

# The Recorder

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## Citizens group demands withdrawal of pipeline statement

By John Bruce • Staff Writer

MONTEREY — A citizens group has filed a motion to rescind and revise the draft environmental impact statement for the proposed Atlantic Coast Pipeline.

In a filing with the Federal Energy Regulatory Commission posted Monday, Friends of the Central Shenandoah states the draft EIS either needs to be withdrawn and revised or supplemented to meet the letter of the law.

“The draft EIS claims that it was prepared in compliance with the requirements of (National Environmental Policy Act), but that is not the case. There is no evidence of market demand included in the draft EIS. Only precedence agreements with subscribers who are affiliates of the owners of the pipeline have been included,” the filing says.

“The commission’s own guidelines show that this is not an adequate indication of market demand for a project. In guidelines prepared in 1999, the commission stated, ‘Rather than relying only on one test for need, the commission will consider all relevant factors reflecting on the need for the project. These might include, but would not be limited to, precedent agreements, demand projections, potential cost savings to consumers, or a comparison of projected demand with the amount of capacity currently serving the market.’ In their policy statement issued in 2000, the commission explained: ‘that as the natural gas marketplace has changed, the commission’s traditional factors for establishing the need for a project, such as contracts and precedent agreements, may no longer be a sufficient indicator that a project is in the public convenience and necessity.’

“We ask that the commission follow its own directives and provide information in the draft EIS that identifies demand projections, potential cost savings to consumers, and a comparison of projected demand with the amount of capacity currently serving the market, so that the public can understand the reasoning that the proposed action is considered to be in the public’s interest (not just in the applicant’s interest).

“NEPA also requires that the draft EIS include a discussion of reasonable related issues and alternatives not within the jurisdiction of the lead agency. The draft EIS includes no mention of

the higher cost to ratepayers to use new pipelines when adequate capacity is available in less expensive existing pipelines; no mention is made of the societal costs of accelerated climate change due to methane leaks along the natural gas supply chain; no mention has been made of the possibility and the existing occurrence of lower electricity demand, energy efficiency and lower cost renewables undercutting the cost of energy from new gas-fired power plants leading to stranded costs; and investments in the accelerated development of natural gas infrastructure foreclosing investments in cleaner, lower-cost generation options. These are issues that should be considered when determining whether this project serves the public convenience and necessity and should be included in the draft EIS which is a document that supports that determination.

“Once the required information is provided, the case law on the agency’s requirement to revise an environmental document is clear. An EIS that fails to provide the public a meaningful opportunity to review and understand the agency’s proposal, methodology and analysis of the need for a project and its potential environmental impacts violates NEPA ... New information causes environmental documents to be supplemented, even after the environmental document has been completed and the agency action taken. In its review of one action, the court found there ‘are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts’ ... Of course, not all new information is significant or relevant; but the commission is required to take a ‘hard look’ at the new information and, after review, incorporate it into environmental documents. (Documented) cases make clear that an agency need not supplement an EIS every time new information comes to light after the EIS is finalized. To require otherwise would render agency decision-making intractable, always awaiting updated information only to find the new information outdated by the time a decision is made. On the other hand, and as the petitioners concede, NEPA does require that agencies take a ‘hard look’ at the environmental effects of their planned action, even after a proposal has received initial approval ... Friends of the Central Shenandoah believes that the mandate for a full analysis of the ‘public convenience and necessity’ for pipelines involves more than a professed, but unsubstantiated, need for more pipeline capacity.”