

From: The undersigned Waterkeepers

Date: November 20, 2017

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

Re: We oppose the incorrect and inadequate FERC Sabal Trail SEIS
FERC Docket Numbers CP14-554-002, CP15-16-003, and CP15-17-002

On September 27, 2017, the Federal Energy Regulatory Commission (FERC) published a draft Supplementary Environmental Impact Statement (SEIS).¹ That SEIS was in response to the August 27, 2017 DC Circuit Court decision² regarding FERC's previous approval of Certificates of Convenience and Necessity for the three parts of the Southeast Markets Pipeline Project (SMPP), which are the Transcontinental Gas Pipe Line Company, LLC's (Transco) Hillabee Expansion Project in Docket No. CP15-16-000; Sabal Trail Transmission, LLC's (Sabal Trail) Sabal Trail Project in Docket No. CP15-17-000; and Florida Southeast Connection, LLC's (FSC) Florida Southeast Connection Project in Docket No. CP14-554-000. The judges ordered:

"The orders under review are vacated and remanded to FERC for the preparation of an environmental impact statement that is consistent with this opinion."

The draft SEIS issued by FERC is clearly not consistent with the court's opinion for the following reasons:

1. The SEIS is factually incorrect in stating that: *"...the new Florida Power and Light Company (FPL) Okeechobee Clean Energy Center; the Duke Energy Citrus County Combined Cycle Plant; and the existing FPL Martin County Power Plant. Service to these power plants was the primary purpose for which the SMP Project was constructed."*
 - a. FERC wrote in its February 2, 2016 Order granting federal eminent domain for Sabal Trail³: *"85. We also have no reason to contest Florida Power & Light's purported demand for natural gas. The Florida Public Service Commission issued an order finding that Florida Power & Light had demonstrated a need for additional firm capacity."*

¹ "Draft Supplemental Environmental Impact Statement for the Southeast Market Pipelines Project to address 8/22/17 opinion by the US Court of Appeals under CP14-554, et al." FERC Accession Number [20170927-3025](https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14605162), https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14605162

² U.S. DC Circuit Court of Appeals Case No. 16-1329, Sierra Club, Et al., Petitioners, v. Federal Energy Regulatory Commission, Respondent, Duke Energy Florida, LLC, et al., Intervenors, decided August 27, 2017, <https://www.cadc.uscourts.gov/internet/opinions.nsf/2747D72C97BE12E285258184004D1D5F/%24file/16-1329-1689670.pdf>

³ "Order issuing certificates and approving abandonment re Florida Southeast Connection, LLC, et al under CP14-554 et al.", FERC Accession Number 20160202-3056, February 2, 2016, https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14425623

- b. That Florida Public Service Commission Order of October 28, 2013⁴ listed three completely different power plants (**boldface emphasis added**): *“The primary factors driving this increased need are the three modernization projects currently in progress at FPL’s Cape Canaveral, Riviera Beach, and Port Everglades natural gas plants to upgrade older, 1960’s-era steam combustion turbine generating units to modern, and more efficient combined cycle technology.”*
 - c. Since FERC does not even have an accurate list of power plants intended to be fed by Sabal Trail, FERC’s SEIS cannot be correct.
 2. The FERC SEIS alleges increased natural gas flow to Florida which contradicts public evidence: *“The SMP Project would have the potential to increase the flow of natural gas into Florida by 1.1 billion cubic feet per day (bcf/day).”* A stock analyst has demonstrated that Sabal Trail is actually decreasing flow through the two existing pipelines into Florida (FGT and Gulfstream), by the same amount Sabal Trail is shipping.⁵ The same analyst provides evidence that: *“Total natural gas demand in Florida is off 4% or 162 MMcf/d; peak levels of 4.5 Bcf/d seen in summer 2016 have not been reached in summer 2017.”* Thus there is no evidence of actual increased natural gas flow into Florida, nor any need for it; in fact, quite the opposite.
 3. The SEIS does not mention Liquid Natural Gas (LNG) export at all, despite multiple LNG export operations already authorized to feed off of Sabal Trail,⁶ including Kinder Morgan’s Jacksonville Expansion Project of the Florida Gas Transmission pipeline from Sabal Trail in Suwannee County to Jacksonville, Florida, already issued a FERC Certificate of Convenience and Necessity,⁷ Eagle LNG in Jacksonville, planning to feed from FGT JEP,⁸ “sized to serve countries in the Caribbean Basin...”,⁹ and currently pending an EIS¹⁰ in FERC Docket CP17-41, Methane burned anywhere is a greenhouse gas. Any EIS for Sabal Trail should take into account exports through FGT JEP and Eagle LNG, as well as the numerous other LNG export operations already authorized by the Department of Energy’s Office of Fossil Energy. Accounting for LNG export is especially important since there is no need for increased natural gas flow into Florida (see above), thus any increased flow is likely to be exported.

⁴ PAA Order PSC-13-0505-PAA-EI on FPL’s proposed Sabal Trail Transmission, LLC and Florida Southeast Connection pipelines”, Document No. 06488-2013, October 28, 2013,

<http://www.floridapsc.com/ClerkOffice/ShowDocket?orderNum=PSC-2013-0505-PAA-EI>

⁵ Sabal Trail Adding Pipeline Capacity But Not Demand,” BTU Analytics, SeekingAlpha, 20 June 2017, <https://seekingalpha.com/article/4082770-sabal-trail-adding-pipeline-capacity-demand>

⁶ “Sabal Trail and LNG Export by truck, rail, and ship“, WWALS, 2017, <http://wwals.net/issues/stt/sabal-trail-and-lng-export-by-truck-rail-and-ship/>

⁷ “Order issuing certificate re Florida Gas Transmission Company, LLC under CP15-144,” FERC Accession Number 20160330-3028, June 30, 2016, https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14443181

⁸ “Sabal Trail to export through Jacksonville, FL,” WWALS, May 2, 2017, <http://wwals.net/2017/05/02/sabal-trail-to-export-through-jacksonville-fl/>

⁹ “Comments of Congressman Al Lawson, Jr. re the Eagle LNG Partners Jacksonville LLC Project under CP17-41,” FERC Accession Number 20171017-0012, October 17, 2017, https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14610641

¹⁰ “Letter to Ted S. Yoho re the Eagle LNG Partners Jacksonville, L.L.C.’s Eagle LNG Project under CP17-41”, FERC Accession Number 20171103-0266, November 3, 2017, https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14616757

4. The SEIS explicitly mentions solar power: *“The new capacity is expected to be principally from natural gas (3,395 MW) and solar (1,846 MW), with biomass and landfill gas units making up an additional 320 MW.”* Yet it neglects to compare solar emissions (there are none) with methane emissions (no pipeline or natural gas power plant can win that comparison). It also neglects to compare the cost of tripling that solar power number, which would completely replace fracked methane power, with for example the health effects of burning that methane. The need for a direct comparison of solar power with methane is illustrated by the plans of Duke Energy (a 7.5% owner of Sabal Trail) to build a 550-acre 75 megaWatt solar power plant directly adjacent to the Sabal Trail pipeline in Hamilton County, Florida.¹¹
5. The SEIS states that FERC is “not aware of” and “could not find a suitable method to attribute discrete environmental effects to GHG emissions.” FERC is the agency almost certainly most responsible for new greenhouse gas emissions through its rampant approval of new pipeline and LNG export projects. FERC should take responsibility for finding producing such a method. As Senators Whitehouse and Bennet have spelled out in an ecomment to FERC, courts in multiple other cases have directed agencies to use methods which are in fact available.¹² If “the ability to determine localized or regional impacts from GHGs by use of these models is not possible at this time,” FERC should take Sabal Trail out of service and stop approving any more pipelines until such models are possible.
6. FERC held no public hearings before issuing this inadequate draft SEIS. FERC may not be required to do so, but such hearings would quickly have pointed out the glaring factual inaccuracies in the SEIS, and might have even gathered assistance in doing a real model. No SEIS should be approved by FERC nor accepted by the court without public hearings first.

Shut it down

Beyond rejecting the SEIS, FERC should shut down Sabal Trail and the DC Circuit Court should issue a mandate permanently revoking all the FERC Orders for SMPP, because the “need” alleged by FPL in 2013 has been disproven.

1. The original list of power plants FPL said in 2013 needed conversion from coal to natural gas, already had been converted in 2016, before Sabal Trail was operational, according to FPL’s April 2016 Ten Year Plan (**emphasis added**):¹³

¹¹ “Hamilton Solar Plant,” Duke Energy Florida, unknown date, https://www.duke-energy.com/_media/pdfs/for-your-home/def-solar-investments.pdf, Duke Energy Florida files settlement agreement for building a smarter energy future,” Duke Energy, PR, 29 August 2017, <https://news.duke-energy.com/releases/duke-energy-florida-files-settlement-agreement-for-building-a-smarter-energy-future>

¹² “Comments of Senator Sheldon Whitehouse et al re the Southeast Market Pipelines Project under CP14-554 et al.,” FERC Accession Number 20171114-0043, https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14619734 “Whitehouse, Bennet call on FERC to use social cost of carbon in review of pipelines,” Sheldon Whitehouse, PR, 8 November 2017, <https://www.whitehouse.senate.gov/news/release/whitehouse-bennet-call-on-ferc-to-use-social-cost-of-carbon-in-review-of-pipelines>

¹³ “Ten Year Power Plant Site Plan 2016-2025”, FPL, April 2016, <https://www.nrc.gov/docs/ML1621/ML16216A227.pdf>

*“In recent years, FPL has retired a number of older, less efficient generating units including: Sanford Unit 3, Cutler Units 5 & 6, Cape Canaveral Units 1 & 2, Riviera Beach Units 3 & 4, Port Everglades Units 1 — 4, and Putnam Units 1 & 2. **In their place, FPL has already added new, highly fuel-efficient combined cycle (CC) natural gas-fired generation at the Cape Canaveral, Riviera Beach, and Port Everglades sites and will add another highly fuel-efficient CC unit in Okeechobee County in 2019.**”*

2. As seen above, FPL in 2013 alleged that Florida needed new electrical power, and FPSC and FERC concurred. Yet FPL in its April 2016 Ten Year Plan asserted (emphasis in original):¹⁴

“Difference: FPL does not project a significant long-term additional resource need until the years 2024 and 2025.”

3. In its 2013 announcement of Sabal Trail,¹⁵ FPL alleged a third “need”, of “a third, independently routed pipeline system....” Yet no pipeline can be as geographically distributed nor as reliable as solar power.

Thus all three of FPL’s allegations of need for Sabal Trail have been disproven. All that is left is that Sabal Trail has customers. That is not enough to meet FERC’s statutory duty to take into account public detriments, which FERC has failed to do by not producing an adequate SEIS.

Signatures

FERC should shut down Sabal Trail and the other components of the Southeast Markets Pipeline Project at least until FERC produces a SEIS that actually addresses the DC Circuit Court’s Order.

Signed:

John S. Quarterman, Suwannee Riverkeeper, WWALS Watershed Coalition

Dan Tonsmeire, Apalachicola Riverkeeper

Simona L. Perry, Ogeechee Riverkeeper

Earl Hatley, Grand Riverkeeper

Michael Mullen, Choctawhatchee Riverkeeper

Jason Ulseth, Chattahoochee Riverkeeper

Marty Baum, Indian Riverkeeper

Gordon Rogers, Flint Riverkeeper

¹⁴ “Ten Year Power Plant Site Plan 2016-2025”, FPL, April 2016, <https://www.nrc.gov/docs/ML1621/ML16216A227.pdf>

¹⁵ “FPL selects Sabal Trail Transmission and Florida Southeast Connection to build new natural gas pipeline system into Florida,” FPL PR, July 26, 2013, <http://newsroom.fpl.com/2013-07-26-FPL-selects-Sabal-Trail-Transmission-and-Florida-Southeast-Connection-to-build-new-natural-gas-pipeline-system-into-Florida>