts of the proposed action that cannot be mitigated.” 18 C.F.R. § 380.7(a) (1967).

⁶ *Sterna Club v. FERC*, 867 F.3d 1337, 1374 (D.C. Cir. 2017) (citing 40 C.F.R. § 1502.16(b) (2020) and *WildEarth Guardians v. Jewell*, 738 F.3d 298, 309 (2013)).

⁷ Draft EIS at 4-44.

SA01-1: Comment noted.

SA01-2: Construction and operation of the Project would increase the atmospheric concentration of GHGs, in combination with past and future emissions from all other sources and would contribute incrementally to future climate change impacts. While the climate change impacts taken individually may be manageable for certain communities, the impacts of compounded extreme events (such as simultaneous heat and drought, or flooding associated with high precipitation on top of saturated soils) may exacerbate preexisting community vulnerabilities. This EIS is not characterizing the Project’s GHG emissions as significant or insignificant because the Commission is conducting a generic proceeding to determine whether and how the Commission will conduct significance determinations going forward.² GHG impacts are more fully addressed in section 4.9

² See Order on Draft Policy Statements, 178 FERC ¶ 61,197 (2022)

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SA01-3

from the project’s contribution to climate change.⁸ It will release 3.47 million metric tons of CO₂e⁹ into the atmosphere each year, until at least 2052.¹⁰ The project’s increased emissions will conflict with international commitments and the laws of Washington, Oregon, and California. These are significant impacts.¹¹ In the Final EIS, the Commission should fully satisfy its NEPA obligation to evaluate those significant impacts.

SA01-3: see response to FA01-8.

SA01-4: see response to FA01-8.

2. The Draft EIS Must Explain That the Project Conflicts With International Commitments, National Policy, and State Laws to Reduce Emissions and Transition to Renewable Energy.

SA01-4

The Draft EIS’s cursory mention of state laws and complete failure to discuss relevant international and national policies violates NEPA. Numerous NEPA provisions make clear that agencies cannot ignore international, state, and local policies to address environmental problems. Agencies must “recognize the worldwide and long-range character of environmental problems” and, “where consistent with the foreign policy of the United States[,] . . . lend appropriate support to initiatives, resolutions and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind’s world environment.”¹² NEPA also requires federal agencies to work in concert with state and local governments by making available “advice and information useful in restoring, maintaining, and enhancing the quality of the environment.”¹³ Consistent with these directives, NEPA regulations require an EIS to address “any inconsistency of a proposed action with any approved State, Tribal, or local plan or law (whether or not federally sanctioned). Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law.”¹⁴

Taken together, these provisions obligate the Commission to consider the project in the context of international commitments, national policy and state and local laws to combat climate change. The Draft EIS’s brief mention of some state climate laws is insufficient.

a. The Draft EIS must discuss conflicts with State climate laws.

NEPA regulations require the Commission to discuss the project’s inconsistency with State and local laws or plans and describe the extent to which it would reconcile its proposed

⁸ Draft EIS at 4-47.
⁹ Carbon dioxide equivalent (CO₂e) means the number of metric tons of CO₂ emissions with the same potential for global warming as one metric ton of another greenhouse gas.
¹⁰ Draft EIS at 4-46.
¹¹ The regulations and case law for the threshold significance analysis are instructive. Agencies must decide whether an effect is significant and provide “convincing reasons” for its determination. *Nat. Res. Def. Council, Inc. v. Herrington*, 768 F.2d 1355, 1430 (D.C. Cir. 1985) (quoting *Maryland-National Capital Park & Planning Comm’n v. U.S. Postal Office*, 487 F.2d 1029, 1040 (D.C. Cir. 1973)). The significance determination must consider short- and long-term effects and “[e]ffects that would violate Federal, State, Tribal, or local law protecting the environment.” 40 C.F.R. § 1501.3(b) (2020).
¹² 42 U.S.C. § 4332(2)(F).
¹³ 42 U.S.C. § 4332(G).
¹⁴ See 40 C.F.R. § 1506.2(d) (2020).

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action with the plan or law.¹⁵ Washington, Oregon, and California each have laws to cap and reduce emissions and transition to 100 percent renewable electricity.¹⁶ In addition, dozens of local governments have laws and policies to reduce consumption of fossil fuels, including banning methane gas hookups to new buildings, energy efficiency mandates, and clean energy incentives.¹⁷ Expanding methane infrastructure in the Pacific Northwest is inconsistent with these laws and policies.

SA01-5



The Draft EIS washes its hands of this problem, stating the “impact on transition to renewable energy is outside the scope of this EIS.”¹⁸ It devotes just two sentences to these laws, inaccurately revising the States’ transformational actions to mere “goals.”¹⁹ NEPA requires more.

(1) GTN Xpress is inconsistent with Washington’s Emission Limits and the Climate Commitment Act.

Washington law requires progressive reductions in greenhouse gas emissions in the state to 1990 levels, or 90.5 million metric tons by 2030. By 2040, the law limits overall emissions in the state to 27 million metric tons, and, by 2050, to five million metric tons.²⁰ This is not merely a “goal,”²¹ but a statutory limit on emissions that Washington must take steps to achieve.

A major part of this effort is a cap-and-invest program for greenhouse gas emissions.²² The program covers facilities that generate 25,000 metric tons or more of CO₂e per year.²³ The Climate Commitment Act prevents covered facilities from collectively increasing annual emissions, and requires them to reduce their emissions over time, consistent with the state’s greenhouse gas emission limits.²⁴ The emissions reductions cannot be met solely through offsets – offsets can satisfy a maximum of five to eight percent of the facility’s reduction requirements.²⁵

SA01-6

The Starbuck Compressor Station is a covered facility under the Climate Commitment Act because its annual emissions already are well above the 25,000 metric-tons-per-year threshold.²⁶ The cap-and-invest program will require GTN to either reduce emissions or obtain increasingly scarce allowances or other compliance instruments for the Starbuck Station. GTN Xpress, however, will more than double Starbuck’s operational emissions, rising to 384,937 metric tons of CO₂e per year.²⁷ This is moving in the wrong direction, against the

¹⁵ See *id.*

¹⁶ See *Ex. A*.

¹⁷ See *id.*

¹⁸ Draft EIS at 4-45.

¹⁹ *Id.*

²⁰ See WASH. REV. CODE § 70A.45.020 (2020).

²¹ See Draft EIS at 4-45.

²² See Climate Commitment Act (WASH. REV. CODE 70A.65 (2021)).

²³ See WASH. REV. CODE § 70A.65.080(1) (2022).

²⁴ See § 70A.65.060 (2021).

²⁵ See § 70A.65.170 (2022).

²⁶ See § 70A.65.080(1); Draft EIS at 4-37.

²⁷ Draft EIS at 4-37.

SA01-5: see response to FA01-8

SA01-6: see response to FA01-8

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progressive reductions in the overall allowance budgets for emissions in Washington. Allowing GTN to double its emissions not only conflicts with Washington law that aims to cap and reduce those emissions, but will be increasingly costly to GTN (and ultimately, consumers) due to compliance costs under the Climate Commitment Act.

(2) *The Project's downstream emissions in Oregon is inconsistent with Oregon's Climate Protection Program.*

Oregon's Climate Protection Program, adopted by administrative rule in 2021, adopts a declining cap on greenhouse emissions from covered fuel suppliers (including Cascade, the Oregon "project shipper" referenced in the GTN Xpress application). The overall cap declines from 28,081,335 metric tons of CO₂e per year in 2022 to 15,021,080 in 2035 and to 3,004,216 in 2050.²⁸

Covered fuel suppliers receive a declining number of "compliance instruments" from the Oregon Department of Environmental Quality. Each instrument authorizes the emission of one metric ton of CO₂e per year by a covered fuel supplier.²⁹ Table 4 of Oregon Administrative Rule 340-271-9000 shows "compliance instrument distribution to covered fuel suppliers that are local distribution companies." According to Table 4, Cascade will receive 743,707 compliance instruments in 2022, declining to 371,854 in 2035 and to 74,371 in 2050.³⁰

Approval of the project will result in Cascade receiving an additional 20,000 Dekatherms per day (Dth/d) of methane to sell in Central Oregon for the next thirty years.³¹ It appears that as of 2050, this project alone would result in Cascade emitting more than five times the amount of carbon that the Climate Protection Program permits it to emit statewide. The Draft EIS states that "[w]hen emissions are calculated based upon the combustion of the upper-bound Project capacity of 150 million standard cubic feet per day of gas transported by the Project under full-load operating conditions, it is estimated that the combustion would emit 3.01 million metric tons of CO₂e annually."³² Cascade has contracted for 13.3 percent of the project capacity (20,000 out of 150,000 dekatherms) for 31 years.³³ Assuming that 13.3 percent of project capacity translates to 13.3 percent of emissions, Cascade would emit 401,333 metric tons of CO₂e, compared to the 74,371 it will be allowed to emit *statewide* under Oregon's Climate Protection Plan.

SA01-7: see response to FA01-8

SA01-7



²⁸ OR ADMIN. R. 340-271-9000 (2021), Table 2.

²⁹ R. 340-271-0020(10).

³⁰ Covered fuel suppliers may receive "community climate investment credit" through payment of community climate investment funds, which may be used in lieu of a compliance instrument. R. 340-271-0020(7). However, use of such credits is limited. The allowable usage of community climate investment credits to demonstrate compliance is 10 percent for 2022 through 2024, 15 percent for 2025 through 2027, and 20 percent thereafter. R. 340-271-9000, Table 6.

³¹ See Application at 9 (filed Oct. 4, 2021).

³² Draft EIS at 4-40.

³³ See Application at 9.

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(3) *Increasing methane infrastructure is inconsistent with California laws to curb methane use and transition to renewable energy.*

California has enacted several climate policies and programs since 2006, starting with Assembly Bill 32 requiring California to reduce its overall greenhouse gas emissions to 1990 levels by 2020 and 40 percent below 1990 levels by 2030.³⁴ This was followed up with California’s Cap and Trade Program with emissions limits set by the California Air Resources Board (“CARB”).³⁵ More recently, the Climate Change Scoping Plan, developed by CARB, outlines the state’s approach to achieving greenhouse gas reduction targets, including the goal of reducing emissions 40 percent below 1990 levels by 2030.³⁶ The Scoping Plan details state goals such as supporting a clean energy economy. The Draft 2022 Scoping Plan Update includes the goal of carbon neutrality by 2045.³⁷ Other recent laws and policies include Senate Bill 100 and Senate Bill 350, requiring the state to procure 60 percent of all electricity from renewable sources by 2030 and 100 percent from carbon-free sources by 2045, California’s Renewables Portfolio Standard, requiring that electricity providers procure 60 percent of energy from renewable sources by 2030, and the Green Building Standard, providing energy efficiency standards for new construction and retrofitting existing buildings.³⁸ This integrated climate change program, as well as state programs to reduce greenhouse gas emissions implemented over the past several decades, illustrate California’s longstanding commitment to reduce emissions and reliance on fossil fuels while building a cleaner, resilient economy that uses less energy and generates less pollution.

SA01-8: see response to FA01-8

SA01-9: see response to FA01-8

SA01-8

While the Project facilities will not be located within California, it connects directly to pipelines that deliver methane gas to California, and it may reasonably be assumed that additional capacity will result in transportation of increased amounts of methane through existing pipelines in California. This is inconsistent with the numerous state laws and policies enacted to reduce emissions, including methane, and transition to clean energy. Approval of the project would contradict California law and policy.

SA01-9

NEPA requires the Commission to discuss the inconsistencies between the Project and each of these state laws.³⁹ The Commission must also describe how it would reconcile the conflict between its proposed action and the state law. For example, the Commission could avoid these conflicts by selecting the no action alternative. The Draft EIS lacks this analysis.

³⁴ California Global Warming Solutions Act of 2006, AB-32, § 1 (2006).

³⁵ CAL. CODE REGS., tit. 7, § 95800, et. seq.

³⁶ CA. AIR RES. BD., AB 32 Climate Change Scoping Plan, <https://ww2.arb.ca.gov/our-work/programs/sb-32-climate-change-scoping-plan>.

³⁷ CA. AIR RES. BD., Draft 2022 Scoping Plan Update, (2022), <https://ww2.arb.ca.gov/sites/default/files/2022-05/2022-draft-sp.pdf>

³⁸ California Renewables Portfolio Standard Program: Emissions of Greenhouse Gases, SB-100 (2018); Clean Energy and Pollution Reduction Act of 2015, SB-350 (2015); CA. ENERGY COMM’N, Renewables Portfolio Standard – RPS, <https://www.energy.ca.gov/programs-and-topics/programs/renewables-portfolio-standard>; CAL. GREEN BUILDING STANDARDS CODE, tit. 24, part 11 (2019).

³⁹ See 40 C.F.R. § 1506.2(d).

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SA01-10: see response to FA01-8

b. The Project is inconsistent with international commitments and national policy.

SA01-10

The EIS must also consider whether the project is consistent with international commitments and national policy, both of which commit to rapid reduction of greenhouse gas emissions by 2030 and net zero emissions by 2050. In Executive Order 14008, President Biden affirmed that “[r]esponding to the climate crisis will require both significant short-term global reductions in greenhouse gas emissions and net-zero global emissions by mid-century or before.”⁴⁰ The Order set a national policy to “put the United States on a path to achieve net-zero emissions, economy-wide, by no later than 2050.”⁴¹ Subsequently, to meet its obligations under the Paris Agreement, the United States committed to reduce greenhouse gas emissions by 50-52 percent below 2005 levels by 2030.⁴²

Despite these national and international commitments, the draft EIS proposes to *increase* greenhouse gas emissions for at least the next thirty years, well beyond the United States’ net zero target in 2050. It also would complicate the States’ companion efforts to reduce emissions on this timeline. The project presumes the GTN pipeline will continue operating at near-full capacity until well past 2050, but the downstream emissions from this pipeline alone would account for 48 percent of the region’s target emissions in 2050.⁴³

If the United States is to achieve its policy goals, it must stop expanding fossil fuel infrastructure and emissions must rapidly decline. According to the International Energy Agency, “[i]f today’s energy infrastructure was to be operated until the end of the typical lifetime in a manner similar to the past,” existing infrastructure alone would consume thirty percent more than the remaining total CO₂ budget necessary to keep global warming below 1.5° Celsius.⁴⁴ Thus, if the world is to achieve the Paris Agreement’s goal of limiting warming to 1.5° Celsius, “significant investment in new gas pipelines is not needed.”⁴⁵ Inconsistency with important national policy and international commitments is a significant effect that the Commission must address in order to make an informed decision.

⁴⁰ E.O. 14008 of Jan 27, 2021: Tackling the Climate Crisis at Home and Abroad, 86 Fed. Reg. 7619 (Feb. 1, 2021).

⁴¹ *Id.*

⁴² The pledge to reduce “net greenhouse gas emissions by 50-52 percent below 2005 levels in 2030” formed the core of the United States’ “Nationally Determined Contribution” submitted to the United Nations Framework Convention on Climate Change in line with Article 4 of the Paris Agreement. See UNITED NATIONS, NDC Registry: The United States of America: Nationally Determined Contribution, <https://unfccc.int/sites/default/files/NDC/2022-06/United%20States%20NDC%20Ann%202021%202021%20Final.pdf>

⁴³ See Ex. C, Energy Futures Group Expert Report at 61.

⁴⁴ INT’L ENERGY AGENCY, *Net Zero by 2050: A Roadmap for the Global Energy Sector*, 181 (2021), https://isa.blob.core.windows.net/assets/d6ba2d4-0c34-4539-9d0c-10b13d840027/NetZeroBy2050-ARoadmapfortheGlobalEnergySector_CORR.pdf

⁴⁵ *Id.*

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3. The Draft EIS Fails to Adequately Assess the Project’s Climate Impacts.

NEPA requires a “reasonably thorough” discussion of environmental impacts.⁴⁶ In addition to ignoring the impact of project emissions on state and national climate policies, the Draft EIS does not provide a reasonably thorough account of the project’s impacts on climate change. Specifically, the EIS must include reasonably foreseeable upstream emissions from the Project, disclose and respond to the current scientific knowledge about methane’s effect on climate, and clearly state the actual environmental impact of greenhouse gas emissions by using the social cost of carbon or another metric. Without these elements, the EIS cannot inform decision-makers and the public about the Project’s environmental costs.

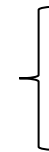
SA01-11



a. Upstream emissions are a reasonably foreseeable impact of GTN’s “supply-push” project.

The Commission must analyze the project’s greenhouse gas emissions from producing the gas that GTN’s pipeline will transport (upstream emissions). The draft EIS arbitrarily refuses to consider these upstream emissions because (1) emissions from production of methane for transport on a pipeline are “generally neither caused by . . . nor are they reasonably foreseeable consequences of our approval of a natural gas infrastructure project” and (2) “the supply source . . . is currently unknown and may change throughout the project.”⁴⁷ These assertions are arbitrary and violate NEPA regulations.

SA01-12



First, the Commission arbitrarily decided this pipeline will not cause emissions upstream because it has reached that conclusion “generally” in other, unidentified cases.⁴⁸ Without a citation, it is impossible to follow the Commission’s reasoning. It also lacks evidentiary support. The gas GTN transports must come from somewhere, and producing that gas invariably emits greenhouse gases. The Commission cannot refuse to consider those emissions on an unfounded assumption that another, unidentified pipeline exists to transport the same gas to another market. Courts repeatedly have rejected such unfounded “perfect substitution” arguments.⁴⁹

SA01-13

Whatever the record was in the other, unidentified cases the Draft EIS refers to, there is no evidence here that another pipeline could perfectly substitute for GTN’s. In fact, the evidence suggests the project will spur gas production. GTN describes its expansion as partially a “supply push” project, needed by producers in the Western Canada Sedimentary Basin.⁵⁰ As industry expert Gregory Lander describes, gas producers commonly purchase capacity to sell more gas at a particular location, and then will “drill to fill” the purchased capacity.⁵¹ Tourmaline, Canada’s “largest natural gas producer,” describes the “project capacity [as] a critical element of

⁴⁶ 350 *Montana v. Hoaland*, 29 F.4th 1158, 1163 (9th Cir. 2022); see also 40 C.F.R. § 1502.1.

⁴⁷ Draft EIS at 4-41.

⁴⁸ *Id.*

⁴⁹ *WildEarth Guardians v. U.S. Bureau of Land Mgmt.*, 870 F.3d 1222, 1234-39 (10th Cir. 2017) (in a coal lease EIS, agency cannot dismiss the significance of downstream emissions from coal combustion by claiming perfect substitution); *Mid States Coalition for Progress v. Surface Transp. Bd.*, 345 F.3d 520, 549 (8th Cir. 2003) (holding agency’s conclusion there was perfect substitute for railroad to transport coal was “illogical at best”).

⁵⁰ Ex. E, *TC Energy Corporation Q3 2019 Earnings Call Transcript* at 89.

⁵¹ Ex. B, Declaration of Gregory Lander (“Lander Decl.”) at 22.

SA01-11: see response to FA01-11

SA01-12: see response to FA01-11

SA01-13: see response to FA01-11

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Tourmaline’s long-term business planning.”⁵² Tourmaline’s own statements indicate the pipeline capacity is “critical” to future decisions about gas production, and thus emissions from that production are foreseeable and should be considered.⁵³

SA01-14: see response to FA01-11

SA01-15: see response to FA01-11

SA01-16: see response to FA01-11

SA01-14

Second, to the extent the supply source must be known in order to calculate upstream emissions, “NEPA [] requires the Commission to at least *attempt* to obtain the information necessary to fulfill its statutory responsibilities.”⁵⁴ Information on the supply source is available here. As GTN has stated, this is a project to serve producers in the Western Canada Sedimentary Basin.⁵⁵ GTN also claims its Project will allow customers to “control supply at the source,” which presumably means GTN knows where that “source” is located.⁵⁶ Additionally, one of those producers, Tourmaline, is purchasing one-third of the Project’s capacity and is party to this proceeding.⁵⁷ The locations of Tourmaline’s production wells are available on its website.⁵⁸ Should the Commission need more information, it should ask GTN to provide it. It also should ask for that information from Tourmaline, who is party to this proceeding.

SA01-15

Third, if information relevant to upstream production cannot be obtained, the Commission still must include “a summary of existing credible scientific evidence that is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment; and [t]he agency’s evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community.”⁵⁹

SA01-16

Tools exist to approximate upstream emissions, including where detailed information on the production is unknown. For instance, the Commission has used Department of Energy studies to make generic estimates of upstream emissions from natural-gas production where detailed information about the number, location, or timing of wells was unavailable.⁶⁰ Alternatively, the Commission could apply the Environmental Protection Agency’s methods to

⁵² Mot. To Intervene and Comments in Support of Tourmaline Oil Marketing Corp., at 4 (Filed Nov. 9, 2021).

⁵³ See also Ex. B, Lander Decl. at 22. To the extent the Commission believes it may not consider upstream emissions unless they are “caused by . . . approval of a natural gas infrastructure project,” Draft EIS at 4-41, that is not the appropriate standard. The recently revised NEPA regulations do not require a causal relationship for an indirect effect to be considered; instead, the appropriate standard is whether the effect is reasonably foreseeable. See National Environmental Policy Act Implementing Regulations Revisions, 87 Fed. Reg. 23,453, 23465 (Apr. 20, 2022) (to be codified at 40 C.F.R. §§ 1502, 1507, 1508) (citing *Sierra Club*, 867 F.3d at 1371).

⁵⁴ *Brockhead v. FERC*, 925 F.3d 510, 520 (D.C. Cir. 2022) (citing *Del. Riverkeeper Network v. FERC*, 753 F.3d 1304, 1310 (D.C. Cir. 2014)); see also 40 C.F.R. § 1502.21(b)-(c) (2020).

⁵⁵ Ex. D, TC Pipelines Press Release (Nov. 1, 2019).

⁵⁶ See Application at 11-12.

⁵⁷ See *id.* at 9; see also Mot. To Intervene and Comments in Support of Tourmaline Oil Marketing Corp. (Filed Nov. 9, 2021).

⁵⁸ See Ex. F, Website Printouts of Tourmaline Operations.

⁵⁹ 40 C.F.R. § 1502.21(c); see also *Vectros para el Bienestar de la Comunidad Costera v. FERC*, 6 F.4th 1321, 1329 (D.C. Cir. 2021).

⁶⁰ See *Dominion Transmission, Inc.*, 163 FERC ¶ 61,128 at 24-25 & nn.207-208 (May 18, 2018) (LaFleur, Comm’r, dissenting in part).

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SA01-16cont.

calculate the quantity of greenhouse gases emitted by oil and gas wells, gathering lines, and processing facilities.⁶¹

Agencies must use “reliable existing data and resources,” where available, and the Commission has not explained why it cannot use such tools here.⁶² Even if there is some uncertainty on the actual amount of upstream emissions, that is no reason to refuse to consider them altogether.⁶³ For these reasons, NEPA requires the Commission to analyze upstream emissions.

b. The EIS must describe current scientific knowledge on the impact of methane, appropriate time horizons, and methane leakage rates.

SA01-17

The Draft EIS does not fairly or fully discuss the Project’s climate impacts. The Draft EIS estimates 3.47 million metric tons of CO₂e emissions per year for at least the next thirty years, but withholds key assumptions – and contrary scientific opinions regarding those assumptions – underlying that number.⁶⁴

First, the calculation improperly assumes upstream emissions are zero.⁶⁵

Second, the Draft EIS uses Global Warming Potential Numbers of 1 for CO₂, 25 for methane, and 298 for nitrous oxide.⁶⁶ The Global Warming Potential number is important because it allows for comparison of the different ways gasses trap heat in the atmosphere during a given time period.⁶⁷ “The larger the [Global Warming Potential], the more that a given gas warms the Earth compared to CO₂ over that time period.”⁶⁸ The time period used is critical to analyzing the impact of methane. Methane spends roughly a decade trapping atmospheric heat 86 times more effectively than CO₂.⁶⁹ Using a 100-year time horizon to estimate the impact of methane dilutes the near-term harms from methane.

⁶¹ EPA, Detailed Comments on FERC NOI for Policy Statement on New Natural Gas Transportation Facilities, 2, Docket No. PL18-1-000 (June 21, 2018).

⁶² 40 C.F.R. § 1502.23 (2020).

⁶³ See *High Country Conservation Advocs. v. U.S. Forest Serv.*, 52 F. Supp. 3d 1174, 1192 (D. Colo. 2014) (noting that although there is a wide range of estimates about the social cost of greenhouse gas emissions, it was arbitrary for the agencies to decide not to quantify the costs at all because the “agencies effectively zeroed out the cost”); *Ctr. for Bio. Div. v. Nat’l Highway Traffic Safety Admin.*, 338 F.3d 1172, 1200 (9th Cir. 2014) (rejecting uncertainty argument as arbitrary and capricious because “while the record shows that there is a range of values, the value of carbon emissions reduction is certainly not zero”).

⁶⁴ Draft EIS at 4-34.

⁶⁵ See *supra* pp. 10-11.

⁶⁶ Draft EIS at 4-34.

⁶⁷ U.S. ENV’T PROT. AGENCY, *Understanding Global Warming Potentials*, [https://www.epa.gov/gheemissions/understanding-global-warming-potentials](https://www.epa.gov/ghe/gheemissions/understanding-global-warming-potentials) (last visited Aug. 16, 2022).

⁶⁸ *Id.*

⁶⁹ Gayatri Vaidyanathan, *How Bad of a Greenhouse Gas Is Methane?* SCIENTIFIC AMERICAN (Dec. 22, 2013), <https://www.scientificamerican.com/article/how-bad-of-a-greenhouse-gas-is-methane/> (last visited Aug. 18, 2022).

SA01-17: EPA indicates that the global warming potential (GWP) of methane is between 28–36, and nitrous oxide has a GWP between 265–298 over 100 years. FERC appropriately selected the Intergovernmental Panel on Climate Change’s (IPCC) Fourth Assessment Report (AR4, 2007) GWP values for methane and nitrous oxide for the 100-year timescale because these are the values EPA established for reporting of GHG emissions, EPA’s methane reduction voluntary programs, and the EPA’s Inventory of U.S. Greenhouse Gas Emissions and Sinks. EPA acknowledged the Fifth Assessment Report could lead to more accurate assessments of climate impacts in the future. However, when balanced with the benefit of retaining consistency across agencies, national and international programs, the potential gain in accuracy does not justify the loss of consistency in reporting and likely would cause stakeholder confusion among the various GWPs used in different programs. EPA identified that it may consider adoption of the Fifth Assessment Report GWPs in the future, at which time we will ensure that FERC staff request the use of the revised GWP values for methane and nitrous oxide in future NEPA evaluations.

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SA01-
17cont.

The Intergovernmental Panel on Climate Change (“IPCC”) has stated the choice of time horizon is a policy one,⁷⁰ so the Final EIS should make clear its reasons for selecting a 100-year horizon in lieu of a shorter period. It should address the scientific argument that a twenty-year horizon is more appropriate, given the near-term risk that the world reaches irreversible and devastating climate “tipping points” in the next thirty years.⁷¹ These are “points of no return,” where warming-induced changes cause unstoppable feedback loops that destabilize the climate and warm the planet even more rapidly.⁷² These tipping points are increasingly likely if the world warms above 2°C.⁷³ Without immediate and deep reductions in emissions, the IPCC estimates the world will pass that level by 2050, making the near-term impact of emissions especially important.⁷⁴

The Draft EIS does not disclose that these numbers are based on a 100-year time horizon and are lower than current scientific estimates. Agencies “shall identify any methodologies used and shall make explicit reference to the scientific and other sources relied upon for conclusions in the [EIS].”⁷⁵ With respect to Global Warming Potential numbers, agencies act arbitrarily when they use the 100-year time horizon without providing a reasoned scientific explanation for that decision.⁷⁶ The Draft EIS does not even disclose it is using a 100-year time horizon, much less provide a reasoned explanation for that decision.⁷⁷ Additionally, the Draft EIS does not disclose that the IPCC has released updated Global Warming Potential numbers or explain its reason to use the previous numbers. On a 100-year time horizon, the IPCC now states the Global Warming Potential of methane is 29.8, not 25.⁷⁸

⁷⁰ *Piers Forster, ET AL., Chapter 7: The Earth’s Energy Budget, Climate Feedbacks and Climate Sensitivity*, IPCC, 1017, https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Chapter07.pdf (stating the choice of time horizon is a policy choice).

⁷¹ See Robert W. Howarth, *A bridge to nowhere: methane emissions and the greenhouse gas footprint of natural gas*, ENERGY SCIENCE & ENGINEERING (May 15, 2014), <https://onlinelibrary.wiley.com/doi/full/10.1002/ese3.33>.

⁷² NASA SCIENCE, *The Study of Earth as an Integrated System*, <https://climate.nasa.gov/nasa-science/science/> (last visited Aug. 16, 2022). For example, “about a quarter of the Northern Hemisphere is covered by permafrost. As the environment warms and the permafrost thaws, [deposits of frozen methane] can be released into the atmosphere and present a risk of enhanced warming.” *Id.*

⁷³ See Robert W. Howarth, *A bridge to nowhere: methane emissions and the greenhouse gas footprint of natural gas*, ENERGY SCIENCE & ENGINEERING (May 15, 2014), <https://onlinelibrary.wiley.com/doi/full/10.1002/ese3.33>.

⁷⁴ See Richard P. Allan, ET AL., *Summary for Policymakers in: Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report for the IPCC*, 14-16, https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf.

⁷⁵ 40 C.F.R. § 1502.23.

⁷⁶ See *W. Org. of Res. Councils v. U.S. Bureau of Land Mgmt.*, No. CV 16-21-GF-BMM, 2018 WL 1475470, at *15 (D. Mont. Mar. 26, 2018).

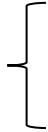
⁷⁷ Draft EIS at 4-34.

⁷⁸ *Piers Forster, ET AL., Ch. Seven: The Earth’s Energy Budget, Climate Feedbacks, and Climate Sensitivity. In Climate Change 2021: The Physical Science Basis. Contribution of Working Group I to the Sixth Assessment Report of the IPCC*, 1017, https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_Chapter07.pdf; U.S. ENV’Y PROT. AGENCY, *Understanding Global Warming Potentials*, <https://www.epa.gov/ghgemissions/understanding-global-warming-potentials#Learn%20why> (last visited Aug. 16, 2022) (“The EPA considers the GWP estimates presented in the most recent IPCC scientific assessment to reflect the state of the science.”).

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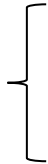
SA01-18



Third, the Draft EIS does not explain how it is calculating emissions from leaking methane other than stating it is “using EPA emission factors for oil and gas facilities.” Draft EIS at 4-36. Yet a growing body of scientific research concludes that the EPA emission inventories are significantly undercounting methane emissions.⁷⁹ At minimum, the EIS must disclose these contrary scientific findings and rationally explain its decision to use a certain emissions factor, global warming potential number, or time horizon.⁸⁰

c. The EIS must consider the environmental effects of the project emissions.

SA01-19



Beyond merely listing the millions of tons of emissions from the project, the EIS must explain the actual environmental impact those emissions will have. The Draft EIS is internally inconsistent on this point – on page 4-44, it explains no methodology exists to attribute the physical effects from Project emissions, but on the next page, it calculates the social cost of carbon “to assess climate impacts generated by each additional ton of [greenhouse gasses] emitted by the project.”⁸¹ The Draft EIS must clearly explain that the social cost of carbon calculates the physical impacts from the project and it must fully incorporate the estimate of social costs into its discussion of the project’s impacts and significance.

NEPA requires agencies to provide a “reasonably thorough” discussion of environmental impacts and their significance.⁸² Merely listing pollutants is not enough; the agency must “reveal the meaning of those impacts in terms of human health or other environmental values.”⁸³ “[I]t is not releases of [pollution] that Congress wanted disclosed; it is the effects, or environmental significance, of those releases.”⁸⁴ Where relevant information cannot be obtained, the agency must “evaluat[e] such impacts based upon theoretical approaches or research methods generally accepted in the scientific community.”⁸⁵ In the case of measuring the impact of adding more

SA01-18: The EPA’s emission inventory methodology was used. This methodology can be found at the following website:
<https://www.epa.gov/sites/default/files/2016-04/documents/us-ghg-inventory-2016-annex-2-emissions-fossil-fuel-combustion.pdf>

SA01-19: Section 4.9 for environmental impacts due to climate change.

⁷⁹ See, e.g., ENV. DEF. FUND, *Major studies reveal 60% more methane emission*, <https://www.edf.org/climate/methane-studies> (last visited Aug. 16, 2022); Ramon A. Alvarez, et al., *Assessment of methane emissions from the U.S. oil and gas supply chain*, *Science* (June 21, 2018), <https://www.science.org/doi/10.1126/science.127004>; Jeffrey S. Rutherford, ET AL., *Closing the methane gap in US oil and natural gas production emissions inventories*, *NATURE COMMUNICATIONS* (Aug. 5, 2021), <https://www.nature.com/articles/s41467-021-23017-4>; David R. Lyon, ET AL., *Concurrent variation in oil and gas methane emissions and oil price during the COVID-19 pandemic*, *ATMOS. CHEM. PHYS.* (May 3, 2021), <https://acp.copernicus.org/articles/21/6605/2021/>; Yale Sch. of the Environment, *Methane Emissions from Oil and Gas Exceed EPA Estimates, Study Finds*, *E360 Digest* (June 29, 2021), <https://e360.yale.edu/digest/methane-emissions-from-oil-and-gas-exceed-epa-estimates-study-finds> (finding US oil and gas methane emissions were 46-76 percent higher than EPA estimates).

⁸⁰ See 40 C.F.R. § 1502.23 (agencies shall ensure scientific integrity of the discussions and analyses).

⁸¹ Draft EIS at 4-44 to 45.

⁸² 350 *Montana*, 29 F.4th at 1163; 40 C.F.R. § 1501.16.

⁸³ *Natural Res. Def. Council v. Nuclear Regul. Comm'n*, 685 F.2d 439, 486-487 (D.C. Cir. 1982), *rev'd sub nom. on other grounds*, *Balt. Gas & Elec. Co. v. Natural Res. Def. Council*, 462 U.S. 87, 106-107 (1983); see also 350 *Montana*, 29 F.4th at 1176 (mere quantification of emissions and comparison to global emissions was insufficient); *Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt.*, 387 F.3d 989, 995 (9th Cir. 2004) (mere quantification of acres of timber harvested, coupled with general discussion of harms from timber harvesting, was insufficient; explanation of degree the project would impact each type of harm was necessary).

⁸⁴ *Natural Res. Def. Council*, 685 F.2d at 487.

⁸⁵ 40 C.F.R. § 1502.21(c).

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greenhouse gasses to the atmosphere, that means agencies must use generally accepted and available methodologies for such measurements.⁸⁶

As the Commission has acknowledged in other cases, the Social Cost of Carbon is a general methodological approach “that can be used to estimate incremental physical climate change impacts.”⁸⁷ Using this tool, the Draft EIS states the Social Cost of Carbon estimate for environmental impacts from the project is approximately twelve billion dollars.⁸⁸ The Draft EIS does not, however, explain why this tool does not reliably forecast the Project’s environmental impacts. It merely notes there is pending litigation and the Council of Environmental Quality is planning to issue additional guidance on using the tool in NEPA analyses.⁸⁹ This is misleading. In the pending litigation, courts in both cases held the plaintiffs were unlikely to succeed on the merits.⁹⁰ And the Council on Environmental Quality recommended using the social cost of carbon tool while further guidance is being developed:

When considering the impact of GHG emissions from a proposed action, FERC should use all appropriate tools, methodologies, and resources available to quantify GHG emissions and compare GHG quantities across alternatives. . . [The] “social cost of greenhouse gases” (SC-GHG)—are estimates in dollars of the long-term damage done by GHGs in a given year. Estimates of the SC-GHG can be a useful measure to assess the climate impacts of GHG emission changes for Federal proposed actions. For example, where an agency determines that a monetized assessment of socioeconomic impacts is relevant, the SC-GHG protocol should be used to quantify the costs and benefits associated with a proposed action’s GHG emissions to aid decision makers and the public in evaluating the different alternatives being considered.⁹¹

The Social Cost of Carbon is the best science available to calculate the environmental harms from a project. Many authorities endorse the Interagency Working Group’s estimate of the Social Cost of Carbon, including the National Academies of Scientists and distinguished

⁸⁶ See *350 Montana*, 29 F.4th at 1176; *Victor*, 6 F.4th at 1329 (remanding for Commission to determine whether § 1502.21(c) required it to use the social cost of carbon protocol); *High Country Conservation Advocates*, 52 F. Supp. 3d at 1190 (rejecting Forest Service’s contention that there is no method to predict the impact of one project’s emissions on climate change because “a tool is and was available: the social cost of carbon protocol”).

⁸⁷ FERC, Rio Grande LNG Project Final Environmental Impact Statement, Vol. III, pt. 3, at 23, Dkt. No. CP16-454-000, CP16-455-000 (Apr. 2019); accord *Atlantic Coast Pipeline, LLC*, 164 FERC ¶ 61,100, ¶ 277 (Aug. 10, 2018) (acknowledging that the Social Cost of Carbon “estimate[s] the monetized climate change damage associated with an incremental increase in [carbon dioxide] emissions”).

⁸⁸ Draft EIS at 4-47.

⁸⁹ Draft EIS at 4-45 to 46.

⁹⁰ *Louisiana v. Biden*, No. 22-30087, 2022 WL 866282, at *1 (5th Cir. Mar. 16, 2022), appeal denied, 142 S. Ct. 2750 (2022); *Missouri v. Biden*, 558 F. Supp. 3d 754, 758 (E.D. Mo. 2021), appeal filed, No. 21-3013 (8th Cir. 2021). The district court in *Louisiana v. Biden* enjoined use of the social cost of carbon, but the Fifth Circuit stayed this decision, finding the plaintiffs were unlikely to succeed on the merits. See 2022 WL 866282, at *3.

⁹¹ Council on Environmental Quality, Comments on FERC’s Notice of Inquiry, Dkt. PL18-1-000, (filed May 27, 2021) at 2 (emphasis added).

SA01-20: Section 4.9 discusses the potential impact on the environment due to climate change.

SA01-20



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economists.⁹² Moreover, as the Commission has recognized, other federal agencies use the Social Cost of Carbon estimates to craft regulations and examine regulatory alternatives.⁹³ For example, the Department of Energy applied the Social Cost of Carbon estimates, noting that they had “been developed over many years, using the best science available.”⁹⁴ Many States and Public Utility Commissions also rely on the Social Cost of Carbon.⁹⁵ The Commission must incorporate the Social Cost of Carbon tool in its analysis, or, if the Commission determines it is not the best tool, it must use another reliable method and explain its decision to rely on that method.⁹⁶

SA01-21



SA01-22



In addition, the Commission should provide a reason for using a three percent discount rate, as opposed to a lower rate. The Interagency Working Group recently acknowledged that three percent is “likely an overestimate” and the appropriate discount rate should be lower.⁹⁷ Moreover, the EIS should disclose that the current Social Cost estimates leave out a number of significant climate change-related impacts. These include the impact of longer and more severe wildfire seasons, and the historical and cultural value of resources at risk from climate change (the Statue of Liberty, for example).⁹⁸

The Draft EIS’s inconsistent statements and failure to incorporate the Social Cost of Carbon calculation in its analysis of the Project’s impacts does not satisfy NEPA’s requirement to “consider and disclose the actual environmental effects in a manner that ... brings those effects to bear on decisions to take particular actions that significantly affect the environment.”⁹⁹ As detailed above, the Social Cost of Carbon is an effective tool for measuring the “effects” and “significance” of greenhouse gas emissions and the EIS should incorporate its social cost of carbon calculations into its discussion of climate impacts.

SA01-21: See section 4.9.

SA01-22: Comment noted.

⁹² See Nat’l Acad. Sci., Eng’g & Med., *Valuing Climate Damages: Updating Estimates of the Social Cost of Carbon Dioxide*, 3 (2017); Richard L. Revew, ET AL., *Best Cost Estimate of Greenhouse Gases*, 337 *Science* 655 (2017).

⁹³ See *Mountain Valley Pipeline, LLC*, 163 FERC ¶ 61,197, at ¶ 281 (June 15, 2018). The U.S. Court of Appeals for the Seventh Circuit upheld agency reliance on these estimates. See *Zero Zone, Inc. v. U.S. Dep’t of Energy*, 832 F.3d 654, 678 (7th Cir. 2016); see also E.O. 13990 of Jan. 20, 2021, *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis*, 86 Fed. Reg. 7037, 7040 (“An accurate social cost is essential for agencies to accurately determine the social benefits of reducing greenhouse gas emissions”).

⁹⁴ Dept. of Energy, *Energy Conservation Program*, 85 Fed. Reg. 1447, 1479 (Jan. 10, 2020).

⁹⁵ See State of Or., et al., *Comments on the Office of Management and Budget’s Request for Comment on Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimates Under Executive Order 13990*, 86 Fed. Reg. 24,669, OR. DEP’T OF JUSTICE, 4-14 (June 21, 2021), https://www.doi.state.or.us/wp-content/uploads/2021/06/multistate_scc_comments.pdf.

⁹⁶ See 350 *MONTANA*, 29 F.4th at 1176.

⁹⁷ Interagency Working Group on Social Cost of Greenhouse Gases, *Technical Support Document: Social Cost of Carbon, Methane, and Nitrous Oxide Interim Estimate Under Executive Order 13990* (Feb. 2021), at 17.

⁹⁸ See State of Or., et al., *Comments*, *supra* n.95, at 25-30.

⁹⁹ *Balt. Gas & Elec. Co.*, 462 U.S. at 96.

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4. The Purpose and Need Statement Conflicts With NEPA Regulations, Unreasonably Restricts the Range of Alternatives, and Ignores the Commission’s Statutory Obligations.

The Draft EIS’s purpose and need statement contravenes NEPA regulations, impermissibly elevates private goals above the Commission’s statutory obligations under the National Gas Act, and unreasonably constrains the range of alternatives considered.

First, the Draft EIS does not conform to the recently revised NEPA regulations because it focuses exclusively on the goals of the applicant and not the Commission’s purpose for the proposed action.¹⁰⁰ The new regulations no longer require the agency to base the purpose and need statement on the applicant’s goals; instead, the purpose and need should reflect “the agency’s purpose for the proposed action and the need it serves.”¹⁰¹ While agencies may consider an applicant’s goals in developing the purpose and need, they cannot consider those private goals to the exclusion of other factors, including the agency’s mission, statutory and regulatory requirements, “national, agency, or other policy objectives applicable to a proposed action,” and the public interest.¹⁰² “Always tailoring the purpose and need to an applicant’s goals . . . could prevent an agency from considering alternatives that do not meet an applicant’s stated goals, but better meet the policies and requirements [of NEPA and the agency].”¹⁰³ That is precisely what the Commission did here.

The Draft EIS relies exclusively on GTN’s private objective to establish the scope of environmental review. The Draft EIS states the project purpose is “increas[ing] the capacity of GTN’s existing natural gas transmission system by about 150 million standard cubic feet per day between its Kingsgate Meter Station in Idaho and its Malin Meter Station in Oregon.”¹⁰⁴ The Draft EIS then describes the Commission’s purpose of deciding whether the expansion “is in the public convenience and necessity” under Section 7(c) of the Natural Gas Act.¹⁰⁵ Despite briefly acknowledging the Commission’s standard of review, the Draft EIS limits the scope of its review to consider only factors relevant to GTN’s objective in expanding its pipeline.¹⁰⁶

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¹⁰⁰ See 40 C.F.R. § 1502.13 (2020); NEPA Regulation Revisions, 87 Fed. Reg. 23453 at 23457-59.

¹⁰¹ NEPA Regulation Revisions, 87 Fed. Reg. at 23457 (emphasis added).

¹⁰² *Id.* at 23458; see also *Alaska Survival v. Surface Trans. Bd.*, 705 F.3d 1073, 1085 (9th Cir. 2013)

(upholding purpose and need statement that considered “relevant factors” related to the project’s public purposes, such as support for the project from the State of Alaska and a city port); *Nat’l Parks & Conservation Ass’n v. Bureau of Land Mgmt.*, 606 F.3d 1058, 1070 (9th Cir. 2010) (While an applicant’s goals for a project are relevant, “those private interests [need not] define the scope of the proposed project.”).

¹⁰³ NEPA Regulation Revisions, 87 Fed. Reg. at 23459.

¹⁰⁴ Draft EIS at 1-1, compare with Application at 1.

¹⁰⁵ Draft EIS at 1-1.

¹⁰⁶ See Draft EIS at 1-4 (stating issues such as “how the public’s need for energy services (e.g., electricity generation and building heating) would be met with and without the Project, the extent to which existing renewable and fossil fuel energy facilities at current production levels are able to supply regional users’ current and future needs; the inclusion of contracts that demonstrate the need for the compressor stations’ proposed modifications, and an explanation of how gathering system compressor stations are scaled up in response to more wells being drilled upstream, increasing demand for compression” are all “outside the scope of this EIS”); 1-4 (stating considerations of “the public health and safety risks of increasing reliance on fracked gas and how the Project could prolong the

SA01-23: As an independent regulatory commission, the FERC reviews applicant proposals to construct and operate natural gas facilities. If it were not for proposed projects and agency authority to consider the proposals, there would be no permit application and no need for NEPA review. Accordingly, where an agency action is in response to an application for a permit or other authorization, the agency should consider the applicant’s goals based on the agency’s statutory authorization to act in defining the proposed action’s purpose and need. The FERC does not plan, design, build, or operate natural gas transmission infrastructure. Accordingly, the project proponent is the source for identifying the purpose for developing, constructing, and operating a project.

A project’s need is established by the FERC Commission when it determines whether a project is required by the public convenience and necessity. In deciding whether to authorize the construction of major new pipeline facilities, the Commission balances the anticipated public benefits against the potential adverse consequences. The Commission’s goal is to give appropriate consideration to the enhancement of competitive transportation alternatives, the possibility of overbuilding, subsidization by existing customers, the applicant’s responsibility for unsubscribed capacity, avoiding the unnecessary exercise of eminent domain and disruptions of the environment.

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SA01-24: see response to SA01-23

SA01-25: see response to FA01-3

SA01-24

Second, despite admitting the Commission’s purpose is to decide the public necessity for the project, the Draft EIS states factors relevant to the public need for the project is “outside the scope of this EIS.”¹⁰⁷ Instead, the Draft EIS states the Commission will “review need for the project” in deciding the application.¹⁰⁸ Contrary to the Draft EIS’s assertion, the Commission need not first determine the public need under Section 7 in order to include factors relevant to public need in a NEPA purpose and need statement. The purpose of the EIS is to inform the Commission’s Section 7 decision.¹⁰⁹

Defining the purpose and need for the project in a way that excludes information relevant to public interest and need for increased gas in the region prevents the EIS from serving as a useful document for Commission decision-making.¹¹⁰ The Commission cannot satisfy its obligations under Section 7 or NEPA if it unreasonably constrains its environmental analysis in this way.¹¹¹

SA01-25

Third, the current framing unreasonably limits the analysis of alternatives in the Draft EIS. Agencies violate NEPA when the purpose and need statement is so narrowly drawn that it “necessarily and unreasonably constrains the possible range of alternatives.”¹¹² NEPA requires agencies to consider alternatives that may meet the agencies’ statutory objectives at a lower environmental cost, even if they do not meet the applicant’s private goals.¹¹³ Accordingly, the Commission should not limit the scope of the alternatives considered in the Final EIS to only those that expand GTN’s pipeline.¹¹⁴ Instead, the Final EIS should include information relevant to the Commission’s statutory objectives to serve as “guardian of the public interest” and “protect consumers against exploitation at the hands of natural gas companies.”¹¹⁵ Alternative energy sources, produced at a lower environmental and economic cost, are highly relevant to whether additional gas infrastructure is needed or in the public interest. The Commission cannot fulfill its statutory objective without considering such alternative energy sources, and a Draft EIS

region’s reliance on fossil fuels; and information regarding the expected utilization rate of the proposed project and connected actions, such as GTN’s Coyote Springs new compressor station project” are “outside the scope of this EIS”); 1-5 (stating “impacts on the transition to renewable energy [are] outside the scope of this EIS”).

¹⁰⁷ Draft EIS at 1-5; see *supra* n. 106.

¹⁰⁸ Draft EIS at 1-4.

¹⁰⁹ See 42 U.S.C. § 4332(B).

¹¹⁰ See *League of Wilderness Defs.-Blue Mountains Biodiversity Project v. U.S. Forest Serv.*, 689 F.3d 1060, 1071 (9th Cir. 2012) (stating the “touchstone for our inquiry is whether [the EIS] fosters informed decision-making”); see also *Motion to Intervene and Protest by the States of Washington, Oregon, and California*, 15-19, 27-29 (Aug. 22, 2022) (hereinafter, “Protest”) (explaining how energy alternatives are important to the Commission’s assessment of need and public interest).

¹¹¹ See *Backcountry Against Dumps v. Chu*, 215 F. Supp. 3d 966, 979 (S.D. Cal. 2017) (holding purpose and need statement unreasonably excluded alternative energy generation that did not meet the applicant’s private interests because if alternative energy sources “are much better alternatives than the one presented by the applicant then that obviously has a profound effect on whether or not the proposed action is actually in the public interest.”).

¹¹² *Nat’l Parks & Conservation Ass’n.*, 606 F.3d at 1070.

¹¹³ See *NEPA Regulation Revisions*, 87 Fed. Reg. at 23457.

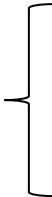
¹¹⁴ See *Nat’l Parks & Conservation Ass’n.*, 606 F.3d at 1070.

¹¹⁵ *Fed. Power Comm’n v. Transcontinental Gas Pipeline Corp.*, 365 U.S. 1, 7 (1961).

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SA01-25cont.



that fails to consider such alternatives defies NEPA's objective to ensure informed decision-making.¹¹⁶

Accordingly, consideration of these reasonable alternatives should be analyzed in detail in the EIS. Here, and as described in more detail below, the Draft EIS impermissibly refused to consider lower-emission alternatives because they did not fit the overly-narrow purpose and need statement.¹¹⁷ By narrowing the purpose to only consider alternatives that will transport gas along GTN's pipeline and thus meet GTN's purpose alone, the Draft EIS makes approving the project as defined by GTN a "foreordained formality."¹¹⁸

5. The Draft EIS Fails to Consider Reasonable Alternatives.

The Draft EIS does not analyze in detail any reasonable alternatives to GTN's project and instead ignores predictable effects of selecting the no-action alternative, rejects viable alternatives in favor of essentially identical alternatives, and fails to rigorously analyze the electric compressor option. NEPA requires more. Agencies must "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal."¹¹⁹ Agencies must discuss each alternative "in detail . . . so that reviewers may evaluate their comparative merits,"¹²⁰ including a no action alternative.¹²¹ This includes an assessment of the indirect effects of a given alternative.¹²²

a. Under the No-Action Alternative, energy demand will be met with renewable energy that already exists or is in development.

SA01-26



The Draft EIS wrongly dismisses the no-action alternative, stating it would not meet the narrow purpose of "increase[ing] the capacity of GTN's existing natural gas transmission

¹¹⁶ See, e.g., *W. Org. of Res. Councils*, 2018 WL 1475470, at *9 (holding agency could not make a reasoned decision as to whether coal leasing would serve its statutory mandate without considering climate change impacts).

¹¹⁷ See Draft EIS at 3-1 (Refusing to consider renewable energy alternatives because "[t]he purpose of this Project is to increase the capacity of GTN's existing natural gas transmission system. An alternative that does not increase the capacity of GTN's natural gas transmission system is not a reasonable alternative because it does not meet the purpose of the Project"); 3-2 (stating the "alternative must meet the stated purpose of the Project, which is to increase the capacity of GTN's existing natural gas transmission system by about 150 million standard cubic feet per day between its Kingsgate Meter Station in Idaho and its Malin Meter Station in Oregon"); 3-3 (refusing to consider other system alternatives because "there are no pipeline systems other than GTN's pipeline system that originate at or near GTN's Kingsgate Meter Station and terminate at or near GTN's Malin Meter Station").

¹¹⁸ *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 191 (D.C. Cir. 1991) ("an agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative from among the environmentally benign ones in the agency's power would accomplish the goals of the agency's action, and the EIS would become a foreordained formality").

¹¹⁹ 42 U.S.C. § 4332(2)(E).

¹²⁰ 40 C.F.R. § 1502.14(b) (2020).

¹²¹ *Id.* § 1502.14(c).

¹²² See COUNCIL ON ENVIRONMENTAL QUALITY, *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*, 46 Fed. Reg. 13026 (Mar. 23, 1981, amended 1986), 5, <https://www.eis.gov/sites/default/files/2018/06/E3-G-CEQ-40Questions.pdf> ("Where a choice of 'no action' by the agency would result in predictable actions by others, this consequence of the 'no action' alternative should be included in the analysis").

SA01-26: As explained section 3.0, the no-action alternative would not meet the stated purpose of the Project. We have prepared this EIS to inform the Commission and stakeholders about the expected impacts that would occur if the Project is constructed and operated. The Commission would ultimately determine the Project need and could choose the No-Action Alternative.

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SA01-26 cont { system.”¹²³ Even assuming *arguendo* the project purpose is correctly defined, see *supra* Part 2, the Commission still must thoroughly analyze a no-action alternative.¹²⁴ In nearly all cases, the no action alternative will not serve the project’s goals, but NEPA requires agencies to analyze it because it is a critical element of ensuring the agency makes an informed decision.¹²⁵ The Draft EIS acknowledges that, if no action is taken, the environmental impacts will not occur.¹²⁶ It must also consider, however, the predictable effects of not expanding gas infrastructure in the Pacific Northwest.

SA01-27 { In this case, a predictable effect of failing to increase methane gas supply is that Pacific Northwest energy users will turn to other energy sources to meet their energy needs.¹²⁷ Renewable energy is increasingly “competitive or even cheaper than conventional energy sources.”¹²⁸ Indeed, as energy planning expert David Hill noted, new research shows “a dramatic shift” towards electrification for space and water heating, and state laws also will lead to the reduction of methane used to generate electricity.¹²⁹ Further, companies and governments are developing numerous renewable energy projects to replace fossil fuels in the region.¹³⁰

SA01-28 { No action is a reasonable alternative to the Project. Switching from methane gas to renewable energy sources carries many benefits that align with the Commission’s public interest goals to protect the environment and consumers.¹³¹ Developing renewable energy now is sustainable in the long-term; expanding consumption of methane gas is not. As the country transitions to net-zero emissions economy-wide by 2050,¹³² the need for methane gas will decrease. Further capital investment in gas infrastructure thus carries a high risk of becoming stranded assets, significantly increasing consumer costs.¹³³ Renewable energy infrastructure, on the other hand, does not carry this risk. The Commission must consider this benefit to consumers in assessing the no-action alternative.

SA01-28 { The Commission should also consider the environmental advantages of using renewable energy in lieu of methane gas. The Draft EIS projects the social cost of greenhouse gas emissions from the project to be over twelve billion dollars. Twelve billion is a staggering number, but the

SA01-27: As explained section 3.0, alternative energy production alternatives are not natural gas transportation alternatives, and therefore, do not meet the purpose and need of the Project. They were not considered in our alternatives analysis. The Commission would ultimately determine the Project need and could choose the No-Action Alternative.

SA01-28: see response to SA01-27.

¹²³ Draft EIS at 3-1.

¹²⁴ *Bob Marshall All. v. Hodel*, 852 F.2d 1223, 1228 (9th Cir. 1988) (“Informed and meaningful consideration of alternatives—including the no action alternative—is . . . an integral part of the statutory scheme.”).

¹²⁵ See 40 C.F.R. § 1502.14(c); COUNCIL ON ENVIRONMENTAL QUALITY, *Forty Most Asked Questions*, *supra* n. 122, at 5.

¹²⁶ Draft EIS at 3-1.

¹²⁷ See *Mid States Coal. for Progress v. Surface Transp. Bd.*, 345 F.3d 520, 549 (8th Cir. 2003) (holding that building railroad to transport coal would increase demand for coal compared to “other potential fuel sources, such as nuclear power, solar power, or natural gas” and “will most assuredly affect the nation’s long-term demand for coal”); *WildEarth Guardians*, 870 F.3d at 1228 (acknowledging “basic economic principle” that reduced supply of coal could lead to higher prices and “thus drive down coal consumption”); *High Country Conservation Advocates*, 52 F. Supp. 3d at 1198.

¹²⁸ WASH. RIV. COOR. § 19.405.010 (2019).

¹²⁹ See Ex. C, Energy Futures Group Report at 46, 53-57.

¹³⁰ See Ex. A at 9-12.

¹³¹ See Protest at 23-29.

¹³² See E.O. 14008.

¹³³ See Ex. C, Energy Futures Group Report at 62-64.

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SA01-28
cont.

actual cost is higher since upstream emissions are not included.¹³⁴ In addition to the economic costs, however, this project will contribute to irreparable harms to humanity. Heat waves, wildfire, sea level rise, and flooding already are killing people and destroying communities in the region. In 2021, Washington and Oregon suffered a historic heat wave that would have been virtually impossible without climate change, killing hundreds of State residents.¹³⁵ In 2020, extreme heat and drought conditions sparked apocalyptic wildfires. The fires killed dozens of State residents, destroyed entire towns, and burned more than five million acres.¹³⁶ Smoke from the fires made air quality in Spokane, Seattle, Portland, San Francisco, and Los Angeles among the worst in the world that summer.¹³⁷ The human toll will only increase if the country expands consumption of fossil fuels through projects like this one. An opportunity to mitigate these harms by reducing reliance on methane should not be rejected lightly, particularly in light of the Commission’s obligation to consider ways to avoid environmental impacts, reduce costs from overbuilding, and protect consumers.¹³⁸ When these public harms are considered, it becomes clear that “no action” has environmental, social, and economic advantages over GTN’s project.

b. The Draft EIS unreasonably ignores viable alternatives.

SA01-29

The Draft EIS unreasonably limits the range of alternatives considered to two design alternatives for GTN’s pipeline – using an electric compressor or looping the pipeline. As discussed above, agencies are not limited to only alternatives that will meet an applicant’s goals, but must also consider alternatives that suit the *public’s* goals and the agency’s statutory objectives.¹³⁹ Failure to consider such alternatives limits the utility of the EIS. “The existence of a more desirable alternative is one of the factors which enters into a determination of whether a particular proposal would serve the public convenience and necessity,” even if it is an alternative that the Commission cannot command.¹⁴⁰

Substituting an electric compressor or looping the pipeline are not meaningful alternatives to the Project because just like GTN’s proposal, both alternatives will result in

SA01-29: comment noted.

¹³⁴ See *supra* pp. 10-12.

¹³⁵ Nadja Popovich, Winston Choi-Schagrin, *Hidden Toll of the Northwest Heat Wave: Hundreds of Extra Deaths*, NY TIMES (Aug. 11, 2021), <https://www.nytimes.com/interactive/2021/08/11/climate/deaths-pacific-northwest-heat-wave.html?text=Washington%20State%20has%20officially%20reported%20a%20heat%20wave%20investigations%20are%20continuing>.

¹³⁶ CALIF., 2020 Incident Archive, <https://www.firs.ca.gov/incidents/2020/> (last visited Aug. 16, 2022) (4.3 million acres burned, 11,116 structures destroyed or damaged); Emma Newburger, *At least 33 dead as wildfires scorch millions of acres across Western U.S. – ‘It is apocalyptic’*, CNBC (Sept. 12, 2020, 10:48 AM), <https://www.cnbc.com/2020/09/12/fires-in-oregon-california-and-washington-spread-death-toll-rises.html>.

¹³⁷ Emma Newburger, *At least 33 dead as wildfires scorch millions of acres across Western U.S. – ‘It is apocalyptic’*, CNBC (Sept. 12, 2020, 10:48 AM), <https://www.cnbc.com/2020/09/12/fires-in-oregon-california-and-washington-spread-death-toll-rises.html>; Mozan Carroll, Amanda Roley, *Spokane reports worst air quality in at least two decades, records show*, KREM (Sept. 14, 2020, 1:36 PM, updated Sept. 15, 2020, 9:53 AM), <https://www.krem.com/article/west/air-quality/hazardous-air-quality-spokane-breaks-records/293-da5664c-7bf4-4316-87c7-a095d836a2c>.

¹³⁸ See Protest at 23-24.

¹³⁹ See NEPA Regulation Revisions, 87 Fed. Reg. 23453 at 23457.

¹⁴⁰ *City of Pittsburgh v. Fed. Power Comm’n*, 257 F.2d 741, 745 (D.C. Cir. 1956).

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SA01-30cont.

expanded methane gas capacity and increased emissions.¹⁴¹ To satisfy its NEPA obligation to consider reasonable alternatives, the Commission must also analyze alternatives that avoid the need for costly new gas infrastructure and that have fewer emissions than GTN's proposal.

(1) *The Commission should consider efficiency and electrification options to meet public need.*

SA01-31

Given the public's strong interest in reducing emissions and transitioning to renewable energy, the Commission should consider efficiency and electrification options to meet any growth in energy demand. A large portion of methane consumed in the region is for residential uses.¹⁴² Demand-side management and selective electrification can reduce, or possibly eliminate shortfalls in peak day demand.¹⁴³ Efficiency and electrification options have fewer emissions and are consistent with State and Federal climate policies.¹⁴⁴

(2) *Existing capacity on other pipelines could potentially meet some or all of the projected new demand (to the extent there is any).*

SA01-32

The EIS should also consider whether existing pipeline systems could meet some or all of the demand this project claims to serve at a lower environmental cost. The Draft EIS unreasonably limits this analysis by insisting the project must transport "150 million standard cubic feet per day between [GTN's] Kingsgate Meter Station to [GTN's] Malin Meter Station."¹⁴⁵ For example, there is no explanation for why pipeline capacity continuing all the way to the Malin meter station at the Oregon-California border is needed to serve demand in Idaho.¹⁴⁶ Indeed, Intermountain Utility Company stated in its last Integrated Resource Plan that it was replacing existing capacity on the Northwest Pipeline with capacity on GTN.¹⁴⁷ Yet the Draft EIS ignores whether existing capacity on the Northwest Pipeline or another pipeline could serve increased need in Idaho. The Draft EIS assumes, without evidence, that no other system could serve demand without adding infrastructure, but does not address whether capacity is available on existing pipeline systems.¹⁴⁸

¹⁴¹ See *Muckleshoot Indian Tribe v. U.S. Forest Serv.*, 177 F.3d 800, 813-14 (9th Cir. 1999) (holding the agency failed to consider an adequate range of alternatives because its EIS included a "no action" alternative and two nearly identical action alternatives, none of which were "more consistent with [the agency's] basic policy objectives than the alternatives that were the subject of final consideration.").

¹⁴² Ex. C, Energy Futures Group Report at 54.

¹⁴³ See Ex. B, Lander Decl. at 20; Ex. C, Energy Futures Report at 57-58.

¹⁴⁴ See *id.*; Protest at 27-29.

¹⁴⁵ Draft EIS at 3-2.

¹⁴⁶ Compare Draft EIS at 3-2 with Application at 9.

¹⁴⁷ See INTERMOUNTAIN GAS CO., 2021 Integrated Resource Plan (2021) at 165, <https://www.intgas.com/wp-content/uploads/PDFs/regulatory/2021/2021-Integrated-Resource-Plan.pdf>; Ex. B, Lander Decl. at 20-21.

¹⁴⁸ See Draft EIS at 3-3 to 3-4.

SA01-31: see response to FA01-3

SA01-32: The Commission may either approve, approve with modifications to minimize impacts, or deny an application. Should the Commission determine that another system alternative is preferred, it could not compel the alternative system operator to plan, design, build and operate the alternative, nor could it compel the project proponent to carry out the alternative. Thus, selecting a systems alternative as preferred would result in the Commission choosing the No Action alternative and denying the project, rather than approving the system alternative. The EIS analyzed the environmental impacts of system alternatives to the extent possible, making certain assumptions about the systems alternatives as the specifics of or applications for such alternatives have not been filed with the Commission for consideration. The EIS did not identify any proposed natural gas transmission pipelines that could be considered as a preferable system alternative.

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(3) *The EIS should analyze the electric compressor alternative using appropriate tools and considering replacement of both Starbuck compressor units that the expansion relies on.*

The Draft EIS does not analyze in detail the electric compressor alternative.¹⁴⁹ The Draft EIS posits that an electric compressor will result in substantially more emissions than a gas compressor based on the EPA’s Avoided Emissions and Generation Tool (“AVERT”).¹⁵⁰ AVERT is intended to estimate the emissions impacts of energy efficiency and renewable energy programs.¹⁵¹ It is based on historical data and, unless the future year scenario is used, it cannot predict emissions more than five years from the baseline year.¹⁵² As a result, the AVERT emissions do not include the impact of any forward-looking policies, such as national or state plans for one-hundred percent renewable electricity. The Draft EIS does not explain its failure to project future emissions based on state or national clean electricity plans.¹⁵³

Considering the EIS evaluates emissions impacts over the next thirty years, during a time of rapid transition for the electricity sector, a more appropriate tool would be the National Renewable Energy Laboratory’s Cambium tool.¹⁵⁴ Cambium is a power sector emissions tool that is explicitly forward-looking. At the very least, the EIS should explain its decision to rely on AVERT’s backward-looking model over the forward-looking Cambium tool.¹⁵⁵ The discussion also ignores a key benefit of the electric compressor option, which would be to reduce the air pollution impacts of the project.¹⁵⁶

GTN also claims electric compressors are cost-prohibitive.¹⁵⁷ GTN is not factoring in the costs the public will bear for its project in the form of climate harms, however. The Commission must consider costs to GTN as well as to the public. It also appears that GTN has improperly segmented its expansion plan, resulting in an impermissibly segmented environmental review.¹⁵⁸ The scope of environmental review must cover connected, similar, and cumulative actions, particularly where separate review might “foreclose the opportunity to consider alternatives.”¹⁵⁹ If GTN made its expansion intentions clear when it replaced an existing compressor at Starbuck, the NEPA review could have considered both the replacement and expansion modifications as

¹⁴⁹ See Draft EIS at 3-5 to 3-6.
¹⁵⁰ See *id.*
¹⁵¹ See ENV. PROT. AGENCY, *Avoided Emissions and Generation Tool fact sheet*, <https://www.epa.gov/system/files/documents/2021-02/avert-decision-making-fact-sheet-09-27-21.pdf>.
¹⁵² See *id.*; ENV. PROT. AGENCY, *AVERT User Manual*, 48 (Mar. 2022)
<https://www.epa.gov/system/files/documents/2022-03/avert-user-manual-v3.2.pdf> (describing future year scenario template for AVERT).
¹⁵³ See *id.*
¹⁵⁴ *Peter Gagnon, Elaine Hale, Wesley Cole, Long-run Marginal Emission Rates for Electricity – Workbooks for 2021 Cambium Data*, NREL (Jan. 5, 2022), <https://data.nrel.gov/submissions/183>.
¹⁵⁵ See 40 C.F.R. § 1502.23 (stating agencies shall ensure the “professional integrity, including scientific integrity,” of their analyses and “shall make use of existing reliable data and resources”).
¹⁵⁶ See *id.* pp. 24-26.
¹⁵⁷ Draft EIS at 3-6.
¹⁵⁸ See Protest at 11-14; Ex. B, Lander Decl. at 15.
¹⁵⁹ *Delaware Riverkeeper Network v. FERC*, 753 F.3d 1304, 1315 (D.C. Cir. 2014).

SA01-33

SA01-34

SA01-33: AVERT represents the dynamics of electricity dispatch based on the existing physical facilities, load and dispatch history within the region and estimates future emissions based upon this historical generation history for new incremental loads over the near term. Cambium and models such as The Regional Energy Deployment System (ReEDS) and Distributed Generation Market Demand Model (dGen) are demand models primarily targeted for national planning with numerous assumptions and scenarios. Although these may inform for national electric grid planning, its uncertain how these would inform a NEPA analysis for a single project. The grid emissions from the project area have steady decreased emissions per Megawatt over the last 17 years in the Northwest Power Pool.³ Based upon the current national policy decisions its likely this trend will continue. However, as indicated previously, our comparison used verified emission and facility operating data to model the near term estimates of dispatch and usage for the increased electrical demand required by the Project. While it is likely that the generation mix may be different in the future, we believe it is speculative to use these Cambium and other longer term models in our NEPA analysis. These methods introduce significant uncertainties into the analysis, both on the electric supply side, as well as the potential use of the facilities after the precedent agreements expire. Both of these would have high levels of uncertainty and we have concluded that comparing 2 elements that are highly uncertain would be speculative under NEPA.

³ Emissions & Generation Resource Integrated Database, 2005-2020, EPA, accessed October 20,2022.

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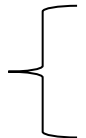
SA01-34cont.



part of project costs and the viability of electric compressors for all new units.¹⁶⁰ GTN should not be able to evade full consideration of an environmentally beneficial alternative by improperly constructing part of its expansion project before seeking Commission approval.

6. The Draft EIS Does Not Comply With NEPA’s Hard Look Mandate.

SA01-35



The Draft EIS contains unsupported, and, in some cases, factually wrong analyses and conclusions to dismiss or minimize environmental impacts. As a starting point, the Draft EIS lumps together its analysis of impacts from the modification of three different compressor stations in three different states, confining its analysis of environmental and public health impacts of a major infrastructure project to just 52 pages. Such a cursory review of a project that will impact our States for at least the next three decades fails to satisfy NEPA’s mandate that agencies take a “hard look” at the environmental consequences of a project before approving it.¹⁶¹

SA01-36



The Draft EIS also follows the 2020 NEPA Rule concerning direct and indirect effects,¹⁶² despite the Council on Environmental Quality’s issuance of new regulations revising the required effects analysis.¹⁶³ In light of CEQ’s recent rulemaking, the Commission cannot reasonably rely on the definition of “effects” from the 2020 NEPA Rule, and it should not combine its analysis of direct and indirect impacts or follow the 2020 NEPA Rule’s unlawful attempt to narrow the scope of the effects analysis to a tort-based causal standard that it is inconsistent with the broader policies of NEPA.¹⁶⁴

Moreover, the Draft EIS does not sufficiently analyze or draws irrational conclusions about environmental justice impacts, wildfire risks, and climate resiliency.

a. The Draft EIS does not adequately analyze environmental justice impacts.

The Draft EIS’s cursory analysis of environmental justice falls short of NEPA’s requirement that agencies take a “hard look” at environmental and public health impacts,¹⁶⁵ conflicts with the Commission’s obligation to serve the public interest under the Natural Gas Act,¹⁶⁶ conflicts with Executive Order 12898’s directive that agencies fully identify and address the disproportionate public health and environmental impacts on minority and low-income

¹⁶⁰ See 40 C.F.R. § 1508.25 (2020).

¹⁶¹ See *League of Wilderness Defs.-Blue Mountains Biodiversity Project*, 689 F.3d at 1075.

¹⁶² Draft EIS at 4-1 (“Our analysis considers direct and indirect impacts on resources collectively, as well as impact duration, consistent with the CEQ’s July 16, 2020 final rule”).

¹⁶³ NEPA Regulation Revisions, 87 Fed. Reg. 23453.

¹⁶⁴ See *Ex. M, California v. CEQ*, First Amended Complaint at 267-68; see also NEPA Regulation Revisions, 87 Fed. Reg. at 23463-66.

¹⁶⁵ See *350 Montana*, 29 F.4th at 1169.

¹⁶⁶ See FERC, Equity Action Plan, 8-9 (April 15, 2022), <https://www.ferc.gov/news-events/news/ferc-issues-equity-action-plan> (“Natural gas infrastructure policy and processes that are consistent with environmental justice will foster greater public trust in FERC’s actions and help the Commission carry out its duty to serve the public interest.”).

SA01-34: The FEIS includes a disclosure of the social cost of GHGs (also referred to as the “social cost of carbon”) to assess climate impacts generated by each additional metric ton of GHGs emitted by the Project. The requirement that an agency consider “connected actions” in a single environmental document is to prevent an agency from “dividing one project into multiple individual actions” with less significant environmental effects. The fact that other facilities within GTN’s system will be used for the Project does not establish a connection under NEPA.

SA01-35: comment noted.

SA01-36: A cumulative effects section is located in section 4.12 of this EIS.

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populations,¹⁶⁷ and undermines Commission efforts to increase public participation and advance equity in its proceedings consistent with its Equity Action Plan and Executive Order 13985.¹⁶⁸ The Draft EIS acknowledges that two of the three compressor station upgrades will increase pollution near “minority” or “low-income” communities, and project impacts “may be predominately borne by environmental justice communities.”¹⁶⁹ Yet the Draft EIS dismisses these impacts as not “disproportionately high” or “adverse.”¹⁷⁰ This conclusion rests on insufficient information and a deficient analysis.

SA01-37

As an initial matter, the Draft EIS does not include sufficient information about existing public health disparities near Starbuck Station. EPA’s scoping comments highlighted that the Starbuck Station is near communities with disproportionately high levels of particulate matter (PM 2.5) and ozone exposure and national air toxics assessment respiratory hazards.¹⁷¹ EJ Screen 2.0 confirms this. The area within five miles of the Starbuck Station rates at the 90th percentile for PM 2.5, the 91st percentile for Ozone, the 81st percentile for diesel particulate matter, and the 89th percentile for Air Toxics Cancer Risks when compared to regional percentiles.¹⁷² Similarly, Washington’s Environmental Health Disparities Map indicates the census tract ranks high for low birth weight, “a globally recognized marker for population health.”¹⁷³ Scientists have linked low birth weight to air pollution.¹⁷⁴ Although the Draft EIS claims that staff used EJ Screen to gather initial information about environmental justice factors, the Draft EIS does not analyze the cumulative impacts of the expansion project in combination with these background exposure levels. It simply asserts, without analysis, that the “project may contribute to cumulative impacts related to air quality and climate change.”¹⁷⁵

SA01-38

Nor does the Draft EIS explain how its assertion that “[o]peration of the project would result in long-term impacts on air quality,”¹⁷⁶ accords with its conclusion that the project will not have “disproportionately high and adverse impacts on environmental justice communities.”¹⁷⁷ Indeed, the Draft EIS does not analyze the cumulative impacts of existing air quality issues with

¹⁶⁷ See *Factious*, 6 F.4th at 1326, 1330 (holding Commission violated NEPA by arbitrarily limiting its environmental justice analysis impacts to within two miles of the project despite acknowledging the project will have broader geographical impacts).

¹⁶⁸ See *id.*; see also FERC, Office of Public Participation, <https://www.ferc.gov/CPEP/~text=5&size%20and%20function%20Office%20Division,%20Federal%20Energy%20Regulatory%20Commission> (last visited Aug. 17, 2022) (stating goal of promoting and supporting public voices before FERC); Equity Action Plan at 9 (discussing need to consider environmental justice in siting natural gas infrastructure).

¹⁶⁹ Draft EIS at 4-32.

¹⁷⁰ Draft EIS at 4-32.

¹⁷¹ U.S. ENV’T PROT. AGENCY Scoping Comments, 11-12 (Feb. 17, 2022).

¹⁷² See Ex. G, EJ Screen Report.

¹⁷³ Ex. H, Washington Health Disparities Maps at 137-139.

¹⁷⁴ *Rafsanjani Sanzadeh, ET AL., The Association Between Air Pollution and Low Birth Weight and Preterm Labor in Amazi, Iran*, NAT’L LIBRARY OF MED. (May 4, 2020),

[https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7211083/#:~:text=Another%20complication%20of%20exposure%20to,weight%20and%20stomach%20size%20problems.&text=As%20several%20studies%20have%20shown,gastrointestinal%20age%20\(GAVI\)%20born.](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7211083/#:~:text=Another%20complication%20of%20exposure%20to,weight%20and%20stomach%20size%20problems.&text=As%20several%20studies%20have%20shown,gastrointestinal%20age%20(GAVI)%20born.)

¹⁷⁵ Draft EIS at 4-31.

¹⁷⁶ Draft EIS at 4-31.

¹⁷⁷ Draft EIS at 4-32.

SA01-37: Issues related to community health data, occupation, and diet are outside the scope of this EIS. As described in the DEIS, GTN provided modeling results indicating that many emissions attributable to the Project facilities would not exceed EPA-established Significant Impact Levels (SILs) and for those emissions that did exceed SILs (nitrogen oxides [NO_x] and sulfur dioxide [SO₂] at the Starbuck Compressor Station only), they would only do so within 0.25 mile of the facility. The Starbuck compressor station is in a remote area with the nearest residence approximately 0.4 mile south of the station. In addition, based on total facility emissions modeling, the Project’s anticipated incremental and cumulative emissions are below the NAAQS for all pollutants. With respect to cumulative impacts, as described in the DEIS, we did not identify any planned activities in any of the Project areas that may contribute to cumulative impacts in combination with the proposed project.

SA01-38: Cumulative impacts are discussed in section 4.12

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SA01-38cont. { the increased adverse air quality impacts of project operations. Instead, the Draft EIS limits its cumulative effects analysis to emissions from *construction*.¹⁷⁹ But the Draft EIS acknowledges that operational emissions at the modified compressor stations would include direct gas releases and leaks.¹⁷⁹ NEPA requires the Commission to consider the cumulative impacts from those gas releases and leaks.¹⁸⁰ It is arbitrary to acknowledge those operational emissions, but not assess their cumulative impacts.¹⁸¹ The Draft EIS also dismisses, without support, the potential impacts of a "blow down" of methane emissions at the Starbuck Station during the construction phase, stating that the emissions would "quickly dissipate."¹⁸² This cursory discussion is not sufficient. At a minimum, the Final EIS must rationally explain its analysis of background data and cumulative impacts, and rationally explain and support with data its conclusion that the project will not significantly contribute to cumulative adverse air quality for surrounding communities.¹⁸³

SA01-39 { But the Commission should do more. As the Commission acknowledges, EJ Screen is an effective tool to gather "initial" information about existing public health and environmental impacts. To understand this data in context, however, the Commission must "empower, promote, and support public voices" from affected communities in this proceeding.¹⁸⁴ It did not do so here. While the Draft EIS claims that "[t]here have been opportunities for public involvement during the Commission's environmental review processes," those opportunities appear to be limited to responding to the notice of intent and notice of availability for the Draft EIS.¹⁸⁵ The Commission did not target these opportunities at engaging environmental justice communities, and it does not appear that the Commission employed the recommendations from the EPA or the Council on Environmental Quality to identify potential effects and mitigation measures in consultation with affected communities, to improve accessibility to the Draft EIS and other relevant documents, or to employ adaptive approaches to overcome barriers to effective engagement.¹⁸⁶ In addition, despite evidence of limited English proficiency in portions of the community surrounding the Starbuck Station,¹⁸⁷ the Commission did not offer translation.

SA01-40 { The Draft EIS also ignores other public health and environmental justice concerns raised by EPA. For example, EPA encouraged the Commission to analyze community health data, occupation, and diet that may suggest increased exposure to environmental hazards.¹⁸⁸ But the Draft EIS is silent on these impacts. For example, the Draft EIS does not analyze whether the project will adversely impact farmworkers, who are already exposed to high levels of air

¹⁷⁹ Draft EIS at 4-31.
¹⁸⁰ Draft EIS at 4-31, 32; see also Draft EIS at 4-36 - 4-40.
¹⁸¹ 350 Montana, 29 F.4th at 1176; 40 C.F.R. §§ 1502.15, 1502.16, 1506.1; see also NEPA Regulation Revisions, 87 Fed. Reg. at 23464 (describing obligation to consider cumulative impacts under NEPA).
¹⁸² See *Motor Vehicle Mfrs. Ass'n v. State Farm*, 463 U.S. 29, 43 (1983) (failure to consider important aspect of problem is arbitrary and capricious).
¹⁸³ Draft EIS at 4-30.
¹⁸⁴ Draft EIS at 4-31.
¹⁸⁵ FERC, *Office of Public Participation: Mission*, *supra* n. 168.
¹⁸⁶ Draft EIS at 4-21.
¹⁸⁷ Draft EIS at 4-20.
¹⁸⁸ Washington's Health Disparities Map shows that the Starbuck Station is within a census tract that ranks 10 out of 10 for limited English Proficiency. See Ex. H at 127.
¹⁸⁹ U.S. ENV'T PROT. AGENCY, Scoping Comments, 12 (Feb. 17, 2022).

SA01-39: While FERC staff consider the information provided by EJScreen, we rely on source Census data (i.e. American Community Survey data) to determine the presence or absence of environmental justice populations.

With respect to the provision of translation services, based on information in U.S. Census Bureau American Community Survey (ACS) Table B06007 only 8 percent of the population of the Census Block Group containing the existing Starbuck Station report speaking English less than "very well". In addition, ACS Table C16002 did not identify any households in the Block Group as a "limited English-speaking Household". Based on the available demographic data, we did not envision the need for additional non-English language community outreach efforts including the provision of translation services.

SA01-40: Issues related to community health data, occupation, and diet are outside the scope of this EIS. No agricultural lands are located within 0.25 mile of the Starbuck or Kent Compressor station.

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SA01-40cont.

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pollutants.¹⁸⁹ In particular, the Draft EIS should consider the cumulative impact of the project's increased pollution with the impacts of summer fire seasons, which can significantly increase PM 2.5 exposure near the Starbuck Station.¹⁹⁰

SA01-41

The Draft EIS also cannot rationally rely exclusively on purported compliance with the National Ambient Air Quality Standards (NAAQS) to dismiss air quality impacts because, as the Draft EIS acknowledges, "NAAQS attainment alone may not assure there is no localized harm to such populations due to Project emissions of volatile organic compounds (VOC), hazardous air pollutants (HAP) as well as issues, such as the presence of non-Project related pollution sources, local health risk factors, disease prevalence, and access (or lack thereof) to adequate care."¹⁹¹

b. The Draft EIS irrationally dismisses wildfire risks and arbitrarily assumes climate resilience.

SA01-42

The Draft EIS's analysis of wildfire risks and climate resiliency lacks factual or rational support and fails to "ensure the professional integrity, including scientific integrity" of its analysis.¹⁹² With respect to wildfire risks, the Draft EIS concludes without citation that the existing facilities "are located in remote areas that are unforested and . . . therefore, they would not likely be subject to significant wildfires."¹⁹³ Based on this unsupported claim, the Draft EIS concludes, again without citation, that the proposed modification of these facilities "would ensure a greater level of climate resiliency" when compared to the other alternatives considered.¹⁹⁴ The Draft EIS does not analyze the wildfire risk or climate resiliency of other alternatives, including the no-action alternative, and it does not consider the impact of the Project's increased methane gas emissions on the climate resiliency of the Project. This cursory analysis of wildfire risk and climate resiliency does not satisfy NEPA's mandate that agencies compare alternative impacts and make a reasoned choice between the alternatives.¹⁹⁵

Even if the Draft EIS had considered the climate resilience of other alternatives, its analysis would still fall short because the Draft EIS relies on the irrational assertion that wildfires do not occur in remote, unforested areas. This assertion ignores the realities of the arid West, where wildland fire threatens the rangelands and sagebrush steppe ecosystem that surround the Starbuck and Kent Compressor Stations.¹⁹⁶ Indeed, the Walla Walla County Community Wildfire Protection Plan, which covers the Starbuck Compressor Station, explains that wildfires

¹⁸⁹ See Exs. H, Wash. Health Disparities Map; G, EJ Screen Report.
¹⁹⁰ See Ex. I, Austin, Elena, ScD, ET AL., *Combined burden of health and particulate matter air quality in WA agriculture*, J AGRICULTURE, J AGRICULTURE (Jan. 1, 2021).
¹⁹¹ Draft EIS at 4-30 to 31.
¹⁹² 40 C.F.R. § 1502.23; see also *Idaho Wool Growers Ass'n v. Vilsack*, 816 F.3d 1095, 1107 (9th Cir. 2016).
¹⁹³ Draft EIS at 4-45.
¹⁹⁴ *Id.*
¹⁹⁵ See 42 U.S.C. § 2(C)(iii); 40 C.F.R. § 1502.14.
¹⁹⁶ See Ex. K, WASH. STATE DEPT. OF FISH & WILDLIFE, *Shrubsteppe Fire Preparedness, Response, and Restoration* (noting that in 2020, 600,000 acres of the imperiled shrubsteppe landscape burned in devastating wildfires); J, Mill Creek and Walla Walla County Community Wildfire Protection Plan Update at 187; *infra* p.28 (describing high wildfire risk around Kent Station); see also Application Vol II Environmental Report, Appx. B at 334-45 (representative photographs of typical vegetation and habitat).

SA01-41: As discussed in the DEIS, the EPA has established both primary and secondary National Ambient Air Quality to protect human health and welfare. As the commenters note, the DEIS acknowledges that "NAAQS attainment alone may not assure there is no localized harm to such populations due to Project emissions of volatile organic compounds (VOC), hazardous air pollutants (HAP) as well as issues, such as the presence of non-Project related pollution sources, local health risk factors, disease prevalence, and access (or lack thereof) to adequate care". The DEIS provides a full characterization of the Project's emissions and their compliance with established health-based standards.

SA01-42: See updated language in section 4.9 of this EIS.

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SA01-42
cont.

occur in grassland, rangeland and sagebrush steppe habitat, with sagebrush fires presenting greater risks for more extreme fire behavior.¹⁹⁷ “Although fires in agricultural and rangeland fuels may not present the same control problems as those associated with large, high intensity fires in timber, they can cause significant damage if precautionary measures have not been taken prior to a fire event. Wind driven fires in these fuel types spread rapidly and can be difficult to control,” particularly during extreme drought and high winds when these fires can “exhibit extreme rates of spread.”¹⁹⁸

The remote location of Starbuck Station does not afford it the wildfire protection the Draft EIS claims. Starbuck Station is located in the largest fire district (Fire District 1) in Walla Walla County encompassing 310 square miles,¹⁹⁹ and near certain unprotected lands, which, at this time, are outside of an established fire district or jurisdiction or lack a planned fire response.²⁰⁰ According to the Walla Walla County’s Protection Plan, Fire District 1 consists largely of sagebrush and natural vegetation and some farmlands and has very few natural fire breaks to help stop or slow down a wildfire.²⁰¹ Human-caused fire remains a risk in the Fire District and help may be slow to come given that the Fire District relies entirely on volunteer fire personnel, which can impact the ability of the Fire District to reliably and quickly respond to fire calls.²⁰² The Protection Plan specifically states that the area around the Starbuck Station would have slower response times when compared to other areas in the County and the response may be further limited by inadequate access roads and water supply.²⁰³

Similarly, the location of the Kent Compressor Station at risk for wildfires. During the Substation Fire of 2018, the town of Kent, six miles from the Kent Compressor Station, was subject to a level 2 evacuation order. Gorge Country Media reported on July 18 that “level 2 evacuations (“Be Set”) grew to include the community of Wasco, south to the community of Kent and several miles east.”²⁰⁴ The Federal government considered the Substation Fire a major fire, the Oregonian reported on July 18, 2018 that:

The Federal Emergency Management Agency has authorized federal funds to help fight the fire because it threatened “a major disaster,” the agency said in a news release. The threats include about 600 homes, 400 of which are primary residences. The fire also threatened major Oregon and California transmission lines, numerous substations, U.S. 97, the

¹⁹⁷ *Id.* at 56-57.

¹⁹⁸ *Id.* at 56.

¹⁹⁹ Ex. J, *Mill Creek and Walla Walla County Community Wildfire Protection Plan Update*, 166-68; see also Draft EIS at 4-3 (describing the ecoregion).

²⁰⁰ Ex. L, Report on Substitute House Bill 2561.

²⁰¹ Ex. J at 188.

²⁰² Ex. J at 168, 184-85.

²⁰³ *Id.* at 184-85.

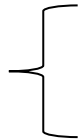
²⁰⁴ See GORCH NEWS CENTER, 9:00 am Monday update – fire 78,425 acres, 92% contained; Biggs, Rufus, Wasco, Moro and Grass Valley evacuations lifted completely, Kent stays at Level 1 (July 17, 2018), <https://gorchnewscenter.com/2018/07/17/5-pm-mandatory-level-3-evacuations-for-fire-near-the-dalles/> (last visited Aug. 17, 2022).

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Deschutes River National Scenic Waterway and recreational areas, FEMA said.²⁰⁵

SA01-43

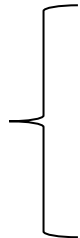


The Draft EIS ignores these wildfire risks. The Draft EIS also fails to consider potential wildfire impacts associated with construction, despite statements in the Environmental Construction Standards and Spill Prevention Control and Countermeasures Plan indicating that cleared brush may be piled at the edge of the construction work area and burned.²⁰⁶ GTN also does not appear to have a fire protection plan or to have consulted with local fire departments and emergency response agencies regarding whether additional equipment, training, and support are needed to ensure reliability and safety.²⁰⁷

7. The Draft EIS Does Not Contain a Reasonably Complete Discussion of Mitigation Measures or Comply with the Commission’s Obligations under 18 C.F.R. § 380.7.

NEPA requires that an EIS contain a “reasonably complete” discussion of possible mitigation measures.²⁰⁸ In addition, the Commission’s NEPA regulations direct that an environmental impact statement should include a staff conclusion section that summarizes any mitigation measures proposed by the applicant plus additional mitigation measures that may be more effective and any significant environmental impacts that cannot be mitigated.²⁰⁹ The Draft EIS’s discussion of mitigation measures violates both requirements.

SA01-44



The Draft EIS recommends mitigation to be included as specific conditions in the Commission’s Order but, instead of identifying measures, makes general references to GTN’s applications and lengthy responses to data requests.²¹⁰ These general references do not identify for the public which mitigation measures the agency is considering, to mitigate which environmental impacts – a key purpose of the environmental review process. As the Supreme Court explained, the environmental impact statement “serves a larger informational role” to assure the public that the agency “has indeed considered environmental concerns in its decisionmaking process” and provide an opportunity for public comment.²¹¹ And the discussion of mitigation measures is an essential ingredient of an EIS.²¹² But here, outside of broad requirements, the mitigation measures are buried in GTN’s application and data request responses. To comply with NEPA, the Commission should identify the specific mitigation

SA01-43: see response to SA01-42.

SA01-44: According to 40 CFR 1501.12 *Agencies shall incorporate material, such as planning studies, analyses, or other relevant information, into environmental documents by reference when the effect will be to cut down on bulk without impeding agency and public review of the action.* Staff’s recommendations are included in section 5.0.

²⁰⁵ *Anna Spore, Criminal Investigation underway in deadly Substation fire*, THE OREGONIAN (July 18, 2018).

²⁰⁶ Application, Exhibit Vol. II, Environmental Report, Appx. 2A, GTN’s Environmental Construction Standards (ECS) with the Spill Prevention, Control, and Countermeasure (SPCC) Plan, at 12 (p. 125 of the pdf).

²⁰⁷ See Application, Exhibit Vol. II, Resource Report 11, Reliability and Safety (p. 605 of the pdf) (indicating that this issue is not addressed in the application).

²⁰⁸ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989).

²⁰⁹ 18 C.F.R. § 380.7.

²¹⁰ Draft EIS at 5-1.

²¹¹ *Robertson*, 490 U.S. at 349.

²¹² *Id.* at 351.

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- SA01-44cont. { measures GTN will follow and explain how those measures will mitigate the specific impacts discussed in the EIS.²¹³
- SA01-45 { In particular, the Commission should clarify whether and to what extent it is relying on certain mitigation measures to support its conclusion that the project will not have significant environmental impacts. Without more detail, it is impossible for the States or the broader public to vet the environmental analysis and conclusions or to determine whether the Commission intends to adopt the mitigation measures recommended in EPA’s scoping comments, including EPA’s recommendation that the EIS discuss “all practicable mitigation measures for emissions resulting from these compressors” and measures to minimize fugitive emissions.²¹⁴ It is also unclear whether the Commission assessed or recommends any mitigation measures to reduce adverse impacts to the surrounding community. Consistent with 18 C.F.R. § 380.7, the Commission should also explain whether it recommends any mitigation measures that may be more effective than those the applicant proposes. Finally, the Commission should clarify whether the recommended mitigation measures include an obligation for GTN to coordinate with the Washington Department of Fish and Wildlife concerning native grass and shrub restoration to protect forage habitat for State Endangered Ferruginous Hawks.²¹⁵
- SA01-46 {
- SA01-47 { **8. The Commission Must Comply with Its Tribal Trust Responsibilities.**
The States seek to ensure that the Commission has satisfied its obligations to all impacted sovereigns. The Draft EIS does not make clear whether the Commission consulted with all potentially affected Tribes along the GTN pipeline route or whether GTN conducted adequate Tribal outreach. Before deciding the application, the Commission must ensure that it has complied with Tribal treaty rights, federal law, and its own policies regarding government-to-government consultation and meaningful Tribal involvement.

SA01-45: Comment noted. Emission mitigation measures are discussed in section 4.9 of this EIS.

SA01-46: see updated language in section 4.5 of this EIS.

SA01-47: Tribal coordination is discussed in section 4.6 of this EIS.

II. CONCLUSION

The Draft EIS contains critical flaws that undermine the integrity of the entire NEPA analysis. The Commission cannot approve this project until it remedies these NEPA violations and fully complies with all applicable federal laws.

²¹³ The Draft EIS also states one of its purposes is to inform the public “about . . . mitigation measures we are recommending to reduce adverse impacts.” Draft EIS at ES-1.

²¹⁴ See generally, U.S. ENVY PROT. AGENCY Scoping Comments (Feb. 17, 2022).

²¹⁵ Compare Draft EIS at 4-15 (mentioning GTN’s statement that it has committed to such coordination), with Draft EIS 5-1 to 5 (not specifically mentioning this commitment as a mitigation measure).

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document and attached exhibits upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 22nd day of August, 2022.

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EXHIBITS

- A. Summary of State and Local Climate Laws & Renewable Energy Development
- B. Declaration of Gregory Lander with accompanying exhibits and curriculum vitae
- C. Report: GTN Xpress Project: A Critical Review of Need, Costs, and Impacts, by David Hill and Earnest White, Energy Futures Group, with curriculum vitae
- D. TC PipeLines, LP, Press Release: *TC PipeLines, LP announces GTN Xpress to enhance market access for growing WCSB supply and allow additional market penetration along GTN's system*, GlobeNewswire (Nov. 1, 2019), <https://www.globenewswire.com/news-release/2019/11/01/1939332/0/en/TC-PipeLines-LP-announces-GTN-XPress-to-enhance-market-access-for-growing-WCSB-supply-and-allow-additional-market-penetration-along-GTN-s-system.html>
- E. The Motley Fool, *TC Energy Corporation (TRP) Q3 2019 Earnings Call Transcript* (Nov. 7, 2019, 11:00 AM), <https://www.fool.com/earnings/call-transcripts/2019/11/08/tc-pipelines-lp-tcp-q3-2019-earnings-call-transcr.aspx>
- F. Webpage Printouts of Tourmaline Operations, taken from: TOURMALINE, <https://www.tourmalineoil.com/operations> (last visited Aug. 15, 2022)
- G. U.S. Environmental Protection Agency, EJ Screen Report centered at the Starbuck Compressor Station
- H. Environmental Health Disparities Maps for the area around the Starbuck Station, taken from: WA State Dep't of Health, *Washington Tracking Network*, <https://fortress.wa.gov/doh/wmbl/WTNIBL/> (last visited Aug. 15, 2022).
- I. Elena Austin, ScD, ET AL., *Combined burden of heat and particulate matter air quality in WA agriculture*, J AGRICULTURE, Jan. 1, 2021.
- J. Excerpts from *Mill Creek and Walla Walla County Community Wildfire Protection Plan Update*, 1-9, 19-21, 54-70 (2017), https://files4.1.revize.com/wallawalla/document_center/emergency%20management/Walla%20Walla%20County%20CWPP%202021%20Update%20REDUCED%20SIZE.pdf
- K. Excerpts from WA STATE DEP'T OF FISH & WILDLIFE, *Shrubsteppe Fire Preparedness, Response, and Restoration*, <https://wdfw.wa.gov/about/advisory/ssc> (last visited Aug. 15, 2022).

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L. Excerpts from WA STATE DEP'T OF NATURAL RESOURCES, *Report of Substitute House Bill 2561*, 5, 10, 47, 78.
https://www.dnr.wa.gov/publications/tp_fire_advisory_committee_report.pdf

M. First Amended Complaint, *California v. CEQ*, No. 20-cv-06057 (N.D. Cal., filed Nov. 23, 2020)

EXHIBITS - 2

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INTRODUCTION

The Attorneys General for three of the four States the GTN Xpress Project intends to serve hereby move to intervene and request the Commission deny the application. This Project proposes to expand supply of methane gas in a region that is rapidly transitioning off fossil fuels and reducing greenhouse gas emissions. There is insufficient evidence the Project serves a public necessity or the public interest. Instead, the evidence indicates that existing customers will subsidize the expansion, and the Project will primarily serve the interests of Canadian gas producers in gaining market share, not the needs of American consumers. The Project conflicts with state laws to reduce emissions and transition to renewable energy, and it will worsen environmental harms from climate change by locking in over 3.47 million metric tons of Carbon Dioxide equivalent (CO_{2e}) emissions per year for at least the next thirty years. For these and other reasons, the Commission should find the project is improperly subsidized, does not serve a public necessity, and is not in the public interest.

FACTUAL BACKGROUND**A. Washington, Oregon, and California Have Strong Interests in Reducing Reliance on Methane Gas to Protect Their Residents From Climate Change.**

Climate change is causing “[w]idespread, pervasive impacts to ecosystems, people, settlements, and infrastructure.” Hans-O. Portner, ET AL., *Summary for Policymakers*, IPCC, 9 (2022).¹ These impacts include “heat-related human mortality . . . [o]bserved increases in areas burned by wildfires [and] [a]dverse impacts from tropical cyclones, with related losses and damages . . . Increasing weather and climate extreme

¹ https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf.

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events have exposed millions of people to acute food insecurity and reduced water security.” *Id.* Climate change is causing mass extinctions of species and “increasingly irreversible” damage to ecosystems. *Id.* While many losses are unavoidable, actions to limit global warming to close to 1.5° Celsius in the next twenty years “would substantially reduce projected losses and damages related to climate change in human systems and ecosystems.” *Id.* at 13.

Climate change is no stranger to Washington, Oregon, and California. Hotter, drier summers make forests more vulnerable to pests and disease and lead to more frequent and severe wildfire in the region. Climate change “is likely to more than double the area in the Northwest burned by forest fires during an average year by the end of the 21st century.” ENV. PROT. AGENCY, *What Climate Change Means for Washington* (2016).² Warmer winters are reducing mountain snowpack – a critical source of drinking water and irrigation water for agriculture. *See id.* Washington produces two-thirds of the nation’s supply of apples, but global warming of 1.5°C will cause a twenty-three percent decline in summer streamflow, resulting in irrigation shortages for this and other crops. *See id.*; WASH. REV. CODE § 70A.45.020, Intent - 2020 c 79 (2020). Ocean acidification threatens marine ecosystems, including fisheries and shellfish industries critical to local economies and culture. *See id.* These are just a few of the ways climate change already affects the States.

To protect their citizens, economies, and way of life, State legislatures have prioritized actions to reduce emissions and avoid the most catastrophic impacts of climate

²<https://19january2017snapshot.epa.gov/sites/production/files/2016-09/documents/climate-change-wa.pdf>.
See also ENV. PROT. AGENCY, *What Climate Change Means for Oregon* (2016),
<https://19january2017snapshot.epa.gov/sites/production/files/2016-09/documents/climate-change-or.pdf>.

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change. In Washington, the legislature found that avoiding warming of 1.5°C “is possible only if global greenhouse gas emissions start to decline precipitously, and as soon as possible,” across all sectors of the economy. *See* WASH. REV. CODE § 70A.45.020, Intent-2020 c 79(7). Washington has set incremental limits on statewide emissions, which by 2050 will be 95 percent below 1990 levels. § 70A.45.020(1). In the electric sector, all retail sales of electricity to Washington customers must be greenhouse gas neutral by 2030. § 19.405.040 (2019). By 2045, retail electricity must be 100 percent renewable. § 19.405.050 (2019). Other sectors also must cap emissions and reduce them over time, consistent with Washington’s emission limits. § 70A.65.060 (2021). For buildings, Washington code will restrict the use of methane or other fossil fuels for HVAC systems in new buildings beginning July 1, 2023, *see* WASH. ADMIN. CODE § 51-11C-40314 (2023), and the Washington Department of Commerce has set energy performance standards to reduce energy use in large buildings, *see* WASH. ADMIN. CODE § 194-50 (implementing Washington State Energy Performance Standard, WASH. REV. CODE § 19.27A.210 (2021)).

Oregon has similarly adopted laws and programs to significantly reduce its greenhouse gas emissions. Oregon has required its major investor-owned utilities, PGE and PacifiCorp, to transition to 100 percent renewable electricity by 2040. OR. REV. STAT. § 469A.410 (2021). Those utilities represent 87.8 percent of greenhouse gasses that electricity suppliers emitted as of 2020. *See* Oregon Department of Environmental Quality, *Greenhouse Gas Emissions from Electricity Use 2010-2020*, (15,065,072 metric tons of CO₂e from PGE and PacifiCorp compared to a statewide total of 17,155,607).³

³ <https://www.oregon.gov/dec/ghgp/Documents/ghgElectricityEms.xlsx>

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Oregon has also adopted regulations requiring reductions in greenhouse gas emissions from fossil fuels used throughout Oregon in transportation, residential, commercial and industrial settings (for purposes other than electricity generation). OR. ADMIN. R. Ch. 340, Div. 271. Those regulations impose a declining cap that will require an 89 percent reduction in greenhouse gas emissions from those sources by 2050. The overall cap declines from 28,081,335 metric tons of CO₂e in 2022 to 15,021,080 in 2035 and to 3,004,216 in 2050. OR. ADMIN. R. 340-271-9000 (2021), Table 2.

California also has enacted numerous climate policies and programs. In 2006, the legislature required California to reduce its overall greenhouse gas emissions to 1990 levels by 2020 and 40 percent below 1990 levels by 2030. *See* California Global Warming Solutions Act of 2006, AB-32, § 1 (2006). To meet the 2030 reductions, the California Air Resources Board established a Cap and Trade program and developed a Climate Change Scoping Plan that outlines the state's approach to achieving greenhouse gas reduction targets. *See* CAL. CODE REGS., tit. 7, § 95800, *et seq.*; CAL. AIR RES. BD., *AB 32 Climate Change Scoping Plan*.⁴ The Draft 2022 Scoping Plan Update includes the goal of carbon neutrality by 2045. *See* CAL. AIR RES. BD., *Draft 2022 Scoping Plan Update* (May 10, 2022).⁵ Other recent laws and policies include Senate Bill 100 and Senate Bill 350, requiring the State to procure 60 percent of all electricity from renewable sources by 2030 and 100 percent carbon-free sources by 2045, and the Green Building Standard, providing energy efficiency standards for new construction and retrofitting of existing buildings.⁶

⁴ <https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan>.

⁵ <https://ww2.arb.ca.gov/sites/default/files/2022-05/2022-draft-sp.pdf>.

⁶ *See* California Renewables Portfolio Standard Program: Emissions of Greenhouse Gasses, SB-100 (2018); Clean Energy and Pollution Reduction Act of 2015, SB-350 (2015); CAL. ENERGY COMM'N, *Renewables*

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These laws and policies will lead to “significant declines in the region’s gas consumption.” *See* Ex. C, Energy Futures Report at 39, *see also id.* at 49-57. Electric generation accounts for one-third of the region’s gas consumption, but Washington, Oregon, and California’s clean electricity laws will require electricity generators to limit, reduce, and retire their methane gas-fired power plants to achieve those limits. *See id.* at 54. This alone “indicate[s] significant reductions in gas fired generation . . . and the reductions in gas consumption are likely to exceed projected growth . . . cited by GTN in the application.” *Id.* at 56. Further reductions in regional gas demand are possible as trends in “customer choice and market dynamics, the potential for existing customers to electrify, [and] the potential for local or state governments to limit or prohibit gas service for new construction.” *Id.* at 46; *see also* Ex. A at 5-9 (listing laws limiting or prohibiting new gas service). Governments and companies are developing renewable energy projects to replace fossil fuels in all three States. *See id.* at 9-12.

B. GTN Plans to Increase Methane Supply in the Pacific Northwest.

In November 2019, GTN announced a \$335 million project, GTN Xpress, to “both increase the reliability of existing transportation service and provide up to 250,000 [Dekatherms per day (“Dth/d”)] of additional firm transportation service.” *See* Ex. D, TC Pipelines Press Release (Nov. 1, 2019). GTN Xpress would “enhance market access and reliability for growing Western Canadian Sedimentary Basin (WCSB) supplies.” *Id.* at 79. The Project would replace horsepower at existing compressor stations, which would cover “more than three-quarters of the project cost [\$251 million]” and be recovered entirely from existing ratepayers. *Id.* at 80. GTN would then upgrade those same

Portfolio Standard – RPS, <https://www.energy.ca.gov/programs-and-topics/programs/renewables-portfolio-standard>; CAL. GREEN BUILDING STANDARDS CODE, tit. 24, part 11 (2019).

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compressor stations to increase capacity. *See* Application at 6-7. GTN presented the project to the Commission piecemeal, first in March 2020 with notices of routine replacements of its compressor units, then in October 2021 with a request to expand capacity by upgrading those same units.

In March 2020, GTN filed three “Advance Notification[s] of Natural Gas Facilities Replacement Pursuant to Section 18 CFR 2.55(b)(1)(iii)” with the Commission to replace compressor units at the Athol Station located in Idaho, the Starbuck Station in Washington, and the Kent Station in Oregon. *See* Notification, Athol Compressor Station, Dkt. CP20-82-000, (Mar. 10, 2020); Notification, Kent Compressor Station, Dkt. CP20-85-000, (Mar. 10, 2020); Notification, Starbuck Compressor Station, Dkt. CP20-86-000, (Mar. 10, 2020). As GTN previewed in its press release announcing the expansion, the total cost of these three replacements was \$251 million. *See id.*; Ex. B, Declaration of Gregory Lander at 15. GTN claimed 18 C.F.R. § 2.55(b) justified the replacements. *See id.* Section 2.55(b) permits replacement of deteriorated or obsolete facilities that “will have a substantially equivalent designed delivery capacity.” It does not authorize replacements that create incremental capacity. 18 C.F.R. § 157.202(b)(2)(i) (1982).

GTN told the Commission the replacements were necessary “to prevent a potential reliability risk to the system.” *See* Notification, Athol Compressor Station, Dkt. CP20-82-000, (Mar. 10, 2020); Notification, Kent Compressor Station, Dkt. CP20-85-000, (Mar. 10, 2020); Notification, Starbuck Compressor Station, Dkt. CP20-86-000, (Mar. 10, 2020). GTN stated the new units “would be site rated at the existing certificated ISO horsepower of 14,300.” *Id.* GTN further claimed “[t]he replacement unit configuration is the nearest reliable size available to the unit being replaced” and, “with

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the controls being put in place[,] will have a substantially equivalent designed delivery capacity.” *Id.* GTN did not disclose that the new units were substantially larger than the old units (23,470 compared to 14,300 horsepower), that it intended to use the new compressors to expand capacity, or that it already contracted to sell the expanded capacity the new units would create. *Id.* GTN completed the replacements in October 2021. *See* Mot. for Leave to File Answer to Protests, and Answer to Protests and Opposition to Late Interventions at 7 (Dec. 16, 2021).

Also in October 2021, GTN filed its current application to expand capacity, which it largely plans to do via software upgrade on the recently-replaced compressor units at Athol, Kent, and Starbuck. *See* Application at 6-7. Though GTN presented the project to investors as “enhanc[ing] market access” for Canadian producers, Ex. D at 79, it told the Commission the project was developed to serve growing load demand in the Pacific Northwest, Application at 3-4. Additionally, while GTN told investors the project would increase capacity by 250,000 Dth/d at a cost of \$335 million, its application before the Commission seeks authorization only for 150,000 Dth/d at a cost of \$75.1 million. *Compare* Ex. D (Nov. 1, 2019 Press Release) with Application 6-8.⁷ GTN claims that the other 100,000 Dth/d would be provided using “existing capacity.” *Id.* at 8 n.6. GTN has not explained how it increased capacity on its existing system by 100,000 Dth/d without modifying facilities. *See* Mot. to Intervene Out-of-Time and Protest of Puget Sound Energy, Inc. at 4-5 (Nov. 17, 2021).

For the 150,000 Dth/d increase in GTN’s current application, GTN summarized three precedent agreements:

⁷ The remaining \$251 million project cost was for the 2020 Advance Notification replacements, but GTN seeks to charge existing ratepayers for this cost. *See supra* p.6.

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Project Shipper	Transportation Demand of Project Capacity (Dth/d)	Primary Term (Years)	Projected End Use
Cascade Natural Gas ("Cascade")	20,000	31	Residential, Commercial, & Industrial Uses
Intermountain Gas Company ("Intermountain")	79,000	30	Residential, Commercial, & Industrial Uses
Tourmaline Oil Marketing Corp. ("Tourmaline")	51,000	33	West Coast Natural Gas Markets

See Application at 9. GTN did not disclose the negotiated rates each project shipper would pay for the new capacity, but requested to roll in the costs of the expansion into existing rates. See *id.* at 13-15.

MOTION TO INTERVENE

The Commission should grant the motion to intervene by the Attorneys General of Washington, Oregon, and California (collectively, the States) because GTN Xpress directly and adversely affects State interests. Rule 214 permits intervention where the movant files a timely motion and “has or represents an interest which may be directly affected by the outcome of the proceeding” or “the movant’s participation is in the public interest.” 18 C.F.R. § 385.214 (2008). Motions to intervene on environmental grounds are timely if filed during the comment period on Draft Environmental Impact Statement. See 18 C.F.R. §§ 380.10(a)(1) (2006), 157.10(a)(2) (2003).

The States have an urgent and compelling interest in reducing air pollution and protecting the environment in their territory, especially in controlling greenhouse gas emissions that cause climate change. Rising sea levels threaten the States’ collective

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1,293 miles of shoreline.⁸ Extreme drought and heat are turning the State forests into tinderboxes. Lost mountain snowpack threatens the water supply of millions of State residents. *See supra* pp.1-2. Given these wide-ranging threats, it is “well settled that the states have a legitimate interest in combating the adverse effects of climate change on their residents.” *Am. Fuel & Petrochemical Mfrs v. O’Keeffe*, 903 F.3d 903, 913 (9th Cir. 2018) (citing *Mass. v. EPA*, 549 U.S. 497, 522–23 (2007)).

GTN Xpress directly harms the States’ interest in fighting climate change, reducing air pollution, protecting their natural resources, and preserving their citizens’ health and welfare. *See* 18 C.F.R. § 385.214(b)(2)(ii). State and local laws seeking to protect these interests require emission reductions and replacing fossil fuels with renewable energy. *See supra* pp. 2-4. Contrary to these laws, GTN proposes to increase emissions and lock in reliance on methane for at least another thirty years. *See* Application at 9. The project also threatens consumer interests, since increasing methane gas infrastructure during this transition will result in costly stranded assets for ratepayers. *See infra* pp. 17-19. Doubling the capacity of the compressor stations will increase noxious pollutants like ozone and PM 2.5 in nearby communities, some of which are already overburdened by pollution. *See* Ex. H, Environmental Health Disparities Maps; Draft Environmental Impact Statement, 4-35 – 4-40 (June 30, 2022) (“Draft EIS”).

The States’ participation also is in the public interest. *See* 18 C.F.R. § 385.214(b)(2)(iii). The States represent the public and consumers in three of the four States that GTN serves with this project. Two compressor stations that the project will expand are in Washington and Oregon. The States are responsible for addressing the

⁸ Janice Cheryl Beaver, *CRS Report for Congress: U.S. International Borders: Brief Facts* (Nov. 9, 2006), THE LIBR. OF CONG., <https://sgp.fas.org/crs/misc/RS21729.pdf>.

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impact of these stations on their environment and consumers – relevant state agencies

may intervene as of right for this reason. *See* 18 C.F.R. § 385.214(a)(2). Further, the public has a strong interest in enforcing its state laws to limit emissions. *Cf. Hughes v. Talen Energy Mktg., LLC*, 578 U.S. 150, 164 (2016) (Sotomayor, J., concurring) (recognizing “the importance of protecting the States’ ability to contribute, within their regulatory domain, to the Federal Power Act’s goal of ensuring a sustainable supply of efficient and price-effective energy”⁹); 15 U.S.C. § 717 (reserving state authority to regulate intrastate transportation and sale of methane gas).

Finally, the States’ motion is timely. The States seek intervention on environmental grounds within the comment period of the draft EIS. *See* 18 C.F.R. §§ 380.10(a)(1), 157.10(a)(2).

COMMUNICATIONS

All communications, correspondence, and documents related to this proceeding should be served on the following persons:¹⁰

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⁹ Although *Hughes* addresses the Federal Power Act, not the Natural Gas Act, the Supreme Court “has routinely relied on NGA cases in determining the scope of the [Federal Power Act], and vice versa.” 136 S.Ct. at 1298 n.10.

¹⁰ The States of Washington, Oregon, and California respectfully request waiver of Rule 2010(k)(1) of the Commission’s Rules of Practice and Procedure to allow each of the listed representatives to be added to the official service list in this proceeding. 18 C.F.R. § 385.2010(k)(1) (2021).

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PROTEST

Under Section 7 of the Natural Gas Act, the Commission must find a project is or will be required by the “public convenience or necessity.” 15 U.S.C. § 717f(c), (e). The Commission’s 1999 Policy Statement guides this decision. *See* Certification of New Interstate Natural Gas Pipeline Facilities, 88 FERC ¶ 61,227 (1999), clarified, 90 FERC ¶ 61,128, further clarified, 92 FERC ¶ 61,094 (2000) (“1999 Policy Statement”).

Under the 1999 Policy Statement, the Commission first answers a threshold question: Is the project subsidized by existing customers? If yes, the project application should be denied without further analysis. Next, the Commission balances the public benefits against the adverse effects. This step primarily considers the economic costs and benefits from the project, including whether the project serves a public need. If the economic benefits outweigh the adverse economic effects, the Commission conducts an environmental analysis under the National Environmental Policy Act. The GTN Xpress project fails under each step of this analysis, and each is sufficient to deny the Project.

A. The Application Should Be Denied Because Existing Customers Will Subsidize the Project.

The Commission should reject GTN’s proposal because GTN has not made the threshold showing that existing customers will not subsidize the expansion. Under the

SA02-1: We have prepared this EIS to inform the Commission and stakeholders about the expected environmental impacts that would occur if the Project is constructed and operated. A determination of the public interest is a consideration for the Commission and is outside the scope of this EIS. The Commission would ultimately determine the Project need and could choose the No-Action Alternative.

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1999 Policy Statement, “[t]he threshold requirement . . . for existing pipelines proposing an expansion project is that the pipeline must be prepared to financially support the project without relying on subsidization from existing customers.” 1999 Policy Statement at 19. The existence of a subsidy indicates a lack of market-based need for a project. *Id.* at 22. Instead, subsidization can lead to “overbuilding and inefficient investment.” *Algonquin Gas Transmission, LLC*, 130 FERC ¶ 61,011, 61,033 (2010).

GTN has not shown that its new customers will pay the full costs of its expansion. As Puget Sound Energy and Pacific Gas and Electric previously noted, the \$75.1 million project cost in the instant application excludes \$251 million GTN already spent replacing compressor units at the Athol, Kent, and Starbuck stations. *See* Mot. to Intervene Out-of-Time and Protest of Puget Sound Energy, Inc. at 5-6 (Nov. 17, 2021); Mot. to Intervene and Protest of Pacific Gas and Electric Co. at 4 (Nov. 9, 2021); Application, Ex. K (Cost of Facilities). In response, GTN wrongly claimed the \$251 million replacements were justified under the Commission’s Prior Notice regulation, 18 C.F.R. § 2.55(b), but that regulation did not allow GTN’s actions here. *See* Mot. for Leave by Gas Transmission Northwest to File Answer to Protests at 5-6 (Dec. 16, 2021).

GTN cannot rely on Section 2.55(b) to exclude the \$251 million it spent to replace existing compressors because those replacements increased capacity of the pipeline. Section 2.55(b) permits replacement of deteriorated or obsolete facilities that “will have a substantially equivalent designed delivery capacity.” The replacement cannot result in an “incidental increase in capacity.” 18 C.F.R. § 157.202(b)(2)(i). But that is exactly what happened here. GTN’s replacements resulted in increased capacity – this was a primary purpose of the replacement. *See* Ex. D, TC Pipelines Press Release.

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Just as GTN omits relevant facts in this application about the full costs of its expansion project, it failed to disclose relevant facts in its prior notice applications. *See* 18 C.F.R. § 385.203(a)(6) (2008) (stating pleadings must include all “relevant facts”). GTN did not disclose it was replacing the existing 14,300 horsepower units with new units that were substantially larger (23,470). *See id.*; Application at 6-7. GTN further claimed the new units were “the nearest reliable size available to the unit being replaced.” *See* Notification, Athol Compressor Station, Dkt. CP20-82-000, (Mar. 10, 2020); Notification, Kent Compressor Station, Dkt. CP20-85-000, (Mar. 10, 2020); Notification, Starbuck Compressor Station, Dkt. CP20-86-000, (Mar. 10, 2020). Not so. The same manufacturer makes smaller compressor units. *See* Ex. B, Lander Decl. at 15. Finally, GTN did not disclose its intent to use the new, larger units to expand capacity. Instead, GTN waited until one month after completing the replacements to apply to the Commission for expanded capacity using the new compressors. The result of GTN’s omissions in the current and prior applications is an improperly segmented review, hiding the full scope of environmental impacts and costs to consumers. *See* Comments on the Draft EIS by the States of Washington, Oregon, and California at 23-24 (“States’ Draft EIS Comments”).

As expert Gregory Lander describes, when even a portion of the cost to replace these compressors is included in the project costs, GTN’s projected revenues do not exceed costs. *See* Ex. B, Lander Decl. at 16-18. It also further highlights GTN’s likely inability to recover the full costs of the project, which it already projects to last until 2072 – well past the States’ transition to a clean economy. *See* Ex. C, Energy Futures Report at 62-64; *infra* pp.17-19. As a result, the Commission should deny the application.

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GTN claims the Commission can simply defer this issue to GTN’s next rate case.

See Mot. for Leave by Gas Transmission Northwest to File Answer to Protests at 11 (Dec. 16, 2021). But rate treatment should be resolved *before* construction begins. 1999 Policy Statement at 21; see also *Tennessee Gas Pipeline Co., L.L.C.*, 140 FERC ¶ 61,120, 61,595 (2012) (describing Commission practice of making “an upfront determination on the rate treatment for expansion projects”). Further, the existence of a subsidy is grounds to deny an application. It also indicates a lack of market need or public interest in an expansion project, which, as discussed below, are additional reasons to deny the Project. See 1999 Policy Statement at 20.

B. GTN’s Expansion Does Not Serve a Public Necessity.

The Commission may only approve projects that serve a public necessity. See 15 U.S.C. § 717f(c). “In analyzing the need for a particular project, the [1999] Policy Statement makes it clear that the Commission will consider *all* relevant factors.” *Env’t Def. Fund v. FERC*, 2 F.4th 953, 959 (D.C. Cir. 2021), cert. denied sub nom. *Spire Missouri Inc. v. Env’t Def. Fund*, 142 S. Ct. 1668 (2022). The 1999 Policy Statement recognized that exclusive reliance on precedent agreements did not provide a full picture of a project’s benefits or adverse effects, such as a particular fuel’s “environmental advantages” or “community interests.” 1999 Policy Statement at 16, 25-26. Further, showing a company will buy the capacity, but does not intend to buy the gas (as in the case of a gas producer), does not indicate public need. *Id.* at 25. Thus, while precedent agreements remain “important evidence” of public need they are not conclusive. *Id.*; see also *Env’t Def. Fund*, 2 F.4th at 959 (noting the difference between “saying that precedent agreements are always *important* versus saying that they are

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always *sufficient*”). Instead, necessary evidence “will usually include a market study . . . Vague assertions of public benefits will not be sufficient.” 1999 Policy Statement 25.

The Commission should reject GTN’s application to expand pipeline capacity because there is no public necessity for it. State policies will significantly reduce regional demand for methane, so increasing fixed costs for methane infrastructure will harm consumers in the long term. GTN’s application ignores these policies and summarizes two contracts with utilities, neither of which establish need for increased capacity, and a contract with a Canadian gas producer, which is not evidence of a domestic need for gas.

1. State energy policies drive need for gas in the region.

In this case, an essential component of the Commission’s need inquiry is the state energy policies that are effecting a declining market for methane gas in the Pacific Northwest. In assessing the future need for methane in the region, the Commission cannot ignore the future effect of these policies. As the D.C. Circuit explained:

The public convenience and necessity for which regulatory agencies issue certificates are the convenience and necessity of the future. The needs of yesterday require no fulfillment if they be not the needs of tomorrow. . . . Every new bus route, new airplane service, new radio station, new stock issue, new pipe line, new power project, and so on, seeks its permissive certificate upon the basis of future possibilities.

City of Pittsburgh v. Fed. Power Comm’n, 237 F.2d 741, 752 (D.C. Cir. 1956) (quoting *American Airlines, Inc. v. Civil Aeronautics Board*, 192 F.2d 417 (1951)). See also 1999 Policy Statement at 23 (directing Commission to consider “all relevant factors”).

A key component to these laws and policies is transitioning from methane electricity generation to a 100 percent renewable grid. Methane-powered generation accounts for 32 percent of total methane use in the region. See Ex. C, Energy Futures Report at 54. As the States transition to 100 percent clean electricity, the amount of

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methane needed for electricity generation will decline, freeing up capacity for other uses or reducing overall need. *See id.* The States are working to meet their renewable electricity targets. This spring, California passed a major milestone in its route to a clean electric grid by 2045: for the first time, renewables briefly powered 103 percent of energy on the grid.¹¹ Oregon has more than seventeen major wind and solar projects in development, with a combined capacity of nearly 4,000 MW. *See Ex. A* at 10-11. For comparison, all of Oregon’s methane generation produces 3,149 MW as baseload, and 954 MW peaking capacity. *See id.* at 11. Eighty-three percent of Washington’s electricity comes from renewable sources,¹² and Washington has at least nine major wind and solar projects in development, with a combined capacity of 2,110 MW, *see Ex. A* at 9.

GTN claims the majority of its expansion will serve demand for residential and commercial uses other than electricity generation, *see Application* at 9, but Washington, Oregon, and California have laws restricting methane use for those purposes as well, *see Ex. A* at 1-9. Washington’s building code prohibits methane heating in new multi-family residences and most commercial buildings as of 2023. WASH. ADMIN. CODE § 51-11C-40314. In California, all newly built homes must install solar systems, and fifty-nine cities and counties have adopted building ordinance codes to reduce reliance on methane. *See Ex. A* at 9; CAL. CODE REGS. tit. 24, Pt 6 (CA Building Standards Energy Code). As noted above, Oregon regulations require reductions in greenhouse gas emissions from

¹¹ CALIFORNIA ISO, *Monthly Renewables Performance Report* (May 2022), <https://www.caiso.com/Documents/MonthlyRenewablesPerformanceReport-May2022.html>; Eric Gimon, *California Can Reliably Hit 85% Clean Energy By 2030 Without Risking Outages – En Route To A 100% Clean Grid*, FORBES (May 11, 2022, 7:15 AM), <https://www.forbes.com/sites/energyinnovation/2022/05/11/california-can-reliably-hit-85-clean-energy-by-2030-without-risking-outages-en-route-to-a-100-clean-grid/?sh=3b540ac03b44>.

¹² U.S. Energy Information Administration, *Washington: State Profile and Energy Estimates*, <https://www.eia.gov/state/analysis.php?sid=WA#:~:text=Renewable%20energy,total%20hydroelectric%20generation%20in%202020> (last visited Aug. 18, 2022).

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fossil fuels used throughout Oregon in transportation, residential, commercial and industrial settings (for purposes other than electricity generation). OR. ADMIN. R. Ch. 340, Div. 271. As energy planning expert David Hill noted, the utility demand forecasts that GTN cites improperly equate a growing population with increased gas consumption. *See Ex. C, Energy Futures Report* at 45-46. The demand forecasts “do not reflect potential reductions in new gas hookups due to customer choice and market dynamics, the potential for existing customers to electrify, nor the potential for local and state governments to limit or prohibit gas service for new construction.” *Id.* at 46. The Commission’s assessment of public need must be broader than these limited projections by private companies. *See Pittsburgh*, 237 F.2d at 752; 1999 Policy Statement at 23, 25.

Consideration of these State laws is also vital to fulfill the Commission’s duty to “protect consumers against exploitation at the hands of natural gas companies” and ensure “reasonable prices.” *City of Clarksville v. FERC*, 888 F.3d 477, 479, 485 (D.C. Cir. 2018). Increasing fixed costs from new infrastructure poses an unacceptable risk of stranded assets, which could lead to higher prices for the remaining future consumers of methane. As expert David Hill explains, using GTN’s proposed annual depreciation expenses, it will require roughly 47 years for the \$75.1 million project cost to be fully depreciated – until 2072.¹³ *Ex. C* at 62-64. Thirty percent of total costs will be recovered in the last thirty years of the project, from 2042-2072. *Id.* This is twenty-two years past 2050, when the nation aims to be net zero, and when the States project significantly reduced use of methane. *See id.* at 25-27; *supra* pp. 2-5.

¹³ The time to recover costs may be even longer, since GTN is improperly excluding \$251 million it spent upgrading the compressor units for this project. *See supra* pp. 11-14.

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Assuming GTN will be able to continue operating its pipeline at near-full capacity through 2072 is dangerously speculative – both for our climate and for consumers. To put this in context, if GTN continues business as usual with its pipeline in 2050, that would represent 48 percent of the region’s target GHG emissions *from all sources*. See Ex. C, Energy Futures Report at 61. For the remaining consumers of methane gas in 2050, this asset “may impose increasing costs on remaining customers, which in-turn will encourage even more of them to exit the gas system. The proposed cost recovery period also risks placing an unfair burden on customers for whom transitioning . . . to other options may be most difficult due to financing, up-front costs, or other barriers.” *Id.* at 64. The Commission must consider the impact of imposing these costs on future methane consumers.

State regulators already are taking these factors in account to protect consumers. For example, the California Energy Commission recommends “halt[ing] expansion of the gas system . . . Insofar as throughput declines and customer exits can be expected, additional obligations (from new investments in expanded gas infrastructure) will increase the cost of gas service for remaining customers.” *Id.* at 52. Similarly, the Washington Utility and Transportation Commission substantially decreased allowances to extend pipelines to serve new customers. The agency based its decision in part on “the likelihood that natural gas lines will not be serving customers in Washington in perpetuity, [state climate policies, and] ensuring that utility tariffs do not increase the likelihood of stranded assets in the future.” See Order 01 Authorizing and Requiring Tariff Revisions, Wash. Util. and Transp. Comm’n, Dkt. UG-210729, 6-7 (Oct. 29,

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2021). Like state regulators, the Commission must consider state climate laws to prevent unreasonably high costs for future customers.

2. GTN’s summary of its precedent agreements are not sufficient evidence of a public need.

While GTN ignores the clear trend to reduce fossil fuel use in the Pacific Northwest, it claims the Commission can find evidence of public need by summarizing three precedent agreements – two with utilities, Cascade Natural Gas Corporation and Intermountain Natural Gas Company, and one with a Canadian gas producer, Tourmaline Oil Marketing Corporation. See Application at 9. None of these agreements demonstrate a public need.

a. Cascade’s demand projections are outdated and do not show a need for more pipeline capacity.

Regarding Cascade, GTN claims the contract is necessary to serve growing demand in Oregon and that Cascade is “faced with peak day supply shortfalls in Oregon, expected as early as 2024, as well as an annual average load growth rate of 2.12% in Zone GTN of Cascade’s system.” Application at 11 (citing CASCADE NATURAL GAS, 2020 Integrated Resource Plan (Feb. 26, 2021)¹⁴ (hereinafter “Cascade 2020 IRP”)). GTN is not presenting the full picture of demand on Cascade’s system.

First, Cascade’s 2020 IRP does not take into account “carbon legislation [and] building code changes” that took effect after the 2020 IRP was published (and after this precedent agreement was executed). 2020 Cascade IRP at 3-21; see also Ex. C, Energy Futures Report at 46. Cascade noted then that its future projections were “particularly difficult” in light of the then-pending legislation. 2020 Cascade IRP at 3-21. Those laws

¹⁴ <https://www.cngc.com/wp-content/uploads/PDFs/IRP/2020/washington/final/2020-Cascade-Integrated-Resource-Plan.pdf>

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and rules were enacted in 2021 and 2022: Oregon and Washington created cap-and-reduce emissions programs and Washington amended its building code to restrict methane gas hookups in most new buildings. *See* Ex. A at 4-7. As Cascade noted in its 2020 IRP, these programs will significantly affect its 2020 demand projections. 2020 Cascade IRP at 3-19; *see also* Staff Comments on Cascade’s 2020 IRP, Wash. Util. and Transp. Comm’n, Dkt UG-190714, 5, (May 27, 2021) (directing Cascade to evaluate the impacts of Washington climate laws in its next IRP). In addition, Cascade’s demand forecast methods are overly simplistic and ignore evidence of market dynamics, customer choice, and state and local laws favoring electrification. *See* Ex. C, Energy Futures Report at 45-46. For these reasons, Cascade’s IRP is not reliable evidence of need for GTN’s expansion project.

Even considering Cascade’s 2020 IRP projections at full value, however, they do not show a need for more capacity on GTN’s pipeline. In its 2020 IRP, Cascade forecasted a rising need for gas up to 387,764.5 Dth/d on Peak Days¹⁵ in 2040. *See* Ex. B, Lander Decl. at 20. But it already has sufficient capacity under contract to meet that need (it has 596,181 Dth/d). *Id.* While Cascade does anticipate shortfalls in Peak Day demand in its Zone GTN (the area that GTN’s pipeline serves), it does not anticipate those shortfalls to exceed the 20,000 Dth/d it contracted for until well past 2040. *Id.* at 19. In other words, Cascade does not project a need for all of the Project’s additional capacity for at least seventeen years. Further, that projection assumes annual growth continues

¹⁵ Peak day represents a day with extreme demand for methane gas, typically the coldest days of the year. For Cascade’s projections, Cascade assumed the coldest day recorded in the past thirty years. *See* Cascade 2020 IRP at 3-6.

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which, as discussed above, does not account for probable changes in demand resulting from state transitions to renewable energy and market dynamics.

b. Intermountain’s contract replaces capacity on another pipeline.

GTN also cites the Intermountain contract as evidence the expansion project is necessary to serve rising customer demand in Idaho. *See* Application at 12. While Intermountain anticipates growing customer demand in its service area, Intermountain “is not subscribing to the GTN capacity to meet growing demand, but rather, to replace a supply source to feed its NWPL capacity.” *See* Ex. B, Lander Decl. at 21. In its most recent IRP, Intermountain states its capacity shortfall is “created by expiring contracts.” INTERMOUNTAIN GAS COMPANY, *Integrated Resource Plan 2021-2026*, 165 (Dec. 17, 2021)¹⁶ (“Intermountain 2021 IRP”). Intermountain describes three options for addressing the shortfall: renewing existing contracts for capacity on the Northwest Pipeline, replacing the contracts with capacity on GTN, or purchasing biogas (also termed “renewable natural gas”). *See id.*

The Intermountain contract does not support a finding of need. Under the 1999 Policy Statement, projects designed “to serve markets already served by another pipeline” require a greater showing of need and public benefits. 1999 Policy Statement at 25. That is precisely what is happening here: GTN’s expanded capacity competes with existing pipeline capacity on the Northwest Pipeline. As a result, GTN must satisfy a higher burden to show public need and benefit. GTN does not meet that burden here, especially since GTN’s existing customers are subsidizing the expansion. *See supra* pp. 11-13. As the Commission recognized, “[e]xisting pipelines should not have to compete against

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¹⁶ <https://www.intgas.com/wp-content/uploads/PDFs/regulatory/2021/2021-Integrated-Resource-Plan.pdf>

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new entrants into their markets whose projects receive a financial subsidy (via rolled-in rates), and neither pipeline’s captive customers should have to shoulder the costs of unused capacity that results from competing projects that are not financially viable.” 1999 Policy Statement at 20. In short, the Intermountain contract provides little, if any, support, for a finding of public need here.

c. A Canadian gas producer’s interest in securing market share is not evidence of public need.

Finally, GTN summarizes a contract with Tourmaline Oil Marketing Corporation, but this too is not an indicator of public need. Tourmaline is a Canadian gas producer, not an American gas consumer, and, per GTN’s application, Tourmaline intends to sell the gas in West Coast markets. Application at 13. Since Tourmaline does not intend to buy or use the gas it transports on GTN’s pipeline, its contract is not sufficient evidence of need. See 1999 Policy Statement at 16.

GTN nonetheless contends Tourmaline’s contract “is evidence of need in primarily West Coast markets,” including “Northern California markets needing natural gas for electricity generation.” Application at 13. To support this assertion, GTN only cites a confidential market report. See *id.*, n.15. Citing a confidential report is not sufficient evidence, since that report is not publicly available to test its conclusions, reasoning, or underlying data.

Significantly, California gas utilities do not project any shortfall in gas supply, as the State has access to multiple gas-producing regions. See CAL. GAS AND ELEC. UTIL., 2022 California Gas Report, 76¹⁷ (“Most industry forecasts continue to predict that gas

¹⁷ https://www.socalgas.com/sites/default/files/Joint_UTILITY_Biennial_Comprehensive_California_Gas_Report_2022.pdf.

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production will meet most demand outlooks in the future.”). California’s gas utilities also did not state a need for increased pipeline capacity. *See id.* at 77 (stating the El Paso, Mojave, Transwestern, GTN, Paiute Pipeline Company, Ruby, and Kern River pipelines serve northern and central California, which provide access to gas-producing regions in the U.S. Southwest and Rocky Mountain areas, and in Western Canada). In sum, the expected declines in methane demand from state policies and GTN’s own evidence do not show a public necessity for more methane infrastructure.

C. Adding Methane Infrastructure in a Region that is Rapidly Transitioning to Renewable Energy is not in the Public Interest.

Expanding methane gas in the Pacific Northwest is not in the public interest.

Where an “application on its face or on presentation of evidence signals the existence of a situation that probably would not be in the public interest,” the Commission should not issue a certificate. *Atl. Ref. Co. v. Pub. Serv. Comm’n of N.Y.*, 360 U.S. 378, 391 (1959). In determining where the public interest lies, Section 7 of the Natural Gas Act “requires the Commission to evaluate all factors bearing on the public interest.” *Id.*

Environmental protection is a key factor in determining the public interest.

Environmental considerations include emissions from the production and use of the gas for which the Commission authorizes transport. *See Sierra Club v. FERC*, 867 F.3d 1357, 1373 (D.C. Cir. 2017) (affirming the Commission may deny a pipeline certificate because of harmful environmental effects, such as downstream greenhouse gas emissions); *Vecinos para el Bienestar de la Comunidad Costera v. FERC*, 6 F.4th 1321, 1331 (D.C. Cir. 2021) (holding Commission’s public interest finding was deficient because it did not fully consider impacts on climate change and environmental justice).

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Another key factor is how the gas will be used, and whether alternative energy sources are more suitable for that use. The Commission has a long history of considering whether supplying methane gas for a particular use serves the public’s interest in conservation and environmental protection. As the Supreme Court stated, the Commission cannot “blind itself to the effects of the purchase and use of the gas when its authority to certificate the transportation of the gas was invoked.” *Fed. Power Comm’n v. Transcontinental Gas Pipeline Co.*, 365 U.S. 1, 7 (1961); *see also Hope Nat. Gas Co.*, 4 FPC 59, 66-67 (1944) (stating “considerations of conservation are material to the issuance of certificates of public convenience and necessity under section 7” and authorizing a project in large part because of the particular end use of the gas); *Transwestern Pipeline Co.*, 36 FPC 176, 185-186 (1966) (affirming the “end use of gas was properly of concern to [the Commission], and . . . air pollution was a relevant consideration”); *cf. Am. La. Pipe Line Co.*, 16 FPC 897, 899-900 (1956).

If an alternative energy source would better serve the proposed end use of the transported gas, then supplying methane for that purpose may not serve the public interest, even if it is an alternative the Commission cannot command. *See Pittsburgh*, 237 F.2d at 745. For example, in *Transcontinental Gas Pipeline*, the Commission considered whether using methane gas for industrial uses was “wasteful,” given that other energy sources that could meet the need. 365 U.S. at 7. The Supreme Court held this was a proper component of the public interest inquiry. *Id.* In the instant case, the Project has adverse impacts on climate change, will conflict with state law, and will increase local air pollution. These adverse impacts outweigh any public benefit, particularly given available alternatives.

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1. **The Project has adverse effects because it will conflict with State laws, worsen climate change, and increase air pollution.**

The Commission must consider the interests of a community surrounding a proposed project. *See* 1999 Policy Statement at 24. State and local governments often represent those community interests. *See id.* In this case, the attorneys general from three of the four states the project intends to serve oppose this project. Additionally, over 1,000 community members wrote to the Commission in opposition. *See* Columbia Riverkeeper Member & Supporter Comments (Feb. 22, 2022).

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Our State Legislatures have recognized a strong public interest in reducing consumption of methane gas. *See* Ex. A. The citizens of our States have seen the harmful impacts of climate change on their economy, way of life, and environment. *See supra* p.2. When presented with the ever-growing costs of the climate crisis, state elected officials determined it was in the public’s interest to reduce consumption of fossil fuels. *See, e.g.,* WASH. REV. CODE § 70A.65.005; STATE OF OR., OFF. OF THE GOVERNOR, *Executive Order No. 20-04 (2020)*¹⁸; Global Warming Solutions Act of 2006 (AB 32), sec. 38501.

Authorizing expanded infrastructure to bring more methane into our States is against the public’s interest, manifest in their state and local laws.

The public also has a strong interest in the successful implementation of those laws. As discussed in the States’ comments on the Draft EIS, expanding methane emissions conflicts with state laws to cap and reduce those emissions. *See* States’ Draft EIS Comments at 5-8. The States play a critical role in “ensuring a sustainable supply of efficient and price-effective energy” within their regulatory domain, and federal approval

SA02-3

SA02-2: Comment noted.

SA02-3: see response to FA01-8.

¹⁸ https://www.oregon.gov/gov/Documents/executive_orders/eo_20-04.pdf.

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of a project that conflicts with State efforts should not be taken lightly. *See Hughes*, 578 U.S. at 164 (2016) (Sotomayor, J., concurring).

SA02-4: Comment noted.

SA02-4

Another serious adverse factor in this case is the **3.47 million** metric tons of CO₂e this project will emit, each year, until at least 2052. Draft EIS at 4-37 – 4-40. That equals adding over 754,000 cars on the road each year.¹⁹ The harm these emissions will cause to the public is substantial – the Draft EIS estimates they would cause approximately twelve billion dollars in damages. *See* Draft EIS 4-47; States’ Draft EIS Comments at 4-5. And these numbers do not account for upstream emissions, since the gas must be produced somewhere, and that production will also cause emissions. *See* States’ Draft EIS Comments at 10-12. Increasing emissions now, and continuing them through at least 2052, will worsen climate change exponentially. As the Intergovernmental Panel on Climate Change states: “[t]he magnitude and rate of climate change and associated risks depend strongly on near-term mitigation and adaptation actions, and projected adverse impacts and related losses and damages escalate with every increment of global warming.” Hans-O. Portner, ET AL., *Summary for Policymakers*, IPCC, 14 (2022).²⁰ These damages include mass extinction of species, water scarcity, food insecurity, and placing more than a billion people “at risk from coastal-specific hazards,” such as sea level rise and flooding. *Id.* at 15.

Finally, the project will increase local air pollution, but the Commission has not made sufficient efforts to engage nearby communities. The Commission recently

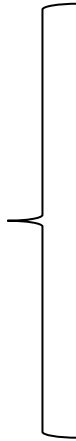
¹⁹ ENV. PROT. AGENCY, *Greenhouse Gas Emissions from a Typical Passenger Vehicle*, <https://www.epa.gov/greenvehicles/greenhouse-gas-emissions-typical-passenger-vehicle#:~:text=typical%20passenger%20vehicle%3F-A%20typical%20passenger%20vehicle%20emits%20about%204.6%20metric%20tons%20of,around%201%2C500%20miles%20per%20year> (last visited Aug. 19, 2022).

²⁰https://www.ipcc.ch/report/ar6/wg2/downloads/report/IPCC_AR6_WGII_SummaryForPolicymakers.pdf.

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identified its Section 7 siting decisions as a key area for improving its consideration of environmental justice in order to “foster greater public trust and help the Commission carry out its duty to serve the public interest.” FERC, Equity Action Plan, 9 (April 15, 2022)²¹. At minimum, the Commission must “identif[y] and address[] disproportionately high and adverse human health or environmental effects . . . on minority populations and low-income populations.” E.O. 12898 of Feb. 16, 1994: Federal Actions to Address Environmental Justice, 59 Fed. Reg. 7629, 7629. It can do so here by weighing the adverse impacts on the community surrounding the Starbuck station in its public interest determination.

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As discussed in the States’ comments on the EIS, the area around the Starbuck Station has disproportionately high rates of air pollution. *See* Ex. G, EJ Screen Report. This project will add to the problem, by “result[ing] in long-term impacts on air quality” in the area. Draft EIS 4-31. The Draft EIS further notes that a predominately Latinx community lives within one mile of the Starbuck station. Draft EIS 4-23, 25. Increasing pollution in a community of color overburdened by pollution is against the public interest. This is especially true given the lack of meaningful outreach to the surrounding community. *See* Draft EIS 4-21 (noting that “the record does not demonstrate that [opportunities for public involvement] were targeted at engaging environmental justice communities”).

2. Any benefits do not outweigh the adverse effects because there is scant evidence of need, and there are cleaner alternatives.

The record shows minimal, if any, public benefits from the project. As discussed above, there is scant evidence of a public need for the methane gas the project will

²¹ <https://www.ferc.gov/news-events/news/ferc-issues-equity-action-plan>.

SA02-5: As described in the DEIS, GTN provided modeling results indicating that many emissions attributable to the Project facilities would not exceed EPA-established Significant Impact Levels (SILs) and for those emissions that did exceed SILs (nitrogen oxides [NO_x] and sulfur dioxide [SO₂] at the Starbuck Compressor Station only), they would only do so within 0.25 mile of the facility. The Starbuck compressor station is in a remote area with the nearest residence approximately 0.4 mile south of the station.

In addition, based on total facility emissions modeling, the Project’s anticipated incremental and cumulative emissions are below the NAAQS for all pollutants.

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transport. The lack of need alone is sufficient to deny the certificate. *See* 15 U.S.C. § 717f; *Atl. Refin. Co.*, 360 U.S. at 394 (Harlan J., concurring) (rejecting Commission's certificate in part because there was no evidence that the public had an urgent need for the gas supplies).

Even if GTN had presented evidence of growing demand for methane gas, that would give only minimal weight in favor of a certificate because there are renewable alternatives that can meet public demand for energy with fewer risks to the climate or consumers. *See* Ex. C, Energy Futures Report at 57-64; States' Draft EIS Comments at 19-23. Just as the Commission considered alternative energy sources for the designated end-use of gas in *Transcontinental*, it must consider here whether alternative technologies exist that can better serve consumers need for energy. *See* 365 U.S. at 7. As discussed above, pp. 15-17, state laws will lead to the replacement of methane-generated electricity with renewable resources. Generating electricity from lower-emission, renewable sources is preferable to burning methane, which contributes to climate change and air pollution. Another significant use of methane gas in the region is for residential space and water heating, but electric heat pumps can heat more efficiently and cheaply than methane equipment. *See* Ex. C, Energy Futures Report at 54, 58. Other alternatives that State regulators have considered to reduce peak day demand include selective electrification or limiting new gas connections. *See id.* at 58.

On balance, the record shows a certificate is not in the public interest. In light of the climate crisis, the Commission should not approve expanded gas supplies that do not meet a significant public need and will worsen the effects of climate change, particularly

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where alternative energy sources can serve consumer need for energy more efficiently, cheaply, and with fewer environmental risks.

CONCLUSION

For these reasons, the Commission should grant the States' motion to intervene and deny GTN's application to expand methane gas infrastructure in a region transitioning off the fuel.

DATED: August 22, 2022

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document and attached exhibits upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated this 22nd day of August, 2022.

/s/Megan Sallomi
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EXHIBITS

- A. Summary of State and Local Climate Laws & Renewable Energy Development
- B. Declaration of Gregory Lander with accompanying exhibits and curriculum vitae
- C. Report: GTN Xpress Project: A Critical Review of Need, Costs, and Impacts, by David Hill and Earnest White, Energy Futures Group, with curriculum vitae
- D. TC PipeLines, LP, Press Release: *TC PipeLines, LP announces GTN Xpress to enhance market access for growing WCSB supply and allow additional market penetration along GTN's system*, GlobeNewswire (Nov. 1, 2019), <https://www.globenewswire.com/news-release/2019/11/01/1939332/0/en/TC-PipeLines-LP-announces-GTN-XPress-to-enhance-market-access-for-growing-WCSB-supply-and-allow-additional-market-penetration-along-GTN-s-system.html>.
- E. The Motley Fool, *TC Energy Corporation (TRP) Q3 2019 Earnings Call Transcript* (Nov. 7, 2019, 11:00 AM), <https://www.fool.com/earnings/call-transcripts/2019/11/08/tc-pipelines-lp-tcp-q3-2019-earnings-call-transcr.aspx>
- F. Webpage Printouts of Tourmaline Operations, taken from: TOURMALINE, <https://www.tourmalineoil.com/operations> (last visited Aug. 15, 2022)
- G. U.S. Environmental Protection Agency, EJ Screen Report centered at the Starbuck Compressor Station
- H. Environmental Health Disparities Maps for the area around the Starbuck Station, taken from: WA State Dep't of Health, *Washington Tracking Network*, <https://fortress.wa.gov/doh/wtnibl/WTNIBL/> (last visited Aug. 15, 2022).
- I. Elena Austin, ScD, ET AL., *Combined burden of heat and particulate matter air quality in WA agriculture*, J AGROMICINE, Jan. 1, 2021.
- J. Excerpts from *Mill Creek and Walla Walla County Community Wildfire Protection Plan Update*, 1-9, 19-21, 54-70 (2017), https://files4.1.revize.com/wallawalla/document_center/emergency%20management/Walla%20Walla%20County%20CWPP%202021%20Update%20REDUCED%20SIZE.pdf
- K. Excerpts from WA STATE DEP'T OF FISH & WILDLIFE, *Shrubsteppe Fire Preparedness, Response, and Restoration*, <https://wdfw.wa.gov/about/advisory/ssc> (last visited Aug. 15, 2022).

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L. Excerpts from WA STATE DEPT OF NATURAL RESOURCES, *Report of Substitute House Bill 2561*, 5, 10, 47, 78,
https://www.dnr.wa.gov/publications/rp_fire_advisory_committee_report.pdf.

M. First Amended Complaint, *California v. CEQ*, No. 20-cv-06057 (N.D. Cal., filed Nov. 23, 2020)

SA03 – Representative Pam Marsh

PAM MARSH
STATE REPRESENTATIVE
DISTRICT 5
SOUTHERN JACKSON COUNTY



HOUSE OF REPRESENTATIVES

SA03-1: see response to FA01-8.

August 18, 2022

The Honorable Richard Glick, Chair
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: *Comment on FERC Docket No. CP22-2-000 – GTN XPress Project*

Dear Chairman Glick,

I write to raise my concerns about the climate impacts of the GTN XPress and Coyote Springs compressor station projects. I appreciate the important work of FERC in reviewing and making decisions on permit applications.

I represent the residents of southern Jackson County in the Oregon Legislature, where I serve as the Chair of the House Interim Committee on Environment and Natural Resources and the Co-Chair on the Joint Task Force on Resilient Efficient Buildings.

Oregon takes climate change seriously. We have passed numerous policies to protect our climate and reduce emissions from burning fossil fuels. In 2021, for example, we passed HB 2021, which requires investor-owned utilities and electricity service providers to reduce emissions to 100 percent below baseline by 2040. The law also prohibits new fossil-fuel power plants.

By increasing the amount of fossil fuel capacity in Oregon, the GTN Xpress is inconsistent with Oregon’s climate goals. GTN XPress would increase the capacity of the GTN’s existing gas transmission system by 150 million cubic feet per day between Idaho and Oregon. FERC estimated that the combustion of the new gas would emit 3.01 million metric tons of CO₂ equivalent annually. The DEIS equates the project’s annual increase in emissions to an equivalent of 7.7 percent of Oregon’s statewide total.

We will not address our climate crisis by continuing to build new fossil fuel infrastructure that emits millions of tons of greenhouse gases. I urge you to carefully weigh the climate impacts of increasing natural gas capacity. I also urge you to consider how the GTN XPress project is inconsistent with Oregon’s efforts to rapidly reduce greenhouse gas emissions.

SA03-1

SA03 – Representative Pam Marsh

SA03-2

Lastly, I request that FERC extend the comment period on the GTN XPress Draft Environmental Impact Statement by 30 days to allow the public and elected officials sufficient time to comment. FERC has made commitments to better engage impacted communities through the Office of Public Participation, however I am concerned that sufficient direct outreach to directly impacted communities, and state and local governments has not occurred. A 30-day extension will enable additional outreach to impacted communities.

Best regards,



Pam Marsh
Representative House District 05
Southern Jackson County

SA03-2: The Commission’s standard comment period on a draft EIS is 45 days, which is consistent with CEQ’s regulations. We find that this was sufficient time to review and comment on the draft EIS. Moreover, in preparing the final EIS, Commission staff considered late-filed comments on the draft EIS to the extent practicable.

NGO01 – Crag Law Center



Anuradha Sawkar
Associate Attorney
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August 22, 2022

VIA FERC Online E-filing

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

Re: FERC Docket No. CP22-2-000 – GTN XPress Project
Applicant: Gas Transmission Northwest, LLC
Public Comments of Columbia Riverkeeper on Draft Environmental Impact Statement

Dear Secretary Bose,

Please accept these comments, prepared on behalf of our client Columbia Riverkeeper (“Riverkeeper”),¹ on the June 30, 2022 Draft Environmental Impact Statement (“DEIS”) prepared by staff of the Federal Energy Regulatory Commission (“FERC” or “Commission”) for the GTN XPress Project (FERC Docket No. CP22-2-000) proposed by Gas Transmission Northwest, LLC (“GTN” or “Applicant”).² This comment refers to the DEIS and other supporting documentation available in Dockets CP22-2-000 and CP21-29-000. Other references are made to publicly available documents, where possible. Where references may not be available on FERC’s e-Dockets or otherwise publicly available, we have included these references and documents in Appendix A.

I. Introduction

The Applicant proposes to modify three existing compressor stations, including the No. 5 Athol Compressor Station in Kootenai County, Idaho; the No. 7 Starbuck Compressor Station in Walla Walla County, Washington; and the No. 10 Kent Compressor Station in Sherman County, Oregon (“the Project”). Specifically, GTN proposes the following modifications:

¹ Riverkeeper filed a Motion to Intervene Out of Time in this proceeding on December 2, 2021. FERC granted Riverkeeper’s Motion by its Notice Granting Late Interventions dated February 8, 2022.

² Federal Energy Regulatory Commission, GTN XPress Project, Draft Environmental Impact Statement, Docket No. CP22-2-000 (June 30, 2022) (hereinafter “DEIS”).

NGO01 – Crag Law Center

Coyote Springs Compressor Station Project (FERC No. CP21-29-000)
Public Comments of Columbia Riverkeeper on Supplemental Environmental Assessment

Athol Compressor Station, Idaho:³

- Increase the capacity of an existing Solar Turban Titan 130 gas-fired turbine compressor from 14,300 horsepower (HP) to 23,470 HP via a software upgrade.⁴
- According to the Applicant, “no mechanical work or ground disturbance would occur at this location.”⁵

Starbuck Compressor Station, Washington:⁶

- Increase the capacity of an existing Solar Turban Titan 130 gas-fired turbine compressor from 14,300 HP to 23,470 HP;⁷ and
- Install a new 23,470 HP Solar Turbine Titan 130 gas-fired turbine compressor and associated piping⁸ and 3 new gas cooling bays⁹ and associated piping.¹⁰
- The new Starbuck Compressor Station facilities would be located within the fenced boundaries of the existing site.¹¹

Kent Compressor Station, Oregon:¹²

- Increase the capacity of an existing Solar Turban Titan 130 gas-fired turbine compressor from 14,300 HP to 23,470 HP;¹³
- Install 4 new gas cooling bays and associated piping;¹⁴ and
- Modify an existing access road.¹⁵
- The new Kent Compressor Station Facilities would be located in an expanded and fenced area abutting the existing site.¹⁶

³ See DEIS 2-3, (Figure 2.1-1 GTN Xpress Project Area – Idaho).

⁴ DEIS 2-1.

⁵ *Id.*

⁶ DEIS 2-5. Note that this image is labeled in the DEIS as “Figure 2.1-3 GTN Xpress Project Area – Oregon.” However, this appears to be an aerial map of the Starbuck Compressor Station in Walla Walla County, Washington.

⁷ DEIS 2-1.

⁸ *Id.*, n. 3. Per the Applicant, “Associated piping” refers to the piping necessary to connect the new facilities within existing facilities.

⁹ *Id.*, n. 4. GTN describes a “cooling bay,” or more commonly a “fin-fan aerial cooler” or just “air cooler”, as a type of heat exchanger that moves air over finned tubes through which hot gas flows.

¹⁰ DEIS 2-1.

¹¹ *Id.*

¹² DEIS 2-4. Note that this image is labeled in the DEIS as “Figure 2.1-2 GTN Xpress Project Area – Washington.” However, this appears to be the aerial map of the Kent Compressor Station in Sherman County, Oregon.

¹³ DEIS 2-1.

¹⁴ *Id.*

¹⁵ *Id.*; DEIS 2-2, §2.2.

¹⁶ DEIS 2-1.

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NGO01-1: see response to FA01-8.

As proposed, the Project would result in a total increase of 50,980 HP along GTN’s natural gas transmission system.¹⁷ This in turn would increase the flow of natural gas in the Pacific Northwest by an additional 150,000 dekatherms per day (Dth/d) along the full path of the existing GTN pipeline system (built in 1961).¹⁸ The existing system pushes fracked Canadian gas from Kingsgate, British Columbia, across northern Idaho, eastern Washington, and central Oregon, and terminates at the GTN meter station in Malin, Oregon where it connects to pipelines in California (part of the Pacific Gas and Electric system).¹⁹ However, as discussed in the present section and throughout this comment, neither the DEIS nor the Application materials present a complete picture of natural gas demand in the Pacific Northwest or of the proposal as a whole.

According to GTN, the Project is “necessary to serve the growing market demand its system is experiencing” in the region.²⁰ This purpose and need statement appears to omit consideration of the current and future political and market factors that will impact fossil fuel demand generally, and natural gas consumption specifically, in the Cascadia region. While gas consumption increased slightly in Washington and Oregon over the past five years, this was prior to each state’s adoption of ambitious emissions reductions targets and legislation to combat climate change.²¹ Oregon²² and Washington²³ have each recently passed legislation to drastically decrease greenhouse gas emissions (“GHGs”), with emissions reductions targets specific to gas facilities. Oregon and Washington will require 100 percent renewable electricity generation by 2040 and 2045, respectively, meaning that gas will no longer be needed for power generation. Oregon’s timeline is particularly ambitious: in addition to getting power suppliers to zero emissions by 2040, regulated entities would be required to submit plans to reduce emissions by 80% from a baseline amount by 2030 and 90% by 2035.²⁴ According to a recent analysis for the Oregon Global Warming Commission (“OGWC”), as a result of “Oregon’s recent bold energy and climate change policy advances,” the state is projected to meet its interim 2035 GHG emissions reduction goal to at least 45 percent below 1990 levels.²⁵ In sum, the region is making deliberate moves to reduce gas consumption, and as a result, regional gas demand is expected to shrink. Neither the DEIS nor the Applicant meaningfully addresses this regional context.²⁶

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¹⁷ *Id.*
¹⁸ Bradley W. Parks, “Pipeline expansion would increase the flow of natural gas through the Northwest,” OPB (Feb. 23, 2022) (Enclosed). An additional 150,000 Dth/d would be sufficient to meet the daily energy needs of close to half a million average American homes. Rob Verger, “What It Really Takes to Power Your Home for a Day,” Popular Science, (June 8, 2018) (Enclosed).
¹⁹ Emily Moore, “The Pipeline Giant Behind Keystone XL Wants to Expand a Major Fracked Gas Pipeline in Cascadia,” Sightline Institute, (June 15, 2022) (Enclosed).
²⁰ DEIS 1-1.
²¹ Moore, *supra* note 19.
²² Dirk VanderHart, “Oregon Lawmakers Approve Ambitious Carbon-Reduction Goals for State Energy Grid,” OPB (June 26, 2021) (enclosed).
²³ Wa. State Dep’t of Commerce, *Clean Energy Transformation Act*, (Last Visited Aug. 16, 2022), <https://www.commerce.wa.gov/growing-the-economy/energy/ceta/>.
²⁴ VanderHart, *supra*, n. 22.
²⁵ Or. Dep’t of Energy, “Oregon Global Warming Commission Analysis Shows Oregon’s Greenhouse Gas Reduction Goal is within Reach,” (July 25, 2022) (Enclosed).
²⁶ DEIS at 4-22, 4-44 to 4-45.

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Regarding the components of the proposed Project, TC Energy²⁷ (GTN’s Parent Company) repeatedly told its investors that the full scope of the GTN Xpress Project will expand the capacity of GTN’s system by a total of 250,000 Dth/d in two distinct phases.²⁸ Phase One would entail the “like-for-like replacement of compressors at three stations,” while Phase Two would involve the addition of a new compressor station.²⁹ In January 2021, GTN submitted an application to FERC seeking approval to construct a new compressor station in Morrow County, Oregon (“Coyote Springs Compressor Station Project”), which FERC approved in July 2022.³⁰ Evidence previously submitted by Riverkeeper demonstrates that there is a very high degree of probability that the Applicant intends to bring the Coyote Springs Compressor Station online as part of its GTN Xpress Expansion Project in the future.³¹ However, neither the DEIS nor the Application materials for the current proposal address the two projects as connected, nor do they consider the cumulative effects of the proposals.³² Because of the similarity of these projects and the similar timing of the proposals, the DEIS should address CP21-29 in the cumulative effects and climate change analyses for CP22-2, as well as incorporate the Supplemental EA for the Coyote Springs Compressor Station Project by reference into the current DEIS.³³

Contrary to the unsupported conclusions in the DEIS, the proposed Project will have significant and irreversible adverse impacts on the region, which are neither justified by the Project’s stated purpose nor serve the public interest and convenience under Section 7 of the Natural Gas Act. Further, as discussed below, the DEIS as issued is deficient because it fails to meaningfully consider many of the Project’s adverse impacts.

II. The Project is Contrary to, and not Required for, the Public Convenience and Necessity.

The Commission cannot approve a pipeline project under section 7 of the Natural Gas Act without engaging in a robust inquiry into whether the project is required by the public convenience and necessity. A key part of that inquiry is whether the pipeline project has market support. It is the applicant’s responsibility to establish the need for a project. No one factor is

²⁷ TC Energy is the Canadian Fossil Fuel company responsible for the failed Keystone XL Pipeline. Moore, *supra*, n. 19.

²⁸ See Columbia Riverkeeper’s Comment on FERC’s Supplemental Environmental Assessment for the Coyote Springs Compressor Station Project Under CP21-29, FERC Docket No. CP21-29 [Accession No. 20220401-5535], 3-5 (Apr. 1, 2022).

²⁹ *Id.*

³⁰ *Order Denying Protest and Issuing Certificate*, 180 FERC ¶ 61,056 (July 28, 2022) (hereinafter “*Coyote Springs Order*”).

³¹ See Columbia Riverkeeper’s Comment on FERC’s Supplemental Environmental Assessment for the Coyote Springs Compressor Station Project Under CP21-29, 3-5; See Columbia Riverkeeper’s Answer to GTN’s Motion to Dismiss Protest, FERC Docket No. CP21-29-000 [Accession No. 20210407-5301], Ex. B (TC Pipelines Q4 2019 Earnings Call Transcript (Feb. 20, 2020)) (Apr. 7, 2021).

³² DEIS 1-3 to 1-4.

³³ EPA, “Comments of Environmental Protection Agency R10 under CP21-29,” FERC Docket No. CP21-29-000 [Accession No. 20220405-5008], (Apr. 4, 2022).

NGO01-2: The Commission determined in the *Order Denying Protest and Issuing Certificate* for the Coyote Springs Compression Station Project (docket CP21-29) that the Coyote Springs Compression Station Project is not connected to the GTN Xpress Project.⁴ As stated in the Order, and in Section 4.12 of this EIS, the Coyote Springs Compressor Station Project is not within the geographic scope for the cumulative analysis for the GTN Xpress Project.

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⁴ See accession number 20220728-3105

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dispositive in the Commissions’ analysis, and the evidence needed is determined on a case-by-case basis.

A. Natural Gas Act

Under Section 7(c) of the Natural Gas Act of 1938 (“NGA”), FERC is authorized to issue certificates of “public convenience and necessity” for “the construction or extension of any facilities...for the transportation in interstate commerce of natural gas.”³⁴ A certificate of public convenience and necessity can only be issued where the Commission determines that the facility “is or will be required by the present or future public convenience and necessity.”³⁵ The NGA does not define the term “public convenience and necessity,” nor set out any factors to be considered by FERC in determining whether a pipeline meets that standard.

FERC exercises its NGA Section 7(c) certification authority in accordance with its own regulations and the guidance of its certification policy. In order to provide guidance on how it would evaluate project applications against the public convenience and necessity standard, in 1999, FERC issued its Certificate Policy Statement.³⁶ The 1999 Policy Statement envisages that FERC will conduct two levels of review for each pipeline project—i.e., one focusing on the project’s economic impacts (the economic review) and the other on its environmental consequences (the environmental review)³⁷— and consider the findings of both when determining whether the project should be certified.³⁸ The purpose of the review is to determine whether there is a need for the proposed project and whether the project will serve the public interest. To make a public convenience and necessity determination, FERC must “evaluate all factors bearing on the public interest”³⁹ which necessitates a wide-ranging assessment of the need for the pipeline facility development, its benefits, and its costs.⁴⁰ In determining whether to issue a certificate, FERC must find that the project is in the public interest, and that overall, the benefits of the project outweigh the adverse impacts.

As part of the economic review, FERC considers several specific factors, including (1) the enhancement of competitive transportation alternatives; (2) the possibility of overbuilding; (3) subsidization by existing customers; (4) the applicant’s responsibility for unsubscribed

³⁴ 15 U.S.C. §§717f(c)(1)(A), (2) (2012).

³⁵ 15 U.S.C. § 717f(e) (2012).

³⁶ Statement of Policy, Certification of New Interstate Pipeline Facilities, 88 FERC ¶ 61,227, at p. 7 (1999).

³⁷ See *id.* ¶ 61,746.

³⁸ See *id.* ¶ 61,743 (“In reaching a final determination on whether a project will be in the public convenience and necessity, the commission performs a flexible balancing process during which it weighs the factors presented in a particular application,” including its “economic” and “environmental impact[s].”).

³⁹ *Fed. Power Comm’n v. Transcon. Gas Pipe Line Corp.*, 365 U.S. 1, 8 (1961) (“§ 7(e) requires the Commission to evaluate all factors bearing on the public interest.”) (citing *Atl. Ref. Co. v. Pub. Serv. Comm’n*, 360 U.S. 378, 391 (1959)).

⁴⁰ See FERC, Statement of Policy, Certification of New Interstate Natural Gas Pipelines, 88 FERC ¶ 61,227 (1999), *clarified* 90 FERC ¶ 61,128 (Feb. 9, 2000), *further clarified* 92 FERC ¶ 61,094 (2000).

NGO01-3: See response to SA01-1.

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capacity; (5) avoidance of unnecessary disruptions to the environment; and avoidance of the unnecessary exercise of eminent domain.⁴¹ The threshold requirement for a project is that the applicant must be prepared to financially support the project without relying existing customers to subsidize the project costs.⁴² Then, FERC considers whether the project will have adverse effects on the applicant’s existing customers, existing pipelines and their captive customers, and landowners and communities along the pipeline route, and whether those adverse effects have been sufficiently minimized.⁴³ If the public benefits of the project outweigh the adverse effects on economic interests, the Commission will proceed with the environmental review process.⁴⁴

In the environmental review, FERC considers adverse impacts on landowners and the surrounding community that extend beyond economic interests.⁴⁵ These interests may be different in character from the complete scope of environmental issues considered under the Commission’s National Environmental Policy Act (“NEPA”) review.⁴⁶ FERC must consider climate change and greenhouse gas emissions as part of its public interest analyses under the NGA as well as through its NEPA analysis.⁴⁷

B. GTN Has Not Demonstrated a Need for the Project.

The Application does not provide adequate evidence to demonstrate that there is a market need for the Project. The need for a particular project is an essential aspect of the Commission’s public convenience and necessity determination.⁴⁸ Historically, the Commission relied almost exclusively on precedent agreements (“PAs”) to establish a project’s need. However, nothing in the Natural Gas Act or the Certificate Policy Statement requires FERC to treat a precedent agreement as conclusive evidence of market support.⁴⁹ FERC has recognized that other factors and evidence may demonstrate that a particular precedent agreement does not constitute such evidence.⁵⁰ The Administrative Procedure Act (“APA”) requires that the Commission weigh all the evidence, including potentially conflicting evidence, in issuing its decision.⁵¹ In reviewing

⁴¹ *Id.*
⁴² 1999 Certificate Policy Statement, 88 FERC ¶ 61,227 at p.18.
⁴³ *Id.*
⁴⁴ 1999 Certificate Policy Statement, 88 FERC ¶ 61,745-46.
⁴⁵ *Id.* at pp.24, 27.
⁴⁶ *Id.* at p.24.
⁴⁷ *Sierra Club v. FERC*, 867 F.3d 1357, 1373-74 (D.C. Cir. 2017) (“*Sabal Trail*”).
⁴⁸ *See e.g.*, 1999 Certificate Policy Statement, 88 FERC ¶ 61,227 at p.21-22.
⁴⁹ *See Minisink Residents for Envtl. Prod. & Safety v. FERC*, 762 F.3d 97, 110 n.10 (D.C. Cir. 2014) (noting that 1999 Policy Statement “permits” the Commission to “look[] beyond the market need reflected by the applicant’s existing contracts with shippers.”).
⁵⁰ *See* 1999 Certificate Policy Statement, 88 FERC ¶ 61,227 at p.16 (“The amount of capacity under contract also is not a sufficient indicator by itself of the need for a project[.]”).
⁵¹ 5 U.S.C. § 706; *see also e.g.*, *Motor Vehicles Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (agency action is arbitrary and capricious if it “entirely fail[s] to consider an important aspect of the problem.”).

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PAs, the Commission shall also consider relevant circumstances surrounding the agreement.⁵² GTN relies entirely on precedent agreements with two local distribution companies (“LDCs”)— Cascade Natural Gas and Intermountain Gas Company—and one natural gas producer, Toumaline Oil Marketing Corporation, to demonstrate the need for the Project.⁵³ However, there is evidence that raises questions about GTN’s assertions of the market demand for the expanded capacity created by the Project. The Commission should review the PAs within the context of when they were entered and in light of recent energy and climate policy and legislation that has been adopted at the state and federal levels.

1. The Commission must consider the need for the Project in the context of recent changes in state and national energy and climate policies.

In recent years, Washington, Oregon, California, and the federal government have adopted or announced policies and legislation that move away from fossil gas and towards cleaner energy options. These changes in state and national energy and climate policy will significantly decrease demand for fossil gas over the next 20 to 30 years in the market region that is served by the GTN pipeline and within the lifetime of the precedent agreements that are relied upon in the Application. Authorizing expanded capacity for fossil gas distribution and shipping now will result in overbuilding and unsubscribed capacity in the future. The Commission must consider this reality in determining whether the Project is “required by the . . . future public convenience and necessity.”

In March 2020, Oregon Governor Kate Brown issued Executive Order 20-04 calling for the State of Oregon to reduce its greenhouse gas (GHG) emissions at least 45 percent below 1990 emissions levels by 2035 and at least 80 percent below 1990 levels by 2050.⁵⁴ The Order directs state agencies to “exercise any and all authority and discretion vested in them by law” to facilitate the state’s achievement of those goals.⁵⁵ In compliance with the Order, in December 2021, Oregon’s Department of Environmental Quality (DEQ) finalized its new Climate Protection Program (CPP) rulemaking—which created a cap and reduce program for GHG emissions in the state.⁵⁶ Among other goals, the CPP subjects natural gas utilities, including Cascade Natural Gas Corporation (“Cascade”), to declining emissions caps.⁵⁷ Each year, DEQ will distribute “compliance instruments,” or credits, to each of Oregon’s natural gas utilities based on the utility’s share of average covered emissions from 2017 through 2019 and will

⁵² See *Env’t Def. Fund v. FERC*, 2 F.4th 953, 972 (D.C. Cir. 2021) (indicating that precedent agreements are not always sufficient to demonstrate that project is required by public convenience and necessity).

⁵³ Gas Transmission Northwest, LLC, Abbreviated Application for a Certificate of Public Convenience and Necessity, GTN XPress Project, FERC Docket No. CP22-2-000 (hereinafter “Application”), Vol. I, at §-9, 11-13.

⁵⁴ State of Oregon, Gov. Kate Brown, Exec. Order 20-04 (March 10, 2020), available at https://www.oregon.gov/gov/Documents/executive_orders/eo_20-04.pdf.

⁵⁵ *Id.* at Section 3.A.

⁵⁶ See Or. Admin. R. 340-271-0010 *et seq.*

⁵⁷ See Oregon Dept. of Environmental Quality, Climate Protection Program, Program Brief, <https://www.oregon.gov/deq/ghgp/Documents/PPP-Overview.pdf>.

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decline each year through 2050.⁵⁸ Each compliance instrument authorizes the emission of one metric ton of CO₂e of greenhouse gases.⁵⁹

In 2022, Cascade will receive 743,707 compliance instruments.⁶⁰ In accordance with CPP's emission reduction targets, in 2035, Cascade's allotted compliance instruments will be reduced by 50 percent to 371,854.⁶¹ By 2050, the compliance instrument distributions will decline by 90 percent from the baseline. In other words, Cascade will be required to significantly reduce its greenhouse gas emissions in order to comply with the CPP rules. This will necessarily reduce the amount of natural gas sold or distributed by Cascade.

Additionally, in May 2021, the Oregon Public Utility Commission convened a "Natural Gas Fact Finding" workgroup to consider approaches to meeting the directives set out in the Executive Order 20-04 as well as to generally study the future of natural gas in the State of Oregon given the dramatic emissions reductions required by DEQ's CPP rules.⁶² The Draft Report from the workgroup summarizes the impact of the CPP rules on Oregon's natural gas utilities as follows:

"In short, DEQ's CPP lays out a regulatory framework that prohibits supply of natural gas by the three utilities above the amounts prescribed by the rules. From the outset in 2022, these amounts decline by 50 percent by 2035, and by 90 percent by 2050. While there are some flexibilities such as trading and [Community Climate Investments], these requirements represent a significant, rapid, and mandatory requirement in the reduction of the utilities' supply of natural gas."⁶³

One of the key findings of the report is that "momentum exists for limiting gas expansion and reducing or shifting energy use away from the Oregon gas system, as well as for accelerating and deploying gas supply decarbonization innovations that maintain or expand the gas system."⁶⁴

Furthermore, during the 2021 Oregon legislative session, the legislature passed HB 2021, which requires that retail electricity providers reduce emissions associated with retail consumer energy by "80 percent below baseline emissions levels by 2030, 90 percent below baseline emissions levels by 2035 and 100 percent below baseline emissions levels by 2040."⁶⁵ The legislation requires retail electric companies to produce green energy plans and report information to meet these targets.⁶⁶ HB 2021 also prohibits any new state-issued energy facility

⁵⁸ Or. Admin. R. 340-271-0420.

⁵⁹ Or. Admin. R. 340-271-0020(10).

⁶⁰ Or. Admin. R. 340-271-9000, Table 4.

⁶¹ *Id.*

⁶² See Oregon Public Utility Comm'n, Docket No. UM2178.

⁶³ Draft Report, Natural Gas Fact Finding, Public Utility Commission of Oregon, at p.6 (April 15, 2022) (enclosed).

⁶⁴ *Id.* at p.7.

⁶⁵ H.B. 2021, Sec. 3, 81st Legislative Assembly, Reg. Sess. (Or. 2021).

⁶⁶ *Id.* at Sec. 4.

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siting certificates for natural gas power plants.⁶⁷

In Washington, Governor Jay Inslee signed the Clean Energy Transformation Act (CETA) into law in 2019, requiring all electric utilities, including Cascade, to be carbon neutral by 2030 and to be 100 percent carbon free by 2045.⁶⁸ Specifically, the statute provides, “By 2030, energy portfolios must be greenhouse gas emissions neutral, meaning they may use limited amounts of electricity generated from natural gas only if it is offset by other actions. By 2045, utilities must supply Washington customers with electricity that is 100% renewable or non-emitting, with no provision for offsets.”⁶⁹ Additionally, in May 2021, Washington adopted a cap and reduce program—the Climate Commitment Program—which mandates large industries, including refineries, manufacturers and power companies, to essentially eliminate their GHG emissions by 2050.⁷⁰

Oregon and Washington, at both the state and local level, are also considering efficiency programs that would require more efficient gas appliances or complete electrification in new construction buildings. In April 2022, Washington’s State Building Code Council adopted a revised energy code requiring all new commercial and large multifamily buildings to install electric heat pumps.⁷¹ The council is expected to consider a similar proposal for smaller residential buildings later this year.

In California, SB 100 passed in 2018 and updated the state’s Renewables Portfolio Standard to require utilities to procure at least 60 percent of energy from renewable sources by 2030 and 100 percent clean electricity by 2045.⁷² Additionally, at least 50 California communities have adopted electrification mandates or prohibitions on new gas hookups in buildings.⁷³ The California Public Utilities Commission is currently considering putting an end to subsidies for new gas connections in buildings.⁷⁴

On the federal level, President Biden announced his goal for the United States to achieve at least a 50 percent reduction in GHG emissions by 2030 and net zero emissions economy-wide by no later than 2050.⁷⁵ President Biden’s plan includes an objective of creating millions of jobs

⁶⁷ *Id.* at Sec. 28.

⁶⁸ S.B. 5116, 66th Legislature, Reg. Sess. (Wash. 2019).

⁶⁹ R.C.W. 19.405.010.

⁷⁰ S.B. 5126, 67th Legislature, Reg. Sess. (Wash. 2021).

⁷¹ Emily Pontecorvo, “Washington is the first state to require all electric heating in new buildings.” Crosscut (May 10, 2022) (enclosed).

⁷² SB 100, *California Renewables Portfolio Standard Program: emissions of greenhouse gases* (2018).

⁷³ Tom DiChristopher, “Gas Ban Monitor: Calif. Count reaches 50 as West Coast movement grows.” S&P Global (November 23, 2021) (enclosed).

⁷⁴ See CPUC Rulemaking Docket R.20-01-007.

⁷⁵ The White House, FACT SHEET: President Biden Sets 2030 Greenhouse Gas Pollution Reduction Target Aimed at Creating Good-Paying Union Jobs and Securing U.S. Leadership on Clean Energy Technologies (April 22, 2021), available at <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/22/fact-sheet-president-biden-sets-2030-greenhouse-gas-pollution-reduction-target-aimed-at-creating-good-paying-union-jobs-and-securing-u-s-leadership-on-clean-energy-technologies/>.

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by building a new, cleaner economy, and goals for building electrification—another important step towards decarbonizing our economy. On August 16, 2022, President Biden signed the Inflation Reduction Act, which allocates more than \$300 billion for investing in renewable energy and climate reforms and includes incentives for making homes more energy efficient.⁷⁶ The Act is projected to reduce national greenhouse gas emissions by 40 percent below 2005 levels by 2030.⁷⁷

All of these policies show an overwhelming move away from fossil gas use and towards electrification powered by clean, renewable energy options like solar and wind. Nowhere in the Application does GTN reference any policy changes that may affect market conditions or the demand for additional pipeline capacity. This is especially problematic given that the PAs are established for a minimum of thirty years. These term limits do not align with state and federal energy policy. In less than thirty years, Oregon electricity providers will be required to be 100 percent below baseline emissions and Washington and California generators will be required to be 100 percent renewable or non-emitting. The failure by GTN to consider state policy and the term length of the PAs skews the demand projections and the overall need for the Project.

We strongly urge the Commission to look beyond the Application and analyze how demand for GTN’s expanded capacity will be impacted by state and national policies directed at reducing GHG emissions and transitioning away from fossil fuel energy sources. Proceeding with expansion of capacity for fossil fuel distribution despite these policies will result in the economic, environmental and social costs of the Project significantly outweighing any asserted benefits. This evaluation is essential to the Commission’s determination of whether the Project is in the public interest and therefore, whether it is “required by the present or future public convenience and necessity.”⁷⁸

2. GTN provided minimal and inadequate market analysis to demonstrate a need for the Project.

The evidence GTN relies on to support its claim of market demand for the Project is outdated and inadequate. FERC’s determination whether the Project is required for the public convenience and necessity must be based on all evidence before the agency.⁷⁹ Without a complete evaluation of the market demand for the increased capacity created by the Project, the Commission cannot make an informed decision about whether or not GTN runs the risk of overbuilding its infrastructure in the face of declining demand for fossil fuels and thus, whether the Project is in the public interest. In Oregon, Washington, and California combined, annual

⁷⁶ H.R. 5376, 117th Congress (2022).

⁷⁷ The White House, BY THE NUMBERS: The Inflation Reduction Act (August 15, 2022), available at: <https://www.whitehouse.gov/briefing-room/statements-releases/2022/08/15/by-the-numbers-the-inflation-reduction-act/>.

⁷⁸ 15 U.S.C. § 717f(e).

⁷⁹ See *Mfr. Vehicle Mfrs. Ass’n v. State Farm Mut. Ins. Co.*, 463 U.S. 29, 43 (1983) (Agency action is arbitrary and capricious where “explanation for its decision [] runs counter to the evidence before the agency[.]”).

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consumption of natural gas declined by 61.52 billion cubic feet per year (bcf/y) between 2015 and 2019.⁸⁰ This raises serious questions regarding the market demand for additional pipeline capacity for natural gas service to these states. GTN claims their expansion project is necessary to meet regional energy demand, but it has provided nothing beyond two outdated IRPs to support its claim.

GTN relies on Cascade and Intermountain's Integrated Resource Plans ("IRPs") to establish and forecast demand for the Project.⁸¹ According to GTN, Cascade's 2020 IRP forecasts a peak day supply shortfall in Oregon as soon as 2024 and an annual average load growth rate of 2.12% in its area served by GTN.⁸² For Intermountain, GTN does not actually identify a forecasted growth in demand for natural gas, but notes that the 2019-2023 IRP forecasted growth in residential and commercial customers at an annualized rate of 3.3%.⁸³ For Toumaline, the third contracted shipper for the capacity created by the Project, GTN again fails to articulate any evidence of an increase in demand for natural gas and instead references a reduction in gas production from the Rockies supply basin as the justification for the need for additional capacity in the GTN pipeline.⁸⁴ GTN does not specify how much of the existing supply from the Rockies basin is distributed to West Coast markets such that there will be a need created by the reduced production in the Rockies that must be filled by expanded capacity in the GTN pipeline. GTN's evidence of market demand is inadequate.

First, it is critical to note that the Cascade and Intermountain IRPs were published before the recent state and federal energy policy changes were passed. Therefore, those recent regulatory changes have not been accounted for in the IRPs. These policy changes are likely to lower natural gas demand projections and significantly impact the thirty-plus year PAs. For instance, Intermountain recently released an updated IRP for the 2021-2026 period, which includes a base case scenario forecasted annualized growth rate of 2.8%.⁸⁵ This is 0.5% less than the growth rate cited in GTN's Application, which is from Intermountain's 2019 IRP, just two years earlier.⁸⁶ The Commission should require GTN to provide updated demand and growth projections from its customers in order to provide a more realistic view of the market need.

Further, looking more closely at the IRPs and other available information regarding Cascade and Intermountain's projected growth reveals that the LDCs themselves do not need the contracted capacity from the GTN XPress Project to meet growing demand. As articulated by Gregory Lander, on behalf of the Washington Attorney General's Office, "Cascade does not project needing the full 20,000 Dth/d it contracted for in the next 17 years."⁸⁷ Mr. Lander also notes that Cascade's total firm capacity is much higher than even its 2040 forecasted peak day

⁸⁰ See Moore, *supra* note 19.

⁸¹ Application, Vol. I, p.11-13.

⁸² *Id.* at 11.

⁸³ *Id.* at 12.

⁸⁴ *Id.* at 13.

⁸⁵ Intermountain Integrated Resource Plan 2021-2016 at p. 119 (enclosed).

⁸⁶ Application at 12.

⁸⁷ See Comments on DEIS for GTN XPress, Docket No. CP22-2-000, submitted by State of Washington, Office of Attorney General, Exhibit B at 6 (Affidavit of Gregory Lander) (August 22, 2022).

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demand, indicating that Cascade’s entire system is satisfied with existing capacity and that its Central Oregon demand needs could be met in alternative ways.⁸⁸ With respect to Intermountain, Mr. Lander confirms that the PA for the GTN XPress Project “does not appear to serve growing markets but is a replacement of supply source(s) in the Rockies for supply source(s) in Alberta, Canada.”⁸⁹ Thus, the evidence before the Commission suggests that there is not a demand for increased capacity on the GTN pipeline, but that Cascade and Intermountain’s contracted loads could be satisfied through existing contracts and pipelines. Authorizing the expansion of GTN’s pipeline capacity is not in the public interest.

C. The Commission Must Fully Consider the Economic Impacts of the Project.

GTN’s Application does not satisfy the Commission’s threshold requirement for establishing the public convenience and necessity for the Project.⁹⁰ GTN must demonstrate that the Project costs will not be subsidized by existing customers.⁹¹ The evidence before the Commission indicates that GTN may be understating the true cost of the GTN XPress Project by improperly allocating responsibility for a portion of the Project costs to existing customers. The affidavit provided by Gregory Lander explains that GTN’s 2020 replacement of the three compressor stations at issue in this Project may not have been justified as “like for like” replacements and therefore, GTN’s existing customers should not bear costs of those replacements beyond the undepreciated plan costs of the prior compressor units.⁹² This raises questions regarding GTN’s estimate of the Project costs and its request for a pre-determination of rolled-in rates.⁹³

GTN also asserts that the Project is not being proposed to replace existing customers’ service on any other existing pipeline.⁹⁴ However, the Application acknowledges that Intermountain is “replacing firm transportation capacity on the Northwest Pipeline from the Rockies to Idaho with firm transportation capacity from the Northwest Pipeline’s interconnect with GTN[.]”⁹⁵ Thus, the Project will be duplicating capacity that is already supported through an existing pipeline and creates a risk of overbuilding. The Commission must consider the impact that the Project will have on existing pipelines that serve Intermountain’s market area and the existing pipeline’s captive customers that may be required to pay for the unsubscribed capacity in the Northwest Pipeline.⁹⁶

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⁸⁸ *Id.* at 7.

⁸⁹ *Id.* at 7-8.

⁹⁰ See 1999 Certificate Policy Statement, 88 FERC ¶ 61,227 at 19.

⁹¹ *Id.*

⁹² See *supra* n 87 at 4-5 (Lander).

⁹³ *Id.* at 2-6; see Application, Vol. I, at 13-15.

⁹⁴ Application, Vol. I, at 17-18.

⁹⁵ *Id.* at 12.

⁹⁶ 1999 Certificate Policy Statement, 88 FERC ¶ 61,227 at 24.

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III. The DEIS Fails to Satisfy the Requirements of NEPA.

A. NEPA and CEQ Regulations

The National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 *et seq.*, requires federal agencies to consider the environmental effects of and alternatives to proposed projects subject to federal approval, and provides a congressionally mandated procedure for doing the same. NEPA requires agencies to integrate these procedures into their decision making processes “at the earliest possible time,” and also requires agencies to ensure that “environmental information is available” to public officials and community members “before decisions are made and before actions are taken.”⁹⁷ The information provided for public scrutiny “must be of high quality,” as “accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA.”⁹⁸ Ultimately, NEPA’s purpose is to “foster excellent action.”⁹⁹ The NEPA process is “intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment.”¹⁰⁰

The main purpose of the Environmental Impact Statement (EIS) is to inform the public as well as decision makers about the proposed action and the alternatives to such action. At the outset, the EIS must “briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.”¹⁰¹ An EIS must describe:

- i. the environmental impacts of the proposed action,
- ii. any adverse environmental effects which cannot be avoided should the proposal be implemented,
- iii. alternatives to the proposed action,
- iv. the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and
- v. any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.¹⁰²

NEPA’s EIS requirement “guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decision-making process and the implementation of that decision.”¹⁰³ Information must be provided in a timely manner to

⁹⁷ 40 C.F.R. §§ 1501.2, 1500.1(b).

⁹⁸ 40 C.F.R. § 1500.1(b).

⁹⁹ 40 C.F.R. § 1500.1(c).

¹⁰⁰ *Id.*

¹⁰¹ 40 C.F.R. § 1502.13, (2022).

¹⁰² 42 U.S.C. § 4332(C).

¹⁰³ *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).

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ensure that the public can meaningfully participate in the decision-making process.¹⁰⁴ An agency must “not act on incomplete information, only to regret its decision after it is too late to correct.”¹⁰⁵

The alternatives analysis “is the heart of the environmental impact statement.”¹⁰⁶ Federal agencies must take care not to define the project purpose so narrowly as to prevent the consideration of a reasonable range of alternatives.¹⁰⁷ Reasonable alternatives means “a reasonable range of alternatives that are technically and economically feasible, and meet the purpose and need for the proposed action.”¹⁰⁸

An EIS must also describe the effects or impacts of a proposed action.¹⁰⁹ Effects or impacts means changes to the human environment from the proposed action or alternatives that are reasonably foreseeable, and include the direct and indirect effects as well as cumulative impacts of a proposed action.¹¹⁰ These terms are distinct from one another. Direct effects are “caused by the action and occur at the same time and place.”¹¹¹ Indirect effects are also “caused by the action” and “are later in time or farther removed in distance, but are still reasonably foreseeable.”¹¹² Indirect effects “may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.”¹¹³ Effects include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative.¹¹⁴ Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effects will be beneficial.¹¹⁵

Cumulative impacts are not causally related to the action. Instead, they are:

effects on the environment that result from the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions regardless

¹⁰⁴ *League of Wilderness Defenders-Blue Mountain Biodiversity Project v. Connaughton*, 752 F.3d 755, 761 (9th Cir. 2014) (“Informed public participation in reviewing environmental impacts is essential to the proper functioning of NEPA.”).

¹⁰⁵ *Marsh v. Or. Nat. Res. Council*, 490 U.S. 360, 371 (1989).

¹⁰⁶ 40 C.F.R. § 1502.14.

¹⁰⁷ See, e.g., *Simmons v. U.S. Army Corps of Engineers*, 120 F.3d 664, 666 (7th Cir. 1997).

¹⁰⁸ 40 C.F.R. § 1508.1(z), 40 C.F.R. § 1502.13. 85 Fed. Reg. 43378, July 16, 2020, as amended at 87 Fed. Reg. 23469, Apr. 20, 2022.

¹⁰⁹ 40 C.F.R. §§ 1502.16, 1508.7, 1508.8; *Northern Plains Resource Council v. Surface Transportation Board*, 668 F.3d 1067, 1072-73 (9th Cir. 2011).

¹¹⁰ 40 C.F.R. §1508.8(g) (2022).

¹¹¹ 40 C.F.R. §1508.8(g)(1) (2022).

¹¹² 40 C.F.R. §1508.8(g)(2) (2022).

¹¹³ *Id.*

¹¹⁴ 40 C.F.R. §1508.8(g)(4) (2022).

¹¹⁵ *Id.*

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of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.¹¹⁶

For the purposes of the effects analysis, reasonably foreseeable means sufficiently likely to occur such that a person of ordinary prudence would take it into account in reaching a decision.¹¹⁷

The EIS must give each of these categories of effect fair emphasis.

B. The DEIS Improperly Relies on the 2020 NEPA Rule Changes.

The DEIS relies on the 2020 NEPA regulations (“2020 Final Rule”).¹¹⁸ The DEIS states that it “considers direct and indirect impacts on resources collectively, as well as impact duration, consistent with the CEQ’s July 16, 2020 [2020 Final Rule] final rule... that was in effect throughout the development of the draft EIS.”¹¹⁹ The Biden Administration began formal rulemaking to rescind the 2020 Final Rule and revert to the previously adopted rules in October 2021.¹²⁰ The DEIS acknowledges that the Phase 1 Final Rule reinstates “the definition of cumulative effects consistent with CEQ’s pre-2020 NEPA regulations.”¹²¹ The first phase of these rules (“2022 Phase 1 Final Rule”) became final in April 2022, and took effect in May 2022.¹²² However, the DEIS states that the 2022 Phase 1 Final Rule will only “be reflected in the final EIS.”¹²³

The key components of the 2020 Rules included (1) implementing time limits on environmental reviews, (2) limiting the scope of what projects constitute major federal action, (3) aggregating categorical exclusions across executive agencies, (4) limiting the scope of review by eliminating cumulative impacts analysis as well as redefining “reasonable alternatives,” and (5) heightening the standard for comments to be considered on projects.¹²⁴ As relevant here, the 2022 Phase 1 Final Rules:

1. Eliminate language requiring agencies to base the statement of purpose and need for a project on the goals of the applicant and the agency’s authority when an agency has a

¹¹⁶ 40 C.F.R. § 1508.8(g)(3) (2022).

¹¹⁷ 40 C.F.R. § 1508.8(aa) (2020).

¹¹⁸ DEIS at 4-1.

¹¹⁹ DEIS at 4-1 (citing *Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act*, 85 Fed. Reg. 43,304, (July 2020)).

¹²⁰ *National Environmental Policy Act Implementing Regulations Revisions*, 86 Fed. Reg. 55,757, 55757-55769 (Oct. 7, 2021).

¹²¹ DEIS at 4-1, (citing *National Environmental Policy Act Implementing Regulations Revisions*, 87 Fed. Reg. 23453, (Apr. 20, 2022)).

¹²² *National Environmental Policy Act Implementing Regulations Revisions*, 87 Fed. Reg. 23,453, 23453-23470 (Apr. 20, 2022) (hereinafter “2022 Phase I Final Rule”).

¹²³ DEIS at 4-1.

¹²⁴ *Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act*, 85 Fed. Reg. 43,304 (July 16, 2020).

NGO01-4: A cumulative impacts analysis was added to section 4.12 of this EIS.

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statutory duty to review an application for a permit or other authorization.¹²⁵

2. Re-establish CEQ NEPA regulations as the baseline for federal agencies' NEPA standards and procedures for implementing NEPA, making CEQ's NEPA regulations the "floor" rather than the "ceiling" for NEPA environmental reviews.¹²⁶
3. Reinstate the previous definitions of "effects," thereby requiring consideration of cumulative impacts and indirect effects.¹²⁷

FERC should explain its process and reanalyze the DEIS pursuant to rules in effect as of May 2022. Deferring this analysis until the FEIS would be contrary to the purpose and policy of NEPA.¹²⁸

Even assuming FERC can properly rely on the 2020 Final Rule, it must continue to consider cumulative impacts under the same. The 2020 Final Rule eliminated the distinction in the 1978 rule between direct, indirect, and cumulative effects.¹²⁹ According to CEQ, the purpose of this rule change was to "focus agency time and resources" on analyzing effects "rather than on categorizing the effect."¹³⁰ The CEQ noted that this change "does not preclude consideration of the impacts of a proposed action on any particular aspect of the human environment," and that the "[t]he final rule provides considerable flexibility to agencies to structure the analysis of effects based on the circumstances of their programs."¹³¹ The CEQ further emphasized that the 2020 Final Rule "retain[s] requirements to analyze all activities and environmental impacts covered within the scope of the statute."¹³² Because FERC must consider all reasonably foreseeable effects under the 2020 Final Rule, regardless of category, it must continue to consider cumulative impacts in the DEIS or otherwise explain why such consideration was omitted.

C. The Alternatives Analysis in the DEIS is Inadequate.

The alternatives analysis in the DEIS is inadequate in several respects. First, it is based upon an impermissibly narrow purpose and need statement that artificially constrains the range of reasonable alternatives to only the Applicant's proposed Project. Second, the DEIS fails to meaningfully analyze the "no action" alternative and thus, fails to provide an adequate baseline for comparing the environmental consequences of the proposed action. Finally, the alternatives analysis is inadequate because it fails to evaluate reasonable alternatives both in terms of the scale of the proposed Project and system alternatives that may be available to serve the asserted

¹²⁵ 40 C.F.R. §§ 1502.13, 1508.1(z).

¹²⁶ 40 C.F.R. § 1507.3.

¹²⁷ 40 C.F.R. § 1508.1(g).

¹²⁸ 40 C.F.R. §§ 1501.2, 1500.1(b).

¹²⁹ Compare 40 C.F.R. §§ 1508.7, 1508.8, with 40 C.F.R. § 1508.1(g).

¹³⁰ 85 Fed. Reg. at 43,343 (July 2021).

¹³¹ *Id.* at 43,344.

¹³² 85 Fed. Reg. at 43,355.

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market demand.

1. The Purpose and Need Statement is impermissibly narrow.

FERC’s draft purpose and need are arbitrarily narrow. The DEIS describes the purpose as articulated in GTN’s application: to “increase the capacity of GTN’s existing natural gas transmission system by about 150 million standard cubic feet per day between its Kingsgate Meter Station in Idaho and its Malin Meter Station in Oregon.”¹³³ The DEIS identifies the need for the Project as “to serve the growing market demand [GTN’s] system is experiencing.”¹³⁴

Traditionally, FERC has accepted an applicant’s statement of the purpose and need for the project, often relying on precedent agreements to show this need.¹³⁵ As discussed above, relying on precedent agreements alone to show project need is not adequate evidence to demonstrate need.¹³⁶ Properly defining the purpose and need for a project is extremely important because it influences the range of reasonable alternatives to the project and thereby frames the agency’s environmental review.¹³⁷

The DEIS defers any discussion of the public need for the Project under Section 7 of the Natural Gas Act, but that analysis necessarily informs the purpose and need of the EIS and the range of reasonable alternatives that should be considered. In defining the purpose of a project “an agency should always consider the views of Congress, expressed, to the extent that the agency can determine them, in the agency’s statutory authorization to act, as well as in other congressional directives.”¹³⁸ Thus, the Commission’s evaluation of whether the Project is required for the public convenience and necessity should inform the purpose and need statement.

There is not support for the stated need—to meet market demand. GTN claims that the Project is needed to meet increasing market demand.¹³⁹ GTN notes that it has already entered into purchase agreements with Cascade Natural Gas Corporation, Intermountain Gas Company, and Tourmaline Oil Marketing Corporation for the full project capacity and cites to Cascade Natural and Intermountain’s most recent IRPs to argue that the utilities’ base load requirements are expected to grow annually.¹⁴⁰ However, both IRPs were finalized before many of the significant regulatory shifts in Oregon and Washington that demonstrate a clear desire in the

NGO01-5

NGO01-5: see response to SA01-23.

¹³³ DEIS at 1-1.

¹³⁴ *Id.*

¹³⁵ See *Updated Policy Statement on Certification of New Interstate Natural Gas Facilities*, Docket No. PL18-1-000, at 42 (Feb. 18, 2022).

¹³⁶ See *supra* Part II.B.

¹³⁷ See *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 195–96 (D.C. Cir. 1991), *cert. denied*, 502 U.S. 994 (1991) (“[A]n agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative from among the environmentally benign ones in the agency’s power would accomplish the goals of the agency’s action, and the EIS would become a foreordained formality.”).

¹³⁸ *Citizens Against Burlington, Inc.*, 938 F.2d at 196.

¹³⁹ Application, Vol. I at 11.

¹⁴⁰ *Id.* at 18–19.

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NGO01-6: see response to SA01-26.

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region to move away from fossil energy.¹⁴¹ As discussed above, the Commission should evaluate the need for the Project within the context of changing energy and climate policies on the state and local level, and recent adjustments to projected demand in the service region.¹⁴²

GTN also indicates that during its 2019 open season it had initially offered up an additional 100,000 Dth/d of capacity, to commence November 1, 2022; but upon further evaluation, GTN determined that the 100,000 Dth/d could be provided through existing capacity.¹⁴³ There is no discussion of whether GTN has any existing customers or contracts for that additional 100,000 Dth/d or where the existing capacity exists to accommodate it. If GTN already has existing capacity to provide an additional 100,000 Dth/d along the same path and that capacity is not allocated under existing contracts, this calls into question whether there is in fact a market demand for 150,000 Dth/d of expanded capacity in the system and, by extension, whether there is a need for the Project as proposed.

Further, the purpose statement assumes that an expansion of capacity on the GTN pipeline between Kingsgate and Malin is the only way to meet that need, rather than through existing capacity—such as the 100,000 Dth/d of additional capacity identified by GTN—or through other existing gas transportation infrastructure that serves the regional market. In this way, the purpose statement is overly narrow and effectively limits the range of reasonable alternatives by defining the project purpose such that only one alternative will achieve the stated objective.¹⁴⁴

The Commission should consider a broader purpose that enables a full evaluation of a range of reasonable alternatives, and that is based on a need that is supported by current market conditions and updated energy and climate policies that will impact demand for natural gas in the region.

2. The DEIS fails to meaningfully consider a “no action” alternative.

NGO01-6

The DEIS’s discussion of the “no action” alternative is inadequate. The entire purpose of a no action alternative is to provide a baseline for comparison between the environmental impacts of the proposed action, and those of alternatives to the proposed action, with the status quo to facilitate informed decision-making.¹⁴⁵ The DEIS merely states that, “under the no-action alternative, the environmental impacts associated with the proposed activity, as described in the Environmental Analysis section of this EIS, would not occur.”¹⁴⁶ However, the Environmental Analysis section is focused only on “the Project’s potential impacts on the natural and human

¹⁴¹ See *id.* Cascade Natural’s IRP is dated February 26, 2021; Intermountain’s IRP is dated October 2019.

¹⁴² See *supra*, Part II.B.1.

¹⁴³ Application, Vol. I at 8 n.6.

¹⁴⁴ See *Citizens Against Burlington*, 938 F.2d at 196.

¹⁴⁵ 40 C.F.R. § 1502.14(d); *Ctr. for Biological Diversity v. Dep’t of Interior*, 623 F.3d 633, 642 (9th Cir. 2010).

¹⁴⁶ DEIS at 3-2.

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cont.

environment.”¹⁴⁷ The DEIS does not include any detailed discussion of the baseline conditions and existing environmental impacts that would continue as a result of taking no action. Thus, the DEIS does not provide any basis for comparison of impacts between the proposed alternative and the no action alternative.

Failure to establish an adequate baseline renders the alternatives analysis inadequate and constitutes a violation of NEPA.¹⁴⁸ FERC must fully analyze the “no action” alternative and compare it to the proposed action and other reasonable alternatives.

3. The DEIS fails to consider project scale alternatives.

As discussed in detail above, the stated purpose and need for the project are overly narrow and there is not adequate evidence in the record to support GTN’s asserted need for an additional 150,000 Dth/d of capacity. Recent state and federal policy changes raise serious questions about the future demand for natural gas energy sources and thereby, the need for expanded gas infrastructure in the United States generally and the Pacific Northwest region specifically. FERC should reconsider the purpose and need statement for the Project in light of these changes and evaluate alternatives that would include a reduced scale of the Project.¹⁴⁹

4. The DEIS fails to meaningfully consider system alternatives.

The DEIS does not meaningfully consider reasonable system alternatives. The DEIS rejects consideration of system alternatives because “there are no pipeline systems other than GTN’s pipeline system that originate at or near GTN’s Kingsgate Meter Station and terminate at or near GTN’s Malin Meter Station.”¹⁵⁰ The need for the Project is based on the market demand, not the specific route of the gas as between Idaho and Oregon. The “need” is not defined as transporting gas from Idaho. FERC should consider system alternatives that could potentially satisfy the need for the Project (market demand) through other existing or proposed pipelines. There is no reason why a system alternative needs to be a single system, as opposed to several separate systems that each serve a different part of the target market.

For example, the DEIS rejects a system alternative, in part, because “to transport additional natural gas between Idaho and Oregon using other systems would involve at least two other natural gas pipeline systems and the movement of gas across several hundred additional miles.”¹⁵¹ However, the Project as proposed already necessarily involves the transport of gas across multiple pipelines. For example, Intermountain Gas primarily serves southern Idaho

¹⁴⁷ DEIS at 3-7.

¹⁴⁸ *Half Moon Bay Fishermans’ Ass’n v. Carlucci*, 857 F.2d 505, 510 (9th Cir. 1998) (“Without establishing the baseline conditions which existing [in the action area], there is simply no way to determine what effect [the action] will have on the environment and, consequently, no way to comply with NEPA.”).

¹⁴⁹ *See Illio ‘ulaokalani Coal. v. Rumsfeld*, 464 F.3d 1083, 1097 (9th Cir. 2006) (a “viable” alternative under NEPA is one that accords with the project’s purpose and need).

¹⁵⁰ DEIS at 3-3.

¹⁵¹ *Id.* at 3-4.

NGO01-7: see response to FA01-9.

NGO01-8: see response to SA01-32.

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communities and each of its local distribution lines are connected to the Williams Gas Pipeline.¹⁵² Intermountain does not appear to have any distribution lines directly from the GTN pipeline. Thus, pursuant to GTN’s precedent agreement with Intermountain, gas will necessarily be transported through multiple pipelines across several hundred miles. Therefore, the basis provided in the DEIS for rejecting system alternatives from consideration is arbitrary and FERC should fully evaluate whether there are reasonable system alternatives to the Project.

Additionally, the analysis provided from Energy Futures Group on behalf of the Washington Attorney General’s Office discusses potential non-pipeline system alternatives that could meet market needs.¹⁵³ These are potentially viable alternatives that would present fewer environmental, social, and economic impacts than the proposed Project. FERC should supplement the DEIS to fully evaluate these reasonable alternatives.

D. The DEIS Fails to Address Connected Actions.

The DEIS fails to evaluate the environmental consequences of connected actions to the Project. Pursuant to NEPA, agencies are required to review, in a single EIS, “proposals or parts of proposals that are related to each other closely enough to be, in effect, a single course of action.”¹⁵⁴ Such related proposals are referred to as “connected actions.”¹⁵⁵ Specifically, actions are considered “connected” if they:

- “(i) Automatically trigger other actions that may require environmental impact statements;
- (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously; or
- (iii) Are interdependent parts of a larger action and depend on the larger action for their justification.”¹⁵⁶

The DEIS fails to evaluate several actions that are “connected” to the GTN XPress Project.

In March 2020, GTN filed Advanced Notification of Natural Gas Facilities Replacement for the three compressor station facilities that are now proposed for expansion as part of this Project.¹⁵⁷ GTN characterized each of the replacement projects as necessary to maintain the reliability of the system. However, at each station, GTN replaced a Rolls Royce Avon reciprocating 14,300 HP unit with a Solar Titan 130 23,470 HP unit.¹⁵⁸ While each unit was

¹⁵² 2016 Idaho Energy Primer at 17 (enclosed).

¹⁵³ See Comments on DEIS for GTN XPress Project, Docket No. CP22-2-000, submitted by State of Washington, Office of the Attorney General, Exhibit C at 23 (Energy Futures Group, *GTN Xpress Project, A Critical Review of Need, Cost, and Impacts*) (August 22, 2022).

¹⁵⁴ 40 C.F.R. 1502.4(a) (2020).

¹⁵⁵ 40 C.F.R. 1501.9(e)(1) (2020).

¹⁵⁶ *Id.*

¹⁵⁷ See Docket No. CP20-82-000 (Athol Compressor Station), Docket No. CP20-85-000 (Kent Compressor Station), and Docket No. CP20-86-000 (Starbuck Compressor Station).

¹⁵⁸ *Id.*

NGO01-9: The requirement that an agency consider “connected actions” in a single environmental document is to prevent an agency from “dividing one project into multiple individual actions” with less significant environmental effects. The fact that other facilities within GTN’s system will be used for the Project does not establish a connection under NEPA. Similar to a highway network, “it is inherent in the very concept of” the interstate pipeline grid “that each segment will facilitate movement in many others; if such mutual benefits compelled aggregation, no project could be said to enjoy independent utility” (Coal. on Sensible Transp., Inc., 826 F.2d at 69).

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NGO01-10: See the response to NGO01-2.

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programmed to have operational limits of 14,300 HP, those replacements were a necessary prerequisite action to the capacity expansion that GTN is now proposing. For the Athol Compressor Station, all that is now required for GTN to expand capacity is a software upgrade to reprogram the existing compressor unit from 14,300 HP to 23,470 HP.¹⁵⁹ This same reprogramming will take place at the Starbuck and Kent stations, along with other modifications and additions, to achieve the full Project capacity.¹⁶⁰ GTN’s Notifications for the replacement of the three compressor units were filed nine months after GTN held its Open Season for 250,000 Dth/d of additional capacity. Thus, as pointed out by Gregory Lander, when GTN filed its notification to replace the three stations, it had already contracted to expand capacity on its pipeline, which it is now doing by seeking to uprate the three stations through this Project. It is clear that the GTN Xpress Project could not proceed unless and until the prior replacements of the compressor stations were completed. Therefore, the prior replacements of the station units are “connected actions” that must be considered as part of a single course of action and evaluated in the DEIS.

NGO01-10

Additionally, the record demonstrates that GTN is proceeding along a similar path with its Coyote Springs Compressor Station Project. The applications for the Coyote Springs Compressor Station and the GTN Xpress project were submitted approximately eight months apart from each other and are moving along similar timelines. The Commission’s decision on the Coyote Springs request was issued on July 28, 2022, less than one month after the DEIS for the GTN Xpress project was issued.¹⁶¹ The Coyote Springs application similarly cites system reliability as the project’s primary purpose.¹⁶² All upgrades and modifications associated with the two projects are being applied to the same pipeline system and are located in the same region. GTN has consistently referred to two “phases” of its GTN Xpress Project. It is clear that the Coyote Springs project and the project at issue in the DEIS are “interdependent parts of a larger action” and should be evaluated as connected actions under NEPA.

As the D.C. Circuit has noted, “piecemealing or ‘segmentation’ [improperly] allows an agency to avoid the NEPA requirement that an EIS be prepared for all major federal actions with significant environmental impacts by dividing an overall plan into component parts, each involving action with less significant environmental effects.”¹⁶³ In *Delaware Riverkeeper Network v. FERC*, the D.C. Circuit was asked to review a FERC order that addressed just one piece of a four-part project involving the addition of new segments to the Eastern Leg of

¹⁵⁹ Application, Vol. I at 6.

¹⁶⁰ *Id.* at 7.

¹⁶¹ 180 FERC ¶ 61,056, Docket No. CP21-29-000, July 28, 2022.

¹⁶² Gas Transmission Northwest LLC, Request for Prior Notice Authorization to Install Facilities Pursuant to Blanket Authorization, FERC Docket No. CP21-29-000 at 3 (January 13, 2021).

¹⁶³ *Taxpayers Watchdog, Inc. v. Stanley*, 819 F.2d 294, 298 (D.C. Cir. 1987), citing *West Chicago, Ill. V. U.S. Nuclear Regulatory Comm’n*, 701 F.2d 632, 650 (7th Cir. 1983); see also, *Food & Water Watch, et al. v. FERC*, 28 F.4th 277, 291 (D.C. Cir. 2022) (“An agency impermissibly ‘segments’ NEPA review when it divides connected, cumulative, or similar federal actions into separate projects and thereby fails to address the true scope and impact of the activities that should be under consideration.”) (quoting *Del. Riverkeeper Network v. FERC*, 753 F.3d 1304, 1313 (D.C. Cir. 2014)).

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NGO01-11: See the response to NGO01-2.

Tennessee Gas’s pipeline.¹⁶⁴ The Court ultimately found that the projects were connected, noting that “even though each project’s incremental increase in pipeline capacity was contracted for separately, all of the projects function together seamlessly.”¹⁶⁵ The Court also found that “[a]ll of the gas transported through the Eastern Leg . . . uses all of the now-complete sections from the four projects, passing from one segment to the next on its way to the pipeline’s delivery point in New Jersey.”¹⁶⁶

Similarly, the Coyote Springs Compressor Station is proposed to be constructed on the same stretch of GTN’s mainline that is the subject of the GTN Xpress Project.¹⁶⁷ Presumably, the gas that will ultimately flow through the Coyote Springs Compressor Station will first be transported through the Athol and Starbuck Compressor Stations that are the subject of this application.¹⁶⁸ FERC has an obligation to determine the extent to which this Project will affect the quantity of gas moving through the Coyote Springs Compressor Station and whether the proposed GTN Xpress Project necessitates the Coyote Springs station such that the two projects are interdependent and therefore, connected actions.

The Commission rejected this argument in its order on the Coyote Springs certificate.¹⁶⁹ The Commission found that GTN provided information to demonstrate that the Coyote Springs project “will serve the stated purpose of alleviating operational constraints on GTN’s mainline and delivery pressure concerns resulting from existing design pressure requirements and operational situations.”¹⁷⁰ Thus, the Commission concluded that the two projects have “independent utility” and are not connected actions.¹⁷¹ However, the Commission’s order did not address whether the “operational constraints” and “delivery pressure concerns” that the Coyote Springs station is intended to resolve would be exacerbated by the GTN Xpress expansion project. In other words, the Commission did not address whether the Coyote Springs station would alleviate operational constraints and delivery pressure concerns that would only be made worse if the GTN Xpress project were carried forward in isolation. The Commission should analyze whether the addition of the Coyote Springs station will have the effect of improving the reliability of system transportation to serve the contracts that are relied on to justify the need for this Project, and if so, whether the improved reliability created by the Coyote Springs station was referenced in GTN’s open season for the GTN Xpress project or in any way used as an incentive to potential shippers.

The quarterly earnings call transcripts from GTN’s parent company, TC Energy, make clear that the two projects, including the prior replacement of the three compressor stations, are

¹⁶⁴ *Del. Riverkeeper Network v. FERC*, 753 F.3d 1304 (D.C. Cir. 2014).

¹⁶⁵ *Id.* at 1311.

¹⁶⁶ *Id.*

¹⁶⁷ See FERC, Environmental Assessment Report, FERC Docket No. CP21-29-000 at 15 (Jan. 13, 2021).

¹⁶⁸ The identified sources of gas for all three precedent agreements are in Canada, indicating that gas will travel from north to south along the pipeline through each compressor station. Application at 11-12.

¹⁶⁹ 180 FERC ¶ 61,056 at 15-16, Docket No. CP21-29-000, July 28, 2022.

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

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part of one expansion project.¹⁷² Specifically, TC Pipelines, LP regularly described the GTN Xpress Project as a single project that will be conducted in two distinct phases. During TC Pipelines' 4th Quarter Earnings Call for 2019, Janine M. Watson, Vice President and General Manager of TC Pipelines, explained that,

"[p]hase one of GTN Xpress entails the removal of legacy compressors at three stations, replacing them with new state-of-the-art compression technology. Detailed engineering work is ongoing for these like-for-like replacements, which are expected to be in service by the end of the year in 2021. Phase two of the GTN Xpress will expand the capacity of the GTN system by a total of approximately 250,000 dekatherms through the addition of a new high efficiency compressor unit added in existing compressor station to be in service by November of 2023.¹⁷³

During the 3rd Quarter Earnings Call for 2020, Ms. Watson provided the following update:

"[w]ork is under way, as I've mentioned, on time and on budget on Phase I of our GTN Xpress project. This initial phase will enhance the reliability of GTN's existing transportation service, via horsepower replacement and other reliability work being performed at brownfield compression facilities, along GTN's existing footprint. This reliability and horsepower replacement work is expected to be in service by the end of 2021, and will account for more than three quarters of the total project cost. The required [] Section 7(c) filing is being prepared for submission to FERC for Phase two of the GTN Xpress project. The second phase will provide 250,000 dekatherms per day of additional firm transportation service on the full path of the GTN system, and is anticipated to be commercially phased into service through November of 2023."¹⁷⁴

In 2019, GTN conducted an Open Season for 250,000 Dth/d of incremental capacity on its system.¹⁷⁵ Phase I was projected to be in service by November 1, 2022, and provide up to 100,000 Dth/d of primary deliveries to Malin or other mutually agreeable delivery points between Kingsgate and Malin.¹⁷⁶ Phase II would provide up to 150,000 Dth/d of incremental capacity across the exact same delivery points with an anticipated in-service date of November 1, 2023.¹⁷⁷ In the Application, GTN states that it is not seeking authorization for the additional 100,000 Dth/d of capacity that was offered as part of Phase I because GTN determined it can be

¹⁷² See Columbia Riverkeeper's Answer to GTN's Motion to Dismiss Protest, FERC Docket No. CP21-29-000 (April 7, 2021); see also GTN Application, Coyote Springs Compressor Station Project, Attach. B, §10.5.1, at 10-2 (Jan. 13, 2021) (stating that the "Project is currently designed for a compression only expansion.").

¹⁷³ Columbia Riverkeeper's Answer to GTN's Motion to Dismiss Protest, FERC Docket No. CP21-29-000 (April 7, 2021), Exhibit B (TC Pipelines Q4 2019 Earnings Call Transcript (Feb. 20, 2020)).

¹⁷⁴ *Id.*, Exhibit C (TC Pipelines Q3 2020 Earnings Call Transcript (Nov. 10, 2020)).

¹⁷⁵ Application, Vol I at 84 (Exhibit Z-1, Open Season Notice).

¹⁷⁶ *Id.* at 85.

¹⁷⁷ *Id.*

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provided through existing capacity.¹⁷⁸

In a data request regarding the Coyote Springs project, FERC asked GTN to provide more information for its vague assertions that it has experienced operational constraints because of “growing demand.” GTN’s response was a single paragraph, in which it noted that demand on GTN’s system grew between 2015 and 2019 and that “operational constraints have tested GTN’s ability to provide reliable service utilizing its existing capacity.”¹⁷⁹ The Coyote Springs Compressor Station is intended to relieve those operational constraints and allow GTN to meet the mainline certificated design capacity.¹⁸⁰

It is clear that, although slightly different than originally discussed in the earning calls, the initial replacement of the three compressor stations was “Phase I” of the larger two-phase project. Further, it is clear that the Coyote Springs project is new compressor unit that was referenced as part of “Phase II” of the larger project that GTN has been planning for several years. By proceeding with separate proceedings and environmental analyses for the prior replacement of the three compressor stations, the Coyote Springs Compressor Station, and the GTN Xpress Project, FERC is improperly segmenting these connected actions in violation of NEPA.

E. The DEIS Fails to Meaningfully Consider the Environmental Consequences Arising from the Proposed Action.

As discussed below, the DEIS fails to adequately consider climate change, water resource, and noise impacts from the Project. The DEIS further omits adequate consideration of impacts to environmental justice communities and public safety and reliability effects.

1. The DEIS fails to adequately address climate change impacts.

Climate change is driven by accumulation of greenhouse gases (“GHGs”) in the atmosphere due to the consumption of fossil fuels (e.g., coal, petroleum, and natural gas) since the early beginnings of the industrial age and accelerating in the mid- to late 20th century.¹⁸¹ GHGs are identified as pollutants by the EPA due to their adverse impact on the global climate crisis.¹⁸² The GHGs produced by fossil-fuel combustion are carbon dioxide (CO₂), methane

¹⁷⁸ Application, Vol I at 8, n.6.

¹⁷⁹ Gas Transmission Northwest LLC, Coyote Spring Compressor Station Project, Response to March 8, 2022 Engineering Data Request, FERC Docket No. CP21-29-000 (Mar. 15, 2022).

¹⁸⁰ Gas Transmission Northwest LLC, Request for Prior Notice Authorization to Install Facilities Pursuant to Blanket Authorization, FERC Docket No. CP21-29-000 at 3 (January 13, 2021).

¹⁸¹ DEIS at 4-42; Intergovernmental Panel on Climate Change, United Nations, “Summary for Policymakers of Climate Change 2021: The Physical Science Basis,” (Valerie Masson-Delmotte et al., eds.) (2021) (hereinafter “AR6”).

https://www.ipcc.ch/report/ar6/wg1/downloads/report/IPCC_AR6_WGI_SPM.pdf

¹⁸² EPA, “Clean Air Act Permitting for Greenhouse Gases,” (Last Updated Dec. 28, 2021), <https://www.epa.gov/nsr/clean-air-act-permitting-greenhouse>.

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(CH₄) and nitrogen oxide (NO_x).¹⁸³ The DEIS determined “that the primary GHGs that would be emitted by the Project are carbon dioxide (CO₂), methane (CH₄), and nitrogen oxide (NO_x),” and that the “modification, installation, and operation of the Athol, Starbuck, and Kent Compressor Stations would result in GHG emissions.”¹⁸⁴

FERC has the authority and obligation to consider climate change and greenhouse gas emissions under NEPA. Both CEQ guidance and case law¹⁸⁵ reflect this requirement. In August 2016, CEQ issued final guidance (“2016 Climate Guidance”) explicitly providing that “[c]limate change is a fundamental environmental issue, and its effects fall squarely within NEPA’s purview.”¹⁸⁶ The 2016 Climate Guidance was intended to promote greater clarity and consistency in how agencies address climate change in environmental reviews under NEPA,¹⁸⁷ and discussed (1) how agencies should analyze both GHGs associated with proposed federal actions¹⁸⁸ as well as (2) the climate-related risks to those federal actions and the surrounding environment.¹⁸⁹ CEQ is currently reviewing the 2016 Climate Guidance but has instructed that, pending its completion, “agencies should consider all available tools and resources in assessing GHG emissions and climate change effects of their proposed actions, including, as appropriate and relevant, the 2016 [Climate] Guidance.”¹⁹⁰ The Supreme Court has held that Courts owe the

[gases#:~:text=These%20permitting%20programs%2C%20required%20under,under%20PSD%20and%20Title%20V.](#)

¹⁸³ DEIS at 4-41.

¹⁸⁴ DEIS at 4-34.

¹⁸⁵ *Sierra Club v. FERC*, 867 F.3d 1357, 1374 (D.C. Cir. 2017) (“*Sabal Trail*”), *Ctr. for Biological Diversity v. Nat’l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1201 (9th Cir. 2008).

¹⁸⁶ Memorandum from Christina Goldfuss, Council on Environmental Quality, for Heads of Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews (Aug. 1, 2016), (hereinafter “2016 Climate Guidance”); *See also* Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews, 81 Fed. Reg. 51,866 (Aug. 5, 2016) (announcing issuance of the 2016 Climate Guidance).

¹⁸⁷ 2016 Climate Guidance, *supra* note 187, at 2.

¹⁸⁸ *Id.* at 9–20.

¹⁸⁹ *Id.* at 20–25. CEQ withdrew the 2016 Climate Guidance in 2017 at the direction of President Trump. *Withdrawal of Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews*, 82 Fed. Reg. 16,576, 16,576–16,577 (Apr. 5, 2017) [hereinafter “2017 Withdrawal”]. *See also* Executive Order 13,783: Promoting Energy Independence and Economic Growth, 82 Fed. Reg. 16,093, 16,094 (Mar. 31, 2017) (directing CEQ to rescind the 2016 Climate Guidance). In 2019, CEQ proposed replacement climate guidance, focused specifically on the treatment of greenhouse gas emissions in NEPA reviews (“2019 Proposed Climate Guidance”). *Draft National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions*, 84 Fed. Reg. 30,097, 30,097–30,099 (June 26, 2019) [hereinafter “2019 Proposed Climate Guidance”]. The 2019 proposal was withdrawn under the Biden Administration without ever being finalized. *National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions*, 86 Fed. Reg. 10,252, 10,252 (Feb. 19, 2021) [hereinafter “2021 Withdrawal”].

¹⁹⁰ *National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions*, 86 Fed. Reg. 10,252, 10,252 (Feb. 19, 2021) [hereinafter “2021 Withdrawal”].

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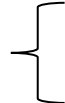
CEQ guidelines interpretation of NEPA “substantial deference.”¹⁹¹

As discussed below, the DEIS fails to adequately address the impacts that the proposed project will have on climate change, and fails to take the required hard look at the significance of the GHGs associated with the proposal as well as their contribution to the climate change crisis. Hence, it falls short of a key purpose of the NEPA analysis, which is to enable decisionmakers and the public to make an informed decision about whether a proposal’s environmental impacts warrant modification or rejection of the proposal.

i. Independent expert analysis shows that the DEIS evaluation of GHG emissions associated with expanding natural gas systems through the GTN pipeline system is flawed.

An independent expert report (“Erickson Report”) analyzing the proposal explains how the DEIS’ analysis of GHG emissions is flawed. In August 2022, Senior Scientist Peter Erickson at the U.S. Center of the Stockholm Environment Institute (SEI) analyzed the project and determined that the DEIS’ estimate of “3.24 million tons CO₂e annually for the Project is incomplete and too low, because the EIS does not estimate an additional, fourth source of emissions associated with the project: the emissions associated with extracting and processing the natural gas that are fed into the GTN pipeline system.”¹⁹² As the EPA stated in its scoping comments on this proposal, “[f]ederal agencies have a legal obligation to consider direct and indirect impacts including upstream and downstream emissions caused by production, processing, transportation, and consumption of the project’s resources.”¹⁹³ The Erickson Report sets forth a widely accepted methodology to quantify the likely upstream GHG emissions associated with the project, and shows how a similar approach should be used by FERC to estimate upstream emissions in a revised EIS.¹⁹⁴

NGO01-12



The Erickson Report is attached to this comment as Exhibit A, and discussed in further detail throughout this section. Consistent with 40 C.F.R. 1502.21(c), the Commission should review the Erickson Report and use this approach to estimate upstream emissions in a revised DEIS, or explain why this methodology is inapplicable.¹⁹⁵

¹⁹¹ *Robertson*, 490 U.S. at 355 (citing *Andrus v. Sierra Club*, 442 U.S. 347 (1979)); *League of Wilderness Defenders-Blue Mountains Biodiversity Project v. U.S. Forest Serv.*, 549 F.3d 1211 (9th Cir. 2008).

¹⁹² Peter Erickson, Stockholm Environment Institute (U.S. Center), “Upstream greenhouse gas emissions associated with expanding natural gas shipments through the GTN pipeline system,” 2 (Aug. 10, 2022) (hereinafter “Erickson Report”). (Attached as Exhibit A).

¹⁹³ EPA Reg. 10, Feb. 2022 Scoping Comment, 7. *See also Columbia Riverkeeper v. U.S. Army Corp of Eng’rs*, No. 19-6071 RJB, 8-10, 2020 U.S. Dist. LEXIS 219535 (W.D. Wash. Nov. 23, 2020) (Court finding that federal agency “arbitrarily declined to consider reasonably foreseeable indirect cumulative effects of the Project’s greenhouse gas emissions, like, but not limited to, increased fracking (and attendant emissions[])]”).

¹⁹⁴ Erickson Report, 2.

¹⁹⁵ *Vecinos para el Bienestar de la Comunidad Costera v. FERC*, 6 F.4th 1321 (D.C. Cir. 2021).

NGO01-12: Comment noted.

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ii. The DEIS fails to take a “hard look” at the impact of GHG emissions.

The DEIS estimates that “Construction activities are estimated to result in emissions of 7,651 tons of carbon dioxide equivalents (CO₂e); in subsequent years, Project operations and downstream emissions could result in emissions of 3.24 million metric tons of CO₂e.”¹⁹⁶ It then states that the EIS “does not characterize the Project’s GHG emissions as significant or insignificant because the Commission is conducting a generic proceeding to determine whether and how the Commission will conduct significance determinations going forward.”¹⁹⁷ However, NEPA requires that FERC take a “hard look” at GHG emissions, and such a cursory discussion of climate change fails to satisfy this requirement.¹⁹⁸ The DEIS provides no meaningful discussion of the consequences that will result from these emissions, no analysis of whether this emission increase would render the Project contrary to the public interest.¹⁹⁹

The discussion of the context or severity of identified emissions is minimal. The DEIS includes a general acknowledgement that the estimated emissions, like all GHGs, “would contribute incrementally to future climate change impacts.”²⁰⁰ To assess impacts on climate change associated with the Project, the DEIS states that “Commission staff considered whether it could identify discrete physical impacts resulting from the Project’s GHG emissions or compare the Project’s GHG emissions to established targets designed to combat climate change.”²⁰¹ The DEIS concludes that “without the ability to determine discrete resource impacts, Commission staff are unable to assess the Project’s contribution to climate change through any objective analysis of physical impact attributable to the Project.”²⁰² These determinations are in error for several reasons.

First, it is possible to meaningfully discuss the incremental physical impacts of GHGs, because there are tools available to estimate discrete, quantifiable physical effects. The tools used by the U.S. Global Change Research Program to assess current and future impacts of climate change respond to different emission scenarios, and it is possible to meaningfully discuss the incremental impact of the emissions at issue here. For example, in 2017, the U.S. Global Change Research Project again confirmed and quantified a broad range of environmental impacts resulting from greenhouse gas emissions,²⁰³ including discussing how changes in temperature,

¹⁹⁶ DEIS at ES-3.

¹⁹⁷ DEIS at ES-3 (citing Consideration of Greenhouse Gas Emissions in Natural Gas Infrastructure Project Reviews, 178 FERC ¶ 61,108 (2022); 178 FERC ¶ 61,197 (2022).)

¹⁹⁸ *Sabal Trail*, 867 F.3d at 1373.

¹⁹⁹ *Id.*

²⁰⁰ DEIS at 4-44.

²⁰¹ *Id.*

²⁰² *Id.*

²⁰³ U.S. Global Change Research Program, “2017: Climate Science Special Report: Fourth National Climate Assessment, Volume I,” (Nov. 3, 2017) available at https://science2017.globalchange.gov/downloads/CSSR2017_FullReport.pdf. In late 2018, this same federal project discussed impacts that are *already occurring* in communities around the country. U.S. Global Change Research Program, “2018: Impacts, Risks, and Adaptation in the United States: Fourth

NGO01-13: see response to SA01-2 and section 4.9 of this EIS for a discussion on GHG significance.

NGO01-13

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NGO01-14: see response to SA01-2 and section 4.9 of this EIS for a discussion on GHG significance.

NGO01-13
cont.

rainfall, and flood risk from sea level rise will vary for individual regions in the United States.²⁰⁴ In predicting future impacts, this report considered several future emission scenarios, defined as different emission volumes. Comparison of these broad scenarios can be used to estimate the impact of an individual project’s emissions because greenhouse gas emissions are largely interchangeable. The tools used by the U.S. Global Change Research Program to assess current and future impacts of climate change respond to different emission scenarios, and it is possible to meaningfully discuss the incremental impact of the emissions at issue here. Even if the analysis of discrete physical impacts was impossible, such discussion is not necessary for evaluation of the Project’s contribution to climate change.

NGO01-14

One tool for addressing significance is the social cost of carbon (SCC), which FERC has acknowledged “constitute[s] a tool that can be used to estimate incremental physical climate change impacts” that is an “appropriate[er]” tool for federal agencies to use “to inform their decisions,” which agencies have been “faulted for failing to use.”²⁰⁵ Despite using the SCC tool in the current DEIS, FERC has offered no rational explanation as to why this tool would be inappropriate for use in this particular proceeding to determine the Project’s significance.²⁰⁶

The DEIS states that “Commission staff have not been able to find an established threshold for determining the Project’s significance when compared to established GHG reduction targets at the state or federal level.”²⁰⁷ The DEIS then proceeds to “provide context of the Project emissions on a state level” by comparing “the Project’s GHG emissions...to the state’s emission inventories.”²⁰⁸ Determining a project’s significance when compared to established GHG reduction targets at the state and federal level does not require an “established threshold,” and the DEIS does not provide any basis for a contrary conclusion. With regard to federal GHG inventories, the DEIS determines that construction emissions from the Project could “potentially increase CO₂e emissions based on the national 2020 levels by 0.0001 percent” based on national 2020 levels.²⁰⁹ In subsequent years, that “Project operations (204,170 metric tons of CO₂e) and downstream emissions (3.01 million metric tons of CO₂e) based on the combustion capacity of the maximum natural gas throughput could potentially increase emissions by 0.06 percent based on the national 2020 levels.”²¹⁰ FERC can and should draw conclusions from this comparison. The DEIS juxtaposes the Project’s emission increases with Oregon’s greenhouse gas reduction targets.²¹¹ It appears that construction and operations emissions from the Project could impede attainment of those targets.²¹² However, the DEIS provides no meaningful analysis of whether this is the case, no context to understand the severity

National Climate Assessment, Volume II,” (Nov. 2018) available at https://nca2018.globalchange.gov/downloads/NCA4_Report-in-Brief.pdf.

²⁰⁴ See, e.g., U.S. Global Change Research Program 2017 at 334.

²⁰⁵ *Mountain Valley Pipeline, LLC*, 163 FERC ¶ 61197, (June 15, 2018).

²⁰⁶ As noted below, FERC’s use of the SCC tool with respect to this proposal is flawed.

²⁰⁷ DEIS at 4-44.

²⁰⁸ DEIS at 4-44 to 4-45.

²⁰⁹ DEIS at 4-44.

²¹⁰ *Id.*

²¹¹ DEIS at 4-44 to 4-45.

²¹² DEIS at 4-45.

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NGO01-15: see response to FA01-11

NGO01-14
cont.

of the impact on Oregon’s ability to reach its policy goals, and fails to explain why this analysis is omitted.

NGO01-16: see response to SA01-2 and section 4.9 of this EIS for a discussion on GHG significance.

NGO01-15

As noted by the EPA, upstream emissions from that production are demonstrably reasonably foreseeable indirect effects of the proposed action and therefore should be considered under NEPA.²¹³ Further, both the EPA and the Erickson Report demonstrate that “omitting consideration of upstream emissions results in an underestimation of the project’s impacts.”²¹⁴ The EPA encouraged FERC in its scoping comments “to provide GHG emission calculations,” and suggested “FERC follow a similar approach to the process EPA has used to generate an estimate of upstream emissions relating to other FERC projects, or more detailed project-specific calculation process to be able to more comprehensively quantify GHG emissions associated with the proposed project.”²¹⁵ FERC fails to offer a rational explanation as to why this approach is appropriate for use by other agencies (including a coordinating agency like the EPA) but not for use by FERC, or why it would be inappropriate for use in this particular proceeding.²¹⁶

iii. The DEIS fails to meaningfully consider downstream and upstream GHG emissions.

Downstream Emissions

NGO01-16

The DEIS discloses that ongoing project operations, plus combustion of the natural gas “downstream” at the point of end use—would result in 3.24 million tons CO₂e annually.²¹⁷ As noted within the Erickson Report, this number alone is “a substantial amount.”²¹⁸ For context, the report states that total CO₂ emissions from burning natural gas in all commercial buildings in Washington State in recent years has also been about 3.2 million tons CO₂ annually.²¹⁹ The DEIS neither acknowledges the significance of this estimate, nor explains why such a determination is not possible using the aforementioned approaches.

²¹³ See EPA Reg. 10’s Comments on FERC’s January 2022 Notice of Intent to prepare an Environmental Impact Statement for the GTN XPress Project under CP22-2, 7 (Feb. 17 2022) (hereinafter “EPA Reg. 10 Feb. 2022 Comments”).

²¹⁴ *Id.*, Erickson Report, 2.

²¹⁵ EPA Reg. 10 Feb. 2022 Comments, 7. The EPA also notes that it has “generated an estimate of upstream emissions for other FERC projects, for example, the Big Bend Project, proposed by the Florida Gas Transmission Company, LLC (Commission Docket Number CP21-45-000) (CEQ Number 20210177). The estimated upstream emissions, together with the approach that EPA used to generate the estimate, is included in EPA’s comment letter on the draft EIS for the Big Bend Project, dated January 12, 2022.” *Id.*, n. 4.

²¹⁶ DEIS at 4-41.

²¹⁷ DEIS at ES-3.

²¹⁸ Erickson Report, 2.

²¹⁹ *Id.* (According to the [US EIA](#), the average CO₂ emissions from burning natural gas in Washington between 2015 and 2019 was 18 Mt CO₂. Commercial consumers averaged 18% of natural gas consumption over these years, also according to [EIA](#). Multiplying these together yields about 3.2 Mt CO₂ annually from all commercial sources (mostly buildings.)).

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NGO01-17

The DEIS' estimate of 3.24 Mt CO_{2e} includes an estimate of 3.01 Mt CO_{2e} from the downstream, e.g., combustion, portion of the life-cycle.²²⁰ The DEIS fails to provide details on what emissions comprise this total (i.e., mix of CO₂, CH₄, and N₂O).²²¹ Absent those details, it is difficult to evaluate the accuracy of the DEIS estimate. The DEIS assumes that all gas handled by the Project will be "completely combusted."²²² This assumption is unsupported by substantial evidence. Further, as the Erickson Report establishes, natural gas leakage is "common, yet typically underestimated, during distribution, at gas meters, and within buildings."²²³ The DEIS fails to discuss leakage associated with these activities and structures, and thus likely underestimates methane emissions.²²⁴ Because "even small loss rates, regardless of whether upstream or downstream, can significantly increase the GHG emissions associated with natural gas,"²²⁵ the DEIS fails to adequately consider downstream emissions. FERC should require the Applicant to submit additional information addressing leakage and provide this material for public review prior to final action in this matter.

NGO01-17: Comment noted. See section 4.9 of this EIS for a discussion on fugitive emissions.

NGO01-18: see response to FA01-8.

NGO01-19: Comment noted.

NGO01-18

The DEIS states that in the years following construction, "Project operations and downstream emissions could potentially increase emissions by 16.0 percent based on the state of Idaho 2019 levels; by 3.8 percent based on the based on the state of Washington 2019 levels; and by 7.7 percent based on the based on the state of Oregon 2019 levels."²²⁶ However, these calculations assume emissions will be stagnant. The DEIS states that "the State of Washington has GHG emissions goal of reducing GHG by 95 percent by 2050 based on 1990 GHG emission levels. The State of Oregon has goals to reduce emissions by 75 percent of 1990 levels by 2050."²²⁷ FERC should revise the DEIS to project these calculations against state emissions reductions targets. As discussed above, Oregon is on track to meet 2035 emissions targets. As such, it is likely that these estimates will be a larger percentage of emissions while Oregon and Washington are reducing their GHGs in conjunction with targets.

NGO01-19

Upstream Emissions

As noted above, the DEIS' emissions "number is incomplete and too low, because the EIS does not estimate an additional, fourth source of emissions associated with the project: the emissions associated with extracting and processing the natural gas that are fed into the GTN pipeline system."²²⁸ The Erickson Report estimates that "these upstream emissions would amount to about 0.65 million tons CO_{2e} annually, which would add about 20% to the total emissions estimate in the [DEIS]."²²⁹

²²⁰ DEIS at 4-40 to 4-41.

²²¹ Erickson Report, 6-7.

²²² DEIS at 4-40.

²²³ Erickson Report, 6.

²²⁴ *Id.* See also Erickson Report, 4-6 (discussing methane loss and leakage).

²²⁵ Erickson Report, 2.

²²⁶ DEIS at 4-45.

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ *Id.* at 7.

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NGO01-20: Comment noted.

NGO01-21: Comment noted. See the response to SA01-17.

NGO01-20

The Commission’s determination that “the environmental affects resulting from natural gas production are generally neither caused by a proposed natural gas infrastructure project nor are they reasonably foreseeable consequences of our approval of an infrastructure project, as contemplated by CEQ regulations, where the supply source is unknown” is in error. First, the Erickson Report shows that “well-established methods and studies are available to estimate the potential GHG emissions associated with extracting and processing natural gas in Western Canada, and can be readily applied to the GTN project.”²³⁰ The Report further demonstrates that it is possible “to quantify, within reasonable bounds, the likely upstream greenhouse gas (GHG) emissions associated with the incremental natural gas proposed to be handled by the Project.” FERC should incorporate this approach to provide a more accurate estimate of the Project’s emissions.

The DEIS states that “the specific source of the additional natural gas to be transported via the GTN Xpress Project is currently unknown and may change throughout the project’s operation,” and affirms on that basis that “GHG emissions associated with upstream production of gas are not a reasonably foreseeable impact of this project.”²³¹ These assertions are in error. The Erickson Report evaluates Applicant’s agreements with three gas shippers, which “provide further evidence that the source of the gas will be Western Canada: each company describes in reports how they expect to source their gas from the provinces of Alberta or British Columbia.”²³² As such, GTN should be required to submit information on the foreseeable upstream impacts caused by the project or an explanation as to why there are none. GTN should be required to provide information on the foreseeable induced production demand, disclose any known hydrocarbon accumulations for the region and provide other information necessary to complete an appropriate regional and local impact analysis. Absent this information, the DEIS is insufficient to support informed decision-making about whether this proposal’s environmental impacts warrant modification or rejection of the proposal.

iv. **The DEIS uses outdated Global Warming Potentials (GWPs), understating the GHG emissions for the Project in carbon dioxide equivalent (CO₂e) terms.**

NGO01-21

The DEIS states that “GHG emissions are typically quantified and regulated in units of carbon dioxide equivalents (CO₂e).” The CO₂e takes into account the global warming potential (GWP) of each GHG. As noted by the EPA, GWP was developed to allow comparisons of the global warming impacts of different gases.²³³ Specifically, it is a measure of how much energy the emissions of 1 ton of a gas will absorb over a given period of time, relative to the emissions of 1 ton of carbon dioxide (CO₂). The larger the GWP, the more that a given gas warms the Earth compared to CO₂ over that time period. The time period usually used for GWPs is 100 years. GWPs provide a common unit of measure, which allows analysts to add up emissions estimates

²³⁰ Erickson Report, 2-4; EPA Reg. 10 Feb. 2022 Comments, n. 4.

²³¹ DEIS at 4-41.

²³² Erickson Report, 3.

²³³ EPA, “Understanding Global Warming Potentials,” (Last Updated May 5, 2022), <https://www.epa.gov/ghgemissions/understanding-global-warming-potentials>.

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NGO01-22: Comment noted. See response to SA01-17.

NGO01-21
cont.

of different gases (e.g., to compile a national GHG inventory), and allows policymakers to compare emissions reduction opportunities across sectors and gases.

The DEIS GWP value for methane of 25 is outdated.²³⁴ The new value, from the IPCC’s Sixth Assessment Report, is 29.8 for fossil methane.²³⁵ Using this new value would increase the estimate of methane emissions in CO₂e terms.²³⁶ Further, it appears that the DEIS is relying on a 100-year warming potential (GWP100) for methane. Inconsistent with 40 C.F.R. § 1502.23, reliance on the GWP 100-year time horizon is neither based on scientific best practice nor an accurate way to gauge the harms of short-lived GHGs like methane.²³⁷ FERC should explain its decision to use the above GWP factor and time horizon in light of contrary scientific evidence.

v. Social cost of GHGs.

Current CEQ Guidance for consideration of GHG Emissions and the Effects of Climate Change in NEPA Reviews (2016) “recommends that agencies quantify a proposed agency action’s Projected direct and indirect GHG emissions, taking into account available data and GHG quantification tools that are suitable for the proposed agency action.”²³⁸ The “social cost of carbon” (SCC) protocol is one generally accepted method for quantifying a project’s contributions to climate change. Specifically, it is a tool for estimating the cost of climate change caused by GHG emissions, and was developed by a federal interagency working group in 2010.²³⁹

NGO01-22

The DEIS uses the SCC tool, but fails to meaningfully justify the assumptions underlying and conclusions derived from its use of the same. Based on the Erickson Report, several of those assumptions are themselves flawed. First, because the DEIS fails to describe the mix of CO₂, CH₄, and N₂O comprising the project’s downstream emissions and assumes all gas handled by the project will be “completely combusted” (despite the potential for leakage), FERC cannot evaluate the accuracy of GTN’s estimate of the project’s downstream emissions being 3.01 million metric tons of CO₂e per year.²⁴⁰ This in turn would likely undermine the accuracy of the DEIS’ SCC calculations. Second, the DEIS provides no basis for the assumption “that following construction, fugitive emissions during operation and downstream emissions would be at a constant rate throughout the life of the Project.”²⁴¹ Third, the DEIS SCC calculations appear to exclude consideration of upstream, operational, and construction emissions related to the Proposal, and only present the monetized impacts of the downstream emissions. As such, the current analysis of GHG emissions for the GTN Xpress pipeline expansion described in the DEIS likely omits several hundred million to over a billion dollars in climate costs.

²³⁴ Erickson Report, n. 20.

²³⁵ *Id.*

²³⁶ *Id.*

²³⁷ Gayathri Vaidyanathan, “How Bad of a Greenhouse Gas Is Methane?,” *Scientific American* (Dec. 2015) (enclosed).

²³⁸ 2016 Climate Guidance, 4.

²³⁹ See Executive Order 13,783, 82 Fed. Reg. 16,093 (Mar. 28, 2017).

²⁴⁰ DEIS at 4-46; Erickson Report, 6-7.

²⁴¹ DEIS at 4-46.

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NGO01-23: Comment noted.

NGO01-24: Comment noted.

NGO01-23

Regarding its ultimate conclusions, FERC staff “assumed discount rates of 5 percent, 3 percent, and 2.5 percent.”²⁴² Staff also assumed the Project would begin service in 2023 and that the Project’s emissions would be at a constant rate throughout the 28-year period for which Commission staff calculated social cost of GHGs.²⁴³ Using these assumptions, the DEIS estimates that “emissions from modification, installation, and operation of the Project facilities are calculated to result in a total social cost of GHGs equal to \$1,035,652,673, \$4,051,723,754, and \$6,176,025,662, respectively (all in 2020 dollars).”²⁴⁴ Using the 95th percentile of the social cost of GHGs with a 3 percent discount rate,²⁴⁵ the total social cost of GHGs from the Project is calculated to be \$12,323,881,436 (in 2020 dollars).²⁴⁶ The DEIS fails to provide any meaningful context to help decision-makers and the public understand these cost estimates. For example, it would be helpful to compare the estimated cost of emissions to the Applicant’s expected annual profit from the incremental increase in capacity over the expected lifetime of the Project.²⁴⁷ It is clear that FERC can do more to illustrate the impact of the project’s GHGs than the estimates presented within the current SCC analysis, and the DEIS fails to justify the omission of this additional analysis.

NGO01-24

Regarding the duration of Project operations, the DEIS notes that long-term operation of a natural gas compressor station could be determined by a variety of factors, and identifies the “duration of a precedent agreement or contract between the end-user and GTN” as one such method.²⁴⁸ The DEIS discloses that “GTN has a 30-year precedent agreement,” but fails to articulate any further analysis regarding the significance of the projected costs of the project’s greenhouse gas emissions based on this disclosure.

- vi. **If FERC doesn’t know whether greenhouse gas emissions are significant, it can’t conclude that the Project will have limited impacts.**

Even if FERC were correct in stating that it could not evaluate the significance of GHG

²⁴² DEIS at 4-46. To quantify the potential damages associated with estimated emissions, the Interagency Working Group (IWG) on Social Cost of Greenhouse Gases methodology applies consumption discount rates to estimated emissions costs. The IWG’s discount rates are a function of the rate of economic growth where higher growth scenarios lead to higher discount rates.

²⁴³ DEIS at 4-46 to 4-47.

²⁴⁴ DEIS at 4-47.

²⁴⁵ DEIS notes that “This value represents “higher-than-expected economic impacts from climate change further out in the tails of the [social cost of CO₂] distribution.” “In other words, it represents a higher impact scenario with a lower probability of occurring.”

²⁴⁶ DEIS 4047.

²⁴⁷ See TC PipeLines, LP, *TC PipeLines, LP announces GTN XPress to enhance market access for growing WCSB supply and allow additional market penetration along GTN’s system*, Global Newswire (Nov. 1, 2019) (enclosed). In 2019, the Applicant anticipated that the proposal’s incremental capacity increase was “expected to generate approximately \$25 million in revenue annually,” which would result in revenues of \$70,000,000 in revenues (in 2019 dollars) over a 28-year period.

²⁴⁸ DEIS at 4-46.

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emissions, this would undermine the DEIS' overall determination that "modifying and installing the Project facilities would result in limited adverse impacts on the environment."²⁴⁹ FERC's policy, applied in this decision and others, of stating that it does not know whether any particular project's greenhouse gas emissions are significant, and ending the analysis there, effectively excludes GHG impacts from the NGA public interest analysis, in violation of the D.C. Circuit's decision in *Sabal Trail*.²⁵⁰ FERC must decide whether a project's contribution to climate change renders the project contrary to the public interest.²⁵¹ FERC's blanket policy of asserting that it can never determine whether greenhouse gas emissions are significant preempts this process and violates the NGA.

NGO01-25: Comment noted.

NGO01-26: see section 4.9 of the EIS.

NGO01-27: Comment noted. Issues related to community health data are outside the scope of this EIS.

NGO01-25

2. Air Quality

The DEIS initially determines that New Source Review ("NSR") and Title V permitting criteria do not apply to the Proposal.²⁵² In attainment areas, Title V sources have a minimum potential to emit threshold of 100 tons per year for NO_x and CO, and 10 tons per year for formaldehyde (as a hazardous air pollutant).²⁵³ However, the DEIS later discloses that all three of the existing facilities are Title V facilities, and must meet all the requirements of a Title V permit.²⁵⁴ Operational emissions at all three of the proposed facilities appear to exceed the minimum potential to emit (PTE) threshold of 100 tons per year for carbon monoxide (133.45, 101.49, and 129.50 tpy respectively).²⁵⁵ The facility total for carbon monoxide appear to exceed the PSD Major Source Threshold at the Athol Compressor Station (276.25 tpy), and facility totals for nitrogen oxide and carbon monoxide appear to exceed the PSD Major Source Threshold at the Starbuck Compressor Station.²⁵⁶

NGO01-26

The DEIS should be revised to disclose what Title V air operating permit and minor/major New Source Review ("NSR") construction air permit requirements apply to the three compressor stations. The DEIS omits data regarding the increase in Potential to Emit (PTE) source from all three facilities and a conclusion on whether New Source Review (NSR) construction permits would be required based on the PTE increases. The DEIS should discuss whether or not NSR permits are required for the Athol and Starbuck Compressor Station

3. Public Health, Safety, and Reliability

Public Health

The DEIS should have included, but omitted, consideration of downstream impacts to

NGO01-27

²⁴⁹ DEIS at 5-1.

²⁵⁰ 867 F.3d at 1373.

²⁵¹ *Id.*

²⁵² DEIS 4-35.

²⁵³ EPA, *Who Has to Obtain a Title V Permit?*, (Last Visited Aug. 18, 2022), <https://www.epa.gov/title-v-operating-permits/who-has-obtain-title-v-permit>.

²⁵⁴ DEIS at 4-38.

²⁵⁵ DEIS at 4-37 to 4-38.

²⁵⁶ *Id.*; 42 U.S.C. § 7479(1).

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NGO01-28: See the updated language in section 4.9 of this EIS.

NGO01-27
cont.

public health associated with the use of natural gas appliances.²⁵⁷ Natural gas appliances emit methane and nitrogen oxides (NOx), affecting indoor air quality and exacerbating respiratory illnesses.²⁵⁸ A recent study found an increased risk of all-cause mortality from exposure to low ambient air pollution concentrations in a cohort of 68.5 million older Americans.²⁵⁹

Public Safety

NGO01-28

The DEIS states that the greatest safety and reliability hazard associated with the project “is a fire or explosion following a major pipeline rupture.”²⁶⁰ However, the DEIS does not evaluate the potential risk of catastrophic accidents resulting from a pipeline failure at the existing facilities, or disclose whether any Pipeline and Hazardous Materials Safety Administration (PHMSA) data involving the existing facilities is available. Understanding the potential for pipeline failure is particularly important given the age of GTN’s system—over half of GTN’s existing pipeline segments were constructed in the 1960s. Even with modern safety standards and inspections, deadly pipeline explosions continue to occur.²⁶¹ The DEIS relies on the Applicant’s “continued compliance” with DOT Minimum Federal Safety Standards, operation, and maintenance requirements to conclude that “the Project facilities would be modified, installed, and operated safely.”²⁶² However, it fails to meaningfully examine direct, indirect, and cumulative impacts of increasing the compression on the system, including loss of life, property destruction and damage, and wildfires from a pipeline explosion.

The DEIS asserts that because “the existing facilities are located in remote areas that are unforested and not near significant waterbodies...they would not likely be subject to significant wildfires or floods.”²⁶³ It provides no meaningful evidence or analysis to support this contention. That existing facilities are located in remote areas does not suggest that they are not subject to significant wildfires. Wildfires are increasingly common with climate change, and not limited to forested areas. The remote location of these facilities indicates that wildfire management would be difficult in an emergency situation, and expansion of the compressor stations simply increases that risk. The DEIS fails to adequately consider the proposal’s vulnerability to wildfire hazards, and as such cannot conclude that the project as proposed is climate resilient.

4. Environmental Justice

Courts have held that E.O. 12898, as amended, requires agencies to take a “hard look” at

²⁵⁷ EPA Reg. 10 Feb. 2022 Comments,

²⁵⁸ EPA Region 10.

²⁵⁹ Dominici F. Zanobetti, Schwartz J, Braun D, Sabath B, Wu X. 2022. Assessing Adverse Health Effects of Long-Term Exposure to Low Levels of Ambient Air Pollution: Implementation of Causal Inference Methods. Research Report 211, Health Effects Institute.

²⁶⁰ DEIS at 4-50.

²⁶¹ See, e.g., Tarika Powell, “How Industry and Regulators Kept Public in The Dark After 2014 LNG Explosion in Washington,” Sightline Institute, (Feb. 8, 2016) (enclosed).

²⁶² DEIS at 4-52.

²⁶³ DEIS at 4-45.

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environmental justice concerns during the NEPA process.²⁶⁴ Specifically, E.O. 12898 directs federal agencies to identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law.²⁶⁵ E.O. 13985 on “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government” defines “equity” and “underserved communities.” Under E.O. 13985, “[a]ffirmatively advancing equity, civil rights, racial justice, and equal opportunity is the responsibility of the whole [of the Government.]”²⁶⁶ E.O. 13985 mandates engagement with members of underserved communities in carrying out the order itself.²⁶⁷

i. Meaningful Engagement and Public Involvement

The CEQ has issued guidance on incorporating environmental justice consideration in the NEPA process.²⁶⁸ The 1997 CEQ EJ Guidance states, in relevant part:

Early and meaningful public participation in the federal agency decision making process is a paramount goal of NEPA. CEQ’s regulations require agencies to make diligent efforts to involve the public throughout the NEPA process. Participation of low-income populations, minority populations, or tribal populations may require adaptive or innovative approaches to overcome linguistic, institutional, cultural, economic, historical, or other potential barriers to effective participation in the decision-making processes of Federal agencies under customary NEPA procedures.²⁶⁹

FERC identified at least three underserved community groups (i.e., “minority and/or low-income populations”) present within one mile of proposed Project facilities.²⁷⁰ Specifically, “one minority population (Kootenai County, Idaho - Census Tract 1.01, Block Group 2) and one minority and low-income population (Kootenai County, Idaho - Census Tract 2.03, Block Group 2) are present within one mile of the Athol Compressor Station; and one minority population Walla Walla County, Washington - Census Tract 9200, Block Group 4) is present within one mile of the Starbuck Compressor Station.”²⁷¹ The DEIS then states that “there have been

²⁶⁴ *Sabal Trail*, 867 F.3d at 1368 (D.C. Cir. 2017).

²⁶⁵ E.O. 12898, § 1-101, 59 Fed. Reg. 7,629 (Feb. 11, 1994).

²⁶⁶ E.O. 13985, §§1, 2, 86 Fed. Reg. 7,009, 7,009 (Jan. 25, 2021).

²⁶⁷ *Id.* at §8, 86 Fed. Reg. at 7,011.

²⁶⁸ Council on Environmental Quality, Environmental Justice: Guidance Under the National Environmental Policy Act, 13 (Dec. 10, 1997) (“1997 CEQ EJ Guidance”) available at https://www.epa.gov/sites/default/files/2015-02/documents/ej_guidance_nepa_ceq1297.pdf. See also Federal Interagency Working Group on Environmental Justice & NEPA Committee, Promising Practices for EJ Methodologies in NEPA Reviews, 9-11 (Mar. 2016) (setting forth specific steps related to meaningful engagement) (“2016 Promising Practices”) available at https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf.

²⁶⁹ *Id.*

²⁷⁰ DEIS 4-23.

²⁷¹ DEIS 4-23 to 4-27.

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opportunities for public involvement during the Commission’s environmental review processes, though the record does not demonstrate that these opportunities were targeted at engaging environmental justice communities.²⁷² The DEIS does not provide further information on what efforts were undertaken to inform these impacted communities about the Project and its potential impacts, what input was received from these communities, and how that input was considered in FERC’s environmental justice determinations for the Proposal. The DEIS’ approach falls well short of the meaningful engagement contemplated under the 1997 CEQ EJ Guidance, the principles set forth within the Federal Interagency Working Group on Environmental Justice and NEPA Committee’s 2016 Promising Practices document, and E.O. 13985.²⁷³

NGO01-29

As the 4th Circuit recently held, “environmental justice is not merely a box to be checked.”²⁷⁴ To ensure that environmental justice concerns are meaningfully considered in the NEPA process, outreach to and engagement with underserved communities must go further than untargeted opportunities for public comment.²⁷⁵ The lack of meaningful engagement with impacted EJ communities undermines the DEIS’ ultimate conclusion that “the Project would not have disproportionately high and adverse impacts on environmental justice communities.” FERC should conduct meaningful outreach to impacted EJ communities and issue a revised EIS, or otherwise explain how its outreach to this point has been “meaningful.”

ii. Identification of EJ Communities

When conducting an environmental justice analysis, an agency’s delineation of the area potentially affected by the project must be reasonable and adequately explained.²⁷⁶ Inconsistent with EO 12898, the DEIS fails to accurately identify and address the extent of disproportionately high and adverse human health or environmental effects of the Project on minority and low-income populations to the greatest extent practicable and permitted by law.²⁷⁷ The DEIS delineation of the area potentially affected by this Project is unreasonable given the Project’s likely contribution to climate change. Further, as discussed below, the DEIS’ justification for the delineation itself is inadequately explained.

NGO01-30

Under NEPA, FERC is required to use the best available science in data collection. None of the listed preparers of the present DEIS appear to have direct expertise in environmental justice or data equity, nor does it appear that FERC consulted with experts in either subject in the development of the DEIS. Absent said expertise, please clarify how the Commission determined that a 1-mile radius is the appropriate unit of geographic analysis for assessing impacts on environmental justice communities.²⁷⁸ For instance, increased GHG emissions are a foreseeable

²⁷² E.O. 13985 of Jan 20, 2021, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, §§2, 8, 86 Fed. Reg. 7009, 7,009, 7,011 (Jan. 25, 2020).

²⁷³ 1997 CEQ EJ Guidance, 13; 2016 Promising Practices, 8-11; E.O. 13985, §8, 86 Fed. Reg. at 7,011.

²⁷⁴ *Friends of Buckingham v. State Air Pollution Control Bd.*, 947 F.3d 68, 92 (4th Cir. 2020).

²⁷⁵ 40 C.F.R. §§1506.6, 1506.11.

²⁷⁶ *Vacinos para el Bienestar de la Comunidad Costera*, 6 F.4th at 1330.

²⁷⁷ *Id.* at 1326.

²⁷⁸ DEIS D-1, DEIS 4-23.

NGO01-29: The draft EIS was filed with the EPA and a Notice of Availability of the Draft EIS was mailed to federal, state, and local government agencies; elected officials; Indian tribes; affected landowners; local libraries and newspapers; intervenors in the FERC’s proceeding; and other interested parties (i.e., individuals who provided scoping comments or asked to be on the mailing list). Additional information concerning community outreach is discussed in section 4.7 of this EIS.

NGO01-30: FERC staff have the full range of expertise required to prepare NEPA documents for projects submitted to the Commission for authorization. With respect to the one-mile radius of project influence, this distance is appropriate for assessing the construction period effects from construction noise, emissions from construction equipment, dust and fugitive emissions, impacts on the visual environment, and traffic accessing the site. A one-mile radius is also appropriate for assessing operational impacts including noise and visual effects. The one-mile radius is also appropriate for evaluating impacts of operational air emissions as the air quality modeling demonstrated that no Significant Impact Levels were exceeded beyond 0.25-mile from the facility and that the facility emissions would meet applicable NAAQS. We recognize that GHG emissions are global

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in scope and do not result in proportional local or regional impacts;⁶ however, expanding the radius here would not provide any additional relevant information regarding the effect of GHG emissions on environmental justice communities. The global nature of GHG emissions and their potential impacts do not warrant a different approach to delineating the potentially affected area for determining impacts to environmental justice communities.

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cont.

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indirect effect of approving the Project that will extend beyond a one-mile radius. GHGs are known to have human health impacts, which are disproportionately borne by underserved communities.²⁷⁹ When considered in conjunction with the estimated emissions from the approved Coyote Springs Compressor Station project (CP21-29), the cumulative GHG emissions of the Project are likely greater than the individual assessments for each project have estimated. The DEIS should relate the direct and cumulative climate change effects of the Project to known climate change health impacts such as heat related illnesses, infectious diseases, and stress related to extreme weather events.²⁸⁰ This is particularly important, given that these impacts will be disproportionately borne by communities of color, tribal communities, and low-income communities.²⁸¹

iii. Impacts on EJ Communities

Socioeconomics

NGO01-31

The DEIS states, absent meaningful explanation, that “[p]otential rate increases due to decreased demand are outside the scope of this EIS.”²⁸² FERC should evaluate potential rate increases if demand for natural gas falls and ratepayers are left footing the bill for the cost of this Project.

Public Health and Safety

Construction of oil and gas infrastructure including extraction sites and pipelines, requires an influx of labor with frequently unforeseen impacts on local communities. Temporary labor camps associates with fracked gas facilities impose outsides impacts on local infrastructure, public services, and public health through increases in crime, drug use, kidnapping, sex trafficking, and sexually transmitted infections. Native American communities, especially women and girls, have suffered disproportionately from these impacts.²⁸³

NGO01-32

The DEIS states that the Project will require a peak workforce of about 100 individuals.²⁸⁴ However, the DEIS does not specify whether work crews will be housed in temporary worker camps or if they will travel to and from the compressor station sites for each shift with lodging provided in nearby communities. The Application also fails to provide any detail on where workers will be housed during construction.²⁸⁵ In the rural areas where the Project sites are located, the influx of labor may necessitate temporary housing and place

²⁷⁹ *Climate Change and Social Vulnerability*, EPA (2021). https://www.epa.gov/system/files/documents/2021-09/climate-vulnerability_september-2021_508.pdf.

²⁸⁰ See Or. Health Authority, “Climate Change and Public Health in Oregon,” 1-5 (Nov. 2018) (enclosed); Or. Health Authority, “Climate Change and Health in Oregon,” 3-4, 7-9 (2020) (enclosed).

²⁸¹ *Id.*

²⁸² DEIS 4-22.

²⁸³ Stern, Julia, “Pipeline of Violence: The Oil Industry and Missing and Murdered Indigenous Women,” *Immigration & Human Rights Law Review*, blog (May 28, 2021) (enclosed).

²⁸⁴ DEIS at 2-2.

²⁸⁵ See Application, Vol. II at 1-8.

NGO01-31: The potential for rate increases and their effect on ratepayers is outside the scope of this NEPA document

NGO01-32: As described in the DEIS, GTN expects a construction workforce of 50 persons each at its Starbuck and Kent compressor stations. These workers would likely come from outside the area of the facilities and would be present for a period of 8 months. Due to the limited construction time period, we expect that construction workers would use existing temporary housing options such as hotels and motels, and campgrounds and RV parks within 1 hour's drive and would not require new housing to be constructed by the private sector or communities. As such, these temporary workers would have only a minor impact on local services and community infrastructure.

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NGO01-32
cont.

demands on local communities to provide for and adjust to the sudden increase in population and need for services. The DEIS concludes that “any impact on local economies, housing, or demand for municipal services would [] be minor given the scope of the Project.”²⁸⁶ There is no discussion of what local economies or communities were considered in reaching this conclusion. Frequent reports in the past ten years have documented burdens on local infrastructure, public services and public health and increasingly on nearby tribal communities. The DEIS does not adequately address any of these potential indirect impacts to nearby communities.²⁸⁷

5. Water Resources

The DEIS fails to adequately address the Project’s potential impacts to water resources. In its scoping comments to FERC, EPA raised several issues to be addressed in the DEIS regarding water resources, including impacts to nearby waterbodies from erosion and stormwater and water use for hydrostatic testing.²⁸⁸ The DEIS does not adequately analyze these potential impacts and fails to respond to specific issues raised in EPA’s comments.

NGO01-33

EPA identified water bodies that are near the three compressor stations, including the Touchet River (~1000 feet from Starbuck Compressor Station), and recommended that FERC require best management practices for sediment and erosion control and post-construction stormwater management.²⁸⁹ In response, the DEIS states that the nearest waterbody to any of the compressor stations is three miles away.²⁹⁰ The DEIS does not address EPA’s reference to the Touchet River or otherwise explain the inconsistencies between EPA’s comments and the DEIS’s analysis of nearby waterbodies. The DEIS also fails to identify any mitigation measures or best management practices that will be implemented to address sediment and erosion control and stormwater management.

EPA also recommended that the DEIS identify water sources that will be used for hydrostatic testing, as well as estimates for the amount of water that will be required, and recommended that water used for such testing be recycled.²⁹¹ The DEIS responds to this comment by simply noting that water used for hydrostatic testing will be trucked in from municipal sources.²⁹² It does not specify how much water will be required or how provide any information on how the waste water from hydrostatic testing will be handled or deposited. There are potential adverse impacts associated with the hydrostatic testing that have not been adequately addressed in the DEIS.

6. Noise

²⁸⁶ DEIS at 4-29.

²⁸⁷ See 40 C.F.R. § 1508.1(g)(2).

²⁸⁸ EPA Region 10, Comments on Notice of Intent to prepare an Environmental Impact Statement for GTN XPress Project, FERC Docket No. CP22-2, at p.10-11 (February 17, 2022).

²⁸⁹ *Id.*

²⁹⁰ DEIS at 4-2.

²⁹¹ EPA Scoping Comments at 10.

²⁹² DEIS at 4-2.

NGO01-33: Water resources are discussed in section 4.

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- NGO01-34 { The DEIS references potential noise from a “blow down” event in the Environmental Justice section, and concludes that “the resulting noise would not likely be perceptible at the closest NSA, approximately 0.5 mile away” from the Starbuck Compressor Stations.²⁹³ However, the DEIS does not quantify what level of noise would be produced from a “blow down” event and thus, provides not support for the conclusion. There is no discussion of noise from “blow down” events in the Noise section of the DEIS.²⁹⁴
- NGO01-35 { The DEIS fails to mention the effects of noise levels on the workers involved in the construction and operation of the Project, whose exposures are substantially greater because of proximity to the source. The noise receptors that are analyzed range from 800 to 5,800 feet away from the compressor stations.²⁹⁵ Workers’ exposure to noise on-site would likely be much higher than the modeled noise levels at NSA locations. The DEIS does not adequately address potential noise impacts from the Project.
- NGO01-36 { The DEIS also fails to discuss or evaluate potential noise impacts on wildlife species that are in the vicinity of the Project and is focused only on human receptors. The DEIS fails to take a hard look at the noise impacts from the project.

IV. Conclusion

For the reasons set forth above, GTN has not demonstrated that the proposed GTN XPress Project is required for the current or future public convenience and necessity. There is not a demonstrated need for the project in light of decreasing demand for fossil gas driven by recent state and national energy and climate policies. GTN misrepresents the true cost of the Project and is relying on existing customers to subsidize the expanded capacity. Therefore, the Commission should deny GTN’s request for a certificate under Section 7(c) of the Natural Gas Act.

Further, the DEIS fails to satisfy FERC’s obligations under NEPA. The DEIS’s alternatives analysis is inadequate, due in part to an unreasonably narrow statement of the purpose and need for the project. Additionally, the DEIS fails to consider the impacts of connected actions to the Project, including the prior replacement of each of the three compressor stations and the related installation of GTN’s Coyote Springs Compressor Station. Finally, the DEIS fails to take a hard look at the impacts of the proposed Project, particularly with respect to GHG emissions and environmental justice. At minimum, FERC cannot proceed without further analysis through a supplemental DEIS. Because of the extent of the necessary revisions, any revised analysis must be made available for further public comment prior to any FERC decision to grant the pending Application. More broadly, Riverkeeper contends that the adverse environmental, social, and economic impacts of the Project demonstrate that it is contrary to the public interest and should be denied.

²⁹³ DEIS at 4-30.
²⁹⁴ DEIS at 4-47–4-50
²⁹⁵ DEIS at 4-49.

NGO01-34: See the updated language in section 4.10 of this EIS.

NGO01-35: Impacts on construction workers are outside the scope of this EIS. GTN would be required to meet all applicable Occupational Safety and Health Administration regulations.

NGO01-36: Wildlife impacts are discussed in section 4.5 of this EIS.

NGO01 – Crag Law Center

Coyote Springs Compressor Station Project (FERC No. CP21-29-000)
Public Comments of Columbia Riverkeeper on Supplemental Environmental Assessment

Sincerely,



Anuradha Sawkar
On Behalf of Columbia Riverkeeper

Encl. – Exhibit A

NGO02 – Rogue Climate

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INTRODUCTION

The scope of FERC's procedural responsibilities under NEPA are directly related to FERC's broad grant of authority under the Natural Gas Act (NGA). FERC has the authority to regulate the transportation and sale of natural gas and to protect the public from the exploitative power of natural gas pipeline companies. The DEIS must, therefore, include the information and analysis necessary for FERC to exercise that authority through consideration and potential adoption of alternative means to accomplish the purpose of the project and measures to mitigate identified impacts. This means that means it must provide the information necessary to fully understand the need for the project. It does not. Instead, it avoids this discussion by misstating the need as the addition of Canadian gas molecules into the United States because shippers are willing to pay for them (as opposed to the shippers need to deliver energy services). And, it claims that NEPA does not require more because FERC has its own policy that it will apply later to determine if there is a need. FERC may later apply its policy of determining the need based solely on the existence of precedent agreements, but for NEPA purposes it must identify the bases for the decisions to purchase the gas which is the purported cause for the project.

This is necessary, particularly because the DEIS correctly discloses most of the GHG emissions and rightly monetizes them by calculating the social cost, SC-GHG, identifying, albeit not declaring, a significant environmental impact. Because of the impact, more information about the need must be analyzed to allow for the hard look discussion of alternative means and mitigation measures. Moreover, FERC's failure to declare the GHG emissions impacts "significant" is a failure to provide notice to the applicant and the public that alternative means and mitigation measures should be discussed and may be required. The NEPA requirement to characterize the emission impacts is different from FERC's later decision to approve or deny the project pursuant to its

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Certificate Policy balancing. And, suffice it to say that the alternatives analysis and mitigation discussion in the DEIS is fatally flawed as a result of these structural problems. Rogue Climate provides what information it could find regarding the shippers' potential need and proposes alternative measures that should be considered to identify scope of the real need for energy services and ways to deliver them.

To cure these deficiencies, an amended DEIS must be issued to allow public access to and informed comment on the analysis.

Because FERC has authority to address the concentration of ownership of the pipelines and protect consumer interests - and the interests of landowners and communities as identified in FERC's Certificate Policy - against exploitation at the hands of private natural gas companies, the DEIS must consider all connected projects and the direct, indirect and commutative effects. Rogue Climate demonstrates here that there is currently a concentration of ownership and exploitation that must be addressed and can be addressed by first fully complying with the procedural requirements of NEPA.

Rogue Climate demonstrates that FERC (in furtherance with DOE) is the legally relevant cause of roughly more than \$ 538 trillion dollars in social costs of climate, environmental and social damage that consumers, communities, landowners, and the world will endure due to its approval in the last five years of 15 XPress projects related to TC Energy's pipelines. FERC's EIS in this case must discuss and characterize those connected actions and the commutative direct and indirect global warming impacts to determine whether adding \$12 billion in damages for GTN's XPress project is significant. We wonder what mitigation might have been proposed by TC Energy in all of its XPress projects had FERC calculated and characterized the emissions impacts and deemed them significant.

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NGO02-1: see response to SA01-23.

II. THE DEIS DOES NOT SATISFY THE REQUIREMENTS OF NEPA.

NEPA is intended “to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man...” and it established the Council on Environmental Quality (CEQ). 42 U.S.C. § 4321 (emphasis added). Agencies’ application of NEPA must not be arbitrary and capricious, otherwise contrary to law or insufficiently supported by the record. Rogue Climate will argue throughout these proceedings (including in a soon-to-be-filled supplemental protest) that employing deliberate ignorance - the practice of refusing to consider or discuss logic or evidence disproving ideologically motivated positions (“nothing to see here approach”) - is arbitrary and capricious decision-making.

A. FERC’s Approval of this Project Will Be the Legally Relevant Cause of the Direct and Indirect Effects of the Release of an Additional 3.89 Million Metric Tons of GHGs, Resulting in over \$ 12 Billion Dollars in Social Costs Related to Climate Change; Thus, the DEIS’s Refusal to Analyze the Purpose and Need for the GTN Xpress Project Violates NEPA.

By saying that the DEIS need only briefly specify the purpose and need of the project and then attempting to do so by merely reciting that GTN’s application says the project is necessary to serve a growing market demand, violates NEPA’s requirements. The NEPA discussion of purpose and need must be robust and sufficient enough to inform the identification and analysis of alternatives, mitigation and the impacts of the proposed action itself.¹ The sufficiency of that effort is tied to the scope of FERC’s authority.

NGO02-1

¹ “The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action.” 40 C.F.R. § 1502.13. CEQ regulations require that the agency discuss possible mitigation measures in defining the scope of the EIS, 40 CFR § 1508.25(b) (1987), and in discussing alternatives to the proposed action, § 1502.14(f), and consequences of that action, § 1502.16(h), and in explaining its ultimate decision, § 1505.2(c). And, “omission of a reasonably complete discussion of possible mitigation measures would undermine the “action-forcing” function of NEPA. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 351–52 (1989)

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NGO02-2: see response to SA01-23

NGO02-3: see response to SA01-23.

FERC’s authority in this case is not merely a limited delegation from the Department of Energy. Here, FERC must “balance the public benefits against the adverse effects of the project . . . including adverse environmental effects” - requiring it to fully assess the “environmental effects of [projects] it approves,” including the climate harms.² Having identified greenhouse gases as a primary contributing factor to global climate change and having the legal authority to deny the project based upon environmental effects, FERC is the legally relevant cause of the direct and indirect environmental effects of the project.³

NGO02-2

Therefore, the only way to satisfy its NEPA requirements is to obtain complete and detailed information about where the 150 million cubic feet of gas is coming from, where it is going, what specific “growing market demand” is to be satisfied, where, when and why. All of this information is necessary to sufficiently inform the possible alternative actions and ways to mitigate impacts. The DEIS violates NEPA because the purpose and need is not analyzed. FERC has the power to request the information and to cause GTN to submit it.

NGO02-3

Also insufficient is the DEIS’s response to the EPA’s request that the DEIS analyze and potentially determine if the “need” for the project - the growing market demand or otherwise - 1) could be met by deeming it what it is, a need for energy services, and considering whether the demand could be delivered with or without the project, 2) could be met by current production levels and capacity at a regional level, and 3) whether the need is a product of more wells or capacity being developed upstream. DEIS 1-4. The DEIS refuses the request stating that FERC does not have a “program” to direct the development of gas infrastructure and does not engage in regional planning

² *Sierra Club v. FERC (Sabal Trail)*, 867 F.3d 1357, 1373 (internal quotation marks omitted). See also Certificate Policy at 27, *clarified* 18–19. (Adverse environmental effects subject to NGA § 7 are identified through FERC’s compliance with NEPA).

³ *Sierra Club v. FERC (Freeport)*, 827 F.3d 36, 47 (D.C. Cir. 2016).

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“exercises.” This is erroneous for several reasons.

First, the “exercise” EPA is requesting is nothing more than a request that FERC take the “hard look” NEPA requires at markets and supply and demand economics.⁴ This would test the credibility of GTN’s stated need or even the precedent agreements themselves and is not precluded by the Certificate Policy, at least, because it is separate from and necessary to the NEPA analysis.⁵ Again, it would inform the identification of reasonable alternatives, potentials for mitigation and conditions of approval.

NGO02-3
cont.

EPA’s request, merely raises the possibility that there may be pressure or motive to enter into precedent agreements that are unrelated to the ultimate distribution of the gas to the public (as contemplated by the NGA), that there may be uncommitted capacity within the regional network, and that FERC should consider the purported “need” to be for energy production consumption (as opposed to a gas commodity (the gas molecules) in and of itself) which could be met in alternative ways (like efficiency and conservation). FERC has the authority and resources to make these analyses; there is clearly something to see here.

NGO02-4

Set out below are just a few questions (and potential responses or other relevant questions) that may be posed and answered (if only to enable informed public comment):

What is the additional capacity TC Energy has added by its \$1.2 billion dollar Canadian West

⁴ See, *Ctr. for Sustainable Economy v. Jewell*, 779 F.3d 588, 609 (D.C. Cir. 2015) (praising agency “economic model” to assess substitution effects); *Mid States Coal. for Progress v. Surface Transp. Bd.*, 345 F.3d 520, 549 (8th Cir. 2003) (“the proposition that the demand for coal will be unaffected by an increase in availability and a decrease in price...is illogical at best”); and *Mid States*, 345 F.3d at 550 (noting the availability of “computer models that are widely used” to “forecast the effects of [a] project on the consumption” of energy sources).

⁵ Statement of Policy, Certification of New Interstate Natural Gas Pipeline Facilities, 88 FERC ¶ 61227 (1999), clarified 90 FERC ¶ 61128 at 2 (2000), further clarified 92 FERC ¶ 61094 (2000) (“Certificate Policy”).

NGO02-4: We have prepared this EIS to inform the Commission and stakeholders about the expected environmental impacts that would occur if the Project is constructed and operated. The Commission has a separate responsibility under NGA section 7 to consider all factors bearing on the public interest when the Commission decides whether a proposed project is required by the public convenience and necessity. The Commission determines whether interstate natural gas transportation facilities are in the public convenience and necessity and, if so, grants a Certificate to construct and operate them. The Commission evaluates a proposed project by balancing the evidence of public benefits to be achieved against any residual adverse effects on the economic interest of: 1) the applicant’s existing customers; 2) existing pipelines in the market and their captive customers; and 3) landowners and communities affected by construction.

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NGO02-5: Comment noted.

NGO02-4
cont.

Path Expansion and are the U.S. XPress projects - scaling up of gathering system compressor stations - in response to that the upstream expansion or additional well drilling? See Exhibit 1 (composite exhibit about TC Energy) informing potential answers.

What is TC Energy's current and future plans to export the additional West Path Expansion capacity through Kings Gate? (Is there a reasonable alternative for TC Energy to export this extra capacity to or through some other country, and through a different port of entry?)

Have Cascade Natural Gas ("Cascade"), Intermountain Gas Company (Intermountain) or Tourmaline (affiliate of Canada's largest natural gas producer, focused on growth in exploration, development and production in the WCSB) (or its customers) (the "shippers") regularly released or traded their current firm capacity to the short-term or spot markets (the EBB market)? (Is trading on these markets more lucrative than providing service, given pressures to export Canadian gas through US and Mexican LNG terminals? What is the capacity for additional storage or making storage more efficient for uncommitted capacity on the GTN?)

Do the shippers intend to trade their additional precedent agreement capacity on the short or spot markets? (Should FERC impose a condition to prevent the release of this capacity to the short term or spot markets (albeit recognizing that there will be no GTN XPress tag on the molecules) or should it otherwise impose trading restrictions or incentives?)

What are the shippers' obligations (voluntary or regulatory) to reclaim capacity through efficiency or conservation, what are their forecasts for meeting those goals and have those forecasts been included in their determinations that there is "growing demand?" (Should FERC impose conditions that allow the extra capacity to be delivered only until those goals are met or required to be met?)

What is the likelihood or possibility that the gas will not be distributed to the public for energy production?

Which ratepayers may be burdened with the costs of the project and potentially burdened by stranded assets due to anticipated/foreseeable federal and state regulation reducing natural gas GHG emissions? (Should FERC impose conditions to ensure that only TC Energy bear the costs of that potential?)

NGO02-5

This information is necessary for the NEPA analysis and should FERC persist in its opinion that such information and analysis is outside the scope of the NEPA process (and is only necessary for its Certificate Policy process), parties will be forced to seek this information through a discovery request and/or hearing request further complicating TC Energy/GTN's application review process.

Second, simply saying there is no "program" to direct the development of gas

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NGO02-5
cont.

infrastructure does not jettison FERC’s NEPA responsibility. FERC has the authority to affect the development of gas infrastructure. It has authority to regulate (deny or require mitigation and conditions) the business of transporting and selling natural gas and FERC has regulated the selling of gas. There need not be a “new rule” enacted or plan adopted for FERC to assert its selling-of-gas oversight authority in the context of NEPA’s requirements for a robust analysis of alternatives and mitigation opportunities. All that is needed and required is a preliminary robust discussion of what the need is. To recap, having the authority regulate the selling of gas, shapes the scope of FERC’s NEPA analysis because FERC’s exercise of its authority - all of its authority - will be the legally relevant cause of the environmental impacts.

Third, even if a program would help for some types of mitigation, FERC has a duty to engage in “informed decision making” regarding the greenhouse-gas emissions effects of this project, and provide the required opportunity for “informed public comment” simply because it can mitigate the impacts.⁶ The DEIS does not do this.

B. The Alternatives Analysis in the DEIS is Fatally Flawed

1. It is Flawed Because it Defines the Purpose to Preclude Any Analysis of A No-Action or Alternative Energy Systems Alternatives

The DEIS defines the purpose of the project to be to increase gas capacity - the gas flowing - on the GTN system by about 150 million standard cubic feet per day and then declares that alternatives that do not do so cannot be considered. DEIS 3-1. FERC’s position that the purpose of the project is to put extra gas molecules from Canada in the GTN pipeline, renders the alternatives analysis completely useless and presents absolutely no support for the primary justification for the Project. Alternatively, the DEIS fails to acknowledge that there are alternative

⁶ *Sabal Pass*, 867 F.3d at 1374 (FERC “has legal authority to mitigate” downstream emissions).

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ways to “increase capacity” without adding new gas molecules. Below Rogue Climate attempts to fill in some of the blanks to demonstrate what the DEIS’s alternative analysis could look like after FERC corrects its erroneous focus on a new-molecules-from-Canada purpose.

2. It is Flawed Because It is Based on the Unsupported Premise that there is a Market Demand for the Project

The DEIS acknowledges, “the no-action alternative provides the benchmark for decisionmakers to compare the magnitude of environmental effects of the proposed activity and alternatives.” Yet, it equates the no-action alternative with the Commission’s determination of need for the project under its Certificate Policy and states that a review of the market and GTN’s contracts would not inform its alternatives analysis. DEIS 3-1. It is saying the no-action alternative is outside the scope of the DEIS, because it is up to FERC to later determine if there is a market. This is incorrect. If the DEIS will not discuss what FERC says is the very purpose of the project - the market need - the alternatives analysis is made completely useless. FERC cannot ignore its duty to assess the market need until it is ready to take up the Certificate Policy criteria. It is fundamentally part of the NEPA process and drives the “action-forcing” function of NEPA.⁷

Doing the opposite of what is acknowledged to be required is a classically arbitrary action.

Moreover, FERC cannot avoid its NEPA obligation by deferring its analysis to a process that does not meet the same standard.⁸ While the Certificate Policy may allow FERC to rely on precedent agreements for its determination of purpose and need, NEPA requires FERC to take a hard look and fully analyze alternatives which it cannot do without a full understanding of the purported demand - where it is, what it is, etc. Said another way, a precedent agreement is an

⁷ *Metbow Valley Citizens Council*, 490 U.S. at 352.

⁸ *Friends of the Earth v. Haaland* __F Supp 3d __*9 (2022).

NGO02-6: see response to NGO02-4.

NGO02-7: see response to SA01-23.

NGO02-6

NGO02-7

NGO02 – Rogue Climate

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NGO02-8: See response to SA01-32.

NGO02-7
cont.

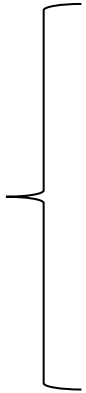


unsupported premise of the need for the project to fulfill FERC's NEPA alternative analysis requirements.

3. It Is Flawed Because it Fails to Consider Alternatives That Could Meet the Purported Market Demand by Other Means.

Even assuming there is a growth demand, to satisfy the NEPA requirements the DEIS must consider the following alternatives:

NGO02-8



- a. A no-action/systems alternative which assesses whether all or what part of the 79,000 Dth/d that Intermountain will take to provide energy services may be obtained or substituted through the following measures, individually or in combination:
 - i) Obtaining extra current or future available firm capacity on the Williams Northwest Pipeline (NWP). Intermountain takes gas at the Stanfield Oregon interconnect with access to both the NWP and GTN pipelines.⁹ In fact, Intermountain's recent contracting efforts related to its firm transportation rights on the NWP, will result in it holding excess capacity until 2025, which it intends to release to buyers on a short term basis.¹⁰
 - ii) Retaining capacity or maximizing capacity through a more efficient use of the short-term and spot markets on either the GTN or Williams line. Intermountain's 2020

⁹ Exhibit 2 is Intermountain's Integrated Resource Plan which states:

Alberta supplies are delivered to Intermountain via two Canadian pipelines (TransCanada Energy via Nova, and Foothills pipelines) and two U.S. pipelines (Gas Transmission Northwest (GTN), and Williams Northwest Pipeline, (NWP)) as seen below in Figure 23.

Ex 2 at 57.

Intermountain holds firm capacity on four different pipeline systems including NWP. NWP is the only interstate pipeline which interconnects to Intermountain's distribution system, meaning that Intermountain physically receives all gas supply to its distribution system (other than Nampa LNG) via citygate taps with NWP.

Ex 2 at 64.

¹⁰ *Id.*

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NGO02-8
cont.

IRP boasts of its ability over the last 15 years to generate millions of dollars per year by releasing its firm transportation capacity rights on these markets.¹¹ Intermountain admits that it has obtained significant amounts of unutilized capacity mitigation on NWP and GTN via capacity releases and frequently uses segmentation releases and also participates in bundled service releases.¹² Intermountain attributes its ability to do this to FERC's "gas deregulation" beginning in 1985 in Order 436. Clearly FERC has the authority and the expertise to consider whether Intermountain's current capacity is sufficient or could be sufficient if it was not releasing its capacity for profit. Just in June of this year, Intermountain released 43,799 in the short-term market.¹³

iii) Increasing or more efficiently utilizing storage capacity.

Intermountain uses storage capacity at four facilities, two operated by NWP and include liquified gas storage. Intermountain states that it is poised to reduce its dependence on third-party supply because, with a reduction in LNG delivery risk, it may transport the LNG stored at its Nampa LNG facility around the state in a timely manner. The alternative analysis should consider how much of the purported new demand might be provided by use of Intermountain's current storage resources or additional storage resources and by its ability to satisfy industrial consumer demand through LNG delivery.

iv) Increasing available current and future capacity by reducing the load through efficiency and optimization measures by Intermountain (like LAUF) and its customers (Core Market Energy Efficiency). Intermountain has plans and programs to optimize its distribution system and promote the efficient use of the system. It reduces waste through its Lost and

¹¹ *Id.*

¹² *Id.* at 68

¹³ *Id.* at 160

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NGO02-9: See response to SA01-32.

NGO02-8
cont.

Unaccounted For (LAUF) natural gas program. And, while Intermountain admits that it does not want its consumers to use less natural gas, its environmental policy adopted in 1991 and updated in 1998, caused it to develop a demand side management program designed to “displace the need to purchase additional gas supplies, delay contracting for incremental pipeline capacity, and possibly negate or delay the need for reinforcement on the Company’s distribution system.” Ex. 2 at 82. The program was projected to result in about 375,000 them savings in 2021. And, Intermountain’s conservation assessment tool identifies the conservation potential for residential and commercial sectors over the 2020-2039 time period, showing a gas savings which appears to be 6 - 10 million therms in 2023 and 2024. *Id.*

The necessary NEPA alternatives analysis requires consideration of these alternative measures to determine whether all or a portion of the 79,000 Dth/d is needed. There are models and federal and state agencies that FERC may rely upon to do this analysis. And it must be done because FERC’s approval will deny the application of state and local law and policy to do the analysis. Such preemption will violate federal constitutional limitations (further discussed below).

NGO02-9

- b. Similarly, a no-action/systems alternative which assesses whether all or what part of the 20,000 Dth/d that Cascade will take to provide energy services may be obtained or substituted through the following measures, individually or in combination:¹⁴

- i) Obtaining extra current or future available released firm capacity on

¹⁴ In its 2020 Integrated Resource Plan, Cascade states that it has acquired unsubscribed capacity on the GTN primarily to serve Central Oregon. Ex.3 at 66, 188. It also stated that, after acquiring that 10,000 Dth/d from GTN, and an additional 30,000 Dth/d in late 2019, it could not identify any shortfalls over the planning horizon:

This is in large part a function of an additional 10,000 dth/day of GTN, 20,000 dth/day of NGTL, and 10,000 dth/day of Foothills capacity acquired in late 2019, which allows the Company to flow additional gas to central Oregon citygates that had forecasted shortfalls in previous IRPs.

Ex 3 at 190.

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NGO02-9
cont.

the NWP. Cascade also has access to gas from a variety of suppliers and transmission pipelines.¹⁵ Cascade’s IRP lists several pipeline capacity projects for which it may acquire additional capacity on the NWP line. In fact, Cascade states that a 10,000 Dth/d deficiency identified in its 2018 Supplemental IRP was addressed with a realignment proposal from NWP which Cascade accepted in June 2019. Ex 3 at 60. Yet, it apparently determined it needed an additional 10,000 Dth/d of “currently unsubscribed capacity on GTN” to serve Central Oregon. *Id.* at 66. This raises serious questions about reliance on Cascade’s precedent agreement that must be investigated.

ii) Retaining capacity or maximizing capacity through a more efficient use of the short term and spot markets on any or either of the GTN or the NWP. Cascade’s NWP realignment package provided opportunities to release capacity and segment capacity to meet its goals. The possibility of satisfying any or all of the purported additional 20,000 Dth/d demand by reducing its releases or acquiring short-term releases must be explored as an alternative.

iii) Increasing or more efficiently utilizing storage capacity. Cascade also has storage resources and acknowledges that storage is not just to manage peak demand but is an “important gas supply management tool.” *Id.* at 57.

iv) Increasing available current and future capacity by reducing the load demand through efficiency, demand management, optimization measures, and adoption of/compliance with state and local GHG emission reduction targets, including the City of Bend’s climate action plan. See Ex. 3. Cascade employs all such tools.

4. It is Flawed Because, as Discussed, the lack of Information about

¹⁵ Cascade purchases natural gas from a variety of suppliers and transports its gas on three gas pipeline companies, Northwest Pipeline LLC (NWP), Gas Transmission Northwest (GTN), and Enbridge (WCT) provides British Columbia gas directly into the Company’s distribution system. Cascade also holds upstream transportation contracts on [T.C. Energy’s] Foothills Pipeline (FHBC), NOVA Gas Transmission Ltd. (also known as NGTL). Ex. 3 at 26.

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NGO02-10: See response to FA01-9.

Which Customers or Class of Customers Will Ultimately Receive the 51,000 Dth/d Extra Gas That Tourmaline Will Take Makes it Impossible to Identify Any Alternatives, Consider All of the Impacts and to Provide for Informed Public Comment.

NGO02-10

The task of identifying alternative measures/systems for the affiliate of Canada’s largest producer of gas, Tourmaline Oil Co., is impossible to demonstrate because there is no evidence, in the record or otherwise, from which to determine where the gas is going (other than to Northern California), whether Tourmaline could obtain some or all of that capacity from “currently unsubscribed” firm capacity on the NWP, who will distribute it, how it will be consumed and whether, similar to the regulated utilities - Intermountain and Cascade Natural - Tourmaline or its distributors and customers have tools, plans and resources to avoid or reduce the gas acquisition. FERC has authority and has used it to require information about shippers’ downstream end use of the gas. In fact, in the ANR XPress proceedings, TC Energy responded to such a request and disclosed that Tourmaline would use 140,000 Dth/d of the new capacity to deliver to Cheniere Energy, Inc. for exportation.¹⁶ FERC needs to ask for the information.

Nevertheless, we do know that Tourmaline relies on other transportation services on interconnecting pipeline systems to get its gas to Northern California. It has entered into the precedent agreement “to participate in increasing market demand in Oregon and California.” The additional capacity at issue “will also allow Tourmaline to provide gas supply which will assuage demand in southern markets when intermittent renewables, such as wind and solar, are not available.”¹⁷

To comply with NEPA, FERC must seek the obscured information about Tourmaline’s end

¹⁶ Document Accession #: 20210722-5127, p.3

¹⁷ Document Accession #: 20211109-5135, p. 2-3

NGO02 – Rogue Climate

Document Accession #: 20220822-5084

Filed Date: 08/22/2022

NGO02-11: Comment noted. See response to SA01-2.

NGO02-10
cont.

use. The DEIS must then provide an alternatives analysis regarding Tourmaline’s 51,000 Dth/d. And, the DEIS must include an analysis of how California’s GHG emission regulations, tools, and incentives would or could affect that forecasted need or the need over the term of the precedent agreement and how the additional downstream GHG emissions will impact California’s GHG emission inventory and reduction goals/mandates.

C. The DEIS Greenhouse Gas Emissions and Climate-related Impact Acknowledgments Requires a Significance Determination and a Mitigation Analysis Which Are Nonexistent or Inadequate

The DEIS makes “significance” and mitigation determinations as to some environmental impacts - but refuses to do so regarding the GHG emissions. This is another classic example of arbitrary decision-making. Staff interprets the NEPA obligation to only require such analysis when it may point to a discreet, quantifiable, physical effects from the incremental GHG “contribution.” DEIS 4-44. But this is not a correct application of the law. The law requires a significance decision and a mitigation discussion:

As we have noted, greenhouse-gas emissions are an indirect effect of authorizing this project, which FERC could reasonably foresee, and which the agency has legal authority to mitigate. See 15 U.S.C. § 717f(e). The EIS accordingly needed to include a discussion of the “significance” of this indirect effect, see 40 C.F.R. § 1502.16(b), as well as “the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions,” see *WildEarth Guardians*, 738 F.3d at 309 (quoting 40 C.F.R. § 1508.7).

Sabal Pass, 867 F.3d at 1374. See also 40 C.F.R. § 1502.16(a)(9)(the means to mitigate adverse environmental impacts must be included in the discussion).

Moreover, these requirements may not be avoided by kicking the can down the road, again. Both NEPA and the Certificate Policy itself require the significance determination be made in the DEIS process. Yet, the DEIS, erroneously claims that FERC is excused because the Commission will later determine, in rule making proceedings (that have been ongoing for five years, now) how it will determine how much incremental GHG emissions are significant - the “significance

NGO02-11

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NGO02-12: Comment noted. See the response to SA01-2.

NGO02-12

determination.” FERC does not interpret and enact NEPA, the CEQ does.

FERC’s rule making (PL18-1-000) - the pending generic proceeding referenced in the DIES - may well set thresh-holds or limits or guidance for FERC to rely upon in denying an application under the Certificate Policy based upon the environmental impacts of the project identified through the NEPA process, but denial under the Certificate Policy is a separate, later decision. And because the Certificate Policy itself specifically states that the environmental impacts it may consider to deny the project will be identified through the NEPA process, the question begged, is what is the intent to completely avoid characterizing the impacts in the EIS? Commission staff may not kick it down the road for these two reasons, and doing so is another example of classic arbitrariness.

Finally, the NEPA “significance determination” has to be made in the DEIS precisely because it will provide notice to and allow the applicant, the Commission Staff and the public to know when, how and why to propose and analyze alternatives and mitigation.¹⁸ As it stands now, TC Energy/GTN has no incentive propose reasonable alternatives or mitigation, hoping/knowing that FERC will continue it pattern and practice of ignoring the environmental and social impacts of shipping off additional methane gas molecules to be burned.

As for the merits, there is sufficient evidence to declare even this so-called incremental addition of GHG emissions a significant environmental impact.¹⁹ The additional 3,890,000 tons of

¹⁸ FERC’s ‘wait and see’ approach to mitigation will not suffice under NEPA because it precludes informed decision-making. *Great Basin Res. Watch v. Bureau of Land Mgmt.*, 844 F.3d 1095, 1107 (9th Cir. 2016).

¹⁹ The GHG impacts should be enough to deny this project under the Certificate Policy because this project will produce over 3.2 million metric tons of CO2e per year in just operations and downstream emissions. The Interim Policy Statement, issued on February 18, 2022 and withdrawn soon thereafter, found that 100,000 mtpy Co2e emissions posed a significant environmental impact. The Commissioners, however, will have to determine if something more than 100,000 mtpy or even more than the 165,000 mtpy operational emissions of the East Lateral XPress project approved in March, is significant for denial. FERC may not wait to establish a metric or

NGO02 – Rogue Climate

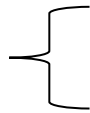
Document Accession #: 20220822-5084

Filed Date: 08/22/2022

NGO02-13: Comment noted. See the response to SA01-2.

NGO02-14: See section 4.9.

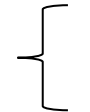
NGO02-12
cont.



GHGs costing over 12 billion dollars in social costs and damages to the environment, captive energy users, communities, and landowners is "significant" so alternative means to meet the unanalyzed need must be proposed and considered.²⁰

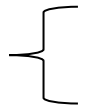
The Social Cost-GHG (SC-GHG) analysis is the best available science and methodology to incorporate the value to society of net changes in direct and indirect GHG emissions resulting from a proposed action. The EPA has been urging the Commission to use this tool for years. And the Court has clarified that FERC is required to do so pursuant to 40 C.F.R. § 1502.21(c).²¹ That the tool is still being refined through peer review regarding the discount rate and that it does not identify what level of the monetized cost is significant does not diminish the acceptability of the tool.²²

NGO02-13



So, because we know that this 75 million dollar project will cause more than \$12 billion in environmental and societal damages, it would be arbitrary not to declare that it presents a significant environmental impact and the DEIS is fatally flawed because it does not say so.

NGO02-14



Finally, whether the DEIS decides to call it significant or not, the necessary calculation of the emissions and their effects is presented and so the DEIS must include a discussion of possible mitigation measures:

... [O]mission of a reasonably complete discussion of possible mitigation measures would undermine the 'action-forcing' function of NEPA. Without such a discussion, neither the

policy in rule making, however.

²⁰ This GHG Mtpy calculation includes the upstream emissions calculated by Peter Erickson and submitted by Columbia Riverkeeper. The social cost calculation does not include the costs associated with the upstream emissions (.65 million tons) so the social costs could well be over 13 billion.

²¹ Pursuant to 40 C.F.R. § 1502.21(c)(4), FERC is required to use the social cost of carbon protocol or some other generally accepted methodology to assess of the impact of the projects' greenhouse gas emissions. *Vecinos para el Bienestar de la Comunidad Costera v. FERC*, 6 F.4th 1321, 1329 (D.C. Cir. 2022)

²² *Id.*

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NGO02-15: A cumulative impacts analysis is located in section 4.12 of this EIS.

NGO02-14
cont.

agency nor other interested groups and individuals can properly evaluate the severity.

... CEQ regulations require that the agency discuss possible mitigation measures in defining the scope of the EIS, 40 CFR § 1508.25(b) (1987), in discussing alternatives to the proposed action, § 1502.14(f), and consequences of that action, § 1502.16(h), and in explaining its ultimate decision, § 1505.2(c).

Metbow Valley 490 U.S. at 352. Among others, those mitigation measures could include those potential alternative measures discussed above: minimizing leakage and mandating energy efficiency, attaching conditions that limit the quantity of gas transported through a pipeline or the time period, etc. Just as energy efficiency can offer an alternative choice to reduce the number of additional gas molecules needed to be burned, it can produce a result that is less severe in impact than burning new gas molecules. The DEIS must evaluate mitigation measures to address the significant GHG emission impacts.

D. The DEIS Is Fatally Flawed Because It Fails to Consider All Connected, Direct, Indirect and Cumulative Effects.

One of the purposes of the NGA is to address the concentration of ownership of the pipelines and protect consumer interests - and the interests of landowners and communities as identified in FERC's Certificate Policy - against exploitation at the hands of private natural gas companies. This broad authority informs the scope of FERC's NEPA duties to consider connected, cumulative, and similar actions, as well as direct, indirect, and cumulative impacts. 40 C.F.R § 1508.25(a), (c); 40 C.F.R. § 1508.8; and see also, *Sierra Club v. FERC*, 38 F.4th 220, 233-34 (D.C. Cir. 2022). FERC has failed to consider the upstream GHG emissions impacts (and include them in the SC-GHG analysis) of this project, and it has failed to consider all of the emissions and social costs of the connected XPress projects that directly, indirectly and commutatively contribute to climate change. These are fatal flaws.

NGO02-15

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NGO02-16: See response to SA01-32.

NGO02-16

The GTN XPress Project is one part of several projects contributing to massive infrastructure expansion for gas. In the past five years, FERC has approved the following 15 XPress projects, of which TC Energy owns (or has an interest in) all but one of the pipelines:

1. TCE's North Baja, 179 FERC ¶ 61,039 (April 21, 2022) - 495,000 Dth/d - (\$ 14 .1 billion total SC-GHG).
2. TCE's ANR Alberta, 179 FERC ¶ 61,040 (April 21, 2022) - 165,000 Dth/d (Operations 121,252 mtpy, downstream (15,000) domestic - 289,682 totaling 410,934 mtpy; exported downstream, upstream emissions and SC-GHG currently unstated/unfound).
3. TCE's C.Gulf T. East Lateral, 178 FERC ¶ 61,198 (March 25, 2022) - 183,000 Dth/d (\$5 billion in SC-GHG (excluding currently unstated upstream emissions)).
4. TCE's IGTS Iroquois, 178 FERC ¶ 61,200 (March 25, 2022) - 125,000 Dth/d (Intervenor Estimated over 140 million (operation) SC-GH; Otherwise emissions and SC-GHG currently unstated/unfound)
5. TCE's C. Gas T. Bukeye, 170 FERC ¶ 61,045 (January 23, 2020) - 275,000 Dth/d (downstream, upstream emissions and SC-GHG currently unstated/unfound)
6. TCE's ANR Grand Chenier, 171 FERC ¶ 61,233 (June 18, 2020) - 400,000 Dth/d (Operations 242,137; downstream exported emissions, upstream emissions and SC-GHG currently unstated/unfound)
7. TCE's PNGTS Westbrook, 171 FERC ¶ 61,234 (June 18, 2020) - 123,973 Dth/d (Operations 234,560 mtpy, downstream +800,00 (only includes one domestic shipper); other downstream, the upstream and the SC-GHG currently unstated/unfound)
8. TCE's C. Gulf T. Louisiana, 172 FERC ¶ 61,260 (September 17, 2020) - 493,000 Dth/d (Operations 972,400 mtpy; downstream, upstream and SC-GHG currently unstated/unfound)
9. TCE's PNGTS Portland, 166 FERC ¶ 61,134 (February 21, 2019) - 137,387 Dth/d (2.66 million mtpy downstream emissions; operations, upstream and SC-GHG currently unstated/unfound.)
- 10/11. TCE's C. Gas T. Leach, 158 FERC ¶ 61,046 (January 19, 2017) - 1,530,000 Dth/d
And
TCE's C. Gulf T. Rayne, 158 FERC ¶ 61,046 (January 19, 2017) - 621,000 Dth/d

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NGO02-16
cont.

(Combined new capacity (molecules) 1,301,000 Dth/d resulting in 806,000 mtpy operation emissions, 25,177,342 mtpy downstream emissions and 1.2 million mtpy upstream emissions, SC-GHG currently unstated/unfound)

- 12/13. TCE's C. Gas T. Mountaineer, 161 FERC ¶ 61,314 (December 29,2017) - 860,000 And TCE's C. Gulf T. Gulf, 161 FERC ¶ 61,314 (December 29, 2017) - 860,000 (Total capacity of 2,700,000 Dth/d resulting in 52.3 million mtpy in downstream emissions; operational, upstream and SC-GHG currently unstated/unfound)
- 14. TCE's CGT WB XPress, 161 FERC ¶ 61,200 (November 17, 2017) approving 1.3 million Dth/d. (No discussion of quantified emissions or social costs in decision)
- 15. Tuscarora, 175 FERC ¶ 61,147 (May 20, 2021) approving 15,000 Dth/d (operations 7,553 mtpy; downstream 289,700 mtpy; upstream and SC-GHG currently unstated).

The DIES must identify the total emissions - upstream, operations, downstream domestic and foreign and calculate the SC-GHG of them to determine whether adding another \$ 12 billion in social costs is significant and ultimately warranted. As a rough calculation, the extra 6 million Dth/d FERC has authorized (or partially authorized (facilitated) with the US Department of Energy) in just five years (while FERC has been studying its Certificate Policy) has locked in and will cost more than \$ 538 trillion in social and environmental damages/costs. Calculating these things is the purpose of NEPA.²³ The DEIS fails to comply.

FERC must update the GHG analysis to identify these connected actions and discuss the commutative impact of adding a 12 billion-dollar burden.

E. The DEIS Insufficiently Addresses Environmental Justice and related Environmental Impacts

1. Outreach Failure

²³ NEPA was enacted in the 1970s about 40 years after the NGA so it will do no good to say-it-ain't-so or that there is nothing to see here because FERC prefers to be in a 1930s time-capsule.

NGO02 – Rogue Climate

The DEIS notes that CEQ’s policies recommend that through the NEPA process, Federal agencies provide opportunities for effective community participation in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of public meetings, crucial documents, and notices.

DEIS at 4-20(Citing to 1997 CEQ Guidance at 4). It also notes a similar recommendation in Section 8 of Executive Order 13985 to: “consult with members of communities that have been historically underrepresented in the Federal Government and underserved by, or subject to

discrimination in, federal policies and programs.” The DEIS does not mention FERC’s Equity Action Plan which tasks the Office of Public Participation (OPP) with interacting with the public and soliciting participation at FERC. The DEIS rightly acknowledges, however, that this outreach has not occurred. Notices have been sent and the OPP is standing-by, ready to assist but no one, not even GTN appears to have attempted to contact affected communities. If there had been earlier information provided that FERC would not do it or require it to be done, Rogue Climate may have been able to submit a report on such outreach in response to the DEIS.

NGO02-17

But, Rogue Climate learned that OPP has not and is not yet capable of conducting such outreach. Rogue Climate has spent resources to date to do so but has not had sufficient time to make the contact, assimilate the response or organize the community participation. Rogue Climate has asked for an extension of the DEIS comment deadline to continue its efforts and make the information available to the parties and public in the NEPA process. This deficiency requires FERC to engage in the outreach or an extension of the comment deadline for others to do it.

2. Failure to Determine and Consider Air Pollution Emissions Down the Line

The DEIS incorrectly limits the scope of its review to the three compressor stations that will be enhanced. There are four compressor stations down the line from the Kent station in Oregon: Madras #11, Bend #12, Chemult #13 and Bonanza #14. See Ex. 4. The DIES does not but should

NGO02-18

NGO02-17: See the updated language in section 4.7 of this EIS.

NGO02-18: As no work is proposed at these locations, and the suggested activities would be handled as part of routine operations and maintenance, these are outside the scope of this EIS.

NGO02 – Rogue Climate

NGO02-19: the Oregon Department of Fish and Wildlife responded that it does not forecast any impacts to state-listed species from the Project. Impacts to wildlife are discussed in section 4.5 of this EIS.

NGO02-18
cont.

discuss whether the expansion will create additional direct blow-down emissions at those compressor stations because of the extra pressure on the line (increasing the size of the releases) or simply because the expansion causes additional stress which will require additional maintenance. It should also discuss whether there are environmental justice communities, particularly those with a high than normal prevalence of asthma, near those stations - within a 2 mile radius - and analyze the impacts to those communities.

Two of those stations are subject to haze control measures to reduce Nox emissions. Ex. 4. The DEIS should investigate the air quality issues and confirm that the expansion will not produce additional Nox and other health effecting emissions or quantify what will produced and determine if they are significant or otherwise may impact to any degree environmental justice communities within five miles of the stations.

3. Noise/Wildlife Impacts Analysis is Insufficient

NGO02-19

The DEIS fails to consider noise impacts to the winter range of elk and mule deer in which the Kent station is located. See GTN Application p. 3-7, 3-8. The DEIS must determine whether the Kent facility expansion may increase impulse sound that would effect quite areas which include wildlife breeding areas. See OAR 340-035-0015.

F. The DEIS Fails to Adequately Address Inconsistencies with State Plans and Law, Implicating Tenth Amendment Preemption Issues

NEPA directs federal agencies to cooperate with state governments, too. And it requires a discussion of inconsistencies of a proposed federal action with state plans. 40 C.F.R. § 1506.2 (c),(d) The DEIS fails to meet these requirements.

Washington, Oregon and California have legal requirement related to reducing GHG emissions and the targets are set out in the DEIS. And, Rogue Climate has been an active participant in organizing support for and shaping legislation and rules policies in Oregon that require

NGO02 – Rogue Climate

NGO02-20: see response to FA01-8.

NGO02-21: see response to FA01-8.

NGO02-20 { or incentivizes the reduction of GHG emissions from the consumption of natural gas. Moreover, all of the states have or are engaged in major policy making regarding the future of gas distribution and decarbonizing energy services provided by natural gas utilities. See for example, WUTC docket U-210553, OPUC docket UM 2187, and CPUC docket 20-01-007.

FERC’s approval of this project will, for all practical purposes, re-write the current goals and policies and plans in Oregon, Washington and California because GTN’s application is directly inconsistent with their intent to reduce GHG emissions. Thus, FERC’s decision will impinge upon the states’ legitimate rights to protect public health and safety and welfare in violation of the Tenth Amendment of the United States Constitution. Rogue Climate will further develop this argument in its supplemental protest (including its standing to demand the right of Oregon to be a laboratory of policy in this gravest of public welfare issues facing us and next generations) but these conflicts must be discussed and potentially resolved according to NEPA policy:

Where an inconsistency exists, the statement should describe the extent to which the agency would reconcile its proposed action with the plan or law. While the statement should discuss any inconsistencies, NEPA does not require reconciliation.

Id.

NGO02-21 { Before issuing the FEIS, FERC should convene and host an opportunity for state cooperation and should, thereby being informed of the inconsistent state policies, set them out in an Amended DEIS and describe its efforts to reconcile them.

CONCLUSION

Despite the deficiencies, Rogue Climate joins the EPA’s acknowledgment of FERC’s progress in this case in providing the critical GHG analysis - including the downstream emissions information and the social cost of carbon analysis. Such information was not available to inform public comment in most of the prior XPress cases. This information should be enough to make an

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informed decision and to allow for informed comments to deny GTN project. However, FERC must move the ball further forward.

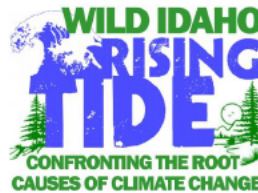
Now is the time for FERC to cease its pattern and practice of shirking its NEPA responsibilities, declaring that the characterization of GHG environmental impacts is only required by its application of its Certificate Policy later when the Commission speaks. The NEPA process is separate and merely informs the later decision and requires the GHG analysis. Now is the time for FERC to cease its pattern and practice of shirking its NEPA duties, declaring it cannot act/does not know what to do about GHG impacts because it has not completed its rule making proceeding to amend its Certificate Policy. The NEPA rules have been written. Now is the time for FERC to use its authority to determine that 3,890,000 additional tons of GHGs costing over 12 billion dollars in damages to the environment, captive energy users, communities, landowners is “significant” so that alternative means to meet the unanalyzed need may be proposed and considered. And, ultimately this case presents the legal and factual basis to deny one of TC Energy’s XPress projects in order to stop its exploitation.

Respectfully submitted, August 22, 2022,

/s/ Tonia Moro
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NGO03 – Wild Idaho Rising Tide

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August 22, 2022

Kimberly D. Bose, Secretary
Debbie-Anne Reese, Deputy Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

**WIRT Comments on Gas Transmission Northwest Xpress
Draft Environmental Impact Statement &
Certificate of Public Convenience & Necessity
Docket No. CP22-2-000**

Secretary Bose, Deputy Secretary Reese, and FERC staff and commissioners:

For the official record of the Federal Energy Regulatory Commission (FERC or commission) draft environmental impact statement (EIS), prepared for the GTN Xpress project (project), Docket No. CP22-2-000, as proposed by Gas Transmission Northwest (GTN) and parent company TC Energy, I respectfully offer these written comments and accompanying information on behalf of Wild Idaho Rising Tide (WIRT) and its over 3,200 climate activists, members, friends, supporters, and allies, as citizens of Idaho, Oregon, Washington, and other project-impacted U.S. states and Canadian provinces, who own property and/or businesses, work, reside, and/or recreate near the GTN Xpress project and surrounding lands and watersheds, and whom FERC approval of a final EIS, a certificate of public convenience and necessity, and GTN infrastructure construction and operation would directly impact. We object to the significant, cumulative impacts of GTN Xpress on affected communities, critical ecosystems, public air, water, lands, and resources, and private and public properties and water sources within the vicinity of the pipeline, the Clark Fork/Pend Oreille and Columbia river basins, the three-state Northwest region, and the globally shared atmospheric climate, as insufficiently identified and analyzed in FERC's draft EIS and its considerations and recommendations to the commission, concerning a certificate of public convenience and necessity, and in pertinent government documents and notices offering incomplete public notification, information, and meaningful, mandated engagement and consultation.

We also object to this TC Energy/GTN project's significant, cumulative, direct and indirect, adverse impacts on climate change, endangered species, cultural resources, socioeconomic and environmental factors, and reasonable public needs including human and environmental health

NGO03 – Wild Idaho Rising Tide

and safety, drinking and agricultural water, and private property values, rights, uses, enjoyment, and insurability. As further public input and information shared with FERC, we incorporate by reference, into this letter of opposition to FERC approval of the GTN Xpress project, the written and oral comments and linked articles and documents offered by WIRT and all persons and organizations raising oppositional concerns about this project and its documents and procedures relevant to project analyses, presented through all local, state, and federal public processes before, during, and after this FERC public comment period on the GTN Xpress draft EIS.

Besides urging public participation in the comment opportunities of this project's draft EIS, WIRT provides these formal remarks drawn from our multiple years of experience, knowledge, and direct interests in this and other new and expanded fossil fuels infrastructure projects and successful legal challenges brought by WIRT and allied organizations, via state and federal hearings and court cases. This letter of objection arises from detailed suggestions, guides, and articles supplied by several of these colleagues, including Columbia Riverkeeper and local, project-impacted property holders. We fully support and incorporate by reference into these WIRT comments the project filings of Columbia Riverkeeper and regional allies resisting the GTN Xpress pipeline expansion project. Together, we have identified the following, described problems with GTN Xpress and its potential for risks and harms inflicted by fossil fuels extraction, production, and transportation, and inadequately evaluated by the FERC draft EIS.

GTN Xpress Gas Pipeline Expansion

Residents of the Northwest and Turtle Island continent continue to experience the extreme, worsening heat, droughts, wildfires, storms, and floods caused by fossil-fueled climate change. But Canadian energy company TC Energy (formerly TransCanada), owner of the notoriously leaky Keystone tar sands pipeline, partially completed but unpermitted Keystone XL pipeline, and new Coastal GasLink line invading unceded indigenous lands in British Columbia (B.C.), expects the public not to notice its plans to stealthily expand its 1,377-mile-long Gas Transmission Northwest (GTN) pipeline across north Idaho, eastern Washington, and central Oregon [1-5].

The GTN Xpress project would dangerously increase "natural" gas volumes by 150 million to 250 million cubic feet per day, in its 61-year-old pipeline system. GTN transports gas extracted via hydraulic fracturing or "fracking" from the prolific West Canadian Sedimentary Basin and Rocky Mountain fields of northeast British Columbia and Alberta. It connects with the Foothills and Nova Gas Transmission pipelines in Canada near Kingsgate, B.C., crosses the U.S. border at Eastport, Idaho, and terminates in Malin, Oregon, where it flows into the Tuscarora pipeline in northern California. In north Idaho, the climate-wrecking, potentially explosive GTN pipeline traverses the Moyie Valley, Bonners Ferry, and the Highway 95 corridor, close and parallel to railroad lines. GTN passes under a Schweitzer Mountain ski resort parking lot and West Pine Street in Sandpoint, and below the Pend Oreille River near Dover, downstream from Idaho's largest, deepest lake. From Malin in southern Oregon, the controversial Pacific Connector pipeline would have carried feedstock gas out to the coastal Jordan Cove liquefied natural gas (LNG) export terminal in Coos Bay. But a decade-plus of broad public opposition and regulatory hurdles overcame both boondoggles.

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Through a compression-only expansion of the GTN system, GTN Xpress would software-upgrade the capacity and pressure of the gas-fired turbine compressor at the Athol, Idaho, pump station 5, from 14,300 to 23,470 horsepower. Although the Athol station is located at 2244 East Seasons Road in Kootenai County, a dispatch center in Portland, Oregon, remotely controls it and 11 other compressor stations, numbered 3 through 14, which move gas along the U.S. part of the pipeline. The facility stands just two miles west-northwest of the popular Silverwood Theme Park, full of hundreds of visitors on precarious rides during spring, summer, and fall days. Installing new equipment and improving an access road at two Washington and Oregon compressor stations and along the pipeline, the GTN Xpress project would push an additional 250,000 dekatherms of gas per day out to smaller, linked pipelines and markets in Washington, Oregon, and California. As one dekatherm provides enough gas for five average-sized (over-large) homes, new GTN Xpress infrastructure and gas volumes would force 1.2 million households to use fossil fuels for at least another 30 years.

Excess Gas & Northwest Energy Transitions

In its October 2021 application to the Federal Energy Regulatory Commission (FERC), seeking a certificate of public convenience and necessity for the GTN Xpress project, TC Energy claims that “increased market demand driven by residential, commercial, and industrial customers in the Pacific Northwest” justifies aged GTN pipeline expansion, and that “the benefits of GTN’s proposed project far outweigh its potential adverse impacts” [6]. These plans prompted FERC to prepare a draft, federal, environmental impact statement (EIS) currently undergoing public scrutiny and input [7-9]. Although TC Energy has urged FERC to approve the project with a final EIS by October 14, 2022, and to authorize it by the 90-day federal deadline of January 12, 2023, company and agency staff must first prove to the commission that Americans, not just Idahoans and Northwesters, need this pipeline expansion, and that GTN Xpress would benefit public interests. As FERC called for draft EIS scoping comments on the project in February 2022, it also updated its policies guiding decisions on natural gas projects, allowing the agency to more thoroughly consider a proposal’s contributions to climate change and potential impacts on landowners and environmental justice [10].

The GTN pipeline currently pumps about 1,000 billion cubic feet of gas per year across the Northwest [4]. With Washington annually consuming 378 billion cubic feet per year and Oregon using 302 billion cubic feet per year, existing GTN capacity exceeds gas demand in these states by 32 percent, not counting gas that flows south to California markets. Together, all three West Coast states have decreased their net gas consumption by 61.5 billion cubic feet per year between 2015 and 2019. Excess pipeline capacity and declining regional gas demand discredit TC Energy arguments for expanding GTN gas volumes by 250 million cubic feet per day, to meet rising, regional, energy demands.

Over the last decade, Northwest communities have been wisely and victoriously opposing new and expanded coal, oil, and gas power plants, petrochemical facilities, and export terminals, while reducing fossil fuels reliance and climate pollution and choosing renewable energy sources like wind and solar power. Washington passed the Clean Energy Transformation Act in 2019, which commits the state to electricity generation free of greenhouse gas emissions by 2045. Oregon signed legislation in 2021 that requires the state’s electric grid to operate completely

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without fossil fuels by 2040, the most assertive transition toward sustainable energy in the nation. State agencies and public utility commissions in both states are studying and implementing ways to generate electricity and moderate building temperatures beyond increasingly obsolete natural gas, including state and city bans of gas in new commercial buildings. Eliminating gas usage for electricity generation and residential buildings would decrease the gas demand of Oregon and Washington by one third.

Long-term contracts currently subscribe over 50 percent of the GTN pipeline's average design capacity of 2,900 million cubic feet per day, but the majority of them mature between 2023 and 2028. Impeding achievement of state decarbonization goals and intending to pump fracked gas through the region past 2050, TC Energy has already signed 30-year contracts for GTN Xpress with Canadian gas extraction ventures and Northwest gas utilities. As GTN Xpress' surplus gas supply meets existing and inevitable, significantly decreasing demand below projected project levels, TC Energy could ultimately abandon the project and/or receive government permission to raise the gas rates of its fewer future customers.

Hidden Plans & Piecemeal Permits

Due to public pressure, TC Energy has failed to complete construction of the famous Keystone XL tar sands pipeline from Canada into the United States. Along with Canadian and B.C. governments, the corporation is currently facing fierce resistance from the Wet'suwet'en First Nation, their accomplices, and a United Nations racial discrimination committee, for building the Coastal GasLink pipeline to a new, coastal B.C., LNG export facility and for mistreating pipeline opponents. Amid such intensifying public outcry over new oil, gas, and coal infrastructure construction projects, TC Energy and the dying fossil fuels industry, peddling their increasingly stranded assets, are instead strategically pursuing quieter, gradual expansions and extensions of their already numerous existing facilities and pipeline corridors, maneuvers more readily accepted by regulators and consumer markets. Besides GTN Xpress, TC Energy is also currently promoting the billion-dollar expansion of its Nova Gas Transmission Line and Foothills pipeline systems that supply GTN in Canadian.

Instead of the purportedly growing Northwest market demand for Canadian fracked gas, TC Energy seems mostly motivated by ongoing and/or increasing, supply-side, extraction and production ambitions and desires to outcompete and displace other Northwest gas suppliers. For example, Williams' Northwest pipeline, the most extensive, regional, gas pipeline network, crosses west from Wyoming under the southern Idaho Snake River plain and western Palouse region [11]. It receives some gas from a half-dozen drilled, active, and riverside wells in Payette County, Idaho. Kinder Morgan, the corporation that sold the Trans Mountain tar sands pipeline to Canada, runs the Ruby gas pipeline from southwest Wyoming, across northern Utah and Nevada, and west to Malin, Oregon, in the same terminus vicinity as GTN. Both pipelines presumably could have pumped gas into the proposed Pacific Connector pipeline traversing southern Oregon to the defeated Jordan Cove LNG export terminal in Coos Bay.

Perhaps to more easily secure project approval, TC Energy is attempting to conceal the full scope and true scale of its GTN Xpress plans from FERC regulators and Northwest residents. Despite publicly stating in 2019 its intentions to expand the pipeline by 250 million cubic feet per day,

NGO03 – Wild Idaho Rising Tide

the company has only filed a request to FERC for increased volumes of 150 million cubic feet per day. It is also filing multiple individual applications for compressor station modifications, instead of one expansion plan for the entire GTN system. This devious industry approach to creeping expansion not only dupes pipeline corridor communities, by pretending to advance public interests, while actually reinforcing destructive practices and toxic products. It also schemes to obscure from FERC the extent and environmental impacts of the project, and handicaps the agency's abilities to review, assess, and understand the public health and environmental consequences of GTN Xpress, which federal law requires FERC to deliberate.

Climate & Environmental Impacts

Extraction, production, transportation, and storage of natural gas routinely release greenhouse gases, especially methane, the primary component of natural gas, which is eighty times more potent to atmospheric warming than carbon dioxide [12]. Gas combustion not only releases carbon dioxide but also nitrogen dioxide that is harmful to human health. A 2013 meta-analysis of 41 studies showed that children living in homes with gas stoves face a 42 percent increase in asthma symptoms [4]. Other investigations have linked the industry practice of fracking to extensive water and environmental degradation, low human birth weights, and disregard for indigenous treaty rights.

GTN Xpress would exacerbate the levels of carbon dioxide and methane that GTN's regular operations already emit from fracked gas into the atmosphere every year, threatening public and environmental health and safety with further climate disruption. If TC Energy fills its expanded GTN capacity, it would annually release at least an additional six million metric tons of carbon dioxide, more than any other polluter in Washington, except the soon retired TransAlta coal power plant in Centralia [4]. In the state with the fifth highest oil refining capacity, the yearly, upstream and downstream, greenhouse gas emissions of GTN Xpress would exceed the climate-wrecking pollution of each of the five Salish Sea oil refineries: Marathon and HollyFrontier (formerly Shell) in Anacortes, BP in Cherry Point, Phillips 66 in Ferndale, and U.S. Oil in Tacoma.

On June 30, 2022, FERC staff released the draft EIS for the GTN Xpress pipeline expansion project, and opened a public comment period that closes on August 22 [8, 9]. Despite recommendations to FERC environmental staff from the cooperating U.S. Environmental Protection Agency during draft EIS preparation, FERC has concluded that modifying and installing GTN Xpress facilities would result in only minimal or temporary, adverse impacts on the environment, because changes would occur within or abutting fenced compressor station boundaries. FERC personnel advocate for project approval and suggest mitigation measures to avoid and reduce environmental impacts, as conditions to potential commission authorization of the project. FERC "staff concludes that project impacts on the environment would not be significant" [8, 9]. In the draft EIS, they have also characterized GTN Xpress's climate change effects as neither significant nor insignificant.

During the last ten years, the six-decade-old GTN pipeline has imposed three major incidents, two in Idaho, from mechanical errors that resulted in unintentional releases of gas and \$1.15 million in combined damages, thankfully without fires, explosions, injuries, or fatalities [13-16].

NGO03 – Wild Idaho Rising Tide

According to Fracktracker Alliance and the Pipeline and Hazardous Materials Safety Administration (PHMSA) of the U.S. Department of Transportation, GTN started leaking 20.5 million cubic feet of gas in Eastport, Idaho, at 5 pm on May 31, 2012, when a communications failure within a programmable logic controller at pump station 3 prompted an emergency shutdown [16]. Twenty-year-old station valves immediately attempted to go to fail-safe positions, and were not discovered in these conditions, luckily without overpressure, until 9:30 am on the next morning, June 1.

Within the next two years, two other hazardous GTN malfunctions occurred. On March 13, 2013, a LaCrosse, Washington, landowner reported an area of dead vegetation over the pipeline [16]. GTN personnel detected gas in a probe hole over the pipeline, but not in the air above ground, so they isolated and reduced pressure in the pipeline section. They found that failure of coupling equipment and connections had caused underground drain lines, installed in 1992, to leak 52.6 million cubic feet of gas. And on March 11, 2014, a ground-based leakage survey revealed a bottom dent in underground pipe buried in 1961, which caused the GTN pipeline to spew 29.3 million cubic feet of gas only 447 feet upstream of a mainline valve in Moyie Springs, Idaho [16].

Regional Coalition Responses

Columbia Riverkeeper and several dozen regional, allied organizations, including the volunteer, climate activist collective Wild Idaho Rising Tide (WIRT), have been anticipating and closely tracking this FERC process, sending comments to the commission, and encouraging resistance to GTN Xpress among the north Idaho and Northwest community since late 2021, through information research, compilation, and dissemination via email and text messages, website and social media posts, and radio and webinar discussions [1, 17-20]. To support public knowledge and issue participation, and to build momentum for GTN Xpress opposition, grassroots groups have created outreach materials denouncing GTN Xpress, written letters to editors (LTEs) of local newspapers, by accessing guides and regional LTE contact information provided by Columbia Riverkeeper and WIRT, and gathered signatures for an online petition demanding FERC rejection of the GTN Xpress project [21-23]. From February 2 through August 17, 2022, WIRT has covered the issue ten times on the weekly *Climate Justice Forum* radio program, broadcast on-air and online by progressive community station KRFP Radio Free Moscow [24]. Sharing news stories, prompting and assisting public comments, engaging in summer outreach booth interactions and conversations, and showing support for this campaign against GTN Xpress, through community and social media networks, WIRT and partner organizations have alerted the public at several locations along the GTN pipeline route, and connected with other Northwest groups opposing this fossil fuel infrastructure and transportation expansion.

WIRT Responses to FERC

Wild Idaho Rising Tide (WIRT) respectfully and earnestly requests and recommends that the Federal Energy Regulatory Commission (FERC) implement these actions, as the agency evaluates with a draft environmental impact statement (EIS) the proposed increases of natural gas volumes and compressor station pressures of the 61-year-old Gas Transmission Northwest

NGO03 – Wild Idaho Rising Tide

(GTN) pipeline and its Xpress expansion project from Canada across north Idaho, eastern Washington, and central Oregon:

- NGO03-1 { 1) Accept and include in the public record of this draft EIS for Docket No. CP22-2-000 and related project comment periods these remarks sent electronically to FERC during the comment period ending on Monday, August 22, and all of our written and voiced objections and linked citations enclosed within and beyond WIRT comments.
- NGO03-2 { 2) “Extend the public comment period an additional 30 days, for a total of 90 days,” to “give the public additional time to review and comment on FERC’s recent draft environmental impact statement,” as requested in a Friday, August 19, letter sent to FERC by 20 Northwest, mostly Oregon, groups including WIRT [25]. Potential commenters on this draft EIS have raised concerns about the comment period schedule overlapping with summer vacations, ongoing COVID-19 pandemic difficulties that still afflict family members, and recent staff reorganizations by lead legal groups of a Northwest coalition emerging around this issue.
- NGO03-3 { 3) Expand public involvement in this FERC decision to impacted tribal and local government stakeholders and rural communities unaware of this risky GTN Xpress scheme, which FERC may not have contacted or consulted, by conducting open, public, FERC presentations and hearings and collecting oral testimony via teleconferenced or in-person meetings in affected communities.
- NGO03-4 { 4) Provide more complete public information and hard copies of the draft EIS and related documents in rural, pipeline route locations with limited citizen access to this federal process, due to difficult, remote internet connections.
- NGO03-5 { 5) Request TC Energy/GTN disclosure of the full scope and scale of its proposed GTN Xpress, to better assess the regional and global significance and precedence of this controversial project.
6) Pursue a more scientifically rigorous, independent, unbiased study of GTN Xpress, through a revised draft or supplemental EIS and associated public input processes, which strongly re-consider current draft EIS analyses of the project’s environmental and socioeconomic aspects and effects, as required by federal regulations:
- NGO03-6 { a. Evaluate the project’s impacts on indigenous people, tribal nations, communities disproportionately affected by the gas industry and climate crises, and environmental justice concerns.
- NGO03-7 { b. Consider the local public health and environmental impacts of expanded compressor stations and gas extraction associated with the proposal.
- NGO03-8 { c. Weigh the health and safety risks and long-term harms of increased reliance on fracked gas imposed by the project.
- NGO03-9 { d. Examine project impediments to implementing Oregon and Washington legislative mandates to replace fossil fuel-generated electricity with clean energy options.
- NGO03-10 { e. Re-assess the climate implications and other wide-ranging effects of the proposal’s increase of lifecycle greenhouse gas emissions.
- NGO03-11 { f. Deliberate whether this GTN pipeline and compression station expansion enhances the best public interests that FERC must contemplate and uphold.

NGO03-1: comment noted

NGO03-2: The Commission’s standard comment period on a draft EIS is 45 days, which is consistent with CEQ’s regulations. We find that this was sufficient time to review and comment on the draft EIS. Moreover, in preparing the final EIS, Commission staff considered late-filed comments on the draft EIS to the extent practicable.

NGO03-3: In accordance with the implementing regulations for complying with Section 106, at 36 CFR 800, FERC consulted with the State Historic Preservation Offices (SHPO) of Washington and Oregon, 16 and potentially interested Indian tribes, prior to making our determinations of NRHP eligibility and Project effects for all cultural resources 17 identified in the area of potential effect (APE). We sent copies of the NOI to a wide range of stakeholders, including other federal agencies, such as the ACHP, U.S. Department of the Interior Bureau of Indian Affairs (BIA), and NPS; state and local government agencies, such as the SHPOs; affected landowners and all residents within ½ mile of project facilities; and Indian tribes that may have an interest in the Project area. In addition, we issued a Notice of Intent to Prepare an Environmental Impact Statement for the Proposed GTN Xpress Project, Request for Comments on Environmental Issues, and Schedule for Environmental Review. The notices were mailed or emailed to over 100 entities, including affected landowners (as defined in the Commission’s regulations) and all residents

NGO03 – Wild Idaho Rising Tide

within ½ mile of project facilities; federal, state, and local officials; Indian tribes; agency representatives; environmental and public interest groups; and local libraries and newspapers. We recognize that not everyone has internet access or is capable of filing electronic comments. For this reason, each notice was physically mailed to all parties (i.e., landowners and abutters, federal, state, and local government representatives and agencies; all residents within ½ mile of project facilities; local libraries; newspapers; elected officials; Native American Tribes; and other interested parties) on the environmental mailing list. Further, Commission staff has consistently emphasized in its documents that all comments, whether spoken or delivered in person at meetings, mailed in, or submitted electronically, receive equal weight by FERC staff for consideration in the EIS.

NGO03-4: FERC transmits all of its environmental documents electronically in accordance with our agency policies, the e-NEPA directive, and the [GSA Bulletin on Mail Management](#) which explicitly directs agencies to reduce hard-copy agency-to-agency mailings. The FERC Chairman announced in August 2018 that the Commission would begin electronically issuing and distributing all environmental documents for FERC's natural gas and hydropower programs. As a result, FERC staff no longer prints hard copies or produces CDs of its draft or final EIS, even for use within the agency. As required by e-NEPA, the Commission provides all of its EIS through the e-NEPA portal. The e-NEPA guide [here](#)

NGO03 – Wild Idaho Rising Tide

<https://www.epa.gov/sites/production/files/2014-01/documents/e-nepa-guide-on-registration-and-preparing-an-eis-for-electronic-submission.pdf> states, “e-NEPA is EPA’s tool for submitting EIS documents electronically. The system meets EPA’s requirements for EIS filing, and eliminates the need to mail hard copies of EISs to EPA.”

As noted in the document’s *Notice of Availability* mailed to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Indian Tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the area of the Project, the electronic document may be viewed and downloaded from the FERC’s website (www.ferc.gov), on the Environmental Documents page (<https://www.ferc.gov/industries/gas/enviro/eis.asp>). In addition, the document may be accessed by using the eLibrary link on the FERC’s website. Click on the eLibrary link (<https://www.ferc.gov/docs-filing/elibrary.asp>), click on General Search, and enter the docket number in the “Docket Number” field.

NGO03-5: The Project scope is stated in section 1.2 of this EIS.

NGO03-6: Environmental justice impacts are discussed in section 4.7 of this EIS.

NGO03 – Wild Idaho Rising Tide

NGO03-7: see response to SA01-37.

NGO03-8: see response to SA01-37

NGO03-9: see response to FA01-8.

NGO03-10: Greenhouse gas emissions are discussed in section 4.9 of this EIS.

NGO03-11: The project's need is established by the FERC Commission when it determines whether a project is required by the public convenience and necessity. In deciding whether to authorize the construction of major new pipeline facilities, the Commission balances the anticipated public benefits against the potential adverse consequences.

NGO03 – Wild Idaho Rising Tide

- NGO03-12 { g. Respect the precedence and relevance of GTN Xpress to previous, current, and potential energy projects regulated by state and federal agencies and/or opposed and litigated by concerned citizens and organizations.
- NGO03-13 { 7) Select the “no action” alternative of the draft EIS, and deny a FERC certificate of public convenience and necessity for GTN Xpress, responsive to the previously stated and other commenters’ reasons and potential hearing input.

NGO03-12: comment noted

NGO03-13: see response to SA01-26.

Through the GTN Xpress gas pipeline expansion, TC Energy would force its stranded gas assets, a potentially explosive pipeline, further gas consumption for another 30 years, the second largest source of Washington greenhouse gas emissions, and the centuries-long consequences of fossil-fueled climate chaos on the Northwest region transitioning away from fossil fuels toward sustainable energy. As the U.S. citizens who employ FERC personnel, Wild Idaho Rising Tide activists expect the agency to protect the well-being of priceless and irreplaceable, Northwest air, waters, climate, lands, wildlife, residents, and resources from the short-sighted, profit-driven motives of private industry and the conflicting stakeholder interests in revenues from reckless corporate pursuits. Federal agency decisions and officials paid to serve the public’s best interests should not compromise applicable laws and rules to accommodate climate change caused by corporate greed.

The plans and practices outlined in the draft EIS and GTN filings ignore and jeopardize the clean water and air and environmental and human health and safety that predicate Northwesterners’ vital and cherished quality of life. Considering all possible, significant impacts on fresh water supplies, natural resources, public infrastructure, and associated social and economic conditions inflicted by GTN Xpress’ climate-wrecking proposals, WIRT and our colleagues’ letters of objection offer the counterbalance of regional insights so crucial to government and community protection of air and watersheds essential to lives and livelihoods. During this decisive project review phase, we ask that FERC staff and commissioners responsibly consider the issues substantively covered in these WIRT comments and act in accordance with growing public concerns over this unnecessary gas pipeline expansion, a venture clearly contrary to best public interests. Please ultimately reject this obviously desperate GTN Xpress grasp at energy profiteering, at the expense of a livable Earth, and all new and expanded fossil fuels infrastructure and pollution in Idaho and the Northwest.

With concern for our shared natural resources and fellow Northwest citizens, WIRT appreciates your consideration of these comments and your responses and actions in accordance with them,

/s/ Helen M. Yost, MSEE
 Wild Idaho Rising Tide
 301 N. First Avenue 209B, Sandpoint, Idaho 83864
 wild.idaho.rising.tide@gmail.com
 WildIdahoRisingTide.org
 Facebook.com/WildIdaho.RisingTide
 Twitter.com/WildIdahoRT
 208-301-8039

NGO04 – Earth Ministry



August 22, 2022

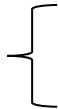
RE: Draft Environmental Impact Statement for GTN XPress Project, Docket CP22-2-000

Dear Commissioners,

Earth Ministry/Washington Interfaith Power & Light (WAIP) works with over 300 spiritual communities and represents nearly 6,000 people of faith in Washington who care deeply about environmental justice and have repeatedly opposed new and expanded fossil fuel infrastructure across the Pacific Northwest.

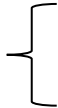
As a multifaith community, we know the climate crisis is a moral crisis that demands we invest in a just transition off fossil fuels. The GTN XPress expansion project does not align with our region’s values of stewardship and safety, nor will it help us meet our greenhouse gas reduction goals.

NGO04-1



The DEIS found that GTN XPress could increase greenhouse gas emissions in Washington by 3.8%, Oregon by 7.7%, and Idaho by 16% every year. Now is not the time to approve a project inconsistent with Washington’s and Oregon’s laws that require decreasing emissions by 95% and 75%, respectively, by 2050. To analyze this project’s pollution more holistically, we would like the FEIS to include upstream emissions within the cumulative impact on our shared climate and human health.

NGO04-2



While we understand that determining the need for this project is beyond the scope of the EIS, we see no demonstrated need for this project and the document states that the Commission “bases its decisions on both economic issues, including need, and environmental impacts.” We compel the Commission to present a detailed analysis of the need for the project in a subsequent Order and would like the FEIS to briefly expand on the market demand beyond GTN’s claimed need in Section 1.1.

Importantly, FERC staff calculated the social cost of carbon for GTN XPress at \$12 billion. It this time of a changing climate it is crucial that we prioritize people over profits. It is unjust for communities all along the pipeline to bear the economic and public health burden of increased fracked gas from this project.

NGO04-3



Please deny the Certificate of Public Convenience and Necessity for GTN XPress as the project is contrary to the public interest and will further pollute our common home. We are looking to FERC to lead us toward clean and renewable projects and away from dirty and dangerous fracked gas.

Sincerely,

Rev. AC Churchill
Executive Director
Earth Ministry/Washington Interfaith Power and Light

NGO04-1: see response to FA01-8.

NGO04-2: comment noted

NGO04-3: comment noted

NGO05 – Columbia Riverkeeper, Rouge Climate, Oregon Physicians for Social Responsibility, Washington Physicians for Social Responsibility, 350 Eugene, 350 Deschutes, 350 PDX, 350 Seattle, Rogue Riverkeeper, Wild Idaho Rising Tide, Oregon Just Transition Alliance, Southern Oregon Climate Action Now, Ministry/Washington Interfaith Power and Light, Red Earth Descendants, Oregon Women’s Land Trust, Breach Collective, Southern Oregon Pachamama Alliance, Siskiyou Rising Tide, Climate Solutions, Beyond Toxics

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

Dear Secretary Bose,

We write about the need for the public to have genuine engagement in the Federal Energy Regulatory Commission’s (FERC) review of the Gas Transmission Northwest LLC, Docket No. CP22-2-000. To achieve that level of real and robust engagement, we request that FERC give the public additional time to review and comment on FERC’s recent draft environmental impact statement (DEIS).

As you know, FERC released its 188-page draft environmental impact statement on June 30th, 2022, for the Project’s request under the Natural Gas Act to authorize the addition of 150,000 dekatherms per day of incremental mainline capacity on GTN’s system.

The 60-day public comment period ending on August 22, 2022, is insufficient considering the scale and scope of the proposal. Gas Transmission Northwest’s 1,377-mile gas pipeline stretches from Kingsgate, British Columbia to Malin, OR. The proposed compressor station upgrades are adjacent to several rural communities in Eastern Washington, Oregon and Idaho and run through tribal lands. There are several tribes with strong cultural and historical interests in the affected areas, and the federal government has a responsibility to engage in meaningful and robust government-to-government consultation. An extension is necessary to ensure these communities and impacted tribal stakeholders have the opportunity to review and express their concerns about the local effects of this project.

FERC has committed to increasing public participation in permitting processes through the Office of Public Participation, however to date we have not seen any direct outreach to impacted communities to ensure that communities are aware of this proposal. An extension is critical to ensure that communities living along the proposed project expansion route can be properly notified of this proposal.

In addition to local effects, the project will have broad impacts in the form of increasing greenhouse gas emissions. More time is needed for the public to review FERC’s 188-page environmental impact statement and provide meaningful feedback.

Therefore, we request FERC extend the public comment period an additional 30 days, for a total of 90 days.

We appreciate your consideration of our requests and look forward to your response.

NGO05-1: The Commission’s standard comment period on a draft EIS is 45 days, which is consistent with CEQ’s regulations. We find that this was sufficient time to review and comment on the draft EIS. Moreover, in preparing the final EIS, Commission staff considered late-filed comments on the draft EIS to the extent practicable.

NGO05-1

NGO05 – Columbia Riverkeeper, Rouge Climate, Oregon Physicians for Social Responsibility, Washington Physicians for Social Responsibility, 350 Eugene, 350 Deschutes, 350 PDX, 350 Seattle, Rogue Riverkeeper, Wild Idaho Rising Tide, Oregon Just Transition Alliance, Southern Oregon Climate Action Now, Ministry/Washington Interfaith Power and Light, Red Earth Descendants, Oregon Women’s Land Trust, Breach Collective, Southern Oregon Pachamama Alliance, Siskiyou Rising Tide, Climate Solutions, Beyond Toxics

Sincerely, the undersigned organizations

Columbia Riverkeeper
Audrey Leonard, Staff Attorney
Portland, OR

Rogue Climate
Hannah Sohl, Executive Director
Southern Oregon

Oregon Physicians for Social Responsibility
Samantha Hernandez, Climate Justice
Organizer
Portland, OR

**Washington Physicians for Social
Responsibility**
Max Savishinsky, Executive Director
Seattle, WA

350 Eugene
Patricia Hine, President
Eugene, OR

350 Deschutes
Diane Hodiak, Executive Director
Bend, OR

350 PDX
Dineen O'Rourke, Campaign Manager
Portland, OR

350 Seattle
David Perk, Leadership Team
Seattle, WA

Rogue Riverkeeper
Emily Bowes, Conservation Director
Ashland, OR

Wild Idaho Rising Tide
Helen Yost, Community Organizer
Sandpoint, ID

Oregon Just Transition Alliance
Joel Iboa, Executive Director
Oregon

**Southern Oregon Climate Action Now
(SOCAN)**
Alan Jourmet, Co-facilitator
Southern Oregon

**Ministry/Washington Interfaith Power and
Light**
Rev. AC Churchill, Executive Director
Washington

Red Earth Descendants
Dan Wahpepeh, Founder/Co-Director
Ashland, OR

Oregon Women's Land Trust
Francis Eatherington, President
Roseburg, OR

Breach Collective
Nick Caleb, Climate Attorney
Eugene, OR

Southern Oregon Pachamama Alliance
Lorraine Cook, Core Team Coordinator
Ashland, OR

Siskiyou Rising Tide
Holly Mills, Member
Medford, OR

Climate Solutions
Greer Ryan, Clean Buildings Policy Manager
Oregon and Washington

Beyond Toxics
Lisa Arkin, Executive Director
Southern Oregon

NGO05-2: This comment included an attachment with the names of 66 commentors serving as signatories. Of these, 47 included unique comments. These comments were general in nature and consisted of the following topics: climate change, energy conservation, renewable energy, upstream production, general environmental impacts, energy infrastructure, greenhouse gases, Section 7 concerns, and public health. As appropriate, these comments are addressed in this EIS. General opposition and opposition to “fracked gas” do not inform the assessment of impacts on the natural and human environment and are not addressed in subsequent analyses. Additionally, impacts on the transition to renewable energy is outside the scope of this EIS. The no-action alternative is described in section 3.0. Climate change impacts and cumulative impacts are addressed in section 4.0.

NGO07 – Columbia River Inter-Tribal Fish Commission



COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

700 NE Multnomah Street, Suite 1200
Portland, Oregon 97232

(503) 238-0667
F (503) 235-4228
www.critfc.org

August 22, 2022

Submitted via FERC Online eFiling

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

RE: Comments on Draft EIS for OEP/DG2E/Gas Branch 3, Gas Transmission Northwest LLC, GTN Xpress Project, Docket No. CP22-2-000

Dear Ms. Bose:

The Columbia River Inter-Tribal Fish Commission (“CRITFC”) recently learned of Gas Transmission Northwest LLC’s proposal to expand its natural gas capacity in the Pacific Northwest through its GTN Xpress Project (“Project”). Based on our review of the materials in the draft Environmental Impact Statement (“DEIS”), CRITFC is concerned that there is no evidence of a public need for this project, and yet the project will have significant and irreversible effects on the region. Importantly, the Project is in direct conflict with tribes’ and states’ climate goals for reducing fossil fuels. If FERC had properly consulted with the tribes of the region, it would be informed of these conflicts and may have provided a robust analysis of potential impacts. FERC’s DEIS is inadequate and CRITFC recommends that FERC deny the certificate for the Project.

CRITFC was formed in 1977 by the four sovereign treaty tribes of the Columbia and Snake River Basin: the Nez Perce Tribe, the Confederated Tribes of Warm Springs, the Confederated Tribes of the Umatilla Indian Reservation, and the Yakama Nation. CRITFC provides coordination, management, and technical assistance to ensure that the Tribes’ treaty fishing rights are protected through the continuation and restoration of tribal fisheries into perpetuity. The four tribes wholly, indivisibly, and equally own and govern the affairs of CRITFC. Salmon and other aquatic resources are key natural resources adversely affected by energy development and climate change impacts.

CRITFC recently published its Energy Vision for the Columbia River Basin (May 2022) (“Energy Vision”).¹ The Energy Vision is a tribal vision of sustainable energy development and use for the future that also supports the restoration of healthy, harvestable salmon populations. Goal 4 of the Energy Vision “Mitigate climate change impacts to protect Northwest ecosystems by replacing fossil-fuel electric generation and reducing the reliance on fossil fuels for power, transportation, and other uses.” The GTN Xpress Project will clearly facilitate increases in gas

¹ <https://critfc.org/energy-vision>

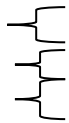
Putting fish back in the rivers and protecting the watersheds where fish live

NGO07-1: see response to SA01-23.

NGO07-2: see response to FA01-8.

NGO07-3: A discussion of tribal consultation is located in section 4.6 of this EIS.

NGO07-1
NGO07-2
NGO07-3



NGO07 – Columbia River Inter-Tribal Fish Commission

Kimberly Bose, FERC
August 22, 2022, Page 2 of 2

NGO07-4: No surface waterbodies would be impacted by this Project.

NGO07-5: see response to FA01-8.

NGO07-6: A discussion of tribal consultation is located in section 4.6 of this EIS.

capacity for the region. The DEIS does not provide evidence that this gas is needed in the region, and in fact, based on our analysis, this gas is neither needed for future energy use or production in the region and is in direct conflict with tribal goals in reducing our reliance on fossil fuels. FERC should carefully consider the 2022 CRITFC Energy Vision and include the entire document in the record for Docket No. CP22-2-000.

NGO07-4 {

NGO07-5 {

NGO07-6 {

The DEIS is also significantly lacking in other relevant analysis, including a comprehensive review of climate change impacts and potential for impacts to species at risk, specifically aquatic resources. Washington, Oregon, Nevada, and California have established aggressive goals for reducing carbon emissions, which are important to achieving the tribal Energy Vision. The GTN Xpress Project runs counter to these state policies. CRITFC notes that FERC improperly avoided government-to-government consultation with CRITFC's member tribes. Email does not constitute reasonable consultation. If FERC had met its trust obligation to potentially impacted tribes, its environmental and alternatives analyses may have been improved. As such, the DEIS inadequately addresses the suite of impacts from the Project.

Thank you for your consideration. If there are any questions or comments, please contact myself or my staff. We will closely track the remainder of the permit process.

Sincerely,



Aja K. DeCoteau
Executive Director

Enclosure

NGO08 – Oregon Physicians For Social Responsibility

NGO08-1: comment noted:



August 22, 2022

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
12225 Wilkins Avenue,
Rockville, Maryland 20852

Dear Secretary Bose and Commissioners,

Please accept these comments on the Draft Environmental Impact Statement (DEIS) for the Proposed GTN Xpress Project, Docket No. CP22-2-000 on behalf of Oregon Physicians for Social Responsibility (OPSR). We are an organization of more than 2,400 health professionals and public health advocates working to protect human life from the gravest threats to health and survival. We strongly encourage you to deny this misguided project. GTN Xpress would add more fossil fuels at a time we must reduce fossil fuel consumption. Adding 250,000 dekatherms per day of new fracked gas is the exact opposite direction we need to go to meet our region's aggressive greenhouse gas reduction goals.

FERC staff calculated the social cost of carbon for GTN Xpress at \$12 billion. This project is extremely harmful to our long-term public health due to the climate impacts of fracked gas.

The DEIS concluded that GTN Xpress could increase greenhouse gas emissions in Idaho by 16%, Washington by 3.8%, and Oregon by 7.7% every year. FERC should not approve a project inconsistent with Washington's and Oregon's laws that require decreasing emissions by 95% and 75%, respectively, by 2050.

We encourage you to deny the Certificate of Public Convenience and Necessity for GTN Xpress because the project is contrary to the public interest. I hope FERC can focus our energy resources on clean and renewable projects, not the dangerous expansion of fracked gas infrastructure.

Sincerely,

- Samantha Hernandez, Portland, OR
Larry Morningstar, Talent, OR
Rich Iwasaki, Beaverton, OR
Ann Henry, Lake Oswego, OR
Marie Wakefield, Newport, OR
Betsy Zucker, MSN, Family Nurse Practitioner (ret.) Portland, OR
Janna Piper, Portland, OR

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NGO08-1



Oregon Physicians for Social Responsibility
The US affiliate of International Physicians for the Prevention of Nuclear War, Recipients of the 1985 Nobel Peace Prize
4110 SE Hawthorne Blvd. #758 Portland, OR 97214
Tel: 503-274-2720 info@oregonpsr.org www.oregonpsr.org

NGO09 – Columbia Riverkeeper



Columbia Riverkeeper
1125 SE Madison St., Suite 103A
Portland, OR 97214
www.columbiariverkeeper.org

August 21, 2022

SUBMITTED VIA FERC Online E-filing

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

Re: FERC Docket No. CP22-2-000 – GTN Xpress Project Applicant: Gas Transmission Northwest, LLC Public Comments of Columbia Riverkeeper on Draft Environmental Impact Statement

Dear Secretary Bose,

Columbia Riverkeeper is a 501(c)(3) nonprofit organization with a mission to protect and restore the Columbia River, from its headwaters to the Pacific Ocean. Our organization partners and works collaboratively with many organizations across Oregon and Washington. Some of the organizations who helped gather signatures for this petition are Rogue Climate, Washington Physicians for Social Responsibility, Wild Idaho Rising Tide, and Rogue River Keeper. together we collected 839 comments gathered through our website and virtual outreach.

The petition letter signed by the attached list of people states:

Dear Commissioners,

Please accept these comments on the Draft Environmental Impact Statement (DEIS) for the Proposed GTN Xpress Project, Docket No. CP22-2-000. I strongly encourage you to deny this misguided project. GTN Xpress would add more fossil fuels at a time we must reduce fossil fuel consumption. Adding 250,000 dekatherms per day of new fracked gas is the exact opposite direction we need to go to meet our region's aggressive greenhouse gas reduction goals.

FERC staff calculated the social cost of carbon for GTN Xpress at \$12 billion. This project is extremely harmful to our long-term public health due to the climate impacts of fracked gas.

The DEIS concluded that GTN Xpress could increase greenhouse gas emissions in Idaho by 16%, Washington by 3.8%, and Oregon by 7.7% every year. FERC should not approve a project

NGO09-1: This comment included an attachment with the names of 839 commentors serving as signatories. Of these, 327 included unique comments. These comments were general in nature and consisted of the following topics: climate change, community health, energy conservation, renewable energy, upstream production, general environmental impacts, energy infrastructure, greenhouse gases, public interest concerns, and water resource concerns. As appropriate, these comments are addressed in this EIS. General opposition and opposition to “fracked gas” do not inform the assessment of impacts on the natural and human environment and are not addressed in subsequent analyses. Additionally, impacts on the transition to renewable energy is outside the scope of this EIS. The no-action alternative is described in section 3.0. Climate change impacts and cumulative impacts are addressed in section 4.0.

NGO09-1

NGO09-2

NGO09 – Columbia Riverkeeper

NGO09-
2 cont.

{ *inconsistent with Washington's and Oregon's laws that require decreasing emissions by 95% and 75%, respectively, by 2050.*

I encourage you to deny the Certificate of Public Convenience and Necessity for GTN XPress because the project is contrary to the public interest. I hope FERC can focus our energy resources on clean and renewable projects, not the dangerous expansion of fracked gas infrastructure.

Sincerely,

The signers in the attachment submit the above comment for your consideration. Many added their own personalized comments, which are included in a table to ease your review. Please consider these as individual comments.

Thank you for accepting these comments on behalf of Columbia Riverkeeper members and please accept the enclosed 839 comments as individual comments on the Draft Environmental Impact Statement for the GTN XPress Project (FERC Docket No. CP22-2-000) proposed by Gas Transmission Northwest, LLC.

Sincerely,

Ana Molina
Field Manager
Columbia Riverkeeper

NGO09-2: see response to
FA01-8.

NGO10 – Columbia Riverkeeper



Columbia Riverkeeper
1125 SE Madison St, Suite 103A
Portland, OR 97214
www.columbiariverkeeper.org

August 22, 2022

SUBMITTED VIA FERC Online E-filing

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

Re: FERC Docket No. CP22-2-000 – GTN XPress Project Applicant: Gas Transmission
Northwest, LLC Public Comments of Columbia Riverkeeper on Draft Environmental Impact
Statement

Dear Secretary Bose,

Columbia Riverkeeper is a 501(c)(3) nonprofit organization with a mission to protect and restore
the Columbia River, from its headwaters to the Pacific Ocean. Our organization partners and works
collaboratively with many organizations across Oregon and Washington. Some of the organizations
who helped gather signatures for this petition are Rogue Climate, Washington Physicians for Social
Responsibility, Wild Idaho Rising Tide, and Rogue River Keeper; together we collected 839
comments gathered through our website and virtual outreach.

The petition letter signed by the attached list of people states:

Dear Commissioners,

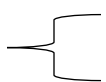
Please accept these comments on the Draft Environmental Impact Statement (DEIS) for the
Proposed GTN Xpress Project, Docket No. CP22-2-000. I strongly encourage you to deny this
misguided project. GTN XPress would add more fossil fuels at a time we must reduce fossil fuel
consumption. Adding 250,000 dekatherms per day of new fracked gas is the exact opposite
direction we need to go to meet our region's aggressive greenhouse gas reduction goals.

FERC staff calculated the social cost of carbon for GTN XPress at \$12 billion. This project is
extremely harmful to our long-term public health due to the climate impacts of fracked gas.

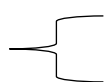
The DEIS concluded that GTN Xpress could increase greenhouse gas emissions in Idaho by 16%,
Washington by 3.8%, and Oregon by 7.7% every year. FERC should not approve a project

NGO10-1: This comment
included an attachment with the
names of 301 commentors serving
as signatories. Of these, 164
included unique comments. These
comments were general in nature
and consisted of the following
topics: climate change,
community health, energy
conservation, renewable energy,
upstream production, general
environmental impacts, upstream
production, energy infrastructure,
greenhouse gases, public interest
concerns, the need of the project,
and tribal concerns. As
appropriate, these comments are
addressed in this EIS. General
opposition and opposition to
“fracked gas” do not inform the
assessment of impacts on the
natural and human environment
and are not addressed in
subsequent analyses. Additionally,
impacts on the transition to
renewable energy is outside the
scope of this EIS. The no-action
alternative is described in section
3.0. Climate change impacts and
cumulative impacts are addressed
in section 4.0. The purpose and
need of the Project is discussed in
section 3.0 and cultural resources
is discussed in section 4.6 of this
EIS.

NGO10-
1



NGO10-
2



NGO10 – Columbia Riverkeeper

NGO10-
2 cont.



inconsistent with Washington's and Oregon's laws that require decreasing emissions by 95% and 75%, respectively, by 2050.

I encourage you to deny the Certificate of Public Convenience and Necessity for GTN XPress because the project is contrary to the public interest. I hope FERC can focus our energy resources on clean and renewable projects, not the dangerous expansion of fracked gas infrastructure.

Sincerely,

The signers in the attachment submit the above comment for your consideration. Many added their own personalized comments, which are included in a table to ease your review. Please consider these as individual comments.

Thank you for accepting these comments on behalf of Columbia Riverkeeper members and please accept the enclosed 301 comments as individual comments on the Draft Environmental Impact Statement for the GTN XPress Project (FERC Docket No. CP22-2-000) proposed by Gas Transmission Northwest, LLC.

Sincerely,

Audrey Leonard
Staff Attorney
Columbia Riverkeeper

NGO10-2: see response to
FA01-8.

NGO11 – Pipeliners Local 798



NGO11-1: comment noted.

August 22, 2022

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

Re: Docket No. CP22-2-000; GTN XPress Project Draft Environmental Impact Statement

Dear Secretary Bose:

I am submitting the attached comment on behalf of Pipeliners Local 798, a trades union representing the nation’s most skilled and dedicated industry craftsmen. This comment is to be considered during the commission’s review of TC Energy’s Gas Transmission Northwest Pipeline (GTN) XPress Project’s Draft Environmental Impact Statement.

NGO11-1



Our members collected 1,861 signatures on this particular comment because we recognize the tremendous benefits associated with the GTN XPress Project, as well as the special care that project leaders are taking to ensure this is built in the most environmentally respectful way. A significant investment in the region’s natural gas infrastructure network, this project will help meet growing demand for affordable and reliable energy while supporting good jobs for skilled craftsmen, many of whom are dedicated Local 798 members.

I urge the commission to consider the voices on the following pages when deciding the future of this important project that will ensure the existing GTN system continues to safely and efficiently deliver energy to families and businesses across the Pacific Northwest.

Sincerely,

Danny Hendrix
Business Manager
Pipeliners Local 798

NGO10 – Pipeliners Local 798



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

Re: Docket No. CP22-2-000; GTN XPress Project Draft Environmental Impact Statement

Dear Secretary Bose:

I stand with Pipeliners Local 798 in support of TC Energy's Gas Transmission Northwest Pipeline (GTN) XPress Project. This is a \$335 million investment in the natural gas infrastructure and delivery network in Oregon, Washington and Idaho that will help meet increased market demand across the region.

As the company's largest pipeline investment, GTN currently provides a critical service delivering reliable, cost-effective natural gas from Western Canada and the Rocky Mountains to local utilities and facilities across the Pacific Northwest and California. The GTN XPress Project will ensure this system continues to safely deliver this energy source to families and businesses across the region.

I support the GTN XPress Project for the following key reasons:

- Projects like this are necessary to meet the region's growing demand for clean-burning natural gas, which has made up a larger portion of the electricity mix in Oregon, in particular, in recent years as the state phases out coal;
- Investment in the GTN pipeline system will ensure reliable energy delivery for nearly half a million average American homes and businesses;
- A \$335 million investment, GTN is TC Energy's largest-ever organic growth opportunity, supporting good jobs for local craftsmen and generating substantial economic activity.

Residents, business owners and community members across the Pacific Northwest are counting on investments like the GTN XPress Project to help the natural gas delivery network continue to meet their daily energy needs. This is why I urge the swift approval of necessary permits for this project.

Sincerely,

[Signed below]

NGO10-2: comment of support noted.

NGO10-2

IND01 – Kristin Edmark

Document Accession #: 20220810-5001

Filed Date: 08/10/2022

IND01-1: see response to SA01-23.

IND01-2: see response to SA01-23.

Kristin Edmark, Battle Ground, WA.
RE: Draft Environmental Impact Statement for Gas Transmission Northwest LLC's GTN XPress Project, Docket CP22-2-000

IND01-3: Environmental justice concerns are discussed in section 4.7 of this EIS.

Dear Commissioners,

Thank you for the opportunity to comment. Please deny the GTN Xpress project for the following reasons:

IND01-4: Comment noted.

IND01-5: see response to FA01-8.

IND01-6: comment noted.

IND01-1

1.Unnecessary. The present pipeline capacity is double the annual gas consumption in Oregon and Washington at a time when electricity is replacing methane.

IND01-2

2.Increasingly less necessary. Oregon and Washington are decreasing market demand. Washington and Oregon will require 100 percent renewable electricity generation by 2040 and 2045, respectively. Methane will not be used for power generation. Legislation and policies in both states is moving away from methane use in buildings.

IND01-3

3.High social cost. FERC staff calculated the social cost of carbon for GTN XPress at \$12 billion. Detrimental health effects of methane exposure are increasingly well documented. The new compression stations are on or near indigenous lands.

IND01-4

The least fortunate have the least choice and the greatest exposure to methane.

IND01-5

4.Compression increases leakage. Pipelines leak. Compression stations leak. Methane leakage is a major contributor to climate change.

5.Contrary to emission reduction goals. According to the DEIS, the GTN Xpress could increase greenhouse gas emissions in Idaho by 16%, Washington by 3.8%, and Oregon by 7.7% every year. FERC should not approve a project inconsistent with Washington's and Oregon's laws that require decreasing emissions by 95% and 75%, respectively, by 2050.

IND01-6

6.Large fossil fuel Infrastructure expansion. While the project basically adds compression stations, this project increases methane capacity to 250 million cubic feet per day which is about a quarter of Washington's annual gas consumption and locks in decades of increased capacity. At capacity GTN would release an additional 6 million metric tons of CO2 equivalent (CO2e) annually, more than any other polluter in Washington except the soon to be closed plan in Centralia.

Please deny this project.

IND02 – Jean M. Avery

Jean M. Avery, Vancouver, WA.

GTN XPress is a major expansion of fossil fuel infrastructure, which our climate cannot afford and our region does not want.

Please deny this project.

IND03 – Thomas Gordon

Thomas Gordon, Washougal, WA.

The GTN pipeline, the first fully automated natural gas pipeline in the United States, runs with the maximum pressure of 911 pounds per square inch. This means the flow is a billion cubic a day. In Bend, Oregon, the flow is a 600 to 700 million cubic feet a day with 36 inch and 42 inch pipelines. With the increase of 150 million cubic feet a day as requested, the lines would be under increased pressure.

How safe are these lines with the increased pressure? On the evening of September 9, 2010, in San Bruno, California, a 30 inch natural gas pipeline burst where small sections called "cupps" had been installed. The welds were poorly done and there had been an increase of gas pressure for electrical work at a pump station near the rupture. The result was an explosion due to human error and increased pressure, in which eight people died and many more were injured. With increased pressure, pipe failure would be likely on the GTN line.

Please deny the Certificate of Public Convenience and Necessity for GTN Xpress .

IND03-1



IND03-1: Safety is discussed in section 4.11 of this EIS.

IND04 – Theodora Tsongas

Theodora Tsongas, Portland, OR.
To: Federal Energy Regulatory Commission
Re: Comments on Draft Environmental Impact Statement-GTN Xpress Project
(Docket # CP-22-2-000)
August 22, 2022

I am commenting today because of my concern that the GTN Xpress project will have significant adverse effects on the environment, contrary to the conclusions made in the draft environmental impact statement (DEIS).

IND04-1

The draft environmental impact statement has not included significant greenhouse gas emissions (approximately 20%) in its analysis, because it did not include upstream emissions and the full life cycle of the project.

IND04-2

Second, the EIS does not include the impacts of the proposed Coyote Springs Compressor Station, because of the false claim that this compressor station is not part of the project. However, its purpose is to significantly add to the pressure and capacity of the pipeline through the Coyote Springs spur, and so it is improper to exclude it from consideration in the draft environmental impact statement. ALL compressor stations have significant adverse impacts on local areas and the people that live and work there. Those impacts include the adverse health effects of emissions of methane and volatile organic compounds (including carcinogens and other toxic air pollutants) into the air during regular planned operations (blowdowns) and during accidental releases. Noise levels during the day can frequently reach or exceed 100 Db, Excess noise is not only a significant irritant, but has serious health impacts including but not limited to exacerbation of cardiovascular disease, loss of sleep, inability to concentrate, and serious mental health consequences.

IND04-3

Furthermore, the planned expansion of the existing compressor stations along the pipeline will only serve to increase the air pollution emissions and noise in the areas and communities nearby. How does one @commitigate@ air pollution and its impacts on the health and well-being of people, plants (including crops), animals (including livestock) and other impacted ecosystem supports. How does one mitigate 100 decibel noise that has been measured at gas compressor stations all across the country?

IND04-4

Third, there is no need for this project as gas demand is decreasing in the Pacific Northwest, so there is no need or rationale for enhanced capacity of this pipeline.

IND04-5

Fourth, the climate impacts of a project that will produce more GHG emissions than most current energy projects in the Northwest MUST be considered in the EIS. Those emissions would put both Washington and Oregon out of compliance with their climate goals, that is, to significantly reduce GHG emissions in the near future to avert the very worst impacts of catastrophic climate disruption.

How the draft EIS could in good conscience state that the project will have no significant environmental effects is mind boggling! The statement is made in the public notice that: @Therefore, with the exception of climate change impacts that are not characterized in this EIS as significant or insignificant, staff concludes that Project impacts on the environment would not be significant.@ What environment was it that the staff evaluated that is NOT suffering the impacts of climate change?! The preparers of the document should have their pay docked for the time it takes to go back to the drawing board and do a proper, scientifically based analysis of the emissions of methane and other greenhouse gases from this project and their impacts on health and well-being of not only local and regional populations and ecosystems, but those of the entire globe.

IND04-6

The adverse health and economic impacts of climate disruption are well known and are being experienced in the Pacific Northwest, as well as most other parts of the world, NOW!!! They include disease, drought, increased storms, increases in vector borne diseases, flooding, wildfires, crop loss, famine, and death. Why is there no health impact assessment associated with this environmental impact statement for a project with obvious climate change increasing impacts?

For the above reasons I urge the Federal Energy Regulatory Commission to reject the draft environmental impact statement for the GTN Xpress Project, that intends to increase capacity for a pipeline that we do not need or want, that will only serve to increase the extraction of fossil fuels that we must leave in the ground if we are to survive.

IND04-1: Comment noted.

IND04-2: see response to NGO01-2

IND04-3: Air quality impacts are discussed in section 4.9 of this EIS and noise impacts are discussed in section 4.10.

IND04-4: see response to SA01-23.

IND04-5: Air quality impacts, including greenhouse gasses and climate change are discussed in section 4.9 of this EIS.

IND04-6: see response to SA01-37

IND05 – Diana Gordon

IND05-1: comment noted.

Diana Gordon, Washougal, WA.
RE: Draft Environmental Impact Statement for Gas Transmission Northwest
LL&C's GTN XPress Project, Docket CP22-2-000

Dear Commissioners,

TC Energy owns the Gas Transmission Northwest pipeline which runs from British Columbia to Malin, Oregon. It is well over 1300 miles long and transverses both Washington and Oregon.

In both states we have been working very hard to lower our greenhouse gas emissions in every sector of the economy. From cash rebates for energy efficient heat pumps to more EV charging stations to building codes prohibiting gas appliances in new construction, we have pursued lower levels of GHGs on the way to complete phaseouts of gas as soon as humanly possible.

At this time, although TC Energy has enough gas to fulfill its contractual obligations with the current amount of gas they ship, they now want to expand this pipeline system. They are starting with a request to build a new compressor station near the Boardman Bombing Range, Coyote Springs. This one will be followed by requests to upgrade three others.

A compression station, run by gas driven turbines, will boost the amount of gas that can pass through the lines by about 150 million standard cubic feet per day. I understand that the company does not have customers at present for this huge increase in product.

I fear that this huge increase in capacity will encourage more fossil fuel use and slow our ability to decrease GHGs in our atmosphere. We have seen one climate disaster after another in recent years. This summer has been brutal in Europe and some parts of the U.S. We cannot add new gas options to a world already suffering from climate chaos. We must phase out our reliance on fossil fuels, not increase it so Canadian producers can stay in business. Providing markets for Canadian gas is not in our public interest.

Please deny the Certificate of Public Convenience and Necessity for GTN XPress.

IND05-1

IND06 – Diana Gordon

Diana Gordon, Washougal, WA.
RE: Draft Environmental Impact Statement for Gas Transmission Northwest
LL&E's GTN XPress Project, Docket CP22-2-000

Dear Commissioners,

There are many reasons to be opposed to TC Energy's XPress Project pipeline. Climate change is a big one, but a project involving increasing the compression on an existing pipeline also involves an element of danger as well as public health.

IND06-1

This pipeline dates back to the 60's and 90's. I certainly hope the company has a way to assess its condition before they step up the compression. Leaks, especially of methane, are already baked into pipeline use and any existing ones are sure to increase. Methane molecules are tiny with only one carbon atom and can leak out of any joint or valve. Even underground leaks will eventually reach the surface and presents a fire/explosion danger should any form of combustion be nearby. Forest fires are a real and present danger in our Western states. Even the turbine driving the compressor is not free of leaks.

In addition to fires and explosions, we all know that methane is a very potent GHG and we should not be adding any more to our atmosphere. The frightening effects of climate change are all around us and more methane will only make them worse.

IND06-2

Coyote Springs is only the first part of four projects GTN has planned. They also want to upgrade facilities in Kootenai County, Idaho, Walla Walla County, Washington, and Sherman County, Oregon. By seeking a permit only for the first one, one assumes they are trying to obfuscate the true and cumulative effects of this whole enterprise.

IND06-3

However, this huge addition of GHG's will increase Idaho's GHG emissions by 16%, Washington's by almost 4%, and Oregon's by 7.7%. This is not insignificant and it is not the direction we want to go. Washington passed the Clean Energy Transformation Act committing us to ridding our electricity supply of GHG's by 2045; Oregon is committed to 2040. Any increase in emissions will make our goals impossible to achieve. These facilities generally are planned to last about 30 years - they should be phasing out instead of ramping up.

IND06-4

In short, this project will not help us in any way. It is a public health hazard because it contributes to air pollution, a fire/explosion danger, and a contributor of GHG's which lead to increasingly severe climate change effects. Furthermore, it is noisy and ugly and takes up a couple of acres not far from a bombing range.

This project is far beyond "not in the public interest". It is myopic and takes into account only the short term profits and interests of gas companies who ought to know better.

Please deny the Certificate of Public Convenience and Necessity for GTN XPress.

IND06-1: Air quality impacts are discussed in section 4.9.

IND06-2: see response to NGO01-9 for a discussion of the Coyote Springs Compressor Station.

IND06-3: see response to FA01-8.

IND06-4: comment noted.

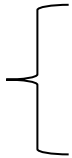
IND07 – Ted Glick

From: Ted Glick [REDACTED]
Sent: Thursday, October 20, 2022 2:07 PM
To: Allison Clements <[REDACTED]>
Subject: GTN XPress

Commissioner Clements,

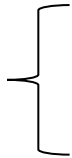
I'm writing to urge you to vote to deny TC Energy the permits needed to build the GTN Xpress methane gas pipeline expansion. If the expansion is built it would add more than 3.47 million metric tons of greenhouse gasses emissions per year. This is the equivalent pollution of adding 754,000 passenger vehicles a year on the road each year until 2052.

IND07-1



This expansion would accelerate climate change and harm public health in communities across the pipeline route. We ask that FERC make good on its commitments to developing robust environmental justice and greenhouse gas emission standards. As climate events like extreme wildfires, droughts, and flooding plague the Pacific Northwest, our communities must transition off fossil fuels to avoid the worst impacts of climate change.

IND07-2



This project is inconsistent with Washington's and Oregon's laws that require decreasing climate emissions by 95% and 80%, respectively, by 2050. GTN XPress would raise state emissions making these targets even harder to reach. In a collaborative motion, the Attorney Generals of Washington, Oregon, and California are calling on FERC to issue a denial.

The GTN XPress benefits fossil fuel corporations while burdening utility ratepayers. Vote no.

Ted Glick

IND07-1: Climate change is discussed in section 4.9.

IND07-2: see response to FA01-8.

IND08 – Lucinda Stroud

Lucinda Stroud, Seattle, WA.

Iâ€™m writing to urge FERC commissioners to deny Gas Transmission Northwest LLC the permits needed to build the GTN Xpress methane gas pipeline expansion. If the expansion is built it would add more than 3.47 million metric tons of greenhouse gasses emissions per year. This is the equivalent pollution of adding 754,000 passenger vehicles a year on the road each year until 2052.

IND08-1: Climate change is discussed in section 4.9.

IND08-2: see response to FA01-8.

IND08-1 { This expansion would accelerate climate change and harm public health in communities across the pipeline route. We ask that FERC make good on its commitments to developing robust environmental justice and greenhouse gas emission standards. As climate events like extreme wildfires, droughts, and flooding plague the Pacific Northwest, our communities must transition off fossil fuels to avoid the worst impacts of climate change. In Seattle, we are experiencing the second day of the world air quality in the world - sadly, this isn't the first time that we've held this record, but it is the first time that it has happened so late into the year.

IND08-2 { This project is inconsistent with Washingtonâ€™s and Oregonâ€™s laws that require decreasing climate emissions by 95% and 80%, respectively, by 2050. GTN Xpress would raise state emissions making these targets even harder to reach. In a collaborative motion, the Attorney Generals of Washington, Oregon, and California are calling on FERC to issue a denial.

The GTN Xpress benefits fossil fuel corporations while burdening utility ratepayers. Continued investment in fossil fuel infrastructure is expensive and at odds with the declining costs of renewable energy.

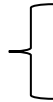
IND09 – Kay Reibold

-----Original Message-----
 From: Kay Reibold <[REDACTED]>
 Sent: Thursday, October 20, 2022 2:34 PM
 To: Rich Glick <[REDACTED]>
 Cc: James Danly <[REDACTED]>; Mark C. Christie <[REDACTED]>; Allison Clements <[REDACTED]>
 Subject: GTN Xpress project

[Some people who received this message don't often get email from [REDACTED]. Learn why this is important at [REDACTED].]

Dear Chairman Glick and Commissioners,

IND09-1



I am writing to oppose the expansion of the GTN Xpress project. This project would accelerate climate change, harm public health in communities across the pipeline route and it also contradicts Oregon and Washington state policy commitments to reducing climate pollution.

IND09-2



I urge FERC to deny TC Energy the permits needed to build the GTN Xpress methane gas pipeline expansion. The GTN Xpress benefits fossil fuel corporations while burdening utility rate payers. Continued investment in fossil fuel infrastructure is expensive and at odds with the declining costs of renewable energy. This expansion is not needed. We must transition off fossil fuels to avoid the worst impacts of climate change.

Thank you for your consideration.

Kind regards,

Kay Reibold



Member of Beyond Extreme Energy/BXE

IND09-1: Climate change is discussed in section 4.9.

IND09-2: comment noted

APL01– Gas Transmission Northwest LLC



August 22, 2022

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

Gas Transmission Northwest LLC
700 Louisiana Street, Suite 1300
Houston, TX 77002-2700

David A. Alonzo
Manager, Project Authorizations

tel 832.320.5477
email david_alonzo@tcenergy.com
web www.tcenergy.com

Re: Gas Transmission Northwest LLC
Docket No. CP22-2-000
GTN XPress Project
Comments on Draft Environmental Impact Statement Issued June 30, 2022

Dear Ms. Bose:

Gas Transmission Northwest LLC ("GTN") has reviewed the GTN Xpress Project's ("Project") Draft Environmental Impact Statement ("DEIS") issued by the Federal Energy Regulatory Commission ("Commission") on June 30, 2022. During review of the DEIS, GTN has identified some items that require clarification and correction. GTN requests that Commission staff incorporate the clarifications and corrections, submitted here, into the Project's final environmental impact statement.

GTN is e-filing this information in accordance with the Commission's Order No. 703. Filing Via the Internet guidelines issued in Docket No. RM07-16-000 on November 15, 2007. Pursuant to 18 C.F.R. § 385.2010 of the Commission's regulations, a copy of this cover letter is being served to each person whose name appears on the official service list for this proceeding.

Pursuant to 18 C.F.R. § 385.2005 of the Commission's regulations, the undersigned states that he has read this filing and knows its contents, and the contents are true as stated, to the best of his knowledge, information and belief based on representations by GTN personnel. The undersigned possesses full power and authority to sign such filing.

Please direct any questions regarding this submission to Daniel Humble at 832.320.5583.

Respectfully submitted,

/s/ David A. Alonzo

David A. Alonzo
Manager, Project Authorizations

Attachment

cc: Jennifer Fink (FERC)
All parties of record (cover letter only)

APL01– Gas Transmission Northwest LLC

GTN XPress Project
CP22-2-000

Federal Energy Regulatory Commission (FERC)
Draft Environmental Impact Statement (DEIS) – General Comments

APL01-1: additional language was added to section 4.9 of this EIS.

1. Section 4.9, Air Quality and Climate Change, Regulatory Requirements of the Draft Environmental Impact Statement (EIS) states, "We have reviewed the following federal requirements and determined that they are not applicable to the proposed Project:
- New Source Review
 - Title V
 - National Emissions Standards for Hazardous Air Pollutants
 - New Source Performance Standards; and
 - General Conformity of Federal Actions."

Comment:

GTN is providing clarification that each of the noted federal requirements were evaluated for applicability to the proposed Project. Further details regarding the results of GTN's evaluation are provided below.

New Source Review

Congress established the New Source Review (NSR) pre-construction permitting program as part of the Clean Air Act (CAA). There are three types of NSR permitting requirements, of which a source may have to meet one or more of the requirements. The three types are:

- Prevention of Significant Deterioration (PSD) permits, which are required for new major sources or an existing source making a major modification in an attainment area;
- Nonattainment NSR permits, which are required for new major sources or an existing source making a major modification in a nonattainment area; and
- Minor NSR permits.

The Athol, Starbuck and Kent Compressor Stations area each located in an area of attainment. PSD is intended to keep new air emission sources from causing the existing air quality to deteriorate beyond acceptable levels. The definition of a PSD new major source of air pollutants, as applicable to the Project (compressor station source types), is any stationary source which emits, or has the potential to emit, 250 tons per year (tpy) or more of a PSD-regulated pollutant (primarily criteria pollutants) per 40 Code of Federal Regulations (CFR) §51.166(b)(1)(i)(b). The modifications of the Athol, Starbuck and Kent Compressor Stations will not trigger any requirements under PSD.

Title V

Title V of the CAA requires major sources of air pollutants to obtain and operate in compliance with a federally enforceable operating permit. Sources subject to the Title V operating permit program are required to certify compliance with the applicable requirements of their permits at least annually. The EPA has delegated 40 CFR Part 70 Operating Permit Program authority to each of the applicable state environmental agencies (i.e. Idaho Department of Environmental Quality, Oregon Department of Environmental Quality, and Washington State Department of Ecology)

APL01-1

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cont.

The threshold levels for determining the applicability for a Title V operating permit in an area of attainment in Washington, Idaho and Oregon are:

- 100 tpy of any criteria air pollutant;
- 10 tpy of any individual hazardous air pollutant (HAP); or
- 25 tpy of any combination of HAPs.

Emissions from the Project facilities exceed the 100 tpy criteria pollutant threshold. Accordingly, GTN submitted Title V air permit applications for each of the modified Project compressor stations, and Title V air permits have been issued for each. Copies of the permits were included in GTN's original application filed on October 4, 2021.

National Emissions Standards for Hazardous Air Pollutants

The National Emissions Standards for Hazardous Air Pollutants (NESHAP), codified in 40 CFR 61 and 63, regulate the emissions of HAPs from new and existing sources. The 1990 CAA Amendments established a list of 189 HAPs, resulting in the promulgation of Part 63, also known as Maximum Achievable Control Technology standards. Part 63 regulates HAPs from major sources of HAPs and specific source categories emitting HAPs. Some NESHAP may apply to non-major sources (area sources) of HAPs. Major source thresholds for NESHAP are 10 tpy of any single HAP or 25 tpy of total HAPs. All of the compressor stations to be modified in conjunction with the Project are existing sources of HAPs and will continue to be an area source of HAPs following the proposed Project modifications. The applicable regulations, which are noted in the previously filed air permits, include 40 CFR 63 Subpart A and ZZZZ.

New Source Performance Standards

Section 111 of the CAA authorized the EPA to develop technology-based standards which apply to specific categories of stationary emission sources. These standards, referred to as New Source Performance Standards (NSPS), are codified in 40 CFR Part 60. NSPS apply to new, modified, and reconstructed affected facilities in specific source categories. NSPS regulations are issued for categories of sources causing or contributing significantly to air pollution that may reasonably be anticipated to endanger public health or welfare. The applicable regulations are included in the air permits, which are noted in the previously filed air permits, include 40 CFR 60 NSPS Subpart A, GG, JJJJ, KKKK and OOOOa.

General Conformity of Federal Actions

A General Conformity applicability analysis will be required for any part of the Project occurring in nonattainment or maintenance areas for criteria pollutants. Section 176(c) of the CAA requires federal agencies to ensure that federally approved or funded projects conform to the applicable approved State Implementation Plan. As specified in Section 176(c)(1)(B) of the CAA (EPA, 2003), such activities must not:

1. Cause or contribute to any new violation of any standard in any area;
2. Increase the frequency or severity of any existing violation of any standard in any area; or
3. Delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

The entire Project area is classified as being in attainment or unclassified for all criteria pollutant standards; therefore, General Conformity requirements do not apply.

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2. Section 4.9, Air Quality and Climate Change, Construction Emissions Impacts and Mitigation, Table 4.9-1

Comment:

Table 4.9-1 of the Draft EIS does not reflect the most current and updated greenhouse gas (GHG) emissions data for the Project, as previously filed in GTN's May 6, 2022, response to the FERC's Environmental Information Request (EIR) dated April 29, 2022. A revised version of Table 4.9-1 is provided below with corrected numbers noted in red text.

Table 4.9-1								
Construction Emissions (tpy)								
Construction Activity	CO	NOX	VOC	PM10	PM2.5	SO2	HAP	CO2e
Walla Walla County, Washington								
Diesel non-road equipment	2.99	5.35	0.72	0.91	0.91	0.45	0.11	3,020 2,739
Diesel and gas on-road equipment	3.44	0.6	0.14 0.14	0.02	0.02	0.005	0.05	442 399
Construction activity fugitive dust	N/A	N/A	N/A	0.09	0.01	N/A	N/A	N/A
Roadway fugitive dust	N/A	N/A	N/A	0.07	0.03	N/A	N/A	N/A
Fugitive Components	N/A	N/A	0	N/A	N/A	N/A	N/A	0
Subtotal	6.43	5.95	0.87	1.09	0.97	0.45	0.16	3,462 3,140
Sherman County, Oregon								
Diesel non-road equipment	2.62	6.35	0.94	1.14	1.14	0.6	0.14	3,020 3,574
Diesel and gas on-road equipment	1.75	0.44	0.09	0.02	0.02	0.003	0.03	240 226
Construction activity fugitive dust	N/A	N/A	N/A	0.47	0.05	N/A	N/A	N/A
Roadway fugitive dust	N/A	N/A	N/A	0.08	0.04	N/A	N/A	N/A
Fugitive Components	N/A	N/A	0	N/A	N/A	N/A	N/A	0
Subtotal	4.37	6.79	1.03	1.71	1.26	0.6	0.17	4,189 3,800
Totals	10.8	12.74	1.9	2.8	2.23	1.05	0.33	7,651 6,940
N/A - not applicable								

APL01-2

3. Section 4.9, Air Quality and Climate Change, Operational Emissions Impacts and Mitigation, Table 4.9-2

Comment:

Multiple emission values listed in Table 4.9-2 of the Draft EIS do not reflect the most current and updated emissions data submitted as part of GTN's original application, as filed on October 4, 2021, or the additional information provided in GTN's May 26, 2022, response to the FERC's EIR dated April 29, 2022. A revised and corrected version of Table 4.9-2 is provided below with corrected numbers noted in red text.

APL01-3

APL01-2: see section 4.9 of this EIS for these changes.

APL01-3: see section 4.9 of this EIS for these changes.

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cont.

**Table 4.9-2
Compressor Station Operational Emissions (tpy)**

Emission Units	NOX	CO	VOC	PM10/PM2.5	SO2	CO2e	Total HAPs
Athol Compressor Station							
Unit 5D Solar Titan 130 Turbine	41.29	128.97	6.5	5.46 4.91	0.58 0.53	65,912 87,081	0.35 0.76
IA - Fuel Gas Heater	0.43	0.36	0.02	0.03	0.003	513	0.01
IA - Space Heaters	0.12	0.10	0.01	0.01	0.001	138	0.002
AUX-1 Caterpillar G3512 Emergency Generator	2.01	4.03	1.01	0.03	0.002	382	0.325
Equipment Leaks (Fugitive Emissions)	N/A	N/A	6.52	N/A	N/A	17,948	N/A
Venting	N/A	N/A	0.49	N/A	N/A	1,339	N/A
Proposed Facility PTE	43.85	133.45	8.02 14.55	6.64 4.98	0.60 0.54	117,232 107,401	1.19 1.10
Unit 5C Cooper Coberra 6000 Turbine	197.03	142.79	3.07	3.01	3.81	156,885	1.38
Lube Oil Tanks	N/A	N/A	0.001	N/A	N/A	N/A	N/A
Equipment Leaks (Fugitive Emissions)	N/A	N/A	8.66	N/A	N/A	23,845	N/A
Existing Facility PTE	197.03	142.79	11.7	3.01	3.81	180,730	1.38
Facility Total	240.88	276.25	19.76 26.28	8.66 7.99	4.44 4.35	297,962 288,131	2.66 2.48
<i>Title V Threshold</i>	100	100	100	100	100	N/A	25
<i>PSD Major Source Threshold</i>	250	250	250	250	250	100,000	N/A
Starbuck Compressor Station							
Unit 7D Solar Titan 130 Turbine	44.53	48.26	5.89	5.64 5.43	0.61 0.59	100,105 96,416	0.88 0.85
Unit 7E Solar Titan 130 Turbine	44.53	48.26	5.89	5.64 5.43	0.61 0.59	100,105 96,416	0.88 0.85
IA - Fuel Gas Heater	0.86	0.72	0.05	0.07	0.006	1,026	0.02
IA - Space Heaters	0.27	0.23	0.01	0.02	0.002	323	0.005
AUX GEN2 Caterpillar G3512 Emergency Generator	2.01	4.03	1.01	0.03	0.002	382	0.236
Equipment Leaks (Fugitive Emissions)	N/A	N/A	1.39	N/A	N/A	3,883	N/A
Venting	N/A	N/A	5.52	N/A	N/A	15,193	N/A
Proposed Facility PTE	92.20	101.49	18.37	11.40 10.98	1.32 1.19	217,166 213,135	2.01 1.96
Unit 7C Cooper Rolls Coberra RB-211	236	173	5.26	3.6	4.6	142,532	1.25
IA - Space Heaters	0.86	0.72	0.05	0.07	0.01	1,026	0.02
IA - Water Heater	0.02	0.01	0.001	0	0.0001	20.52	0.0003
Pipeline Fluids Tank	N/A	N/A	0.002	N/A	N/A	N/A	N/A

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cont.

Table 4.9-2
Compressor Station Operational Emissions (tpy)

Emission Units	NOX	CO	VOC	PM10/PM2.5	SO2	CO2e	Total HAPs
Lube Oil Tanks	N/A	N/A	0.06	N/A	N/A	N/A	N/A
Equipment Leaks (Fugitive Emissions)	N/A	N/A	7.48	N/A	N/A	20,598	N/A
Venting	N/A	N/A	1.32	N/A	N/A	3,625	N/A
Existing Facility PTE	236.88	173.74	14.17	3.67	4.61	167,801	1.27
Facility Total	329.07	275.23	32.54	15.07 14.65	5.84 5.80	384,936 380,936	3.28 3.23
<i>Title V Threshold</i>	100	100	100	100	100	N/A	25
<i>PSD Major Source Threshold</i>	250	250	250	250	250	100,000	N/A
Kent Compressor Station							
Unit 10D Solar Titan 130 Turbine	40.95	128.59	6.46	5.46 4.86	0.50 0.53	96,930 86,244	0.95 0.76
IA - Fuel Gas Heater	0.64	0.54	0.04	0.05	0.005	769	0.01
IA - Space Heaters	0.32	0.27	0.02	0.02	0.002	385	0.01
AUX-1 Caterpillar G3512 Emergency Generator	0.12	0.1	0.01	0.01	0.001	138	0.002
Equipment Leaks (Fugitive Emissions)	N/A	N/A	6.52	N/A	N/A	17,948	N/A
Venting	N/A	N/A	2.63	N/A	N/A	7,257	N/A
Proposed Facility PTE	42.04	129.50	15.67	6.66 4.94	0.60 0.54	122,426 112,743	0.87 0.78
Unit 10A Solar Mars	31.23	10.69	1.00	3.16	1.36	53,843	0.49
Unit 10C Solar Titan	34.01	21.12	1.28	4.02	1.73	68,409	0.63
Caterpillar G3516	11.61	1.58	0.34	0.03	0.002	333	0.21
Condensate Tank	N/A	N/A	0.002	N/A	N/A	N/A	N/A
Lube Oil Tanks	N/A	N/A	0.001	N/A	N/A	N/A	N/A
Equipment Leaks (Fugitive Emissions)	N/A	N/A	20.26	N/A	N/A	55,810	N/A
Venting	N/A	N/A	7.21	N/A	N/A	19,867	N/A
Existing Facility PTE	76.84	33.40	30.09	7.20	3.09	198,262	1.32
Facility Total	118.88	162.90	45.76	12.75 12.14	3.60 3.63	321,698 311,005	2.10 2.10
<i>Title V Threshold</i>	100	100	100	100	100	N/A	25
<i>PSD Major Source Threshold</i>	250	250	250	250	250	100,000	N/A

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cont.

Table 4.9-2 Compressor Station Operational Emissions (tpy)							
Emission Units	NOX	CO	VOC	PM10/PM2.5	SO2	CO2e	Total HAPs
Lube Oil Tanks	N/A	N/A	0.06	N/A	N/A	N/A	N/A
Equipment Leaks (Fugitive Emissions)	N/A	N/A	7.48	N/A	N/A	20,598	N/A
Venting	N/A	N/A	1.32	N/A	N/A	3,625	N/A
Existing Facility PTE	236.88	173.74	14.17	3.67	4.61	167,801	1.27
Facility Total	329.07	275.23	32.54	15.07 14.65	5.84 5.80	384,936 380,936	3.28 3.23
<i>Title V Threshold</i>	100	100	100	100	100	N/A	25
<i>PSD Major Source Threshold</i>	250	250	250	250	250	100,000	N/A
Kent Compressor Station							
Unit 10D Solar Titan 130 Turbine	40.95	128.59	6.46	5.45 4.85	0.50 0.53	86,930 86,244	0.85 0.76
IA - Fuel Gas Heater	0.64	0.54	0.04	0.05	0.005	769	0.01
IA - Space Heaters	0.32	0.27	0.02	0.02	0.002	385	0.01
AUX-1 Caterpillar G3512 Emergency Generator	0.12	0.1	0.01	0.01	0.001	138	0.002
Equipment Leaks (Fugitive Emissions)	N/A	N/A	6.52	N/A	N/A	17,948	N/A
Venting	N/A	N/A	2.63	N/A	N/A	7,257	N/A
Proposed Facility PTE	42.04	129.50	15.67	6.66 4.94	0.60 0.54	122,426 112,743	0.87 0.78
Unit 10A Solar Mars	31.23	10.69	1.00	3.16	1.36	53,843	0.49
Unit 10C Solar Titan	34.01	21.12	1.28	4.02	1.73	68,409	0.63
Caterpillar G3516	11.61	1.58	0.34	0.03	0.002	333	0.21
Condensate Tank	N/A	N/A	0.002	N/A	N/A	N/A	N/A
Lube Oil Tanks	N/A	N/A	0.001	N/A	N/A	N/A	N/A
Equipment Leaks (Fugitive Emissions)	N/A	N/A	20.26	N/A	N/A	55,810	N/A
Venting	N/A	N/A	7.21	N/A	N/A	19,867	N/A
Existing Facility PTE	76.84	33.40	30.09	7.20	3.09	198,262	1.32
Facility Total	118.88	162.90	45.76	11.75 12.14	3.60 3.63	321,693 311,005	2.10 2.10
<i>Title V Threshold</i>	100	100	100	100	100	N/A	25
<i>PSD Major Source Threshold</i>	250	250	250	250	250	100,000	N/A

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APL01-4: see section 4.9 of this EIS for these changes.

APL01-4

4. Section 4.9, Air Quality and Climate Change, Climate Change, Paragraph Nine

Comment:

The Draft EIS describes the total Project operational GHG emissions on an annual basis as 204,170 metric tons CO₂e. However, GTN estimated total annual operational GHG emissions in its original application, as filed on October 4, 2021, as 196,830 metric tons CO₂e, and this value was subsequently revised to 129,932 metric tons CO₂e in GTN's May 26, 2022, response to the FERC's EIR dated April 29, 2022, following receipt of updated vendor equipment information for the proposed Project.

APL01-5: see section 4.9 of this EIS for these changes.

APL01-5

5. Section 4.9, Air Quality and Climate Change, Climate Change

Comment:

In a stated effort to provide context to Project-related GHG emissions, the Draft EIS provides a comparison of the anticipated Project construction and operational emissions, as well as potential full burn downstream emissions, to state level GHG emissions reported for Idaho, Oregon, and Washington, referencing data obtained from the U.S. Environmental Protection Agency (i.e., "(USEPA 2021k)"). However, no citation for (USEPA 2021k) is included in the References section (Appendix C) of the Draft EIS, such that the source of the reported state GHG emissions data is unclear. Instead, it is thought that the reference to state level GHG emissions data should actually refer to data published by the U.S. Energy Information Administration (USEIA 2022), which actually provides estimated state level GHG emissions in metric tons per year of CO₂ rather than the Draft EIS reported metric tons of CO₂e. This apparent error results in an overstatement of the contextual weight of GHG emissions attributed to the Project, and GTN requests that the FERC revise and correct this error in the Final EIS for the Project.

Reference:

U.S. Energy Information Administration 2022. Table 1, State Energy-Related Carbon Dioxide Emissions by Year (Release Date April 13, 2022). Available at: <https://www.eia.gov/environment/emissions/state/> (Accessed August 15, 2022).

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