

WWALS Watershed Coalition advocates for conservation and stewardship of the Withlacoochee, Willacoochee, Alapaha, Little, Santa Fe, and Suwannee River watersheds in south Georgia and north Florida through education, awareness, environmental monitoring, and citizen activities.

May 1, 2020, claiming the facilities had been timely placed into service.¹¹

On May 22, 2020, Sierra Club filed a request for rehearing and stay of FERC's April 22, 2020 letter order.¹²

On June 8, 2020, Sabal Trail Transmission, LLC (Sabal Trail) filed a Motion for Leave to Answer and Answer (“Sabal Trail’s Answer”).¹³

On June 19, 2020, FERC granted Sierra Club’s request for rehearing.¹⁴ That FERC Order stated, “As provided in 18 C.F.R. § 385.713(d), no answers to the rehearing requests will be entertained.” However, Sabal Trail had already answered. Therefore, in this Brief WWALS addresses some of Sabal Trail’s Answer.

If FERC should try to claim Sabal Trail’s Answer moot, all these same points below should be considered on the basis of new and significant events in the outside world since Sabal Trail was permitted, and mostly since Sierra Club last won a case against Sabal Trail and FERC, as well as since the SEIS that resulted from that case.

1. Unreasonable standard of evidence for Sierra Club

Sabal Trail in its answer attempted to hold Sierra Club to an absurdly high standard of evidence for harm from compressor station gases, requiring direct links from gas emissions to specific human harms. In doing so, Sabal Trail relied on pre-pandemic standards of evidence, discounting Sierra Club’s references to the Novel Coronavirus COVID-19 pandemic. More people have died in the U.S. from this pandemic than U.S. deaths in World War I.¹⁵ That is a new circumstance and significant information, especially for Dougherty County, which is an epicenter of the pandemic.

Even before the brunt of the pandemic, in March, 2020. the Fourth Circuit Court ruled about the Atlantic Coast Pipeline (“ACP”), “Environmental Justice Is Not Merely a Box to Be Checked.”¹⁶ Dominion Energy, Duke Energy, et al. apparently found the hurdle of environmental justice too high, because in July they abandoned their attempts to build the ACP.¹⁷

FERC should start a Supplemental Environmental Impact Statement (“SEIS”) about Sabal Trail. Then we shall see if Sabal Trail partners Enbridge Inc. (“Enbridge”), NextEra Energy (“NextEra”), and Duke Energy (“Duke”) can clear that hurdle.

¹¹ “Sabal Trail Transmission, LLC Notice of Commencement of Service and Acquisition of Lease Capacity for Phase II Project facilities under CP15-17.” Sabal Trail, May 1, 2020, FERC Accession Number [20200501-5115](#)

¹² “Sierra Club request for rehearing and stay of FERC’s April 22, 2020 letter order under CP15-17.” Sierra Club, May 22, 2020, [FERC Accession Number 20200522-5342](#)

¹³ “Motion for Leave to Answer and Answer of Sabal Trail Transmission, LLC under CP15-17, et al.” Sabal Trail, June 8, 2020, [FERC Accession Number 20200608-5183](#).

¹⁴ “Order Granting Rehearing for Further Consideration re Sabal Trail Transmission, LLC under CP15-17,” FERC, June 19, 2020, FERC [Accession Number 20200619-3050](#)

¹⁵ “The coronavirus death toll in the U.S. has officially surpassed that of WWI,” Lance Lambert, Fortune, June 16, 2020, <https://fortune.com/2020/06/16/coronavirus-deaths-us-covid-19-death-toll-higher-wwi-total-how-many-dead/>

¹⁶ “INSIGHT: Fourth Circuit Rules ‘Environmental Justice Is Not Merely a Box to Be Checked,’” Simone Jones and Nicole Noëlliste, Bloomberg Law, March 5, 2020, <https://news.bloomberglaw.com/environment-and-energy/insight-fourth-circuit-rules-environmental-justice-is-not-merely-a-box-to-be-checked>

¹⁷ “Atlantic Coast Pipeline canceled after years of delays, accusations of environmental injustice,” Erik Ortiz, NBC News, July 6, 2020, <https://www.nbcnews.com/news/us-news/atlantic-coast-pipeline-canceled-after-years-delays-accusations-environmental-injustice-n1232987>