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Editorial by Anne Adams, Publisher

Aww, FERC is frustrated

“Unprecedented opposition.”

That, according to Cheryl LaFleur, chair of the Federal Energy Regulatory Commission, is what faces the nation’s natural gas pipeline development.

As widely reported, LaFleur made comments at a National Press Club event in Washington in January. She talked about the volume of those opposed to building more pipelines, and how these folks are overwhelming her office and staff.

“We have a situation here,” she said. “Pipelines are facing unprecedented opposition from local and national groups including environmental activists … These groups are active in every FERC docket, as they should be, as well as in my e-mail in-box seven days a week, in my Twitter feed, at our open meetings demanding to be heard, and literally at our door closing down First Street so FERC won’t be able to work.”

There’s a reason for that, Ms. LaFleur.

The way things are set up, pipeline developers and the gas industry as a whole have enormous power, advantages, and privileges over the regular citizens they affect. These people are tired of being pushed around, tired of their own land being taken away, and tired of the effects this industry has on their health and environment. The recent behaviors associated with the FERC process aren’t doing anything to inspire public trust, either.

We don’t have to single out Dominion, or the Atlantic Coast Pipeline group, for doing things like stacking a FERC scoping meeting with proponents of projects, or distributing what amounts to economic propaganda to prove these projects are “needed.”

Up north, the same things are happening.

Keith Brown, a reporter for the New Jersey Times (www. nj.com), reported on LaFleur’s comments March 3. In his area, a 36-inch, $1.2 billion, PennEast pipeline across several counties is fervently opposed for the same reasons people in our area oppose the ACP.

“The pipeline proposal, currently under review by the energy commission, has drawn criticism for cutting through environmentally sensitive areas as it traverses Hunterdon and Mercer counties. Leaders in every New Jersey town where the PennEast Pipeline would be built have passed resolutions opposing the project,” Brown reported.

Citizens opposed to it had similar experiences with FERC meetings, where citizens who came to voice their concerns were cut off, or never got the chance to speak at all. They, too, have taken issue with that company’s purported economic study touting thousands of jobs to be created. And, citizens also demanded extensions of the scoping period, a request that was rejected. FERC likes to keep things moving ahead, you know.

There must be some secret handbook for pipeline companies, explaining how to manipulate processes, cozy up to FERC, and eliminate too much "noise" from opponents. Seems all these companies use the same tactics, and FERC does little to stop it.

But then, what do we expect from FERC? The agency's very mission is to *promote* this energy infrastructure, and "foster economic and environmental benefits for the nation through approval of natural gas and hydropower projects," according to FERC's strategic plan. Fair enough.

But that mission also includes this: "Minimize risks to the public associated with FERC-jurisdictional energy infrastructure."

So far, we call that a fail. Or at least a failure to seriously account for what those risks really are in the long-term, comprehensively.

By creating this "pre-filing" process for the industry, pipeline companies (among others) can get ahead with environmental reviews and speed up the rate at which they can obtain a certificate from FERC.

By limiting "scoping meetings" to only a few, especially in a region like ours where traveling isn't easy and weather doesn't always cooperate, FERC effectively keeps the tracks greased for issuing certificates.

Geography doesn't seem to be FERC's strong point, by the way. It would seem that with a 550-mile proposed pipeline with nine scoping meetings (the tenth was for a supply-header project), those meetings would be about 61 miles apart from each other. Last time we checked, the distance between the final two meetings in Stuarts Draft and Elkton, W.Va., was about double that distance. And guess what town is at the halfway point? It seemed as if FERC is telling us that, as for you folks in Highland, you can just butt out.

To be fair, FERC has repeatedly assured us all comments, even those submitted after the scoping period ends, will be considered.

We reviewed some testimony provided to FERC regarding the ACP. Much of it was delivered from highly experienced engineers, environmental scientists, and economic experts who pointed out quite specifically what kind of damage the ACP could cause, and how its associated numbers just don't add up. Others mentioned the risks to their historic properties and to their businesses.

But if FERC is so overwhelmed with comments, how can we trust that a clamoring federal agency will have the time, staff, or inclination to justly consider them all? Even those supporting the pipeline should be concerned about that.

Why are we allowing the industry to game the regulatory process? If FERC is to minimize risks to the public, the agency needs to take its time in evaluating every proposed project carefully, not quickly.

So, that's an easy solution: Slow this train down. Extend the scoping period. Add more public meetings to the schedule. Let everyone offer their opinions and ask their questions without cutting them off.

As a February U.S. Department of Energy report correctly notes, “Siting energy infrastructure in the United States is a complex, multijurisdictional, and multidimensional process, with no two projects facing the same set of issues.” And FERC is in charge of evaluating them all under these conditions.

Toward that end, FERC must look at the cumulative effect of more gas pipelines — is the ACP really necessary? Can existing pipeline be consolidated, or its flow reversed to head south instead of north? Are any existing rights of way being considered? But of course we know FERC, being the overwhelmed federal agency it seems to be, depends on the industry players to examine these things and determine what’s best for their companies.

The DOE’s report also notes that two things can affect a slower rate of pipeline construction, which it predicts. First, it said, growth in demand from electricity generation and natural gas production is “broadly distributed rather than geographically concentrated,” thereby reducing potential pipeline capacity restraints and the need for new interstate pipelines.

“Second,” it said, “increasing utilization of capacity that is not fully utilized in existing interstate natural gas pipelines, re-routing natural gas flows, and expanding existing pipeline capacity are potentially lower-cost alternatives to building new infrastructure and can accommodate a significant increase in natural gas flows.”

A few months before the DOE released is report, the head of the EPA publicly called for more pipelines, seeming to ignore the fact that methane is more than 80 times the contributor to greenhouse gas than carbon dioxide. Talk about a topsy-turvy bureaucratic mess.

FERC must look at the big picture. It needs time to collectively determine, among all the proposed pipeline projects stemming from the Marcellus shale, how many are really necessary. How many will be abandoned, empty tubes in short order as the volatile market changes? Because one year, the demand picks up speed; the next, it drops because we’ve flooded ourselves in gas resources. Markets are shifty that way. The boom in shale gas development and the fracking technology that makes it possible to access the gas won’t last forever.

Why the “unprecedented” outcry, Ms. LaFleur? Because of the industry’s failure to adequately protect us, and your agency’s failure to do the same.

We see little evidence of a sturdy, unblemished record of oversight or protection. What we do see is the gas industry has much more control over FERC, state agencies, and lawmakers who make up the rules than it should.

You are not representing our interests, Ms. LaFleur. You are representing industries that have full and powerful resources to mostly glide through your processes with ease.

Until your agency can balance its mission to help the energy sector with its mission to minimize risk, Ms. LaFleur, your in-box will remain flooded for the foreseeable future. Get used to it.