UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

October 29, 2012

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

Re: SCOPING COMMENTS – The Jordan Cove Energy Project LP and the Pacific Connector Gas Pipeline Notice of Intent to Prepare an Environmental Impact Statement. EPA Region 10 Project Number: 12-0042-FRC and 12-0049-AFS. *FERC Docket Nos. PF12-7-000 and PF12-17-000.*

Dear Secretary Bose:

The U.S. Environmental Protection Agency (EPA) would like to provide detailed scoping comments in response to the Federal Energy Regulatory Commission's (FERC's) August 13, 2012 Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) for the Jordan Cove Energy Project and Pacific Connector Gas Pipeline. With these comments we are also responding to the September 21, 2012 NOI to prepare an EIS issued by the Forest Service and BLM for Right of Way grants and land use amendments related to the Pacific Connector Gas Pipeline. These comments were prepared in accordance with our authorities pursuant to the National Environmental Policy Act (NEPA), Section 309 of the Clean Air Act, the Clean Water Act, and our responsibilities as a Cooperating Agency. We appreciate the opportunity for early involvement at this step of the NEPA process.

The Clean Air Act Section 309 directs the EPA to review and comment in writing on the environmental impacts resulting from certain proposed actions of other federal agencies and the adequacy of the Draft EIS in meeting the procedural and public disclosure requirements in accordance with NEPA. Please see the EPA's review criteria for rating Draft EISs at the EPA web site: (http://www.epa.gov/compliance/nepa/comments/ratings.html). Our review authorities under Section 309 are independent of our responsibilities as a Cooperating Agency for this EIS.

The FERC's NOI describes Jordan Cove's proposal to construct and operate an LNG export terminal on the North Spit of Coos Bay. The terminal would have the capacity to produce approximately six million metric tons per annum of LNG (equivalent to 0.9 billion cubic feet per day [Bcf/d] of natural gas). Facilities would include:

- 7.3 mile long waterway in Coos Bay for about 80 LNG carriers per year;
- 0.3 mile long access channel and marine berth;
- A cryogenic transfer pipeline;
- Two 160,000 cubic meter LNG storage tanks;
- Four liquefaction trains (each with a capacity of 1.5 million metric tons per annum);
- Two feed gas and dehydration trains with a combined throughput of 1Bcf/d of natural gas; and
- A 350 megawatt South Dunes power plant.

The attendant Pacific Connector pipeline would be 36 inches in diameter and about 230 miles long, extending from interconnections with other interstate pipelines near Malin, Oregon to the Jordan Cove LNG terminal at Coos Bay. The pipeline would have a design capacity of 0.9 Bcf/d of natural gas. Related facilities include:

- Two meter stations at the interconnections with the existing Gas Transmission Northwest and Ruby pipelines near Malin, Oregon;
- A 23,000 horsepower compressor station adjacent to the GTN and Ruby meter stations;
- A meter station at the interconnection with the existing Williams Northwest Pipeline system near Myrtle Creek, Oregon; and
- A meter station at the Jordan Cove terminal.

The enclosed scoping comments were prepared based on our review of the NOIs referenced above and the draft Resource Reports 1 and 10. Our comments reflect a broad range of issues that we believe to be significant and warrant treatment in the EIS. Among these issues is the range of alternatives. We encourage the FERC to consider a broad range of reasonable alternatives in the EIS that are capable of meeting the project's purpose and need and we look forward to continued discussions on this matter. For example, we would be interested in discussing whether an intertie with the Williams pipeline could be considered as a reasonable alternative and examined in the EIS. We also recommend expanding the scope of analysis to capture the non-jurisdictional South Dunes power plant as well as indirect effects related to gas drilling and combustion.

As a Cooperating Agency, we look forward to continued communication with your office throughout the development of the EIS, and we are available to work with FERC to review and comment on preliminary sections of the document. If you have any questions regarding our scoping comments, please do not hesitate to contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov, or you may contact Teresa Kubo of my staff in the Oregon Operations Office at (503) 326-2859 or by electronic mail at kubo.teresa@epa.gov. We look forward to our continued coordination and involvement in this project.

Sincerely,

Christine B. Reichgott

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosure

U.S. Environmental Protection Agency
Detailed Scoping Comments to Address the Federal Energy Regulatory Commission's Notice of Intent to Prepare an Environmental Impact Statement for the Jordan Cove Energy Project and Pacific Connector Gas Pipeline
FERC Docket Nos. PF12-7-000 and PF12-17-000

Purpose and Need
The EIS should include a clear and concise statement of the underlying purpose and need for the proposed project, consistent with the implementing regulations for NEPA (see 40 CFR 1502.13). In presenting the purpose and need for the project, the EIS should reflect not only the FERC's purpose, but also the broader public interest and need.

In supporting the statement of purpose and need, we recommend discussing the proposed project in the context of the larger energy market, including existing export capacity and export capacity under application to the Department of Energy, and clearly describe how the need for the proposed action has been determined.

Alternatives Analysis
NEPA requires evaluation of reasonable alternatives, including those that may not be within the jurisdiction of the lead agency[1]. A robust range of alternatives will include options for avoiding significant environmental impacts. The EIS should "rigorously explore and objectively evaluate all reasonable alternatives"[2] by developing a screening process. The screening process should rate each alternative against a set of pre-determined criteria. Each alternative should then be analyzed for its level of impact on a resource (e.g. no effect, negligible effect, minor effect, major effect, significant effect). Only the alternative that effectively meets or best meets all of the screening criteria should be recommended as the preferred alternative. The EIS should provide a clear discussion of the reasons for the elimination of alternatives which are not evaluated in detail.

We appreciate that Resource Report 10 for the Pacific Connector Pipeline Project (Section 10.4) evaluates system alternatives for the pipeline route. In the EIS we would like to see a more rigorous exploration of those alternatives. The basis for conclusions reached in Section 10.4.4 is not clear. Specifically, it is not clear how it was determined that an intertie with the Williams pipeline would result in prohibitive costs, associated rates, and environmental impacts. Because such a route would be significantly shorter than the currently proposed route, we recommend that the EIS give this route alternative additional consideration.

Non-Jurisdictional Facilities
In Section 1.9.2 of Resource Report 1, it is determined that as a non-jurisdictional facility, the South Dunes Power Plant does not need to be included in the DEIS. This assertion is based on the Report's interpretation of FERC's NEPA regulations at 18 CFR § 380.12(c)(2)(ii). Per those regulations, four factors are applied to determine the need for FERC to do an environmental review of project-related non-jurisdictional facilities. These factors include:

[1] 40 CFR 1502.14(c)
[2] 40 CFR 1502.14(a)

1. Whether or not the regulated activity comprises "merely a link" in a corridor type project (such as a transportation or utility transmission project);
2. Whether there are aspects of the non-jurisdictional facility in the immediate vicinity of the regulated activity which affect the location and configuration of the regulated activity;
3. The extent to which the entire project will be within the FERC's jurisdiction; and
4. The extent of cumulative federal control and responsibility.

Resource Report 1 considers each of these factors and finds that FERC environmental review is not warranted. We believe the Resource Report's interpretation of these criteria to be overly narrow. In particular, because the South Dunes Power Plant and the Jordan Cove Export Facility are interdependent and interconnected, we believe the power plant inherently affects the location of the export facility. Without the power supplied by the power plant, the export facility cannot be built; and without the export facility, there is no need for the power plant to be built.

In addition, CEQ NEPA regulations at 40 CFR 1508.25(a)(1) address connected actions, and clearly call for actions to be considered within the scope of an EIS if they "cannot or will not proceed unless other actions are taken previously or simultaneously" or " are interdependent parts of a larger action and depend on the larger action for their justification"[3]. It is clear from Resource Report 1 that the Power Plant is being constructed for the purpose of supporting the Project. The Power Plant is not being constructed for a purpose independent from the Project. On the contrary, it is being constructed specifically to support the power needs of the Project.

Section 40 C.F.R. 1508.25(a)(3) states that two actions should be evaluated in a single EIS when they are "similar actions, which when viewed with other reasonably foreseeable or proposed agency actions have similarities that provide a basis for evaluating their environmental consequences together, such as common timing and geography." The Power Plant will be built in a timeframe that will coincide with the Project's power needs. The Power Plant is specifically sited in proximity to the Project so that it can operate in conjunction with the Project. Because the South Dunes Power Plan and the Jordan Cove Export Facility are interdependent and interconnected, the locations of the two were selected to enhance the effectiveness of their co-operation. Therefore, we recommend that the FERC include the South Dunes Power Plant within the scope of the EIS.

Environmental Consequences

According to 40 CFR Part 1502.1, an Environmental Impact Statement, "...shall provide full and fair discussion of significant environmental impacts and shall inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the environment." In order to facilitate a full and fair discussion on significant environmental issues, we encourage the FERC to establish thresholds of significance for each resource of concern, and to analyze environmental consequences in a clear, repeatable manner. For each action, a series of questions should be considered: 1) What is the action? 2) What is the intensity or extent of impacts? 3) Based on identified thresholds, is that significant? If an impact of the action is significant, then the EIS must contain appropriate mitigation measures.

[3] 40 CFR 1508.25(a)(1)(ii) and (iii)

Water Quality
In order to adequately address water quality issues, the EPA recommends the EIS identify water bodies likely to be impacted by the project, the nature of the potential impacts, and the specific discharges and pollutants likely to impact those waters (addressing both Section 402 and 404 discharges and potential impairments to water quality standards). We also recommend the EIS disclose information regarding relevant Total Maximum Daily Load allocations, the water bodies to which they apply, water quality standards and pollutants of concern.

Clean Water Act Section 303(d) listed waters should not be further degraded. If additional pollutant loading is predicted to occur to a 303(d) listed stream as a result of a project, the EIS should include measures to control existing sources of pollution to offset pollutant additions.

Consider implementing watershed or aquatic habitat restoration activities to compensate for past impacts to water resources, particularly in watersheds with 303(d) listed waters where development may have contributed to impairments through past channelization, riverine or floodplain encroachments, sediment delivery during construction, and other activities that may have affected channel stability, water quality, aquatic habitat, and designated waterbody uses. Provisions for antidegradation of water quality apply to water bodies where water quality standards are presently being met. We recommend the EIS describe how antidegradation provisions would be met.

Hydrostatic Test Water
Hydrostatic testing of pipelines and tanks will be required to verify their integrity. We recommend that the EIS identify the water sources and withdrawal rates that would be required for hydrostatic testing. We recommend that the EIS identify and describe the location of these water sources (surface areas, depth, volumes, withdrawal rates, and project requirements). For each water source, we recommend that the EIS discuss the presence of any anadromous and/or resident fish species, including a discussion of any direct and cumulative impacts to fisheries resources. In addition, we recommend that the locations of discharge to land and/or surface waters, and discharge methods be specified in the EIS. Emphasis should be placed on minimizing interbasin transfers of water to the maximum extent practicable in order to minimize the risk of mobilizing invasive species. We recommend that the EIS describe the mitigation measures and control devices that would be implemented to minimize environmental impacts.

Source Water Protection
Public drinking water supplies and/or their source areas often exist in many watersheds. Source water areas may exist within watersheds where the pipeline and associated facilities would be located. Source waters are streams, rivers, lakes, springs, and aquifers used as supply for drinking water. Source water areas are delineated and mapped by the states for each federally-regulated public water system. The 1996 amendments to the Safe Drinking Water Act require federal agencies to protect sources of drinking water for communities. As a result, state agencies have been delegated responsibility to conduct source water assessments and provide a database of information about the watersheds and aquifers that supply public water systems.

Since construction, operation, and maintenance of a buried natural gas pipeline may impact sources of drinking water, the EPA recommends that the FERC work with the Oregon Department of Environmental Quality to identify source water protection areas. Typical databases contain information about the watersheds and aquifer recharge areas, the most sensitive zones within those areas, and the numbers and types of potential contaminant sources for each system. We recommend that the EIS

identify source water protection areas within the project area, activities (e.g., trenching and excavation, water withdrawal, etc.) that could potentially affect source water areas, potential contaminants that may result from the proposed project and mitigation measures that would be taken to protect the source water protection areas.

Wetlands and Aquatic Habitats

In the EIS, we recommend describing aquatic habitats in the affected environment (e.g., habitat type, plant and animal species, functional values, and integrity) and the environmental consequences of the proposed alternatives on these resources. Impacts to aquatic resources should be evaluated in terms of the areal (acreage) or linear extent to be impacted and by the functions they perform.

The proposed activities will require a Clean Water Act Section 404 permit from the Army Corps of Engineers. For wetlands and other special aquatic sites, the Section 404(b) (1) guidelines establish a presumption that upland alternatives are available for non-water dependent activities. The 404(b)(1) guidelines require that impacts to aquatic resources be (1) avoided, (2) minimized, and (3) mitigated, in that sequence. We recommend the EIS discuss in detail how planning efforts (and alternative selection) conform with Section 404(b)(1) guidelines sequencing and criteria. In other words, we request the FERC show that impacts to wetlands and other special aquatic sites have been avoided to the maximum extent practicable. The EPA also recommends the EIS discuss alternatives that would avoid wetlands and aquatic resource impacts from fill placement, water impoundment, construction, and other activities before proceeding to minimization/ mitigation measures.

The EPA recommends the EIS describe all waters of the U.S. that could be affected by the project alternatives, and include maps that clearly identify all waters within the project area. We also request the document include data on acreages and channel lengths, habitat types, values, and functions of these waters. As discussed above, projects affecting waters of the U.S. may need to comply with CWA Section 404 requirements. If project alternatives involve discharge of dredged or fill material into waters of the U.S., the EIS should include information regarding alternatives to avoid the discharges or how potential impacts caused by the discharges would be minimized and mitigated. This mitigation discussion would include the following elements:

- acreage and habitat type of waters of the U.S. that would be created or restored;
- water sources to maintain the mitigation area;
- re-vegetation plans, including the numbers and age of each species to be planted, as well as special techniques that may be necessary for planting;
- maintenance and monitoring plans, including performance standards to determine mitigation success;
- size and location of mitigation zones;
- mitigation banking and/or in lieu fees where appropriate;
- parties that would be ultimately responsible for the plan's success; and
- contingency plans that would be enacted if the original plan fails.

Where possible, mitigation should be implemented in advance of the impacts to avoid habitat losses due to the lag time between the occurrence of the impact and successful mitigation.

Water Body Crossing
As noted in Section 1.6.4 of Resource Report 1, the PCGP Project would affect 383 waterbodies. We appreciate the effort that the FERC and the proponent have made in the past to establish appropriate water body crossing procedures. We encourage the FERC to build upon these efforts through the use of risk screening tools that have been developed since the FEIS for the Jordan Cove LNG Export Facility was finalized. Specifically, we encourage the use of 1) a Project Screening Risk Matrix to evaluate the potential risks posed by the project to species or habitat, and to prioritize reviews; 2) a Project Information Checklist to evaluate whether all the necessary information is available to facilitate critical and thorough project evaluation; and 3) the River Restoration Assessment Tool, which can promote consistent and comprehensive project planning and review. These tools are available at www.restorationreview.com.

Maintenance Dredging
Resource Report 1 (Section 1.1.2.2) states that maintenance dredging requirements have been revised based on new modeling. The new estimate is that approximately 37,700 cubic yards would need to be dredged for maintenance at year 1. At year 10 that volume would be expected to decrease to 34,600 cubic yards. This is a substantial reduction from estimates of maintenance dredging included in the FEIS for the Jordan Cove Import Facility. We continue to request the inclusion of an analysis supporting the assertion that the capacity of the EPA's Ocean Disposal Site F would be unaffected by the addition of maintenance dredging material over the next 20 years in the EIS. In order for the EPA to concur with the issuance of a Section 103 permit, this will need to be clearly demonstrated.

In addition, we encourage the development of a Maintenance Dredging Plan in consultation with the U.S. Army Corps of Engineers and the EPA. That plan, including disposal, should be consistent with the site management and monitoring plan and reviewed and approved as part of the Section 103 permit process.

Air Quality
The EPA recommends the EIS provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards, criteria pollutant nonattainment areas, and potential air quality impacts of the proposed project (including cumulative and indirect impacts). Such an evaluation is necessary to assure compliance with State and Federal air quality regulations, and to disclose the potential impacts from temporary or cumulative degradation of air quality. The EPA recommends the EIS describe and estimate air emissions from potential construction, operation, and maintenance activities, including emissions associated with LNG carriers at berth. The analysis should also include assumptions used regarding the types of fuel burned and/or the ability for carriers to utilize dockside power (i.e. cold ironing). Emissions at berth are of particular relevance because the deep draft LNG carriers would be required to remain docked between high tides. We also recommend proposing mitigation measures in the EIS to address identified emissions impacts.

Fugitive Dust Emissions
Fugitive dust may contain small airborne particles that have the potential to adversely affect human health and the environment. The EPA defines fugitive dust as "particulate matter that is generated or emitted from open air operations (emissions that do not pass through a stack or a vent)". The most common forms of particulate matter (PM) are known as PM_{10} and $PM_{2.5}$ (particulate matter size less than 10 and 2.5 microns, respectively).

Sources of fugitive dust from this project may include unpaved gravel roads and facility pads, and clearing and construction sites. Effects of fugitive dust to the natural environment may include visibility reduction and haze, surface water impacts, impacts to wetlands, and reduction in plant growth. Fugitive dust may pose a human health risk due to chronic exposure in areas with vulnerable populations, such as infants and the elderly. The EPA recommends the EIS evaluate the magnitude and significance of fugitive dust emissions resulting from this project and potential impacts on human health.

We also recommend that a Dust Control Plan be developed and included as an appendix to the EIS. This plan should include provisions for monitoring fugitive dust during construction and operations, and implementing measures to reduce fugitive dust emissions, such as wetting the source material, installing barriers to prevent dust from leaving the source area, and halting operations during high wind events. We recommend that the EIS identify mitigation measures to avoid and minimize potential adverse impacts to the natural and human environment.

Biological Resources, Habitat and Wildlife

The EPA recommends the EIS identify all petitioned and listed threatened and endangered species under the Endangered Species Act, as well as critical habitat that might occur within the project area. We also recommend the EIS identify and quantify which species or critical habitat might be directly, indirectly, or cumulatively affected by each alternative and mitigate impacts to those species. The EPA recommends that the FERC continue to work with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. The EPA also recommends that the FERC continue to coordinate with the Oregon Department of Fish and Wildlife to ensure that State sensitive species are adequately addressed within the analysis and that current and consistent surveying, monitoring, and reporting protocols are applied in protection and mitigation efforts.

The EPA recommends the EIS also identify species listed under the Marine Mammal Protection Act. Marine barge/vessel traffic may result in potential conflicts with threatened and/or endangered marine mammals and their migration patterns and routes. We also recommend that the EIS describe the barge/vessel traffic schedule, patterns and marine transportation routes, as well as the migration period, patterns, and routes of potentially affected marine mammals. The direct, indirect and cumulative impacts from barge/vessel traffic on marine mammals, threatened and endangered species, critical habitats, and subsistence resources should be analyzed in the EIS.

Land Use Impacts

Land use impacts would include, but not be limited to, disturbance of existing land uses within construction work areas during construction and creation of permanent right-of-ways for construction, operations, and maintenance of the pipeline and above ground facilities. The EPA recommends the EIS document all land cover and uses within the project corridor, impacts by the project to the land cover and uses, and mitigation measures that would be implemented to reduce the impacts.

The primary impact of construction on forests and other open land use types would be the removal of trees, shrubs, and other vegetation. Although these can be regenerated or replanted, their re-establishment can take up to 20 years or more, making the construction impacts to these resources long term and in some cases permanent. The impact on forest land use, for example, in the permanent right-of-way areas would be a permanent change to open land. We recommend the EIS describe the impacts to forest and open land use types, indicate if the impacts would be permanent or temporary, and state

measures that would be taken to compensate landowners for loss of their resources because of the project.

If the project would cross sensitive areas then the EIS should specify the areas, indicate impacts to the areas, and document any easement conditions for use of the areas, including mitigation measures.

Invasive Species

The establishment of invasive nuisance species has become an issue of environmental and economic significance. The EPA recommends consideration of impacts associated with invasive nuisance species consistent with *E.O. 13112 Invasive Species*. In particular, construction activities associated with buried pipelines which disturb the ground may expose areas and could facilitate propagation of invasive species. Mitigation, monitoring and control measures should be identified and implemented to manage establishment of invasive species throughout the entire pipeline corridor right-of-way. We recommend that the EIS include a project design feature that calls for the development of an invasive species management plan to monitor and control noxious weeds, and to utilize native plants for restoration of disturbed areas after construction.

If pesticides and herbicides will be applied during construction, operation, and maintenance of the project, we recommend that the EIS address any potential toxic hazards related to the application of the chemicals, and describe what actions will be taken to assure that impacts by toxic substances released to the environment will be minimized.

Ballast water from barges/vessels is a major source of introducing non-native species into the marine ecosystems where they would not otherwise be present. Non-native species can adversely impact the economy, the environment, or cause harm to human health. Impacts may include reduction of biodiversity of species inhabiting coastal waters from competition between non-native and native species for food and resources. We recommend that the EIS discuss potential impacts from non-native invasive species associated with ballast water and identify mitigation measures to minimize adverse impacts to the marine environment and human health.

Hazardous Materials/Hazardous Waste/Solid Waste

The EPA recommends EIS address potential direct, indirect, and cumulative impacts of hazardous waste from construction and operation of the proposed project. The document should identify projected hazardous waste types and volumes, and expected storage, disposal, and management plans. It should identify any hazardous materials sites within the project's study area and evaluate whether those sites would impact the project in any way.

Seismic and Other Risks

Construction and operation of the proposed facility and pipeline may cause or be affected by increased seismicity (earthquake activity) in tectonically active zones. We recommend that the EIS identify potentially active and inactive fault zones where the proposed pipeline may cross. This analysis should discuss the potential for seismic risk and how this risk will be evaluated, monitored, and managed. A map depicting these geologic faults should be included in the EIS. The construction of the proposed project must use appropriate seismic design and construction standards and practices. Ground movement on these faults can cause a pipeline to rupture, resulting in discharge of gas and subsequent explosion. Particular attention should be paid to areas where the pipeline may cross areas with high population

densities. Mitigation measures should be identified in the EIS to minimize effects on the pipeline due to seismic activities.

Blasting Activities
During project construction, blasting may be required in certain areas along the pipeline route corridor and adjacent facilities, resulting in increased noise and related effects to local residents, and disruption and displacement of bird and wildlife species. We recommend that the EIS discuss where blasting in the project area would be required, blasting methods that would be used, and how blasting effects would be controlled and mitigated. Noise levels in the project area should be quantified and the effects of blasting to the public and to wildlife should also be evaluated in the EIS. We recommend that a Blasting Management Plan be developed and the environmental impacts evaluated in the EIS.

National Historic Preservation Act
Consultation for tribal cultural resources is required under Section 106 of the National Historic Preservation Act (NHPA). Historic properties under the NHPA are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register. Section 106 of the NHPA requires a federal agency, upon determining that activities under its control could affect historic properties, consult with the appropriate State Historic Preservation Officer /Tribal Historic Preservation Officer. Under NEPA, any impacts to tribal, cultural, or other treaty resources must be discussed and mitigated. Section 106 of the NHPA requires that federal agencies consider the effects of their actions on cultural resources, following regulation in 36 CFR 800.

Environmental Justice and Impacted Communities
In compliance with NEPA and with Executive Order (EO) 12898 on Environmental Justice, actions should be taken to conduct adequate public outreach and participation that ensures the public and Native American tribes understand the possible impacts to their communities and trust resources.

EO 12898 requires each Federal agency to identify and address disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations, low-income populations, and Native American tribes.[4] The EPA also considers children, the disabled, the elderly, and those of limited English proficiency to be potential Environmental Justice communities due to their unique vulnerabilities.

According to the Council on Environmental Quality, when determining whether environmental effects are disproportionately high and adverse, agencies should consider the following factors: [5]

- Whether environmental effects are or may be having an adverse impact on minority populations, low-income populations, or Indian tribes that appreciably exceeds or is likely to appreciably exceed those on the general population or other appropriate comparison group
- Whether the disproportionate impacts occur or would occur in a minority population, low-income population, or Indian tribe affected by cumulative or multiple adverse exposures from environmental hazards

[4] EO 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations. February 11, 1994.
[5] http://ceq.hss.doe.gov/nepa/regs/ej/justice.pdf

Socioeconomic Impacts
Council on Environmental Quality Regulations at 40 CFR 1500-1508 state that the "human environment" is to be "interpreted comprehensively" to include "the natural and physical environment and the relationship of people with that environment" (40 CFR 1508.14). Consistent with this direction, agencies need to assess not only "direct" effects, but also "aesthetic, historic, cultural, economic, social, or health" effects, "whether direct, indirect, or cumulative" (40 CFR 1508.8).

Social impact assessment variables point to measurable change in human population, communities, and social relationships resulting from a development project or policy change. We suggest that the EIS analyze the following social variables:

- Population Characteristics
- Community and Institutional Structures
- Political and Social Resources
- Individual and Family Changes
- Community Resources

Impacts to these social variables should be considered for each stage of the project (development, construction, operation, decommissioning). With regard to the construction and operation phase of the project, we recommend the analysis give consideration to how marine traffic might change, and how this may affect commercial or recreational use on the bay and travel over the bar.

Greenhouse Gas (GHG) Emissions
On February 18, 2010, the CEQ issued draft guidance to Federal Agencies on analyzing the effects of Greenhouse Gas (GHG) emissions and climate change when describing the environmental effects of a proposed agency action in accordance with NEPA[6].

CEQ's draft guidance defines GHG emissions in accordance with Section 19(i) of *E.O. 13514 Federal Leadership in Environment, Energy, and Economic Performance (October 5, 2009)* to include carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorcarbon (HFCs), perfluorcarbon (PFCs), and sulfurhexafluoride (SF_6). Because CO_2 is the reference gas for climate change based on their potential to absorb heat in the atmosphere, measures of non-CO_2 GHGs should be reflected as CO_2-equivalent (CO_2-e) values.

The EPA supports evaluation and disclosure of GHG emissions and climate change effects resulting from the proposed project during all project phases, including (1) pre-construction (e.g., transportation, mobilization, and staging), (2) construction, (3) operation, (4) maintenance, and (5) decommissioning. We recommend that the GHG emission accounting/inventory include each proposed stationary source (e.g., power plant, liquefaction facility, compressor and metering stations, etc.) and mobile emission source (e.g., heavy equipment, supply barges, rail transports, etc.). We also recommend that the EIS establish reasonable spatial and temporal boundaries for this analysis, and that the EIS quantify and disclose the expected annual direct and indirect GHG emissions for the proposed action. In the analysis of direct effects, we recommend that the EIS quantify cumulative emissions over the life of the project, discuss measures to reduce GHG emissions, including consideration of reasonable alternatives

[6]See http://ceq.hss.doe.gov/current_developments/new_ceq_nepa_guidance.html

We recommend that the EIS consider mitigation measures and reasonable alternatives to reduce action-related GHG emissions, and include a discussion of cumulative effects of GHG emissions related to the proposed action. We recommend that this discussion focus on an assessment of annual and cumulative emissions of the proposed action and the difference in emissions associated with the alternatives.

In addition, greenhouse gas emission sources in the petroleum and natural gas industry are required to report GHG emissions under 40CFR Part 98 (subpart W), the Greenhouse Gas Reporting Program. Consistent with draft CEQ guidance[5], we recommend that this information be included in the EIS for consideration by decision makers and the public. Please see http://www.epa.gov/climatechange/emissions/ghgrulemaking.html.

Climate Change

Scientific evidence supports the concern that continued increases in greenhouse gas emissions resulting from human activities will contribute to climate change. Global warming is caused by emissions of carbon dioxide and other heat-trapping gases. On December 7, 2009, the EPA determined that emissions of GHGs contribute to air pollution that "endangers public health and welfare" within the meaning of the Clean Air Act. Higher temperatures and increased winter rainfall will be accompanied by a reduction in snow pack, earlier snowmelts, and increased runoff. Some of the impacts, such as reduced groundwater discharge, and more frequent and severe drought conditions, may impact the proposed projects. The EPA recommends the EIS consider how climate change could potentially influence the proposed project, specifically within sensitive areas, and assess how the projected impacts could be exacerbated by climate change.

Coordination with Tribal Governments

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (November 6, 2000), was issued in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes. The EIS should describe the process and outcome of government-to-government consultation between the FERC and tribal governments within the project area, issues that were raised, and how those issues were addressed in the selection of the proposed alternative.

Indirect Impacts

Per CEQ regulations at CFR 1508.8(b), the indirect effects analysis "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." The 2012 report from the Energy Information Administration[7] states that, "natural gas markets in the United States balance in response to increased natural gas exports largely through increased natural gas production." That report goes on to say that about three-quarters of that increase production would be from shale resources. We believe it is appropriate to consider available information about the extent to which drilling activity might be stimulated by the construction of an LNG export facility on the west coast, and any potential environmental effects associated with that drilling expansion.

[7] Energy Information Administration, Effects of Increased Natural Gas Exports on Domestic Energy Markets, 6 (January 2012) available at http://www.eia.gov/analysis/requests/fe/pdf/fe_lng.pdf

Cumulative Impacts
The cumulative impacts analysis should identify how resources, ecosystems, and communities in the vicinity of the project have already been, or will be affected by past, present, or future activities in the project area. These resources should be characterized in terms of their response to change and capacity to withstand stresses. Trends data should be used to establish a baseline for the affected resources, to evaluate the significance of historical degradation, and to predict the environmental effects of the project components.

For the cumulative impacts assessment, we recommend focusing on resources of concern or resources that are "at risk" and /or are significantly impacted by the proposed project, before mitigation. For this project, the FERC should conduct a thorough assessment of the cumulative impacts to aquatic and biological resources (including plover habitat), air quality, and commercial and recreational use of the bay. We believe the EIS should consider the Oregon Gateway Marine Terminal Complex as described by the Port of Coos Bay (http://www.portofcoosbay.com/orgate.htm) as reasonably foreseeable for the purposes of cumulative effects analysis. We recognize that uncertainty about future development of the North Spit remains, but we believe the stated aspirations of the Port and the Oregon Department of State Lands' 2011 issuance of a removal-fill permit for the development of an access channel and multi-purpose vessel slip provide sufficient reason for including the marine terminal complex in the effects analysis.

The EPA also recommends the EIS delineate appropriate geographic boundaries, including natural ecological boundaries, whenever possible, and should evaluate the time period of the project's effects. For instance, for a discussion of cumulative wetland impacts, a natural geographic boundary such as a watershed or sub-watershed could be identified. The time period, or temporal boundary, could be defined as from 1972 (when the Clean Water Act established section 404) to the present.

Please refer to CEQ's "Considering Cumulative Effects Under the National Environmental Policy Act"[8] and the EPA's "Consideration of Cumulative Impacts in EPA Review of NEPA Documents"[9] for assistance with identifying appropriate boundaries and identifying appropriate past, present, and reasonably foreseeable future projects to include in the analysis.

Mitigation and Monitoring
On February 18, 2010, CEQ issued draft guidance on the Appropriate Use of Mitigation and Monitoring. This guidance seeks to enable agencies to create successful mitigation planning and implementation procedures with robust public involvement and monitoring programs[10].

We recommend that the EIS include a discussion and analysis of proposed mitigation measures and compensatory mitigation under CWA §404. The EIS should identify the type of activities which would require mitigation measures either during construction, operation, and maintenance phases of this project. To the extent possible, mitigation goals and measureable performance standards should be identified in the EIS to reduce impacts to a particular level or adopted to achieve an environmentally preferable outcome.

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[8] http://ceq.hss.doe.gov/nepa/ccenepa/ccenepa.htm
[9] http://www.epa.gov/compliance/resources/policies/nepa/cumulative.pdf
[10] http://ceq.hss.doe.gov/current_developments/docs/Mitigation_and_Monitoring_Guidance_14Jan2011.pdf

Mitigation measures could include best management practices and options for avoiding and minimizing impacts to important aquatic habitats and to compensate for the unavoidable impacts. Compensatory mitigation options could include mitigation banks, in-lieu fee, preservation, applicant proposed mitigation, etc. and should be consistent with the *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule* (33 CFR Parts 325 and 332 and 40 CFR Part 230). A mitigation plan should be developed in compliance with 40 CFR Part 230 Subpart J 230.94, and included in the EIS.

An environmental monitoring program should be designed to assess both impacts from the project and that mitigation measures being implemented are effective. We recommend the EIS identify clear monitoring goals and objectives, such as what parameters are to be monitored, where and when monitoring will take place, who will be responsible, how the information will be evaluated, what actions (contingencies, triggers, adaptive management, corrective actions, etc.) will be taken based on the information. Furthermore, we recommend the EIS discuss public participation, and how the public can get information on mitigation effectiveness and monitoring results.