

**UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION**

Alaska Gasline Development Corporation
Alaska LNG Project

FERC/EIS-0296D
FERC Docket No. CP17-178-000

**NATIONAL PARKS CONSERVATION ASSOCIATION’S MOTION TO
INTERVENE AND PROTEST
(Submitted September 30, 2019)**

INTRODUCTION

On June 28, 2019, the Federal Energy Regulatory Commission (FERC) issued a draft environmental impact statement (Draft EIS) to study the impacts of construction of the Alaska Gasline Development Corporation’s proposed statewide Alaska LNG Project (project).¹ This project proposes multiple transmission lines, including an 806.6-mile-long natural gas pipeline, eight compressor stations, a liquefied natural gas (LNG) plant, and a marine terminal.² This massive infrastructure will have significant adverse impacts to air quality on its own, and cumulative with other sources in the region, as well as on-the-ground impacts to fish, wildlife, recreation and viewsheds in and around Denali National Park and Gates of the Arctic National Park.³ Comments on this project are due on October 3, 2019.⁴

Due to the scale of this project, National Parks Conservation Association (NPCA) and its members will be impacted on local, regional, and national levels. Pursuant to FERC’s rules for practice and procedure, 18 C.F.R. § 385.214 (Rule 214), NPCA moves to intervene in this proceeding.

¹ FERC Staff Issues Draft Environmental Impact Statement for the Alaska LNG Project (CP17-178-000), FERC, (June 28 2019), <https://www.ferc.gov/industries/gas/enviro/eis/2019/06-28-19-DEIS.asp>.

² *Id.*

³ *Id.*

⁴ *Id.*

MOTION TO INTERVENE

I. NPCA SHOULD BE GRANTED INTERVENTION.

NPCA is a 501(c)(3) nonprofit organization working to protect and enhance America's National Park System for present and future generations. The National Parks Conservation Association was founded in 1919, and today has more than 1.3 million members and supporters. It is headquartered in Washington, D.C., and has various regional and field offices, including an Alaska Regional office in Anchorage. Among other things, it works to ensure that National Park and Preserve lands, and surrounding federal and state lands, are managed to protect their wilderness character.

FERC regulations permit intervention where “the movant has or represents an interest which maybe directly affected by the outcome of the proceeding” or where “the movant’s intervention is in the public interest.” 18 C.F.R. § 385.214(b)(2). NPCA meets both of these criteria.

A. NPCA has an Interest which may be Directly Affected by the Outcome of this Proceeding.

NPCA has an interest as required by 18 C.F.R. § 385.214(b)(2)(ii). NPCA is concerned about the scope of impacts the proposed Alaska LNG project will have on Gates of the Arctic National Park, Lake Clark National Park, Denali National Park and Preserve, and other federally protected lands. The draft EIS asserts that the project will require 35,548 acres of land, including 16,479 acres that will be permanently affected by the project.⁵ The pipeline and several of the compressor stations are to be located near or within the boundaries of Gates of the Arctic National Park and Denali National Park and Preserve..⁶

Interest in the preservation of the National Preserves and Parks are legally protected interests under several federal statutes. *See* ANILCA, 16 U.S.C. § 3101(b) (“It is the intent of Congress in [ANILCA] to preserve unrivaled scenic and geological values associated with natural landscapes; to provide for the maintenance of sound populations of, and habitat for, wildlife species of inestimable values . . . , including those species dependent on vast relatively undeveloped areas”); National Park Organic Act, 54 U.S.C. § 100101(a) (the purpose of the National Park System “is to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”); Wilderness Act, 16 U.S.C. § 1133(b) (requiring designated Wilderness to be managed to preserve its

⁵ Alaska LNG Project Draft Environmental Impact Statement (Draft EIS), FERC, June 28, 2019, at 2-1.

⁶ Draft EIS at 1-2, Fig. 1-1 (map of project).

wilderness character and devoting it to “the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.”).

Because the proposed pipeline and associated infrastructure occurs near and within the boundaries of national parks and other protected federal land, their resources will be impacted. These impacts will be felt by NPCA members as well as the general public who visit these lands from all over the world.

NPCA is also concerned that the air quality analyses, modeling and associated reports are incomplete, based on unrepresentative and outdated information, and likely underestimate the impacts of the Alaska LNG project to protected federal lands. In order for the EIS to provide the public with a full and accurate understanding of the project’s impacts on air quality and visibility, FERC must update its modeling and air quality analyses, provide a mitigation plan and make such additional information available to the public through a supplemental notice with opportunity for comment. The Draft EIS fails to identify mitigation measures to reduce and/or eliminate these impacts or a mitigation plan that will be enforceable to safeguard public lands from impacts. Although NPCA will be submitting comments and expert reports to further explain the deficiencies in the Draft EIS, intervention is required to ensure that its interests are addressed during the proceedings.

B. NPCA’s Participation is in the Public Interest.

NPCA’s participation is in the public interest as required by 18 C.F.R. § 385.214(b)(2)(iii). Much of the project will be located on public lands, and the public is interested in how these lands will be developed and the significant impacts anticipated from this pipeline infrastructure.

NPCA and its members have a direct interest in the protection of the air quality, fish and wildlife, and other natural resources of the federal lands that will be impacted by the proposed LNG project, and as such, a direct interest in the outcome of this proceeding. NPCA can provide regional and scientific ecological knowledge, resources, and public input that will greatly benefit the process. NPCA’s participation will facilitate the development of a more complete record, will lead to more informed decision-making, and will serve the public interest.

C. This Motion to Intervene is Timely.

This motion is timely because NPCA is filing it within the time prescribed by the Secretary.⁷ It is before the close of the comment period and while data on the project continues to be compiled and submitted by the applicant to FERC for consideration.

II. INFORMATION REGARDING NPCA

NPCA states that the exact name of the movant is National Parks Conservation Association, with a principal place of business at 777 6th Street NW, Suite 700, Washington, D.C. 20001-3723. 18 C.F.R. § 385.203(b)(1)-(2).

III. SERVICE

Please serve the following people on correspondence and communications regarding this application:

Valerie Brown, Legal Director, Trustees for Alaska, 1026 W. 4th Avenue, Anchorage, AK, 99501, 907.433.2014, vbrown@trustees.org

Stephanie Kodish, NPCA, Senior Director and Counsel, Clean Air Program, 777 6th Street NW, Suite 700, Washington, D.C. 20001-3723, 865.329.2424, skodish@npca.org

IV. PROTEST

NPCA previously requested an extension of the public comment period for this project because of incomplete and missing information in the DEIS. Accession No: 20190903-5199 (filed September 3, 2019). NPCA subsequently repeated the request and made additional requests for missing information. Accession No: 20190917-5013 (filed September 17, 2019).

NPCA repeats and incorporates those requests here. Agencies can, consistent with NEPA and CEQ NEPA regulations, incorporate by reference analysis and information from existing documents into an EIS, so long as materials are reasonably available for review by interested parties. 40 C.F.R. § 1502.21. The documents that are required for adequate review of the adverse impacts of this project must be available for review prior to the end of the public comment period. Because the missing documents are still not available, NPCA requests that the public comment period be extended, and that FERC announce the extension prior to the current deadline on October 3, 2019.

⁷ Alaska Gasline Development Corporation; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Alaska LNG Project, 84 Fed. Reg. 32451-01 (July 8, 2019).

Because of the missing and incomplete information on impacts and proposed mitigation, FERC may not yet determine whether siting, construction, and operation of AGDC's proposed facilities are consistent with the public interest, including environmental impacts. 15 U.S.C. §§ 717b(a)(e). Nor has FERC yet met its obligations under NEPA to fully consider the significant adverse impacts that this project will cause. The Alaska LNG Environmental Impact Statement (EIS) must assess the direct, indirect, and cumulative effects of the proposed project on the human environment, as well as means to mitigate adverse environmental impacts.⁸ As described above, it has failed to do so adequately.

CONCLUSION

NPCA has significant concerns and interests that may be directly affected by the outcome of this proceeding and this Motion to Intervene is in the public interest. For the reasons stated above, NPCA respectfully requests that the Commission grant NPCA's Motion to Intervene and consider NPCA's comments and concerns in its permitting determination.

Respectfully submitted this 30th day of September, 2019.



Valerie Brown (AK Bar No. 9712099)
Trustees for Alaska
1026 W. Fourth Avenue, Suite 201
Anchorage, AK 99501
Phone: (907) 276-4244
Fax: (907) 276-7110
vbrown@trustees.org

Attorneys for Movant

⁸ 40 C.F.R. §§ 1502.16, 1508.25(c).

CERTIFICATE OF SERVICE

I certify that on September 30, 2019, I caused a copy of NATIONAL PARKS CONSERVATION ASSOCIATION'S MOTION FOR INTERVENTION AND PROTEST to be electronically filed with the Federal Energy Regulatory Commission using the e-file system.

A copy of this motion was also served via electronic mail to:

Howard Nelson, nelsonh@gtlaw.com
Kenneth Minesinger, minesingerk@gtlaw.com
Greenberg Traurig, LLP
2101 L Street, N.W., Suite 1000
Washington, D. C. 20037

Attorneys for Alaska Gasline Development Corporation

A copy of this motion was served via electronic mail to the following parties provided by FERC on eservice for this docket as of September 30, 2019:

cvadmin@chickaloon.org
dabney@northern.org
daniel.j.brink@exxonmobil.com
djohn@jhenergy.com
greg.youngmun@bp.com
jack.p.griffin@conocophillips.com
jstaser@brenalaw.com
kmonsell@biologicaldiversity.org
mfield@venable.com
nathan.matthews@sierraclub.org
sally.kucko@alaska-pipeline.com
thomas.hirsch@nortonrosefulbright.com
tony.cotton@bp.com



Valerie Brown