



Nathaniel J. Davis, Sr., Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Dear Mr. Davis,

The comments submitted below are pursuant to the proposed Nexus Pipeline (Docket #16-22-000). These comments are submitted on behalf of the Sierra Club Michigan Chapter (109 E Grand River Avenue, Lansing, MI 48906). The comments include two sections, one directed at FERC's ultimate public convenience and necessity determination, and one directed specifically at the Draft Environmental Impact Statement (EIS).

Nancy Shiffler  
Chair, Michigan Beyond Natural Gas and Oil Committee

August 29, 2016

### **Section I: Evidence of Public Convenience And Necessity.**

This section looks at the decision FERC must make in determining whether to issue a Certificate of Public Convenience and Necessity. The recent FERC decision on Dockets CP 13-483-000 and CP 140492-000 (p. 12) summarizes the guidance stated in the Certificate Policy Statement: *"The Certificate Policy Statement explains that in deciding whether to authorize the construction of major new pipeline facilities, the Commission balances the 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, the avoidance of unnecessary disruptions of the environment, and the unneeded exercise of eminent domain in evaluating new pipeline construction."*

Consequently, it is useful to consider the public convenience and necessity side of the balance to provide the context for reviewing the Draft EIS.

#### **Market Pull is Limited**

The draft EIS states: *"the need for the Projects originates from an increase in demand for natural gas in the region for electric generation, home heating, and industrial use, coupled with a decrease of imports of natural gas to the region by traditional supply sources, mainly western Canada and the Gulf Coast. The Projects would meet this need by importing natural gas to the region from newly available sources, mainly the Appalachian Basin."* Most of this statement is basically incorrect, considering:

Demand for electricity and natural gas in Michigan and the DTE service territory has declined and is predicted to continue to decline in the future. From 2000 to 2015, Industrial gas usage actually declined the most (26%). Electric generation accounted for only 21% of all gas consumed in Michigan in 2015.

<http://www.eia.gov/electricity/monthly/>

[http://www.eia.gov/dnav/ng/ng\\_sum\\_lsum\\_dc\\_u\\_SMI\\_a.htm](http://www.eia.gov/dnav/ng/ng_sum_lsum_dc_u_SMI_a.htm)

In recent MPSC rate cases, DTE Electric stated that they expect their electric sales to decline at a 2% annual rate. DTE predicts Industrial demand will decline by a larger 4% per year.

DTE stated that they do not plan to build a new gas electric plant until 2022.

DTE Gas said they forecast declining natural gas sales for all rate classes - including Residential - due to energy efficiency.

<http://efile.mpsc.state.mi.us/efile/docs/18014/0002.pdf>

Demand for natural gas has increased in Ohio. However, all but one of the new Ohio gas plants are planned along the Ohio River, far from the Nexus pipeline.

<http://marcellusdrilling.com/2016/04/list-of-7-announced-natgas-fired-electric-plants-planned-in-ohio/>

Plus, Nexus has no firm commitments in Ohio and FERC stated, “we do not consider the 13 [Nexus] tee-tap sites to be essential.” (Nexus DEIS, p.1-4)

There no longer is a Dawn Hub price premium and Ontario has an alternative source of Marcellus gas through New York pipelines. Demand for gas in Ontario is expected to rise very slowly with substantial production of electricity coming from hydro and growing renewable energy share.

<http://www.ferc.gov/market-oversight/mkt-gas/midwest/ngas-mw-yr-pr.pdf>

### **We Are Overbuilding Pipelines.**

The US Department of Energy (DOE), in a report from February 2015, stated that only 54% of current US pipeline capacity is being used, and better utilization could reduce the need for new pipelines.

Michigan has the largest gas storage in the U. S.; it would not need pipeline capacity beyond existing pipelines to prepare for proposed conversions of some coal plants to natural gas. In January 2016, electric generation accounted for only 14% of total gas usage in Michigan

[http://www.eia.gov/dnav/ng/ng\\_sum\\_lsum\\_dc\\_u\\_SMI\\_m.htm](http://www.eia.gov/dnav/ng/ng_sum_lsum_dc_u_SMI_m.htm)).

Marcellus and Utica gas is already flowing to this region through existing pipelines and new pipeline reversals. There is no shortage of gas in the region as evidenced by record high natural gas storage levels and relatively low prices. <http://www.eia.gov/naturalgas/weekly/?src=email>. According to RBN Energy: “Neither the Northeast, the Midwest nor Ontario (nor all these areas combined) will need nearly enough gas to absorb all the production flowing out of Marcellus/Utica wells and gas processing plants.” (<https://rbnenergy.com/too-much-pipe-on-my-hands-marcellus-utica-takeaway-capacity-to-the-midwest-canada>).

Top management at Energy Transfer (Rover) and key energy analysts are questioning the need for both Rover and Nexus because they essentially are duplicates. Analysts report there appears to be less demand for gas in the region than originally anticipated.

<https://www.sn1.com/InteractiveX/article.aspx?CDID=A-37402136-13106&KPLT=4>.

There is increasing evidence and concern that we are reaching a state of overbuild in pipeline infrastructure (<https://www.snl.com/InteractiveX/article.aspx?cdid=A-35872577-11048&Printable=1>). Many natural gas pipelines already flow into Michigan and inflow capacity has actually increased 15% from 2000 to 2015 to 10 Bcf/d. During the same time, natural gas usage in Michigan has declined 9%. If both Nexus (1.5 Bcf/d) and Rover (1.3 Bcf/d) are built in Michigan, this would increase Michigan inflow capacity by 2.8 Bcf/d while gas demand is declining. Considerable underutilized capacity will most likely be the result. (EIA-StatetoStateCapacity.xls, [http://www.eia.gov/dnav/ng/ng\\_sum\\_lsum\\_dcu\\_SMI\\_a.htm](http://www.eia.gov/dnav/ng/ng_sum_lsum_dcu_SMI_a.htm)). Pipeline overbuild has a major environmental impact because it unnecessarily damages or destroys thousands of acres of the environment and property. Overbuilding is evidence of a lack of public need; if there is a lack of public need, then eminent domain is inappropriate.

### **Financial Stability of the Project is Questionable.**

In Michigan, DTE is attempting to have a considerable share of Nexus costs subsidized by their captive customers. The state Attorney General's office expressed their concerns to the Michigan Public Service Commission (MPSC) that the Nexus agreement is an **affiliate transaction** between DTE Electric and the unregulated DTE Pipeline Company, a 50% owner of Nexus. This will result in the improper subsidization of DTE Pipeline Company by DTE ratepayers and is against the MPSC Code of Conduct: "There is a strong likelihood, as currently structured and proposed, that the NEXUS agreement will result in the improper **subsidization** of DTE Pipeline Company by DTE Electric's ratepayers, who will be bearing the burden of a net loss for the vast majority of the NEXUS contract." (<https://efile.mpsc.state.mi.us/efile/docs/17920/0116.pdf>, p.21)

The Michigan Attorney General and the ANR Pipeline Co. also claim that Nexus did not adequately consider alternative pipelines. Plus, the AG finds the DTE analysis "shows very clearly that the additional NEXUS pipeline capacity costs exceed any potential benefits from lower gas prices through the year 2024. Any significant savings, if they materialize, would not start until 2030." (<https://efile.mpsc.state.mi.us/efile/docs/17920/0116.pdf>, p.18), (<https://efile.mpsc.state.mi.us/efile/docs/17691/0141.pdf>)

DTE had to increase their commitment to Nexus, to quote DTE, "in order to ensure that the project has sufficient customer commitments to justify proceeding with construction." This additional take will most certainly reduce or eliminate take from competitive and existing pipelines such as ANR. Plus, it will lock DTE ratepayers into 20-year Nexus contracts at the expense of other supply and energy alternatives. (<https://efile.mpsc.state.mi.us/efile/docs/17920/0065.pdf>)

It appears unlikely that Nexus will be able to fully fund itself with so little capacity fill. Nexus capacity is only 56% filled, with a large share of this DTE. DTE Electric says they will not be able to use all their Nexus capacity until 2024. Also, consider that some shippers, and most likely Nexus' largest shipper Chesapeake, have renegotiated with other pipeline companies for lower volumes and fees. (<https://efile.mpsc.state.mi.us/efile/docs/17920/0065.pdf>)

## **Section II: Comments Regarding the Draft EIS**

Given FERC's role of balancing "public convenience and necessity" against potential adverse impacts, we have a number of concerns after reviewing the Draft EIS.

### **The Draft EIS Dismisses Viable Information for the No-Build Alternative.**

The Draft EIS is further flawed because of its failure to consider alternatives other than modes of fuel transport, such as a cleaner fuels and energy conservation alternative. This is exemplified in the dismissive tone in the section 3.1 discussion of the no-action alternative, which ends with this statement:

*"Authorizations related to how markets would meet demands for electricity are not part of the applications before the Commission and their consideration is outside the scope of this draft EIS. Therefore, because the purpose of the Projects is to transport natural gas, and the generation of electricity from renewable energy resources or the gains realized from increased energy efficiency and conservation are not transportation alternatives, they are not considered or evaluated further in this analysis."*

The Draft EIS does not adequately account for the role of energy conservation and efficiency and the use of renewable energy in reducing market demand. The Draft EIS argues that if Nexus were not to be built, other natural gas companies would propose new pipelines with the same environmental consequences. However, that argument does not account for current and future reductions in market demand that would result in sufficient capacity in existing pipelines to address market needs. With the trends in improved technology and reduced costs for renewables and efficiency, one would expect them to play a greater role in the near term and, thus, play an important role in consideration of alternatives.

FERC must, according to NEPA, demonstrate why "No Action" will not meet a demonstrated "Need." Consequently, the "No Action" alternative must be fully analyzed, and FERC's refusal to do so requires a much better justification than is currently provided in the Draft EIS. FERC must both account for the negative consequences of taking "No Action," and demonstrate that this particular permit for this particular project will outweigh these negatives.

### **FERC Is Providing Incomplete Information To Landowners Regarding Acquisition Of Easements.**

FERC is providing implicit pressure, which it frames as encouragement, to landowners to settle with the company rather than going through eminent domain proceedings. However, it neglects to tell them that FERC uses the proportion of negotiated right-of-way agreements as an indicator favoring approval of the project, putting a thumb on the scale that balances public need with adverse impacts. Formal FERC policies on acquisition of right of way are biasing the decision in favor of construction of Nexus. FERC reduces mitigation to a private agreement between landowners and the pipeline company.

We note this statement from Notice of Intent and echoed in your "What Do I Need to Know" handbook for landowners:

*"If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned pipeline facilities. The*

*company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the Project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, a condemnation proceeding could be initiated where compensation would be determined in accordance with state law.”*

We also note this statement from FERC’s Certificate Policy Statement (1999) [not provided directly to landowners]:

*“[T]he Company might minimize the effect of the project on landowners by acquiring as much right-of-way as possible. In that case, the applicant may be called upon to present some evidence of market demand, but under this sliding scale approach the benefits needed to be shown would be less than in a case where no land rights had been previously acquired by negotiation.”*

And this from Order Clarifying Statement of Policy (2000) [also not provided to landowners]:

*“The Policy Statement encouraged project sponsors to acquire as much of the right-of-way as possible by negotiation with the landowners and explained how successfully doing so influences the Commission’s assessment of public benefits and adverse consequences.”*

FERC should provide landowners on the original route and on any alternative routes a clear explanation of the NEPA requirements and how FERC interprets landowner agreements in its decision process. Having failed to do this for this specific project, FERC should not assume that completed agreements minimize the impact on landowners when weighed against supposed public benefits.

### **FERC Public Hearing Process Stifles Public Information and Participation**

On August 4, 2016, shortly before the beginning of the scheduled public hearings for the Draft EIS, FERC issued a statement describing the process for the hearings. There would be no formal informational presentations by FERC, and public testimony would be taken individually in separate rooms in the presence of a court reporter and a FERC official. Consequently, there would be no opportunities for the general public, including landowners recently notified due to route changes, to receive information about the project from FERC or from the public commentary of others. This left many members of the general public with little information to prepare written or spoken comments prior to the August 29 deadline.

We also note that the decision to hold the only Michigan hearing in Tecumseh, some 30 miles from the lower income areas of the Ypsilanti sections of the proposed route, is contrary to the EPA Environmental Justice guidelines, as stated in section 4.10.10 of the Draft EIS:

*The EPA states that Environmental Justice involves meaningful involvement so that:*

*(1) potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that would affect their environment and/or health; (2) the public’s contributions can influence the regulatory agency’s decision; (3) the concerns of all participants involved would be considered in the decision-making process; and (4) the decision-makers seek out and facilitate the involvement of those potentially affected (EPA, 2011).*

FERC should extend the deadline for comments, schedule more hearings in Michigan, and return to the plenary session format to better address the concerns of all citizens.

### **Land Use Impacts, Both Short-Term and Long-Term, Are Adverse.**

Impact on Soil. FERC has received a number of comments from farmers expressing concerns about the impact on soil structure from construction of the pipelines. The primary concern is the long-lasting impact on soil productivity, which farmers have already noticed from previous rights-of-way construction, as well as potential damage to drain tiles (see for example the comments submitted by Paul Wielfaerth of Lenawee County, Michigan). It has also been noted in other parts of the Midwest, for example in reports from testimony concerning a pipeline proposal in Iowa in 2015 (<http://amestrib.com/news/bakken-pipeline-may-damage-soil-conditions-generations>): *“If fertility is reduced, whether it’s due to contaminated top soil, disruption of water movement within the soil, change in soil temperature due to the presence of the pipeline or any of the other possible issues that Fenton believes could come from the pipeline’s construction, it could mean significant damage to the local farmland, agricultural industry and yield farmers get from their crops.”* Multiplied by the many miles of the Nexus pipeline traveling through farmlands (47% of the affected pipeline acreage) and added to the cumulative impact of other proposed pipelines in Ohio and Michigan, the effect on agricultural production could be significant both locally and regionally.

Given the potential long-term impacts on productivity, the description of the monitoring and mitigation process is inadequate. The Draft EIS should be treating this soil productivity issue not as a short-term impact, but rather as a long-term or permanent impact to be monitored and corrected over several years. The process for correcting problems needs to be spelled out. What redress do farmers have if Nexus refuses to correct a documented problem or has insufficient financing to complete it? The landowner should not have to resort to litigation to seek redress for documented losses.

Impact on Forested Lands. As stated in the Draft EIS, *“Construction of the NGT Project would result in the loss of approximately 332.2 acres of upland forest and 43.1 acres of forested wetlands, and construction of the TEAL Project would result in the loss of approximately 29.7 acres of upland forest and 0.1 acre of forested wetlands. The impacts of forested habitat loss are considered long-term due to the amount of time required for the forested habitat to return to its previous state, often taking decades. ...The NGT Project would permanently convert 146.3 acres of upland forest and 29.4 acres of forested wetland, while the TEAL Project would convert 4.9 acres of upland forest.”*

While acknowledging the long term or permanent impacts of the Nexus project on forested areas, the Draft EIS takes a dismissive view of the overall impact on forest habitat. For example, it claims that the impact in Michigan would be minimal because half of Michigan’s acreage is in forestland, ignoring the fact that most of that acreage is in the northern part of the state and represents different forest types. The analysis should instead look at the impact on the remaining forest types in the southeastern part of the state.

Forest and Agricultural Management Programs. The Draft EIS notes that the Nexus route would cross lands participating in conservation easements or various Conservation Reserve Programs and acknowledges the need for further analysis to determine how the pipeline would affect the land’s continued participation in these programs. However, the primary remedy seems to be the reimbursement of the landowner to compensate for any penalties or lost tax abatements. There should

also be consideration for altering the pipeline route to avoid these lands. There should be no reason to assume that the “public value” of the pipeline supersedes the “public value” (and personal value on the part of the land owner) of these conservation programs.

Wildlife. We note that finalizing the Wildlife section is incomplete pending the submission of reports from other state and federal entities and the completion of plans from Nexus. Since these reports may not arrive until on or after the August 29 public commentary deadline, the public is limited in how it can comment. We do concur with the emphasis on avoiding the clearing of bat, massasauga, and migratory bird habitat during the breeding and nesting season; however, the variations in start and end dates for the protected time frames for each species may create the potential for violations if not carefully monitored.

Water Crossings. In its discussion of the use of Horizontal Directional Drilling (HDD) for water crossings, Nexus identifies three sites “*as high risk of experiencing difficulty during construction, including the Sandusky River (MP 145.9), Maumee River (MP 181.6), and Huron River (MP 250.9). Each of these rivers is designated as sensitive for fish, recreation, and/or historic values.*” FERC has requested an assessment of the use of the HDD method for these sites prior to the end of the comment period. We concur that such an assessment should be done, but note that this will provide little or no time for public commentary.

The Draft EIS also notes that Nexus was unable to characterize the risk for four of the HDD sites: the Nimisila Reservoir (MP 41.1), Tuscarawas River (MP 48.1), West Branch of the Black River (MP 92.4), and the U.S. Highway 12/RACER site (MP 254.3). We are particularly concerned about the US 12/RACER site, the former Willow Run Power Train Plant, which is being administered under RCRA. As noted on page 4-164, numerous assessments have identified PCBs, VOCs, and possibly the presence of benzene, mercury, and other pollutants. The location of these contaminants should be carefully assessed, and the potential for contamination of the drilling fluids, with further dispersal during disposal or in inadvertent returns to the surface.

Water Usage. The Nexus project would require approximately 70.1 million gallons of water for hydrostatic testing, HDD crossings and construction of above ground facilities, with 96% coming from surface water sources. Permitting for the withdrawal would be under the jurisdiction of OEPA in Ohio and MDEQ in Michigan. Because of the quantity of water involved, Michigan withdrawals should be assessed with the state’s Water Withdrawal Assessment Tool.

### **Lack of Reasonable Comment Period on Pending Reports**

FERC maintains that all of the described impacts could be sufficiently mitigated if FERC’s proposed 47 conditions are carried out. However, many of the conditions involve the submission by Nexus of additional information and plans, including reports from other federal, state, or local entities. In many cases these are required to be filed “prior to the end of the draft EIS comment period.” It is unlikely that there will be sufficient time for adequate public commentary on any of these required reports. In practical terms, this suggests that the DEIS is an incomplete document. Provision of supplemental information contemporaneously with the mandatory public comment period means the public is commenting on an incomplete document, even as FERC states that the information would not materially alter the DEIS conclusions. That’s a suspect and unwarranted conclusion particularly if the effect of the provided information causes FERC to order rerouting of the pipeline.

The draft EIS states that, “We do not expect that the applicants’ responses would materially change any of the conclusions presented in this draft EIS.” [The draft EIS states that these are needed primarily to update information; we suggest that the same diligence should be applied in updating the 2010 unemployment figures.] This statement is rather disconcerting given that at least some of the information requested, such as completion of missing risk analysis data for some HDD sites, has the potential to alter procedures or routes. FERC should ensure a time frame for additional comments to be submitted following the receipt of these reports.

### **Safety Requirements May Not Fully Account For The Potential Impact Radius**

Spectra Energy Partners (which partners with DTE in the Nexus application) submitted a petition to the Pipeline Hazardous Materials Safety Agency (PHMSA -- Docket Number -2016-0009). The petition seeks a waiver of the requirement to odorize gas in pipeline sections passing through densely populated Class 3 HCAs when more than 50% of the downstream segments are also densely populated – in this case, the final 7 miles of the proposed pipeline, with a possibility of extending it to the final 20 miles. The 20-mile extension would include the pipeline segments passing Willis and Whitaker Roads near Lincoln Consolidated schools, within 400 feet of three elementary schools. Odorization is a last line-of-defense safety measure, which allows immediate detection of and response to a leak by those actually in proximity to the leak. The company’s concern is the cost of blending odorized gas with non-odorized sources at the pipeline terminus. Their petition proposes a series of additional design, materials, construction, and monitoring measures to reduce the risk of a leak in the designated sections. If, in fact, these measures provide an additional margin of safety when the gas is not odorized, we would question why they are not also used in other Class 3 segments that do not fall under the 50% downstream rule.

Any enterprise of this sort is admittedly based on risk management rather than absolute avoidance of risk, but risk estimates are small comfort to those living within an impact radius. For this reason, we argue that the pipeline should be routed to avoid human-occupied buildings within the radius of impact. We stress that the potential for adverse impacts in these situations far outweighs the very weak argument for public need for this project.

### **Green House Gases and Impacts on Climate Change Are Not Addressed Adequately.**

While we were pleased to see FERC is finally following EPA and CEQ guidelines to calculate GHG emissions as part of the NEPA process, we still find the Draft EIS included the following statement:

*“Currently, there is no standard methodology to determine how a project’s relatively small incremental contribution to GHGs would translate into physical effects on the global environment.”*

Yet the EPA has consistently stated in its comments on EIS reviews that there is sufficient relationship and predictability of the GHG impacts to include them in environmental reviews. While dismissing the impact of the Project on global emissions as unmeasurable and negligible, the FERC’s Draft EIS, in several places, shows no reluctance to note the lower CO<sub>2</sub> emissions from burning natural gas compared to other fossil fuels as a benefit of the Project. The logic here seems to be contradictory, slanting in favor of the project.

FERC should take notice of the recently released Harvard study (Turner, et al., *Geophys. Res. Lett.*, 43, 2218–2224, doi:10.1002/2016GL067987), which reports satellite data showing a 30% increase in U.S. methane emissions from 2002-2014, with the trend being largest in the central part of the country,

including Pennsylvania, West Virginia, Ohio and Michigan. The study concludes that, “*This large increase in U.S. methane emissions could account for 30–60% of the global growth of atmospheric methane seen in the past decade.*”

Although the Harvard study does not attribute the increase to a specific source, the trend coincides with the increase in natural gas production in those areas. Recent studies have also indicated that methane emissions and leaks from gas production and transportation facilities have been underestimated (<http://www.scientificamerican.com/article/leaky-methane-makes-natural-gas-bad-for-global-warming>). Consequently, the impact of the Nexus project on GHG’s should not be dismissed so easily, particularly when considered with the cumulative impact of several pipeline projects proposed for the same region.

The Draft EIS fails to adequately analyze the impacts of the proposed project’s greenhouse gas emissions on climate change as required by NEPA. “The impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct.” *Center for Biological Diversity v. National Highway Traffic Safety Administration*, 508 F.3d 508, 550 (9th Cir. 2007)); *Mid States Coalition for Progress v. Surface Transportation Board*, 345 F.3d 508 (9th Cir. 2008); *Border Power Plant Working Group v. DOE*, 260 F.Supp 2d 997 (S.D. Cal. 2003). NEPA calls for a quantification of the “incremental impact[s] that [the proposed project’s] emissions will have on climate change ... in light of other past, present, and reasonably foreseeable actions.” *Ctr. for Biological Diversity v. Nat’l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1216 (9th Cir. 2008).

Accordingly, the Draft EIS must quantify and evaluate the cumulative and incremental effects of climate change resulting from the proposed project and connected actions in comparison to and in conjunction with the effects of emissions of other reasonable alternatives or actions – past, present and reasonably foreseeable.

### **Cumulative Impacts And The Need For A Programmatic EIS Should Be Considered.**

FERC continues to take a limited view of cumulative impacts, both for the pipeline itself over its extended range and in concert with the many other projects in the region. FERC focuses on localized effects rather than on the combined effects on broader areas such as watersheds and drainage systems. Likewise, regional farm production or the health of species of concern should be considered cumulatively. A valid cumulative impacts analysis should address upstream extraction in the Marcellus/Utica plays as well as downstream transportation and combustion.

While acknowledging 9 planned, proposed, or existing FERC-related natural gas transmissions projects in the region, FERC limits consideration of cumulative impacts only to segments of projects within 10 miles of the Nexus project. FERC should instead be considering the broad impacts of the numerous projects that are emanating from the Marcellus shale region, many of them, including Rover, duplicative. It appears that the draft EIS is less reluctant to look at broader impacts when they favor construction. On page 4-270 we find this statement: “*We find that the Projects, along with other planned natural gas projects in the Midwest region, may result in the displacement of some coal use or encourage the use of lower carbon fuel for new growth areas, thereby regionally offsetting some GHG emissions.*” These are essentially downstream impacts on power plant activities outside of FERC’s jurisdiction (and the GHG offset is at best questionable). FERC should be equally willing to look at upstream cumulative adverse impacts such as the increase in green house gas emissions from methane leaks and natural gas production.

We note that the December 2014 guidance document from the federal Council for Environmental Quality (CEQ) recommended the use of a programmatic EIS when “*several energy development programs proposed in the same region of the country have similar proposed methods of implementation and similar best practices and mitigation measures that can be analyzed in the same document.*”

CEQ further states, “*Programmatic NEPA reviews provide an opportunity for agencies to incorporate comprehensive mitigation planning, best management practices, and standard operating procedures, as well as monitoring strategies into the Federal policymaking process at a broad or strategic level. These analyses can promote sustainability and allow Federal agencies to advance the nation’s environmental policy as articulated in Section 101 of NEPA.*”

Addressing cumulative impacts in a systematic way is crucial not only for avoiding and mitigating adverse impacts, but also for assessing the economic viability of a project.

### **Summary**

Ultimately, this is a badly flawed proposal. FERC’s issuance of a Certificate of Public Convenience and Necessity is supposedly based on a balancing of public benefits vs. possible adverse impacts. The financial condition of Nexus suppliers, the questionable level of market demand, and the apparent reliance on affiliate transactions speak to the lack of public need, while the potential for adverse impacts is clear. A company’s desire to build a pipeline does not constitute a need. FERC, to date, has not thoroughly analyzed the need for this project, nor has it demonstrated that this is the only (or best) way to meet that need. We should not be pitting the safety, economic value, and environmental health of property owners and communities against pipeline projects that are neither viable nor needed.

Document Content(s)

Sierra Club Michigan Chapter comments on Nexusr EIS.DOCX.....1-10