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Vote NO on HR 2910, the Promoting Interagency Coordination for Review of Natural Gas Pipelines Act

July 18, 2017

Dear Representative,

On behalf of our millions of members, our organizations urge you to oppose HR 2910, the Promoting Interagency Coordination for Review of Natural Gas Pipelines Act. This legislation subverts state and local permitting authorities, harms the environment, undercuts public transparency and input in decisions affecting communities—a situation that often occurs when vulnerable populations and environmental justice communities are involved—and recklessly expands the reach of eminent domain.

HR 2910 Limits the Input of Other Federal Agencies and State and Local Governments

This bill requires all other federal and state agencies to defer to FERC, essentially allowing FERC to ignore meaningful input from other federal agencies with jurisdiction, as well as local and state agencies with intimate knowledge of local communities and environmental and other conditions.

Importantly, FERC would decide the scope of these reviews and would be forbidden from considering comments from those agencies not invited or selected to participate. Moreover the bill attempts to eliminate participation from agencies with critical expertise, and even blocks any agency not selected for conducting their own environmental review.

This creates serious negative consequences for state and federal agencies wishing to protect their environment, natural resources, and the public from the impacts of interstate natural gas pipelines. State and federal agencies that want to participate in the permitting process as cooperating agencies do so to provide specific and indispensable expertise on the impacts of a given project under their lawful jurisdiction. Yet this bill would impair their ability to participate

in the “hard look” environmental impact review of natural gas pipelines required under the National Environmental Policy Act (NEPA) and related laws.

Requiring other agencies with particular expertise, such as the U.S. Forest Service, U.S. Fish and Wildlife Service, Army Corps of Engineers, Environmental Protection Agency, or a state environmental agency, to defer to FERC provides a dangerous rubberstamp for the oil and gas industry that would come at the expense of the health and safety of our communities, local resources, and the environment.

This bill will supersede state and federal agency authority by elevating the Federal Energy Regulatory Commission (FERC)- an agency with no mandate to protect public health and the environment—to be essentially the only agency in the permitting process with any kind of influence. FERC’s kneejerk approval of gas pipelines already hurts Americans not just along infrastructure routes, but across the country because of projects’ contributions to climate change and the impact of building unnecessary infrastructure on ratepayers.

This would be a dramatic change from the current implementation of the environmental review process under NEPA and differentiate FERC implementation of NEPA from that of any other federal agency.

HR 2910 Limits the Time Available for Environmental Review

This bill would limit the time allowed for environmental review. This can lead to inadequate consideration of all environmental impacts, and thereby hurt the health and safety of local communities—the people who have to live with the consequences of risky and faulty projects. Environmental Justice communities, in particular, suffer disproportionately from environmental impacts, and those located near these pipelines - whether indigenous peoples, rural communities or communities of color, will experience the greatest adverse health effects. This is even more unfair because the public - particularly those immediately affected by the pipelines, are often not offered an opportunity to meaningfully participate in decision-making through a public comment period due to rushed and uninformed environmental review. Moreover, a rushed or limited environmental review process eliminates the opportunity for the public or other federal or state agencies to thoroughly analyze a project, provide input, or propose alternative ways to complete a project. Yet this bill would do just that – undermine the critical analysis of alternatives.

There is no proven need to limit the time available for environmental review. Large infrastructure projects already get preferential treatment. As recently as May 3, 2017, Terry Turpin, Director of FERC’s Office of Energy Projects, testified before the U.S. House Subcommittee on Energy and Power that FERC’s “current review processes ... have resulted in the timely approval of the facilities necessary for interstate natural gas pipelines... Since 2000, the Commission has authorized: nearly 18,000 miles of interstate natural gas transmission pipeline totaling more than 159 billion cubic feet per day of transportation capacity.”

HR 2910 Allows Approval of Pipelines Without Complete Environmental Review

This bill would allow FERC to grant conditional approvals based upon incomplete analysis of environmental impacts. It would do this by allowing data from remote sensing, such as satellite images or aerial photos, to substitute for actual on-the-ground inspection of landscapes, water resources, and more. There is no substitute for on-site inspection of sensitive resources. Without actual data, the public cannot understand the impacts of the project, or provide informed public comment. This is contrary to the soul of NEPA, which is to ensure transparency and opportunity for public input. Remote surveys are not adequate to gauge the risks involved in permitting large, complex, industrial projects, some of which would impact hundreds of miles and thousands of acres of land, and justify allowing construction to begin.

HR 2910 Will Result in More Land Seizures Through Eminent Domain

The Natural Gas Act grants federal eminent domain authority to interstate natural gas pipeline companies. This means that private companies can acquire private property for their project, even if there is no documented need for the project. By limiting agency review of these projects, expediting the timeline, and allowing aerial surveys and remote sensing to replace actual on-the-ground assessment, this bill would not only severely restrict environmental review and public input, it would also facilitate the use of eminent domain for a pipeline.

HR 2910 Creates an Unnecessary Divide

Pipelines, compressor stations, and associated rights-of-way permanently fragment habitats, divide communities, threaten clean water sources, allow companies to condemn private property, emit toxic air and global warming pollutants, and produce adverse environmental and public safety impacts for generations. These pipelines run through communities, cross our public parks, forests, farms, rivers, and private property. HR 2910 seeks to rush pipeline development and increase FERC's authority at the expense of other agencies with particular expertise, and public input, ultimately putting our communities at risk.

FERC does not need additional incentive to authorize interstate pipelines. As recently as the last Congress, a bill was passed to give large infrastructure projects like interstate pipelines preferential treatment. Already, FERC essentially approves all pipeline projects. This bill would set several dangerous precedents. We urge you to oppose this bill because it is designed to spread more pipelines into backyards and neighborhoods across the country by subverting environmental protection and limiting public input.

Sincerely,

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