

Time for a Pipeline Review Process Where People and Our Environment Really Matter

FERC Chairman Kevin McIntyre,

You have committed FERC to reviewing both its 1999 Pipeline Policy Statement and its policies on certification of natural gas pipelines. FERC's history of abusing communities and the environment when it comes to pipeline, LNG, and compressor infrastructure reviews make the public highly skeptical of the process and whether it will result in meaningful reforms. And so we request:

To ensure that FERC identifies a full spectrum of truly meaningful fixes to its pipeline review and approval process, FERC's Commissioners need to hear directly from the communities impacted by pipeline infrastructure and the FERC process. FERC should begin the 1999 Policy Statement review process with no less than six public hearings held in affected communities across the nation that are dedicated to the impacted public testifying directly to the FERC Commissioners about their experiences with the pipeline review and approval process.

In addition, we have drawn on the concerns of hundreds of organizations from across the nation to identify critical reforms that must result from any review process. At a minimum, identified reforms to the FERC process must include:

→**FERC must mandate a genuine demonstration of an end-use need for a project that is objectively verified by experts and that** cannot be fulfilled by renewable energy options.

→**FERC must respect state and local authority** and expertise by deferring to state and local environmental authorities' findings regarding the environmental, community, and economic impacts of pipelines.

→**FERC must respect the authority of other state and federal agencies** by instituting a policy that prevents FERC from approving pipeline infrastructure and/or allowing any element of construction to proceed until all state and federal reviews/permit processes have been finalized and approvals/permits granted.

→**FERC must end the use of tolling orders, which** place people in legal limbo and **prevent communities from accessing justice before a pipeline company exercises the power of eminent domain to take property rights and inflicts irreparable harm through significant stages of construction.** If tolling orders are not prohibited, then other mechanisms for addressing the problem include

- Prohibit pipeline projects from advancing in any way, shape, or form, including eminent domain and/or construction, if there is an outstanding rehearing request/tolling order; or
- Mandate FERC response to rehearing requests within 30 days and prohibit projects from advancing in any way, shape, or form during that period.

→**FERC must commit to removing bias from the process**, by no longer hiring consultants with demonstrated conflicts of interest (i.e., those who are representing a pipeline company seeking Commission approval), and by prohibiting Commission staff or Commissioners from working on/deciding upon any pipeline infrastructure project in which they have a direct or indirect financial stake or have worked to represent the company within the previous 5 years.

→**FERC must end the practice of using segmentation to skew** environmental and community impact reviews.

→**FERC must commit to a complete analysis of the costs and benefits, with a full and fair implementation of NEPA, including, but not limited to**, fully evaluating social justice impacts; climate change impacts of pipeline construction and operation; community, environment, and climate change impacts of increased natural gas exploration, fracking, and methane emissions resulting from pipeline infrastructure operations; economic analyses that include costs, not just asserted benefits; alternatives not limited to alternate routes but that also include alternative energy sources; and robust health-and-safety impact analyses.

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