

Document Accession #: 20230313-5230

Filed Date: 03/13/2023

CP2 LNG

CP EXPRESS

Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC

Response to Staff Recommendations in the Draft Environmental Impact Statement

CP2 LNG and CP Express Project

Docket Nos. CP22-21-000 and CP22-22-000

Staff Recommendation No. 16

Prior to the end of the draft EIS comment period, CP Express shall file with the Secretary the volume of floodplain storage capacity that would be lost from Project construction and operation.

Response

As detailed in the table below, the total estimated volume of lost floodplain storage from Project construction and operation is 52.5 acre-feet.

APP1-1

Aboveground Site	CP Express Floodplain Storage Volume Impact			Total Volume Fill (acre-feet)
	Milepost	Total Area (acres)	Site/Fill Depth of Fill (feet)	
Transco & Cui Express Meter Station/MLV 1	0.0	3.1	1.0	3.1
MLV 2 ^a	14.9	0.2	1.0	0.2
TETCO & Boardwalk Meter Station	18.1	4.1	1.0	4.1
Enbridge Gas Transmission Meter Station	31.0	2.2	1.0	2.2
Moss Lake Compressor Station/MLV 4	44.4	33.7	1.0	33.7
Kinder Morgan Meter Station	44.6	3.8	1.0	3.8
MLV 5	53.2	0.2	1.0	0.2
MLV 6	72.7	0.2	3.0	0.5
Enbridge Receiver/MLV 3	E0.0	2.6	1.0	2.6
Enbridge Meter Station/MLV E2	E6.0	1.0	2.0	2.1
			Total Volume	52.5

^a MLV 2 was re-graded from MP 13.7 to MP 14.9

Note: Totals may not match the sum of field items due to rounding.

APP1-1: Information regarding the estimated volume of lost floodplain storage from Project construction and operation has been incorporated within section 4.2.3.4.

Document Accession #: 20230313-5230	Filed Date: 03/13/2023
CP2 LNG	CP EXPRESS
Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC Response to Staff Recommendations in the Draft Environmental Impact Statement CP2 LNG and CP Express Project Docket Nos. CP22-21-000 and CP22-22-000	
Staff Recommendation No. 17 Prior to the end of the draft EIS comment period, CP Express and CP2 LNG shall file with the Secretary, feasibility/hydrofracture assessments for each proposed HDD that include:	
a. the results of site-specific geotechnical investigation; b. an alignment plan and profile that incorporates site-specific geotechnical information; c. a description of any subsurface conditions that were identified during geotechnical investigations that may increase the risk of HDD complications (e.g., loss of drilling fluids; drill transition between overburden/bedrock, drill hole collapse, existing groundwater and/or soil contamination) as well as the measures that CP Express would implement to minimize these risks; and d. an assessment of the potential for hydrofracture and inadvertent return using the COE's Delft method (or an equivalent method).	
Response Pipeline System HDDs CP Express has completed geotechnical bores for seven of the thirteen proposed HDDs, and site-specific feasibility/hydrofracture assessments for each of these bores that include the requested information (a., b., c., and d.) are provided as attachment 17-1 (labeled CUI/PRIV and filed under separate cover as "Contains Privileged Information – Do Not Release"). Coastal Use Permit approvals (for areas within the Coastal Zone) and bore rig availability have delayed completion of the other bores and their feasibility/hydrofracture analyses. CP Express anticipates completing and filing outstanding requested analysis with FERC later this year. Calcasieu Loop Pass HDDs (LNG transfer lines, boil-off gas (BOG) line, and utilities) As a result of customary engineering progression, the HDD paths across Calcasieu Loop Pass between the mainland and Monkey Island were required to be shifted slightly. Additionally, the design was updated to incorporate an additional LNG transfer line and an additional utility line, resulting in six HDDs across Calcasieu Loop Pass (three LNG transfer line HDDs, one BOG line HDD, and two utility line HDDs). More detail on the minimum installation radius of the LNG transfer lines, which governs the exit and entry points of the HDDs, was also developed, necessitating a slight relocation of the HDD exit points on Monkey Island further to the northwest. Relocation of the HDD exit points resulted in a requirement to provide an HDD pathway through the marine civil structures that would be free from conflict by foundations and/or pilings. Accordingly, the marine civil works underwent a slight revision to incorporate this design criteria.	

APP1-2: To date, CP Express has completed and provided geotechnical boring logs for 9 of the 13 proposed HDDs, as presented within section 4.2.4. Additionally, CP Express does not intend to complete additional geotechnical borings for its proposed Marshall Street HDD, but has provided and would incorporate geotechnical information previously collected on the FERC-jurisdictional TransCameron Pipeline into its HDD design due to collocation with the Project. The recommendation in section 4.2.4 has been revised for CP Express to file alignment plan and profiles that incorporates site-specific geotechnical information for the remaining HDD crossing locations and to address subsurface conditions that would be identified during geotechnical investigations for several HDDs which may increase the risk of complications, including slickensides and poorly graded sand. Additionally, we recommend CP2 LNG file an HDD monitoring, inadvertent return response, and contingency plan, alignment plan and profiles, and descriptions of any subsurface conditions identified during geotechnical investigations that may increase the risk of HDD complications (e.g., loss of drilling fluids; drill transition between overburden/bedrock, drill hole collapse, existing groundwater and/or soil contamination) as well as the measures that CP2 LNG would implement to minimize these risks.

APP1-2

HDD spacing was also revised to provide for support pilings for the span of an access road structure above the HDD paths.

CP2 LNG is in the process of permitting a site-specific geotechnical investigation for the proposed HDDs. CP2 LNG anticipates regulatory approval in the coming months and is targeting completion of the site-specific geotechnical investigation by this Fall.

In addition, CP2 LNG's HDD engineering consultant, GeoEngineers, Inc. (GeoEngineers), has reviewed CP2 LNG's geotechnical data report previously prepared by Terracon entitled, "MOF-Venture Global LNG, Marine Facility Repairs/ Upgrades" (Terracon Report), provided as attachment 17-2 (labeled CUI/PRIV and filed under separate cover as "Contains Privileged Information – Dot Not Release"). GeoEngineers determined that two exploratory borings are close enough in proximity to the proposed CP2 LNG HDDs to aid in conceptual design and preliminary feasibility evaluations. Additionally, GeoEngineers incorporated relevant geotechnical data from the Terracon Report into the conceptual HDD plan and profile drawings included in attachment 17-3 (labeled CUI/PRIV and filed under separate cover as "Contains Privileged Information – Dot Not Release"). Based on its analysis, GeoEngineers anticipates the six HDDs associated with the CP2 LNG facility are feasible and amendable to practical methods to install the proposed facilities beneath Calcasieu Loop Pass. Moreover, GeoEngineers currently anticipates no more than moderate risks associated with hydraulic fracture and inadvertent drilling fluid returns during installation of the Calcasieu Loop Pass HDDs. CP2 LNG and GeoEngineers will utilize the geotechnical data obtained in the site-specific geotechnical exploration program being permitted now and planned to be executed in the coming months in order to further evaluate all HDD design options to minimize risks associated with hydraulic fracture, inadvertent returns, and general HDD construction risks. CP2 LNG will file a supplement with FERC containing this evaluation as soon as it is available.

APP1-2

Document Accession #: 20230313-5230 Filed Date: 03/13/2023 CP2 LNG CP EXPRESS Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC Response to Staff Recommendations in the Draft Environmental Impact Statement CP2 LNG and CP Express Project Docket Nos. CP22-21-000 and CP22-22-000	Staff Recommendation No. 18 Prior to the end of the draft EIS comment period, CP Express shall file with the Secretary, updated information on the impacted wetland areas in appendix H, table H-3 of the draft EIS identified as unacceptable. The information should include all appropriate details in a consistent manner for each area, updated site-specific justifications for alternative measures to the Commission's Procedures, site-specific equal compliance measures to avoid or minimize impacts on wetlands, and revised alignment sheets, as necessary. Response Site-specific justifications for alternative measures to the FERC Wetland and Waterbody Construction and Mitigation Procedures (Procedures) at wetlands and waterbodies identified in appendix H, table H-3 have been updated and are included in attachment 18-1. Additional temporary workspace (ATWS) locations were grouped by site-specific situation. As noted in the draft EIS, the majority of the impacts on wetlands will be short-term and temporary impacts. Herbaceous wetland vegetation will regenerate quickly, typically within 1 to 3 years. CP Express will install equipment mats and/or utilize low ground pressure equipment in these areas and install and maintain sediment barriers where necessary and practicable along the edge of the ATWS to prevent silt laden water from flowing off the construction right-of-way. Following construction, CP Express will restore the right-of-way to pre-construction conditions to facilitate revegetation. In compliance with the Procedures, CP Express will monitor the vegetation and work with the Louisiana Department of Natural Resources Office of Coastal Management and U.S. Army Corps of Engineers to determine if additional restoration measures are necessary. APPI-3
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APPI-3: Information regarding additional justifications provided for the additional temporary workspace within 50 feet of wetlands is included within section 4.5.2.3 and appendix H.

Document Accession #: 20230313-5230 Filed Date: 03/13/2023 CP2 LNG CP EXPRESS Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC Response to Staff Recommendations in the Draft Environmental Impact Statement CP2 LNG and CP Express Project Docket Nos. CP22-21-000 and CP22-22-000	Staff Recommendation No. 19 Prior to the end of the draft EIS comment period, CP2 LNG shall file with the Secretary, documentation of specific pile driving noise mitigation measures it commits to implement, which should include TNAP and any additional mitigation, to reduce underwater sound pressure levels produced by pile driving, developed in consultation with NMFS. Provide documentation of all consultation with NMFS not previously provided. Response To mitigate for and minimize associated impacts on marine species, CP2 LNG is proposing to implement the mitigation measures listed below to substantially reduce underwater sound levels produced by pile driving: • soft starts at the beginning of each pile installation or when a 15-minute or more delay in pile driving has occurred, involving the gradual increase of pile driving intensity to allow free-swimming aquatic life to leave the area; • utilization of double bubble curtains around 144-inch-diameter and 120-inch-diameter piles during impact driving, which will provide a 5 dB reduction in sound per curtain (10 dB with the use of a double curtain) (see FERC Accession No. 20220722-5160); and • prior to construction, CP2 LNG will train an environmental inspector (EI) or other qualified individual, such as the Marine Mammal Observer (MMO), in the following techniques and required boundary distance for protected marine species monitoring: ◦ the MMO will scan a buffer zone of 150 feet around pile driving areas for protected marine species, including sea turtles and giant mania rays, for 20 minutes prior to the onset of and continuously during pile driving activities; and ◦ if a protected marine species is spotted within this 150 foot buffer, work, equipment, and vessel operation will not begin or will be halted until the animal(s) have left the buffer zone or, after careful observation, have not been observed in the buffer for 30 minutes. The animals will not be herded or harassed into leaving the buffer. • Documentation to-date of consultation with the National Marine Fisheries Service (NMFS) is provided in attachment 19-1. Consultation with NMFS is ongoing.
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APP1-4: Additional information regarding specific pile driving noise mitigation measures has been incorporated within section 4.7.2.2.

Document Accession #: 20230313-5230 Filed Date: 03/13/2023 CP2 LNG CP EXPRESS Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC Response to Staff Recommendations in the Draft Environmental Impact Statement CP2 LNG and CP Express Project Docket Nos. CP22-21-000 and CP22-22-000	
Staff Recommendation No. 22 Prior to the end of the draft EIS comment period, CP2 LNG shall state how they will provide and ensure adherence to the <i>Vessel Strike Avoidance Measures</i> by operators of construction vessels.	APP1-5 Response Prior to commencement of construction, CP2 LNG will provide all construction vessel operators a copy of the <i>Vessel Strike Avoidance Measures</i>. Additionally, CP2 LNG will conduct mandatory training for construction vessel operators; such training will include review of the recommended Best Management Practices (BMPs) outlined in the <i>Vessel Strike Avoidance Measures</i>. The training will also include a visual component to assist with identification of protected marine species that may be encountered in the Project area (e.g., bottlenose dolphin, West Indian manatee, sea turtles, and giant manta ray).

APP1-5: CP2 LNG's measures to ensure construction vessel adherence to the Vessel Strike Avoidance Measures has been incorporated within section 4.8.1.2.

Document Accession #: 20230313-5230 Filed Date: 03/13/2023 CP2 LNG CP EXPRESS Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC Response to Staff Recommendations in the Draft Environmental Impact Statement CP2 LNG and CP Express Project Docket Nos. CP22-21-000 and CP22-22-000	
Staff Recommendation No. 23 Prior to the end of the draft EIS comment period, CP Express shall file with the Secretary the recommended BMPs to minimize impacts on the AST developed in consultation with FWS and how CP Express will implement the BMPs. Response CP Express coordinated with the FWS to develop BMPs that minimize impacts on the Alligator Snapping Turtle (AST). Correspondence is included in attachment 23-1. In addition to the crossing procedures outlined in the Project-Specific Wetland and Waterbody Construction and Mitigation Procedures (see FERC Accession No. 20211202-5105), CP Express will implement the following additional BMPs within suitable AST habitat: • where practical, CP Express will utilize trenchless crossing methods, such as horizontal directional drill (HDD), to cross waterways that may provide AST habitat; • where feasible, CP Express will stockpile the woody debris from those Project waterways identified as having the potential to provide AST habitat and replace the debris once construction is complete; and • Environmental Inspectors (EIs) and/or Biological Monitors will be trained to identify, trap, and move ASTs observed onsite. Trapping and relocation will only be attempted if determined to be more protective of an AST than allowing it to leave the construction area through its own volition or persuading it to leave. If an AST is captured, the turtle will be kept in water and shaded using tree branches or another suitable method. If relocation is necessary, ASTs will only be transported in water to the extent practicable. CP Express will contact the FWS in the event an AST is captured.	APP1-6 CP Express' additional BMPs that would be implemented to minimize impacts on the alligator snapping turtle have been incorporated in section 4.8.1.5.

Document Accession #: 20230313-5230 Filed Date: 03/13/2023	
CP2 LNG	CP EXPRESS
Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC Response to Staff Recommendations in the Draft Environmental Impact Statement CP2 LNG and CP Express Project Docket Nos. CP22-21-000 and CP22-22-000	
Staff Recommendation No. 25	
Prior to the end of the draft EIS comment period, CP2 LNG shall file with the Secretary, a visual screening plan to minimize visual impacts on the residences northeast and east of the CP2 LNG Terminal. At a minimum, the plan shall include vegetative plantings to provide a year-round visual buffer of the LNG Terminal floodwall.	
Response	APPI-7 To minimize visual impacts on the residences northeast and east of the Terminal Site, CP2 LNG will install vegetative screening by planting native live oak trees (<i>Quercus virginiana</i>) and native groundsel bushes (<i>Baccharis halimifolia</i>) on the northeastern and eastern sides of the Terminal Site. CP2 LNG will plant live oak trees of 15–25-gallon size on 30-foot centers between 20 and 40 feet outside the stormwater aggregate beds and approximately 70 to 90 feet outside of the floodwall border in those areas without stormwater aggregate beds. Groundsel bushes of 3-gallon size will be planted on 18-foot centers between the live oak trees, where space allows.

APPI-7: CP2 LNG's proposed vegetative screening has been incorporated into section 4.9.5.1.

Document Accession #: 20230313-5230 Filed Date: 03/13/2023 CP2 LNG CP EXPRESS Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC Response to Staff Recommendations in the Draft Environmental Impact Statement CP2 LNG and CP Express Project Docket Nos. CP22-21-000 and CP22-22-000	
Staff Recommendation No. 26 Prior to the end of the draft EIS comment period, CP Express shall file with the Secretary, a visual screening plan to minimize visual impacts on the residences northwest of the Moss Lake Compressor Station and Kinder Morgan Meter Station, and south of MLV 2. At a minimum, the plan shall: a. clarify the location of any existing tree buffer which would be maintained; and b. include vegetative plantings to provide a year-round visual buffer of the new compressor, meter, and valve facilities.	APPI-8 Response a. MLV 2 was relocated from MP 13.7 to MP 14.9. There are no residences adjacent to the new location. The closest residences are approximately 0.25 mile southeast of MLV 2 and there is an existing vegetative buffer between MLV 2 and these residences; therefore, CP Express is not proposing vegetative screening at MLV 2. b. At the Moss Lake Compressor Station and adjacent Kinder Morgan Meter Station, CP Express, in compliance with its location in a floodplain, will construct a 12-foot-high floodwall surrounding the facility. Additionally, CP Express will plant native Carolina cherry laurel trees (<i>Prunus caroliniana</i>) of 15-gallon size on 15-foot centers and native groundsel bushes (<i>Baccharis halimifolia</i>) of 3-gallon size on 18-foot centers for vegetative screening along the northern and northwestern sides of the facility.

APPI-8: CP Express' proposed vegetative screening for the Moss Lake Compressor Station and Kinder Morgan Meter Station have been incorporated into section 4.9.5.2. Additionally, we note MLV 2 has been relocated following issuance of the draft EIS and the closest residence is now approximately 0.25 mile southeast; an existing vegetative buffer between the facility and the residence exists. We conclude a visual screening plan for MLV 2 is no longer necessary, as described in section 4.9.5.2.

Document Accession #: 20230313-5230 Filed Date: 03/13/2023 CP2 LNG CP EXPRESS Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC Response to Staff Recommendations in the Draft Environmental Impact Statement CP2 LNG and CP Express Project Docket Nos. CP22-21-000 and CP22-22-000	
Staff Recommendation No. 28 Prior to the end of the draft EIS comment period, CP2 LNG shall file with the Secretary the level of service and capacity impacts of all roadways to be utilized for construction and operational activities at the Terminal Site. Response CP2 LNG conducted a traffic study to identify level of service and capacity impacts for roadways to be utilized for construction and operations activities at the Terminal Site. The traffic study report is included as attachment 28-1. An updated Terminal Facilities Traffic Management Plan will be included in a supplemental filing.	APP1-9 APP1-9: CP2 LNG's Traffic Study findings, including subsequent filings, and additional mitigation measures have been incorporated into section 4.10.8.1.

Document Accession #: 20230313-5230

Filed Date: 03/13/2023

CP2 LNG

CP EXPRESS

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CP2 LNG and CP Express Project

Docket Nos. CP22-21-000 and CP22-22-000

Staff Recommendation No. 29

Prior to the end of the draft comment period, CP Express shall file with the Secretary a specific list of the Pipeline System aboveground facilities where landowner agreements are not yet secured. Additionally for these sites, CP Express shall file alternative Pipeline System aboveground facility sites, including any relevant environmental, engineering, or economic factors associated with use of the alternative site and include a table which compares/contrasts the alternative sites' characteristics with the propose aboveground facility site.

Response

CP Express continues to negotiate with the property owners of the following Pipeline System aboveground sites – all of whom have expressed receptivity to hosting the aboveground facilities and signing agreements with CP Express:

- Transco & CJ Express Meter Station/MLV 1
- MLV 2
- Florida Gas Transmission Meter Station
- Kinder Morgan Meter Station
- Enable Meter Station/MLV E2

Although landowner agreements are not yet in place, customary negotiation, due diligence, and documentation processes are underway. Accordingly, CP Express continues to expect that the remaining agreements will be secured voluntarily without the need to utilize eminent domain authority.

APP1-10

APP1-10: CP Express' landowner agreement information regarding aboveground facilities has been incorporated into section 4.10.9.2. Due to CP Express' continued effort to negotiate and secure landowner agreements for these facilities, and our preference to avoid the use of eminent domain for aboveground facilities, we anticipate CP Express will secure voluntary landowner agreements at all aboveground facilities.

Document Accession #: 20230513-5230 Filed Date: 03/13/2023 CP2 LNG CP EXPRESS Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC Response to Staff Recommendations in the Draft Environmental Impact Statement CP2 LNG and CP Express Project Docket Nos. CP22-21-000 and CP22-22-000	Staff Recommendation No. 31 Prior to the end of the draft EIS comment period, CP Express shall file with the Secretary estimates of the annual emission rates for criteria air pollutants, total HAPs (as well as the highest individual-HAP emission rate), and CO₂e (as well as the CO₂, CH₄, and N₂O component emission rates) associated with the commissioning of the Moss Lake Compressor Station. Response On December 8, 2022, CP Express submitted an Addendum to the July 2022 Initial Title V Permit and PSD Permit Application (Application Addendum) to the Louisiana Department of Environmental Quality (LDEQ) and on December 15, 2022 to the U.S. Environmental Protection Agency (U.S. EPA) to authorize emissions from a gas-driven booster compressor, which was not included in the initial application. The changes associated with the Application Addendum are incorporated herein as follows: • updated versions of the applicable tables in Section 4.12.1 of the DEIS are provided in attachment 31-1 (note that the bold font represents changes to the values in the DEIS); • a copy of the Application Addendum, including the associated Class II Air Dispersion Modeling Report, is provided in attachment 31-2; • a copy of the updated version of the Air Quality Impacts Assessment report is provided in Attachment 31-3; and • a copy of the Modeling Archive Index associated with the Air Quality Impacts Assessment is provided in attachment 31-4 (note that the modeling archive is provided under separate cover). Additionally, CP Express has identified the following discrepancies in the DEIS and requests the following changes: 1. In table 4.12.1-2, update the ambient air quality concentrations for all modeled pollutants and their respective averaging periods to be consistent with the Class II Area Air Dispersion Modeling Report submitted as part of attachment General 1-f-v-2 (FERC Accession No. 20220801-5238). 2. In table 4.12.1-15, update the Total HAPs for Equipment Leaks from 1.1 to 0.1 tons per year to be consistent with the Moss Lake Compressor Station Initial Title V Permit and	APP1-11
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APP1-11: See revised section 4.12.1; suggested updates noted.
 For table 4.12.1-16 (short-term emissions associated with operation of Moss Lake Compressor Station) provided in Attachment 31-1 of CP Express’ response to Staff Recommendation No. 31, the carbon monoxide emission rate for the gas-driven booster compressor turbine has been revised to 69.16 pounds per hour (lb/hr) for the EIS, as opposed to the suggested value of 10.5 lb/hr. As shown on the LDEQ Emission Inventory Questionnaire form for the turbine provided in Attachment 31-2, 69.16 lb/hr is the maximum short-term emission rate, which is consistent with CP Express’ presentation of maximum short-term emission rates for other pollutants.

Document Accession #: 20230313-5230

Filed Date: 03/13/2023

CP2 LNG

CP EXPRESS

PSD Permit Application submitted as attachment General 1-f.v-2 (FERC Accession No. 20220801-5238).

The annual emissions associated with commissioning activities for the Moss Lake Compressor Station will be less than or equal to the annual emissions associated with operation of the Moss Lake Compressor Station as per the Application Addendum and are presented in the table below.

Annual Emissions (tpy)
Associated with Commissioning Activities for Moss Lake Compressor Station

Pollutant	Emissions (tpy)
PM ₁₀	101.8
PM _{2.5}	101.8
NO _x	345.7
CO	526.5
VOC	150.7
SO ₂	4.2
Total HAPs	7.3
Formaldehyde	4.7
CO ₂ e	809,007
CO ₂	786,484
CH ₄	884
N ₂ O	1.45

APPI-11

Document Accession #: 20230313-5230 Filed Date: 03/13/2023 CP2 LNG CP EXPRESS Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC Response to Staff Recommendations in the Draft Environmental Impact Statement CP2 LNG and CP Express Project Docket Nos. CP22-21-000 and CP22-22-000	
Staff Recommendation No. 32 Prior to the end of the draft EIS comment period, CP2 LNG shall file with the Secretary refined air quality modeling analysis (AERMOD or EPA-approved alternative) of the CP2 LNG Terminal identifying the total maximum HAPs concentrations from the facility within the radius of impact. This modeling should: - identify emission rates of each HAP from both the LNG Terminal and mobile sources (LNG carriers and tugs); - provide justification for the HAPs included and excluded from the modeling analysis; and - provide the maximum concentrations and the corresponding Universal Transverse Mercator coordinates of each maximum HAP concentration outside the property line from the LNG Terminal and mobile sources. CP2 LNG shall provide all source input parameters (emission rate, stack height, stack temperature, exit velocity, etc.), justify the bases for any assumptions, and justify any assumptions that differ from the criteria pollutant modeling previously provided. CP2 LNG shall provide a description on how the modeling was performed (for example, identify the specific model number, meteorological data source, terrain data, source parameters, building information, receptor grids, post-processing assumptions, photochemical or atmospheric reaction assumptions, chemical half-life, etc.). Provide input data, as well as output data.	APPI-12 APPI-12: Comment noted. Additionally, we note that section 4.12.1 has been revised to include the results of a human health risk assessment due to operation of the Terminal Facilities and mobile sources.
Response CP2 LNG respectfully requests that FERC remove Recommendation 32 because the level of hazardous air pollutants (HAPs) to be emitted from the CP2 LNG Terminal and mobile sources are low and are expected to result in ambient air concentrations well below the Louisiana Ambient Air Quality Standards set forth in LAC 33:III.5112, Table 51-2. CP2 LNG submitted the application for the Initial Title V Permit and PSD Permit (Application) to the Louisiana Department of Environmental Quality (LDEQ) and to the U.S. Environmental Protection Agency (U.S. EPA) on July 29, 2022 (see Attachment General 1-I-v-1 [FERC Accession No. 20220801-5238]). The Application was deemed to be complete by the LDEQ on August 1, 2022 (see Attachment General-6 [FERC Accession No. 20221221-5304]). As required by the LDEQ and the U.S. EPA and in support of the Application, CP2 LNG performed Class II area air dispersion modeling analyses for several criteria pollutants as well as a secondary PM_{2.5} and ozone impact analysis. The modeling analysis was submitted on July 29, 2022. Unlike many states, Louisiana has a well-developed regulatory program for assessing and	

controlling emissions of toxic air pollutants (TAPs) under the Louisiana Revised Statutes § 30:2060 Toxic air pollutant emission control program (La. R.S. 30:2060) and the Louisiana Administrative Code (LAC), Title 33, Part III, Chapter 51, Comprehensive Toxic Air Pollutant Emission Control Program (LAC 33:III.51. Chapter 51). These Louisiana Air Toxic regulations apply to the owner or operator of any "major sources" of TAPs. A major source is defined as any stationary source that emits, or has the potential to emit, 10 tons per year of any single TAP or 25 tons per year of any combination of TAPs (LAC 33:III.5103.A). There are currently 99 listed TAPs regulated under the Louisiana Air Toxic regulations (LAC 33:III.5112, Table 51.1). These TAPs include acetaldehyde, acrolein, benzene, formaldehyde, and n-hexane. All of the federal HAPs that will be emitted from the CP2 LNG Terminal are also TAPs regulated by the Louisiana's Comprehensive Toxic Air Pollutant Emission Control Program.

APPI-12

Louisiana has established unique, conservative, and risk-based ambient air standards (AAS) for the 99 TAPs regulated under LAC 33:III. Chapter 51 as well as for a number of chemicals that are not HAPs (La. R.S. 30:2060 and LAC 33:III.5112, Table 51.2). The AAS contemplate multiple sources of pollution and establish protective limits on cumulative emissions that should ordinarily prevent adverse air quality impacts. In general, chronic TAPs have AAS based upon long-term exposures and have an annual averaging period. These standards were developed by using one forty-second of the Occupational Safety and Health Administration (OSHA) permissible exposure limit (PEL) with an additional safety factor of 10. TAPs posing a potential acute risk have an AAS established as an 8-hour standard. The 8-hour AAS were developed generally using the OSHA PEL with a safety factor of 10.

The Louisiana TAP program applies to TAPs at a major source if the source's potential to emit that TAP exceeds a defined minimum emission rate (MER) as provided in LAC 33:III.5112, Table 51.1. The MERs were established through rulemaking and represent the scientific judgment of the LDEC that controlling and assessing emissions below such rates are not warranted because the emissions do not pose sufficient risk. In addition, emissions from combustion of fuels considered to be virgin fossil fuels are exempt from Louisiana's Comprehensive Toxic Air Pollutant Emission Control Program.^{1,2}

The Application demonstrates only one non-exempt HAP, benzene, will be emitted at a rate

¹ LAC 33:III.5105.B.3. provides:

3. Each of the following emissions are exempt from the requirements of this Subchapter:

- u. emissions from the combustion of Group 1 virgin fossil fuels;
- h. emissions from the combustion of Group 2 virgin fossil fuels vented from a stack that has downwash minimization stack height or a height approved by the department; and
- c. emissions from the combustion of gas streams with a Btu value of greater than 7,000 Btu/lb that are generated by onsite operations, collected by a fuel gas system as defined in 40 CFR Part 63, Subpart G, and used as fuel.

² Note that the emissions resulting from combustion of virgin fossil fuels are subject to technology-based control standards under federal regulations such as the Boiler MACT (40 CFR Part 63, Subpart DDDDD) and the NESHAPS for Stationary Combustion Turbines (40 CFR Part 63, Subpart YYY).

Document Accession #: 20230313-5230

Filed Date: 03/13/2023

CP2 LNG**CP EXPRESS**

exceeding the MER, 260 lb/yr.³ As presented in Section 4 of the Application, the non-exempt benzene emissions will be emitted from the acid gas thermal oxidizers (0.09 lb/hr per Project phase) and fugitives (0.002 lb/hr). Therefore, the emissions rate for non-exempt benzene for the CP2 LNG Terminal is 0.182 lb/hr (i.e., 0.09 lb/hr x 2 + 0.002 lb/hr).

The LDEQ has discretion under LAC 33:III.5111.B.5 to require CP2 LNG to model non-exempt emissions of a TAP above the MER from the LNG Terminal to demonstrate compliance with the AAS.⁴ Where modeling of non-exempt benzene emissions was performed for an LNG terminal with an emissions rate (1.69 lb/hr) higher than that of CP2 LNG (0.182 lb/hr), the TAP modeling indicated maximum modeled concentration at only a fraction of the AAS.⁵ CP2 LNG respectfully requests that FERC defer to the experience and expertise of the LDEQ which has principal responsibility for ensuring that air emissions are compliant with its AAS under its delegated authority from the U.S. EPA.

APP1-12

In addition, CP2 LNG prepared an environmental justice analysis for the Application to ensure that adverse environmental effects of the proposed CP2 LNG Terminal, including any adverse environmental effects on communities of color or people living with low income, have been avoided to the maximum extent possible. This assessment was performed utilizing the EPA's Environmental Justice Screening and Mapping Tool (EJScreen, Version 2.1).⁶ The screening assessment provided below shows that there is low probability of any risk from the CP2 LNG Terminal air emissions on any environmental justice community.

EJScreen is the most commonly used federal assessment tool for evaluating potential impacts to communities facing environmental justice-related concerns and is recommended by the U.S. EPA Region 6'. It provides a nationally consistent dataset and approach for combining environmental and demographic socioeconomic indicators used to assess potential exposure in potentially vulnerable communities. EJScreen calculates twelve (12) Environmental Justice Indexes ('EJ Indexes'), one for each of twelve individual environmental indicators, where the EJ Index is a percentile ranking among two comparison populations: state and US. Each EJ Index is available at state and US comparison levels within the standard reports is exportable from the on-line EJScreen tool.

EPA recommends use of the 80th percentile as a suggested starting point for the purpose of identifying geographic areas that may warrant further consideration, analysis, or outreach, if any

³ LAC 33:III.5112, Table 51.2.

⁴ LAC 33:III.5111 B.5. provides:

5. The department may request a dispersion modeling report demonstrating compliance with the ambient air standard developed by the owner or operator in accordance with the department's air toxics modeling procedures.

⁶ See Driftwood LNG, "PSD Air Dispersion Modeling and Impacts Analyses", Addendum to March 2017 Initial Title V and PSD Permit Application, July 2017, LDEQ EDMS Document No. 10723869. Available at: <https://edms.deq.louisiana.gov/app/doc/view?doc=10723869>. Accessed March 2023.

⁸ U.S. Environmental Protection Agency, EJScreen, <https://ejscreen.epa.gov/index.html>. Accessed March 2023.

⁷ U.S. Environmental Protection Agency, EPA Region 6 Regional Implementation Plan, Available at: https://www.epa.gov/sites/default/files/2015-08/documents/r6_reg_6_implementation07022013.pdf. Accessed March 2023.



of the EJ Indexes are at or above the 80th percentile, then further review is appropriate and is required by LDEQ in its recent permitting process.⁸ Because the screening methodology is conservative, communities with EJ Index scores below the 80th percentile generally do not warrant detailed review of environmental justice impacts.

None of the EJ Index scores for the communities within the analysis area of the CP2 LNG Terminal exceeded the 80th percentile on either a state or federal basis. With regard to HAPs, the EJ Indexes of relevance are Cancer Risk (for carcinogens) and Air Toxics Respiratory Hazards (for noncarcinogens). The EJ Screen Index scores for the communities within the analysis area of the CP2 LNG Terminal show that no score exceeded 20 percent for Cancer Risk on a state basis or 50 percent on a US basis within any Census Tract (CT)/Census Block Group (BG). For the Air Toxics Respiratory Hazard Index, no score exceeded 3 percent on the state basis or 43 percent on a US basis. The EJ Index scores for these parameters are shown in the table below.

Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC						
CP2 LNG Terminal Environmental Justice Indexes (14.8 miles)						
Location	Environmental Justice Indexes (State Percentile)			Environmental Justice Indexes (Percentile in US)		
	Cancer Risk (Lifetime Risk per Million)	Air Toxics Respiratory Hazard Index	Cancer Risk (Lifetime Risk per Million)	Air Toxics Respiratory Hazard Index	Cancer Risk (Lifetime Risk per Million)	Air Toxics Respiratory Hazard Index
Louisiana						
Cameron Parish						
CT 9701.01, BG 1	0	3	25	37		
CT 9701.01, BG 2	0	2	16	27		
CT 9701.02, BG 1	0	3	27	39		
CT 9701.02, BG 2	0	4	29	43		
CT 9702.02, BG 1	3	0	13	10		
CT 9702.02, BG 2	23	3	50	36		
CT 9702.03, BG 1	19	2	46	33		
CT 9702.03, BG 2	19	2	46	33		
CT 9800, BG 0	N/A	N/A	N/A	N/A		

⁸ See e.g., "Basis for Decision: Magnolia Power LLC – Magnolia Power Generating Station Unit 1", LDEQ EDMS Document No. 13323744, at p. 22. Available at: <https://edms.ldeq.louisiana.gov/app/doc/view/405c-13323744>. Accessed March 2023.

CP2 LNG believes that ambient modeling of HAPs from the Terminal Facilities is not justified due to: (i) the low potential to emit for HAPs (ii) the non-exempt emissions (except for benzene) are less than MFR, (iii) the non-exempt benzene emissions are insignificant, and (iv) there is a low potential for any environmental justice concerns based upon EJScreen results.

⁹ See e.g., "Basis for Decision: Magnolia Power LLC – Magnolia Power Generating Station Unit 1", LDEQ EDMS Document No. 13323744, at p. 22. Available at: <https://edms.ldeq.louisiana.gov/app/doc/view/405c-13323744>. Accessed March 2023.

Document Accession #: 20230313-5230

Filed Date: 03/13/2023

CP2 LNG

CP EXPRESS

This analysis focuses on the CP2 LNG Terminal emissions because the HAPs emissions associated with LNG carriers and tugs at the Marine Facilities, 0.80 tpy,⁹ are exempt.¹⁰

For the foregoing reasons, CP2 LNG believes that requiring ambient modeling of HAPs is unwarranted.

APP1-12

⁹ CP2 LNG and CP Express Project Draft Environmental Impact Statement, FERC/DEIS-0328, table 4.12.1-17, FERC Accession No. 20230119-3072.

¹⁰ LAC 33 III.5105 B.3.

Document Accession #: 20230313-5230 Filed Date: 03/13/2023 CP2 LNG CP EXPRESS Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC Response to Staff Recommendations in the Draft Environmental Impact Statement CP2 LNG and CP Express Project Docket Nos. CP22-21-000 and CP22-22-000	Staff Recommendation No. 33 Prior to the end of the draft EIS comment period, CP2 LNG shall file with the Secretary a recent noise survey report that includes the results of long-duration sound level measurements conducted during daytime and nighttime periods at the closest NSAs to the CP2 LNG Terminal. CP2 LNG shall provide revised noise impact analysis and tables for construction and operation, as applicable. Response CP2 LNG performed an ambient noise survey in February 2023 that incorporates the results of long-duration sound level measurements at the closest NSAs to the CP2 LNG Terminal, including the Monkey Island pilot station (NSA 4) per Staff Recommendation No. 34. Measurements were taken at various points in time throughout the day and night over a 3-day period. Ambient noise measurements were also inclusive of the Calcasieu Pass LNG terminal under normal operating conditions (attachment 33-1). The CP2 LNG Environmental Noise Assessment report was updated to include the recent ambient survey noise levels at NSA 1, 2, 3, and 4 (attachment 33-2). The report also includes updated noise projections associated with the revised Terminal Site plot plan. Noise projections from the CP2 LNG Terminal continue to be below the FERC environmental criterion of 55 dBA, Ldn at the existing NSAs with the liquefaction trains in full load operation. APP1-13
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APP1-13: CP2 LNG's noise survey results of sound level measurements conducted during daytime and nighttime periods at the closest noise sensitive areas to the CP2 LNG Terminal have been incorporated within section 4.12.2 of the EIS. The results indicate that noise levels from the Terminal Site would be below the FERC noise criterion.

Document Accession #: 20230313-5230 Filed Date: 03/13/2023 CP2 LNG CP EXPRESS Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC Response to Staff Recommendations in the Draft Environmental Impact Statement CP2 LNG and CP Express Project Docket Nos. CP22-21-000 and CP22-22-000	
Staff Recommendation No. 34 Prior to the end of the draft EIS comment period, CP2 LNG shall file with the Secretary revised noise impact analyses tables, figures, and corresponding reports for construction and operation, as applicable, that include the Monkey Island pilot station as an NSA. Response CP2 LNG revised the noise impact analysis to include the Monkey Island pilot station as an NSA. The revised Environmental Noise Assessment report is provided as attachment 33-2 in CP2 LNG's response to Staff Recommendation No. 33.	APPI-14 APPI-14: CP2 LNG's additional noise analyses that includes the Monkey Island pilot station as a noise sensitive area have been incorporated within section 4.12.2 of the EIS.

Document Accession #: 20230313-5230 Filed Date: 03/13/2023 CP2 LNG CP EXPRESS Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC Response to Staff Recommendations in the Draft Environmental Impact Statement CP2 LNG and CP Express Project Docket Nos. CP22-21-000 and CP22-22-000	CP2 LNG CP EXPRESS Staff Recommendation No. 35 Prior to the end of the draft EIS comment period, CP Express shall provide an updated noise impact study report for construction and operation of the Moss Lake Compressor Station and a commitment as to what specific noise mitigation measures it commits to implement at the station. At a minimum, the revised ambient survey and noise modeling report shall include: - continuous monitoring for 24 hours, to include an overnight period with no precipitation or strong winds; - additional detail on the computer noise modeling, including plan and elevation views of the building, turbine exhaust locations, and air-cooled heat exchangers (gas coolers), as well as vendor/manufacture sound power level data for the major noise-emitting equipment; - specifications on the noise mitigation measures recommended; and - table(s) that provide the total sound contribution and total sound levels (including measured ambient) following completion of Phase 1 and Phase 2; - a discussion of anticipated noise impacts during construction of the station, to include a list of the equipment used during each phase of construction; specific list of anticipated nighttime construction activities; duration of phases; and the expected daytime and nighttime L_{eq} sound levels of construction at each NSA during each phase; and - if sound levels during any construction phases are expected to exceed 48.6 dBA L_{eq} during nighttime hours, describe mitigation measures that CP Express commits to employ to reduce noise levels accordingly. Response - CP Express collected continuous 24-hour sound level measurements, and the results are provided in the Moss Lake Compressor Station Pre-Construction Noise Survey report (attachment 35-1). CP Express will revise the noise impact analysis to incorporate the results of continuous 24-hour sound level measurements and will provide this analysis in a supplemental filing. - Additional detail on the computer noise modeling will be included in the revised noise impact analysis filed in a supplemental filing.
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APPI-15: Section 4.12.2.3 has been revised to include information provided in CP Express' subsequent filings, including a revised noise impact analysis for the Moss Lake Compressor Station that incorporates the results of continuous 24-hour sound level measurements, additional detail on the computer noise modeling, specifications on the recommended noise mitigation measures, the total sound contribution and total sound measurements following completion of Phase 1 and Phase 2, revised discussion of anticipated noise impacts during construction.

Document Accession #: 20230313-5230

Filed Date: 03/13/2023

CP2 LNG

CP EXPRESS

c.

Noise mitigation measures will be included in the revised noise impact analysis filed in a supplemental filing.

d.

Tables that provide the total sound contribution and total sound levels will be included in the revised noise impact analysis filed in a supplemental filing.

e.

Construction activities at the Moss Lake Compressor Station will generally occur between the daytime hours of 7 a.m. and 7 p.m., varying with the season and light availability. Phase 1 construction is expected to occur over a three-month period and Phase 2 is expected to occur over a two-month period. Construction of each compressor station generally will include the following phases:

- Site preparation
- Excavation
- Foundation placement
- Installation of gas handling equipment and piping
- Building construction
- Finishing and site cleanup

Construction equipment will differ from phase to phase but will include dozers, cranes, cement mixers, dump trucks, and loaders. Construction noise is primarily from the exhaust noise generated by the diesel engines that power the equipment; therefore, CP Express will require that functional mufflers on all equipment be maintained. Pile driving will be used during floodwall construction. Noise levels of construction equipment typically utilized for compressor station construction are listed in table 1.

Table 1

Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC

Equipment Type	Maximum Noise Level at 50 Feet (dBA)
Trucks	77
Crane	81
Roller	80
Dozer	82
Pickup Trucks	55
Backhoes	78
Front Loader	79
Tractor	84
Scraper	84
Grader	85
Paver	77
Pile Driving	101

Source: Federal Highway Administration, 2006

APP1-15

The equipment listed in table 1 is not used in all phases of construction and generally is not operated continuously or simultaneously. Site average sound levels for each phase

N-206

Document Accession #: 20230313-5230

Filed Date: 03/13/2023

CP2 LNG

CP EXPRESS

of construction are presented in table 2. The highest site average sound levels (89 dBA at 50 feet) are associated with excavation and finishing activities.

Construction Phase	Noise Levels at 50 Feet
Site Clearing	84
Excavation	86
Foundations	77
Building Construction	84
Finishing	89

Source: Bob, Bernack and Newman, Inc., 1971

The construction noise levels in tables 2 and 3 are for a distance of 50 feet, but noise actually transmitted from the construction site will be attenuated by a variety of mechanisms. The most significant of these mechanisms is the divergence of the sound waves with distance (attenuation by divergence). In general, this mechanism will result in a 6 dBA decrease in the sound level with every doubling of distance from the source. Additional reductions in noise are achieved through absorption by the atmosphere.

Acoustical analyses were completed to assess the temporary impacts associated with construction of the compressor station. In order to arrive at a quantitative level of average construction noise levels, the distance from the approximate center of the compressor station site to the nearest noise sensitive area (NSA) was used to calculate distance from construction. Pile driving noise was assessed as a separate activity. The projected construction noise levels at the nearest NSAs, accounting for distance (measured from the center of the compressor station) and atmospheric absorption, are provided in table 3.

APP1-15

Table 3
Calculated Site Average Noise Levels at Nearby NSAs to Moss Lake Compressor Station by Construction Activity (dBA)

NSA	Distance* (feet)	Existing Daytime L_{eq}	Site Clearing	Excavation	Foundations	Building Construction	Finishing	Pile Driving
1	1,650	44	50	55	43	50	55	67
2	2,300	44	46	51	39	46	51	65
3	4,200	41	37	42	30	37	42	57

* Distances are from the center of the Project site.

CP2 LNG

CP EXPRESS

General Construction Noise Levels

The sound levels in table 3 indicate that construction sound at the two nearest NSAs will be above existing daytime noise levels during some construction phases. However, the calculated construction noise levels are not high relative to the FERC criterion provided in 18 CFR 380.12 for operational noise.

As discussed above, not all listed equipment is used in all phases of construction, and the equipment used is not generally operated continuously at full load, nor is the equipment always operated simultaneously. Therefore, there will be times when less equipment is in operation or is operating at lower engine speeds and times when no equipment is operating and noise will be at ambient levels.

The construction noise levels described above are those that will be experienced by people outdoors. A building (e.g., a house) will provide significant attenuation for those who are indoors. Sound levels can be expected to be up to 27 dBA lower indoors with the windows closed. Even in homes with the windows open, indoor sound levels can be reduced by up to 17 dBA (Environmental Protection Agency, 1978).

The temporary nature and small expected magnitude of the potential construction noise impacts, including that construction will generally be limited to daytime hours, do not warrant mitigation measures. However, as a general construction practice to reduce construction noise to the greatest extent practicable, functional mufflers will be maintained on all construction equipment. No adverse or long-term noise impacts from construction of the compressor station are anticipated.

Pile Driving Noise Levels

Pile driving will occur for installation of the floodwall that will surround the facility. Maximum sound level (L_{max}) pile driving noise levels of 101 dBA at 50 feet were obtained from the Federal Highway Administration's Roadway Construction Noise Model (2006). No usage factors were incorporated into the analysis so that L_{max} sound levels would be calculated at the NSA locations rather than time-averaged (L_{eq}) sound levels. Pile driving noise levels were calculated by utilizing the northwest corner of the floodwall, which represents the closest location any pile driver will be to the NSAs. The distances to each NSA were then used to calculate worst case L_{max} pile driving noise levels.

The L_{max} pile driving noise levels at the NSA locations and the measured daytime ambient noise levels are included in table 3. At the nearest NSA (NSA 1), L_{max} pile driving noise levels will be 67 dBA when a pile driving rig is at the closest location. Noise levels will decrease as the pile driving rig is positioned farther away from this NSA as the wall is constructed. Lower pile driving noise levels would occur at the remaining NSAs. Pile driving will only occur during daytime hours.

APP1-15

Document Accession #: 20230313-5230	Filed Date: 03/13/2023
CP2 LNG	CP EXPRESS
<u>Conclusion</u>	
General construction activity noise would be above the existing ambient condition for the most proximate NSAs but would not be significant. Further, pile driving activities will be temporary and only occur during daytime hours.	
f. As described above, the temporary nature and small expected magnitude of the potential construction noise impacts do not warrant mitigation measures. However, as a general construction practice to reduce construction noise to the greatest extent practicable, functional mufflers will be maintained on all construction equipment. No adverse or long-term noise impacts from construction of the compressor station are anticipated.	
<u>References:</u>	
Bolt, Beranek, and Newman, Inc. 1971. Noise from Construction Equipment and Operations. Building Equipment, and Home Appliances.	
Code of Federal Regulations. 18 CFR 380-12. Title 18 – Conservation of Power and Water Resources.	
U.S. Environmental Protection Agency. 1978. Protective Noise Levels. Office of Noise Abatement & Control. Report Number EPA 550/9-79-100. Washington, D.C. 20460.	
U.S. Federal Highway Administration. 2006. FHWA Roadway Construction Noise Model User's Guide.	

APP1-15

Document Accession #: 20230313-5230 Filed Date: 03/13/2023 CP2 LNG CP EXPRESS Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC Response to Staff Recommendations in the Draft Environmental Impact Statement CP2 LNG and CP Express Project Docket Nos. CP22-21-000 and CP22-22-000	
Staff Recommendation No. 41	APPI-16
Prior to the end of the draft EIS comment period, CP Express shall file with the Secretary an estimate of the frequency of ESDs and maintenance blowdowns and provide a noise impact analysis that estimates the L_{max} at the closest NSA due to a blowdown event at each aboveground facility.	Noise levels due to blowdown events were evaluated by utilizing FERC's 55 dBA L_{dn} criterion as a guideline. The 55 dBA L_{dn} level equates to a constant 24-hour sound level of 48.6 dBA. Though blowdown noise does not occur over a 24-hour period, the 48.6 dBA level was used as a guideline to evaluate blowdown noise at nearby NSAs. Typical unmitigated maximum noise levels (L_{max}) from compressor station blowdowns are in the range of 120 dBA at 50 feet. The noise emission level for unit blowdowns required to meet the FERC's L_{dn} criterion was developed by using 48.6 dBA L_{max} at any NSA as a guideline. Table 1 includes the blowdown noise analysis spreadsheet calculation for the nearest NSA. The calculation contains a margin of approximately 3 dBA (the design limit was set to 45 dBA L_{max} at the nearest NSA). Table 2 is a summary of the required estimated silencer requirements based on typical L_{max} blowdown noise levels and the calculated mitigated blowdown noise levels at each NSA. The analysis results reveal that adding a 35 dBA silencer to each blowdown vent will reduce blowdown noise levels from 120 dBA at 50 feet to 85 dBA at 50 feet. With this silencer mitigation, compressor station blowdown noise will be reduced to the targeted threshold at nearby NSAs.
Response	
Moss Lake Compressor Station:	
Compressor unit blowdowns will occur occasionally as part of normal compressor station maintenance. The blowdown vents will be in the southwest corner of the Moss Lake Compressor Station. Noise generated during these maintenance blowdown events is temporary, short duration, and expected to occur once per year per compressor unit.	

APPI-16: CP Express' noise impact analysis has been incorporated in the revised section 4.12.2 of the EIS.

Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC													
Table 1													
Moss Lake Compressor Station													
Blowdown Noise Calculations													
Octave Band Center Frequency (Hz)		63	125	250	500	1000	2000	4000	8000	152	132	141	152
Blowdown Spectral Data		135	141	143	148	147	147	141	132	152	132	141	152
Hemispherical Spreading (Distance)		-65	-65	-65	-65	-65	-65	-65	-65	-65	-65	-65	-65
Intermediate SPL		70	76	78	83	82	82	76	67	87.0	-	-	-
Atmospheric Absorption (59 F / 70%RH)		0	0	-1	-2	-3	-6	-18	-61	-	-	-	-
SPL with Atmos. Absorp.		70	76	77	81	79	76	58	5	82.8	-	-	-
Excess Attenuation		-1	-1	-2	-3	-3	-5	-7	-9	-	-	-	-
Unmitigated Blowdown SPL at NSA 1		69	74	75	79	75	71	51	4	79.5	-	-	-
Blowdown Silencer Requirement		12	20	29	36	38	36	25	0	30.0	-	-	-
Blowdown SPL at NSA 1 with Silencer		57	54	46	43	37	35	26	-24	45.0	-	-	-
Notes:													
Distance to receptor: 2,297 feet (700 meters)													
Unmitigated Blowdown Noise Level = 120 dBA at 50 Feet													
Corresponding Sound Power Level = 152 dBA													

Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC													
Table 2													
Moss Lake Compressor Station													
Blowdown Noise Impact Results (dBA)													
NSA	Distance to NSA from Blowdown Valves (Feet)	Blowdown Noise Limit Goal at NSA (L _{max})		Nominal Silencer Requirement		Calculated L _{max} Blowdown Noise Levels with Silencer		Required Blowdown Noise Level Limit (L _{max})					
1	2,300	48.6		35 dBA		45		44		85 dBA at 50 Feet			
2	2,500					44							
3	3,900					37							

Mainline Valves:

Routine maintenance blowdowns will not occur at the mainline valves. However, emergency blowdowns that are not scheduled may rarely occur during upset conditions. CP Express identified NSAs within 0.5 mile of three mainline valve locations. The same 120 dBA L_{max} at 50 feet noise level used for the compressor station blowdowns was used to calculate mainline valve blowdown noise levels at the nearest NSAs. Table 3 provides the blowdown noise analysis spreadsheet calculations for the nearest NSA to each mainline valve. Table 4 is a summary of the mainline valves, the distances to the nearest NSA, and the calculated L_{max} blowdown noise levels.

Emergency blowdowns are not scheduled and occur during emergency upset conditions at compressor stations and mainline valves. Therefore, it is not possible to specify the frequency of emergency blowdown events.

Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC										
Table 3 Mainline Valves Emergency Blowdown Noise Calculations										
Octave Band Center Frequency (Hz)	63	125	250	500	1000	2000	4000	8000	dBa	
Blowdown Spectral Data	135	141	143	148	147	147	141	132	152	
Mainline Valve 2										
Distance to receptor: 1,300 feet (396.3 meters)	-60	-60	-60	-60	-60	-60	-60	-60	-60	-
Hemispherical Spreading (Distance)	-60	-60	-60	-60	-60	-60	-60	-60	-60	-
Intermediate SPL	75	81	83	88	87	87	81	72	91.9	-
Atmospheric Absorption (59 F / 70%RH)	0	0	0	-1	-2	-3	-10	-35	-	-
SPL with Atmos. Absorp.	75	81	82	87	85	83	71	37	89.3	-
Excess Anomalous Attenuation	-1	-1	-1	-1	-2	-3	-4	-5	-	-
Unmitigated Blowdown SPL at NSA	74	80	81	85	83	80	67	32	87.3	-
Mainline Valve 5										
Distance to receptor: 1,250 feet (381 meters)	-60	-60	-60	-60	-60	-60	-60	-60	-60	-
Hemispherical Spreading (Distance)	-60	-60	-60	-60	-60	-60	-60	-60	-60	-
Intermediate SPL	75	81	83	88	87	87	81	72	92.3	-
Atmospheric Absorption (59 F / 70%RH)	0	0	0	-1	-2	-3	-10	-35	-	-
SPL with Atmos. Absorp.	75	81	83	87	85	84	71	39	89.8	-
Excess Anomalous Attenuation	0	-1	-1	-1	-2	-3	-4	-5	-	-
Unmitigated Blowdown SPL at NSA	75	80	82	86	84	81	68	34	87.8	-
Mainline Valve 6										
Distance to receptor: 1,300 feet (396.3 meters)	-60	-60	-60	-60	-60	-60	-60	-60	-60	-
Hemispherical Spreading (Distance)	-60	-60	-60	-60	-60	-60	-60	-60	-60	-
Intermediate SPL	75	81	83	88	87	87	81	72	91.9	-
Atmospheric Absorption (59 F / 70%RH)	0	0	0	-1	-2	-3	-10	-35	-	-
SPL with Atmos. Absorp.	75	81	82	87	85	83	71	37	89.3	-
Excess Anomalous Attenuation	-1	-1	-1	-1	-2	-3	-4	-5	-	-
Unmitigated Blowdown SPL at NSA 1	74	80	81	85	83	80	67	32	87.3	-
Notes: Unmitigated Blowdown Noise Level = 120 dBA at 50 Feet Corresponding Sound Power Level = 152 dBA										

APP1-16

Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC													
Table 4 Mainline Valves Emergency Blowdown Noise Results (dBA)													
Mainline Valve	Distance to NSA (Feet)												
MLV 2	1,300	Calculated Blowdown Noise Level (L _{max})											
MLV 5	1,250	88											
MLV 6	1,300	87											

APP1-25: The EIS has been updated accordingly.

APP1-26: The EIS has been updated accordingly.

APP1-27: The EIS has been updated accordingly.

APP1-28: The EIS has been revised for clarity.

APP1-29: The EIS has been updated accordingly.

APP1-30: See section 5.2.

Topic	Rec'd in the DES	Statements/Information in the DES	CP2 LING and CP3 Suppression Response/Comment
FERC Staff's Recommended Mitigation	5-3b	Condition 4a: Prior to initial preparation , CP2 LING shall file with the Secretary the following information, stamped and sealed by the professional engineer-of-record, registered in the State of Louisiana: a. the corrosion control and prevention plan for any underground piping, structure, foundations, foundations, and components	CP2 LING recognizes that FERC necessary corrosion best practices (e.g. potential for corrosion of buried necessary corrosion best practices) are high, therefore plans to design buried steel and concrete elements to resist corrosion and degradation. Development of the specific plans for corrosion control and degradation is ongoing. CP2 LING is currently reviewing the necessary components of required information related to the routing, locations, sizes, and quantities of each of these items. The corrosion control plan considers the comprehensive underground component scope to avoid detrimental effects due to corrosion. These plans typically become available as the design progresses.
FERC Staff's Recommended Mitigation	5-3b	Condition 4a: Prior to initial preparation , CP2 LING shall file with the Secretary the following information, stamped and sealed by the professional engineer-of-record, registered in the State of Louisiana: a. the corrosion control and prevention plan for any underground piping, structure, foundations, foundations, and components	As these calculations resulting corrosion, cathodic are not being conducted during the initial design, CP2 LING is not submitting (a) of (b) of (c) of (d) of (e) of (f) of (g) of (h) of (i) of (j) of (k) of (l) of (m) of (n) of (o) of (p) of (q) of (r) of (s) of (t) of (u) of (v) of (w) of (x) of (y) of (z) of (aa) of (ab) of (ac) of (ad) of (ae) of (af) of (ag) of (ah) of (ai) of (aj) of (ak) of (al) of (am) of (an) of (ao) of (ap) of (aq) of (ar) of (as) of (at) of (au) of (av) of (aw) of (ax) of (ay) of (az) of (ba) of (bb) of (bc) of (bd) of (be) of (bf) of (bg) of (bh) of (bi) of (bj) of (bk) of (bl) of (bm) of 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March 13, 2023
Page 3

Page 3

Document Accession #: 20230113-5230

Filed Date: 03/13/2023

CP2 LNG

CP EXPRESS

Topic	Page # in the DEIS	Statement(s) Information in the DEIS	CP2 LNG and CP Express Response/Comment
FERC Staff Recommendation	5-18	Condition 138: Prior to introduction of hazardous fluids, CP2 LNG shall complete and document foam trailer and portable system acceptance tests.	of 1,600 Buam-H² is contained within property boundaries without the use of additional high expansion foam. Therefore, CP2 LNG requests that Condition 138 be removed. A FOAMGLAS ASK® Pool Fire Suppression (PFS) is provided for all the CP2 LNG spill containment sump handling LNG, refrigerants, and hydrocarbon spills. The PFS will limit the thermal radiation and flame height of pool fires originating in the sump. The PFS is designed to protect the sump from the fire and prevent the fire from spreading to other areas of the facility. The PFS is designed to provide a shock protection to concrete and steel. The FOAMGLAS Cryo Spill™ System and PFS systems assist in vaporization reduction and pool fire mitigation. Offsite impact modeling performed for CP2 LNG in the Siting Analysis Report indicates that thermal radiation from impoundment sump pool fires to a threshold of 100 ft radius is less than 100 ft. The PFS system is designed to provide a shock protection to concrete and steel. The FOAMGLAS Cryo Spill™ System and PFS systems assist in vaporization reduction and pool fire mitigation. Therefore, CP2 LNG requests that Condition 138 be modified to remove the reference to foam trailer systems.

APPI-34

APPI-35

March 13, 2023
Page 4

APP1-35: See sections 4.13.1 and 4.13.5.

Comments on Docket CP22-21-000 and CP22-22-000, in regard to the FERC DEIS for the Proposed Venture Global CP2 LNG and Venture Global CP Express Projects. By John Allaire.

As a landowner in Cameron parish my property is located 6000 meters from the Venture Global CP (VGCP) export facility. In the past 14 months I have been a visual witness to the operational practices occurring at this facility. In the attachments presented with this filing I have documented only a portion of the ongoing flaring events occurring at this facility. Many of these flaring events occurred during the primary spring avian migratory period from March through May of 2022. I have additional photos and videos of the flaring and plant alarms sounding that I observe from my residence. Additional documentation is available upon request.

I would request that VGCP facility be required to control plant operations, flaring and emissions at their operating facility before FERC considers authorization of the Venture Global CP2 (VGCP2) or vote for no action for expansion at this site. In this filing I quote language from their LDEQ air permit and the FERC Final Environmental Impact Assessment that describes how the facility would be expected to operate.

Warm, Cold and LP Flare System

As stated on page 10 of the VGCP air permit #0560-00987-VO. "The purpose of the flare system is safe and reliable disposal of streams released during startup, shutdown, maintenance, plant upsets and emergency conditions. The flare system will be designed for such cases to protect human safety and the plant components from overpressure. As such, the terminal will be designed to avoid continuous flaring during normal plant operations."

Please review the attached time and date stamped photos which document only some of the numerous flaring events that have occurred at the VGCP facility during 2022 and 2023. The agencies should provide to the public information on timelines as to when VGCP was conducting normal plant operations during 2022 and the first two months of 2023. Please provide

IND8-1: See the revised section 4.12.1.4.

IND8-2: See the revised section 4.12.1.4.

Document Accession #: 20230313-5068 Filed Date: 03/13/2023	IND8-2 information on timelines as to when VGCP will be conducting anticipated normal plant operations for the balance of 2023. Marine Loading Flare As stated on page 11 of the VGCP air permit #0560-00987-V.O. "The Marine Loading Flare will operate approximately 12 times per year for short periods to handle gas emissions. Pilots will be used during operating periods only. When the stream to the flare is about 80% on more methane, it will be recycled to the BOD header for use in the fuel gas system. Streams from cool down operations will be routed back into the fuel gas system and will not be routed to the flare." In the attached photos there were over 29 photos of the marine flare in operation. The time lines on the marine flaring events varied from hours to days.
IND8-3 Included in FERC'S Final Environmental Impact Statement for this project the following statements were presented to the public and permitting agencies. "Venture Global Calcasieu Pass would also coordinate with FWS on the use and type of migratory bird deterrent devices and for methods of measuring bird mortality, should mortality occur following flare events." To this end have any efforts been made by VGCP and or FWS? VGCP and FWS should be required to present to the public the figures on bird mortality and use and type of migratory bird deterrent devices used during the past 14 months of operations and before authorization is issued by FERC for the VGCP2. With the 2023 prime spring avian migration beginning, VGCP should be required to document and make public what mitigation measures have been implemented to prevent additional avian fatalities due to artificial lighting and flaring events. The VGCP FEIA states the following on page 4-298. "The Terminal site, as well as the other planned area LNG projects if constructed, would operate flares during start up or upset conditions. However, it is unlikely that the start-up flares from multiple facilities would be in use at the same time due to schedule variability. Moreover, upset conditions that would require the use of flares cannot be predicted, but it is unlikely that upset conditions requiring flaring would occur at the same time at more than one facility. Therefore, we do not believe the Terminal site would result in significant cumulative impacts on visual resources." I contend that if VGCP2 is	IND8-4

IND8-3: See the revised section 4.12.1.4.

Document Accession #: 20230313-5068 Filed Date: 03/13/2023	
IND8-4	authorized and permitted and continues with a similar flaring history as to that of VGCP that significant cumulative impacts on visual resources and migratory birds would result.
IND8-5	I have attached numerous photos of VGCP flaring during 2022 and to the present. It should be noted that Venture Global continued to flare as the March 2, 2023 while their public hearing was in session. As documented the VGCP facility has demonstrated that they are unable to comply with permit conditions and their commitments as defined in the Final Environmental Impact Statement (FEIS). At a minimum VGCP should be required to install continuous monitoring system for their flares to assure compliance with permit conditions and commitments as were defined in the FEIS. No additional authorizations of permits should be granted for the VGCP2 project until flare monitoring equipment is installed and proven to be operational at the VGCP facility. If these conditions cannot be met I would request a vote for no action for expansion of this facility.
IND8-6	Respectfully, John Allaire 621 Gulf Beach Hwy Holly Beach, Louisiana 70631

IND8-4: Comment noted. Cumulative impacts are presented in section 4.14. See the revised section 4.12.1.4.

IND8-5: See the revised section 4.12.1.4.

IND8-6: Comment noted.

CO6 - RESTORE

Document Accession #: 20230313-5156

Filed Date: 03/13/2023

I had a typographical error in the filing I submitted yesterday, 03/12/2023. I would like to correct that error. It appears on page 9 of my 13 page RESTORE comment letter. Where I said "Of 5 such regulated NSR pollutants at Moss Lake Compressor Station, 5 show an answer of 'Yes'" to the column question: "PSD Review triggered?" Only 4 show that answer. I regret my error.

Sincerely, Michael Tritico, Biologist and President of RESTORE

CO6-1

CO6-1: Comment noted.

CO7 – Environmental Integrity Project

Document Accession #: 20230313-5208

Filed Date: 03/13/2023

1206 San Antonio Street
Austin TX 78701
www.environmentalintegrity.org

ENVIRONMENTAL
INTEGRITY PROJECT

March 13, 2023

Via ferc.gov/eFiling.aspx

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

**Re: Comments on the CP2 LNG and CP Express Projects
(Docket Nos. CP22-21-000 and CP22-22-000)**

Dear Secretary Bose:

Environmental Integrity Project appreciates the opportunity to provide input on the permitting process for the CP2 LNG and CP Express Projects ("the Project"), proposed by Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC (collectively, "the Applicants") in the above-referenced dockets.

Environmental Integrity Project (EIP) is a non-profit, nonpartisan organization dedicated to enforcing the nation's antipollution laws. We work to empower communities and protect public health by holding regulators and industries accountable under the law, and by strengthening environmental policies.

In line with these goals, EIP respectfully submits the following comments on behalf of itself and the following organizations and individuals: For a Better Bayou, Healthy Gulf, Louisiana Bucket Brigade, Natural Resources Defense Council, Sierra Club, Property Rights and Pipeline Center, Travis Davlar, and Andrew McCoy.

Our joint comments object to the permitting of this Project and: (1) highlight the responsibilities that the Applicants, Louisiana, and Texas all have to faithfully and fully implement Section 401 of the federal Clean Water Act; and (2) show that until these parties fully execute their responsibilities under the Act, FHRC should not allow the Applicants to take any action that could jeopardize state water quality or run afoul of the Act.

I. Project background and argument roadmap.

Applicants seek to construct a new 20 million tonnes per annum (MTPA) liquefied natural gas (LNG) export terminal and related facilities in Cameron Parish, Louisiana, as well as new natural gas pipeline infrastructure to supply liquefaction operations.¹ Planned natural gas pipeline infrastructure includes an 85.4-mile, 48-inch diameter pipeline (CP Express), and a smaller 6.0 mile, 24-inch

Venture Global CP2 LNG, LLC, et. Al. *Application for Authorizations Under Section 3 and Section 7 of the National Gas Act*
Pg. 2, Docket: CP22-21-000 (Filed December 2, 2021) ("Project Application").

All websites referenced in these comments were accessed on March 13, 2023.

Page 1 of 16

N-221

Document Accession #: 20230313-5208 Filed Date: 03/13/2023
EIP Joint Comments on the CP2 LNG and CP Express Projects (No. CP22-21-000 and CP22-22-000)

diameter supply lateral.² The 48-inch diameter pipeline originates in Jasper County, Texas and will cross through Newton County, Texas on its way to Louisiana.³ According to the draft environmental impact statement just released (“DEIS”), the pipeline will cross at least 42 waterbodies in Texas, including the Sabine River.⁴ Twenty miles of the pipeline will be in Texas, the remaining 65 in Louisiana.⁵ The LNG export terminal will be approximately 30 miles along the coast from the Texas border.⁶



As the DEIS and these comments detail, the Project may have significant impacts on state- and federally-regulated waters—making full compliance with Clean Water Act Section 401 vital.

Yet, LNG applicants and some states have a poor history of fully complying with Section 401. As recently as 2021, FERC had to reexplain Section 401 to LNG applicants in Oregon for the now-cancelled Jordan Cove LNG project.⁸ (Section II of these comments *overturns this and other aspects of Section 401 law*.) FERC has yet to weigh in on Section 401 compliance of LNG projects proposed for the Gulf Coast region, but regional applicants routinely commit some of the same mistakes identified in the Commission’s Jordan Cove order. (Section III of these comments *overturns the compliance history of LNG applicants in Texas and Louisiana*.)

² Federal Energy Regulatory Commission, *CP2 LNG and CP Express Project DR-411/ENVI/IRONMENT-AL IMP-ACT ST-411/LALINT* at ES-1, Docket CP22-21-000 (filed January 19, 2023) (“DEIS”).
³ DEIS at US-1.
⁴ DEIS, Appendix G, 1-3.
⁵ DEIS at 2-11.
⁶ Distance of approximate coordinates of terminal (20,774,27234, -93,329,4745) to the mouth of the Sabine River.
⁷ See Proper Application, Exhibit G.
⁸ In Jordan Cove, the applicant had waived its certification rights, holding that Section 401 requires LNG applicants to request a certification for each federal permit that triggered Section 401—the applicant’s request for Oregon to certify its Corps permits alone could not suffice as a request to certify its FERC’s permits. See Exhibit A, FERC, *Order Denying Petition for Declaratory Order*, 174 FERC ¶ 61,057 (issued January 19, 2021) (“Jordan Cove Order”).

CO7 – Environmental Integrity Project

Document Accession #: 20230313-5208 Filed Date: 03/13/2023
EIP Joint Comments on the CP2 LNG and CP Express Projects (No. CP22-21-000 and CP22-22-000)

FERC should not authorize Project activities unless and until the Applicants request and obtain all required 401 water quality certifications ("WQCs") or the authorities responsible for review waives their rights." (Section IV explains why and highlights some of the water-quality concerns of the Project.) Moreover, non-compliance with Section 401 jeopardizes public and environmental health and violates federally protected rights.

CO7-1

II. Section 401 of the Clean Water Act protects public and environmental health by providing for public and state scrutiny of federally licensed projects that may impact state waters.

CO7-2

Section 401 is a vital part of the Clean Water Act.¹⁰ Federally licensed LNG projects routinely raise Section 401 issues that project applicants and FERC must address before Project activities may proceed.

A. Section 401 grants states and the public the right to weigh in when federally permitted activities may affect protected waters.

Section 401 requires that "[a]ny applicant for a federal license or permit to conduct any activity...which may result in any discharge into navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate.... that any such discharge will comply with...this title."¹¹ It further specifies that "[n]o license or permit shall be granted until the certification required by [section 401] has been obtained or has been waived[.]"¹² And federal license applicants must apply for 401 WQCs from all states where discharges into navigable waters will originate.¹³

CO7-3

Section 401 also requires that states must respond to valid requests for certification within one year, or the states are deemed to have waived their WQC rights.¹⁴ But a state cannot waive its certification authority until the state receives a valid certification request, as the D.C. Circuit has long

¹⁰ 33 U.S.C. § 1341(a)(1) (CWA § 401(a)(1)) ("No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence."); *Keating v. FERC*, 927 F.2d 616, 622 (D.C. Cir. 1991) ("There is no doubting that FERC is bound by federal law to refuse a... license application that is unsupported by a valid state certification under section 401.")

¹¹ *Keating*, 927 F.2d at 622. ("The states remain, under the Clean Water Act, the 'prime bulwark in the effort to abate water pollution'.... One of the primary mechanisms through which the states may assert the broad authority reserved to them is the certification requirement set out in section 401 of the Act. ...Through this requirement, Congress intended that the states would retain the power to block, for environmental reasons, local water projects that might otherwise win federal approval.")

¹² 33 U.S.C. § 1341(a)(1) (*emphasis* 401(a)(1)). Note that 401(a)(1) allows interstate water pollution control agencies and the EPA to act as "certifying authorities" and administer 401 WQCs where appropriate. Here, however, because the Texas Railroad Commission and the Louisiana Department of Environmental Quality are the certifying authorities for 401 WQCs, EIP's comments will only refer to state agencies as the certifying authorities.

¹³ *Id.*
¹⁴ § 401(a)(1).
¹⁵ § 401(a)(1).

CO7-1: See the revised table 1.5-1. CP2 LNG and CP Express submitted the request for Water Quality Certification to the Texas Railroad Commission and LDEQ on May 5, 2023. In addition, as stated in FERC staff's Recommendation 10 in the EIS, CP2 LNG and CP Express must file documentation that it has received all applicable authorizations required under federal law (or evidence of waiver thereof). In addition, FERC staff Recommendation 15 states within 5 days of receipt of a water quality certification issued by the Railroad Commission of Texas and/or LDEQ, CP2 LNG and CP Express shall file the complete certification, including all conditions.

CO7-2: See response to comment CO7-1.

CO7-3: See response to comment CO7-1.

recognized,¹⁶ and as FERC has recently reaffirmed in its handling of the Jordan Cove LNG project. A state permitting agency's "mere awareness" that an applicant is seeking a federal license from FERC does not constitute a state's waiver of its 401 WQC rights.¹⁷

CO7-3

FERC requires that applicants request 401 WQCs for each federal permit or license required for construction of a project.¹⁸ And Section 401 requires that states establish procedures for public notice for all WQC applications.¹⁹

B. LNG projects trigger Section 401, and FERC requires that applicants request certifications for each triggering federal permit—and from each state that may be affected.

LNG projects typically need at least two federal permits that each trigger the need for a Section 401 certification request: the Army Corps of Engineers' Clean Water Act Section 404 dredge-and-fill permits, and FERC certifications and licenses under the Natural Gas Act (15 U.S.C. § 717 et seq.).²⁰ FERC oversees Section 401-related impacts beyond just those caused by the Section 404 dredge-and-fill permits, including the authorization of the specific throughput of gas—changes to which can cause varying impacts to state waters.²¹

CO7-4

¹⁶ *State of N.C. v. FERC*, 112 F.3d 1175, 1184 (D.C. Cir. 1997) ("VAPCO, the license applicant in this case, never requested that North Carolina provide a water quality certification for the proposed Pipeline Project. Therefore, under the plain language of Section 401(g)(1), North Carolina could not have waived its certification right."); *W. Arkansas Chapter v. FERC*, 56 F.4th 45, 49 (D.C. Cir. 2022) ("If a state has neither granted a certification nor filed or refused to act on a certification request, section 401(g)(1) plainly prohibits FERC from issuing a license.");

¹⁷ *Ex. A, Jordan Cove Order at ** 33 ("With respect to the Commission authorizations, Oregon DEQ could not have waived its authority to issue certification for a request it never received.");

¹⁸ *Ex. A, Jordan Cove Order at ** 34, ("To the extent our decision is inconsistent with *Georgia Shale*, we clarify here that a state certifying agency's mere awareness of an application filed with the Commission does not sufficiently establish that the agency received a request for section 401 certification with respect to that application.");

¹⁹ *Ex. A, Jordan Cove Order at ** 25 ("We agree with Oregon DEQ and find that the language of section 401 of the CWA required Jordan Cove to request certification for each federal authorization required for construction of the Jordan Cove Energy Project that could result in discharges to navigable waters; that is, Jordan Cove was required to request certification both for its Corps section 404/10 permit and for the NGA sections 3 and 7 authorizations.");

²⁰ § 401(g)(1) ("Such State or interstate agency shall establish procedures for public notice in the case of all applications for certification by it and, to the extent it deems appropriate, procedures for public hearings in connection with specific applications.");

²¹ *Ex. A, Jordan Cove Order at ** 25 (Jordan Cove was required to request certification both for its Corps section 404/10 permit and for the NGA sections 3 and 7 authorizations); Rivers and Harbors Act permits and National Pollution Discharge Elimination System (NPDES) authorizations (where a state does not have the authority to issue its own NPDES permits) also require state 401 WQCs.

²² For example, the likelihood, magnitude, and impact of spills increases with increasing throughput of gas. (Other triggers include more discharges from previously constructed infrastructure, and additional maintenance—e.g., herbicide treatments, brush clearing, etc.) And throughput is regulated by FERC, not the Corps, as the permitting history of the Port Arthur LNG expansion project shows. See Exhibit B at 2-3. Excerpt of Resource Report 1 for the Port Arthur LNG Expansion Project, HRC Docket No. CP20-35-000, Accession No. 20200219.5157 (requesting HRC authorization to double the throughput of a LNG terminal by building more liquefaction trains, all without requesting an updated Corps permit: "The Expansion Project will increase LNG production capacity from 13.5 MTPA in aggregate from Trains 1 and 2 to approximately 27.0 MTPA in aggregate from Trains 1 through Train 4"); see also *id.* at 6 (listing that authorization is sought from FERC for the expansion but making no mention of the Corps); see also *id.* at 9-12 (documenting correspondence with the BRC regarding the same).

CO7 – Environmental Integrity Project

Document Accession #: 20230313-5208 Filed Date: 03/13/2023 EIP Joint Comments on the CP2 LNG and CP Express Projects (No. CP22-21-000 and CP22-22-000)	
Applicants must request 401 WQCs from each state where discharges into navigable waters may originate.²² The public must be notified of that request and then the state must either confirm that the federally licensed or permitted project will not cause violations of state water standards, or waive its rights.²³ Here, the Project will cause discharges into navigable waters in both Texas and Louisiana.²⁴ The Applicants must therefore request and send notice of their 401 WQC requests for both their Corps and FERC permits from both Texas and Louisiana. The record to date shows that the Applicants have not yet fully complied with their 401 obligations. Shortly after the Applicants' December 2, 2021 NGA application to FERC, the Applicants submitted introductory letters announcing their intent to seek Clean Water Act Section 401 water quality certifications to the Louisiana Department of Environmental Quality's Water Permits Division ("LDEQ") and to the Texas Railroad Commission ("RRC") in January 2021.²⁵ Both state Section 401 WQCs were pending as of FERC's release of the Project's draft environmental impact statement on January 19, 2023.²⁶ The Applicants anticipate receiving from LDEQ their Section 401 WQC during the first quarter of 2023.²⁷ The Applicants have not provided any further details on the status of their 401 WQC certification application before the RRC as of the draft EIS.²⁸ The Applicants have not said publicly whether they have requested or will request WQCs for both their Corps permits and their FERC licenses.	CO7-4
III. LNG projects in Texas and Louisiana have failed to fully comply with Section 401. LNG projects in Texas and Louisiana have failed to fully comply with Section 401. This: (1) violates the public's federally protected right to participate in state certification process; (2) circumvents the State's right to safeguard its waters; and (3) risks public and environmental health. A. Texas' relevant 401 WQC process is managed by the RRC and has been inadequately implemented. Texas splits Section 401 certification responsibilities between the RRC and the Texas Commission on Environmental Quality (TCEQ) according to a joint memorandum of understanding.²⁹ This memorandum of understanding gives RRC jurisdiction over LNG projects.³⁰	CO7-5
²² § 401(a)(1). ²³ § 401(a)(1). ²⁴ Even a single potential discharge will open the entire permit to certification review. Here, there are thousands of potential triggers for Section 401, including any waterbody crossing, loading and unloading activity (spills), and removal of vegetation from shorelines. ²⁵ Application for Authorization, Volume II Part I Resources Report, at 1B 24. ²⁶ DEIS at 1-16 and 1-17. ²⁷ DEIS at 1-17. ²⁸ DEIS at 1-16. ²⁹ The memorandum of understanding is codified at 16 TAC § 3.30. TCEQ's § 401 responsibilities are codified at 30 TAC § 279 et al; RRC's are codified at 16 TAC § 3.93 et al. ³⁰ 16 TAC § 3.30(b)(2)(B)(iii) ("The RRC performs state water quality certifications, as authorized by the Clean Water Act (CWA) Section 401 (33 U.S.C. Section 1341) for activities that require a federal license or permit and that may result in any discharge to waters of the United States for those activities regulated by the RRC."). <i>Id.</i> <i>Id.</i> note that the DWIS makes passing mention to the fact that it considers <i>the TCEQ</i> to be responsible for issuing Section 401 certifications for return water from dredge material placement. DEIS at 4-43. If that is indeed the case, a certification from TCEQ is also needed before federal permits authorizing that activity may issue.	CO7-6

CO7-5: Comment noted.

CO7-6: Comment noted.

The RRC's rules enacting Section 401 are codified at 16 TAC § 3.93, which outlines the responsibilities of the State, federal permitting agencies, and applicants.²¹ The rule focuses on the certification procedures for permits issued by the Army Corps and EPA, but applies to permits from any federal agency, including FERC.²²

1. Applicants in Texas fail to follow RRC rules on certification requests for HRC permits.

CO7-6

(A) a copy of the completed permit application and any amendments thereto;

20. 16 TAC § 3.93. Accessible at <https://www.gutenberg.org/public/earth/Sec-Toc/Pages/16TACqp3.html#p16TAC393>.

CO7 – Environmental Integrity Project

Document Accession #: 20230313-5208 Filed Date: 03/13/2023 <i>EIP Joint Comments on the CP2 LNG and CP Express Projects (No. CP22-21-000 and CP22-22-000)</i>	
These requirements notwithstanding, many applicants for LNG projects in Texas have never requested certification of their FERC permits from the RRC.³⁵ EIP is concerned that this same violation of Texas law will occur for this Project as well.	
CO7-6	2. Applicants in Texas have failed to follow RRC rules on notifying the public about certification proceedings for both Corps and FERC permits. Two other flaws exist in the execution of the notice process, which become apparent after an examination of the RRC's rules on who is responsible for issuing notice. In contrast to the RRC rules on certification requests, by default <i>the applicant</i> is responsible for issuing notice—regardless of the permit to be certified or who filed the original request for certification with the RRC. Section 3.93(d)(2)-(3) defines who, how, and when the applicant must provide notification that the certification process is underway and open for comment. Under this default scheme, the applicant must mail notice to all landowners listed in § 3.93(d)(2)(A), which includes: - every landowner adjacent to where project activities would occur - every landowner of each waterfront tract between the potential discharge point and a half mile downstream (unless those tracts are inside an incorporated village, town, or city).³⁶ And, per § 3.93(d)(2)(B) (1), the applicant must notify the following persons or entities as well: - the mayor and health authorities of any city or town in which the proposed activity will be located or that is within 1/2 mile downstream of the potential discharge; - the county judge and health authorities of any county in which the proposed activity will be located or that is within 1/2 mile downstream of the potential discharge; - the Texas Commission on Environmental Quality; - the Texas Parks and Wildlife Department; - the U.S. Environmental Protection Agency, Region 6; - the U.S. Fish and Wildlife Service; and - the Secretary of the Coastal Coordination Council (when the project is within the coastal management program boundary). The applicant's notice must include: - "a statement that the applicant is seeking certification from the commission under the Federal Clean Water Act, §401" and - "a statement that any comments concerning the request for certification may be submitted in writing to the assistant Director of Environmental Services, Railroad Commission, 1701 North Congress Avenue, P.O. Box 12967, Austin, Texas 78711-2967, on or before the
CO7-7	³⁵ This includes the Rio Grande LNG and Rio Bravo Pipeline Projects in south Texas and the Port Arthur LNG Project in southeast Texas. <i>See</i> e.g., Exhibit C at 3-4; RRC's WQC for Port Arthur LNG (Excerpt of Accession No. 20190802-5168, pp. 37-67) (May 13, 2019) (issuing a certification only for the Corps permits); <i>see also</i>, Exhibit B (Port Arthur LNG Expansion, Resource Report 1) at 9-12 (documenting the applicant's correspondence with the RRC about additional WQCs for the expansion project); <i>see also</i> Exhibit D, RRC's WQC for Rio Grande LNG (Accession No. 20200225-3026, pp. 41-43) (issuing a 401 certification only for the Corps permits). ³⁶ These are the same entities that the applicant should have identified to the RRC as part of its certification request, see 16 TAC § 3.93(c)(7)(B).

CO7-7: Comment noted.

deadline for submission of written public comments, which, absent special circumstances, shall be at least 30 days after the date notice is mailed.”³⁷

The only way the applicant might not be responsible for notifying the public as contemplated in § 3.93(d)(2)-(3) is if the RRC has negotiated agreements with the Army Corps or EPA such that those federal agencies assume responsibility for issuing Section 401 notice on the permits under their jurisdiction via a “joint notice.”³⁸

But no such joint agreement with the Corps or with the EPA exists.³⁹ If it did exist, such an agreement would have to specify the contents of the notice and which Texas would receive such a notice. Only then would a “joint notice” be valid notice of certification proceedings for a Corps or EPA permit.⁴⁰ As it stands, without a joint notice agreement, the applicant continues to bear responsibility for issuing notices to all necessary parties for Corps permits.

Notice failures are even more clear with FERC permits, since RRC rules do not allow joint-notice collaboration with FERC.⁴¹ Therefore, the default rule—that the applicant must send notice—is in force for RRC certifications for FERC permits as well.

Despite this reality, however, applicants to build LNG projects in Texas have nonetheless not been providing proper notice for certifications of Corps or FERC permits.

First, even though no joint-notice agreements exist between the RRC and either the EPA or the Corps,⁴² to date, Texas applicants have been allowed to rely on “pseudo” joint notices for the certifications of Corps permits; that is, notices issued by the Corps that are relied on as notice for the RRC’s WQCs.⁴³ The handling of notices could thus vary based on the district engineer assigned

³⁷ 16 TAC § 3.93(d)(3).

³⁸ See 16 TAC § 3.93(d)(1).

³⁹ *Telephone Interview with RRC Staff*, April 19, 2022 (confirming that there is no official agreement that the RRC has with the Corps on how notice is given for the certification process).

⁴⁰ Compare 16 TAC § 3.93(d)(1) (“Notice of a request for certification shall be made using a joint mailed notice issued by the U.S. Army Corps of Engineers or the U.S. Environmental Protection Agency *after agreements with those agencies have been reached regarding the content of the notice and the persons entitled to notice in Texas*”) (emphasis added) with 3.93(d)(2) (“*If a joint notice is not used as provided in paragraph (1) of this subsection, the applicant must mail notice of the request for certification . . .*”) (emphasis added).

⁴¹ See 16 TAC § 3.93(d)(1) (listing only the Corps and EPA as agencies empowered to issue joint notice; “Notice of a request for certification shall be made using a joint mailed notice *issued by either the U.S. Army Corps of Engineers or the U.S. Environmental Protection Agency . . .*”) (emphasis added).

⁴² *Telephone Interview with RRC Staff*, April 19, 2022 (confirming that there is no official agreement that the RRC has with the Corps on how notice is given for the certification process).

⁴³ Compare Exhibit C at 14, RRC’s WQC for Port Arthur LNG (Excerpt of Accession No. 20190802-5168, TP, 37-61) (May 13, 2019) (describing how the October 4, 2018 public notice for the WQC was issued by the Corps, not the applicant) with Exhibit E at 3-4, Corps’ October 4, 2018 Public Notice for Port Arthur Project (explaining how comments could be submitted on Louisiana’s WQC process for the Corps permit, but not Texas’s).

⁴⁴ <https://www.sogastate.com/Portals/26/docs/rapid2007/FN%20Oct-TPN%20150114.pdf?ec=2018-10-18-164107-543>; see also e.g., Exhibit F at 3-4, Corps’ October 18, 2018 Public Notice for the Rio Grande LNG and Rio

Grande Pipeline Projects (identifying only the Corps as the sole entity soliciting comments and mentioning the RRC’s certification process only in passing, without soliciting public comments on the RRC’s behalf).

⁴⁵ <https://www.sogastate.com/Portals/26/docs/rapid2007/FN%20Oct-TPN%20150114.pdf?ec=2018-10-18-164107-543>

CO7 – Environmental Integrity Project

Document Accession #: 20230313-5208 Filed Date: 03/13/2023
EIP Joint Comments on the CP2 LNG and CP Express Projects (No. CP22-21-000 and CP22-22-000)

to manage the project, and is not the product of careful discussion and formal agreement as envisioned in the RRC rules.⁵¹

There is also no guarantee that the notice issued by the Corps complies with content or distribution requirements from § 3.93(d)(2)-(5). For example, the Corps' regulations do not require that notice of a Corps permit be sent to all property owners a half-mile downstream—only property owners directly adjacent to the impacted site.⁵² Thus, if Corps district engineers are left to their own devices to direct notices, it is likely that only adjacent property owners will have received notice.

And *second*, we have found no evidence in other Texas projects that indicates applicants are providing any notice to the required entities for the Section 401 certifications of their FHRC permits, as the default notice rules require.⁵³

Both notice failures should concern FHRC. Legally deficient notice cannot provide the basis for a valid NGA license or certification.⁵⁴ FERC as lead agency has a responsibility to coordinate and ensure the LNG facility licensing process is lawful.⁵⁵ FHRC may not authorize project activities without ensuring the RRC's WQC rules have been implemented and comply with the Clean Water Act.⁵⁶

B. Louisiana applicants have also historically failed to request Section 401 certification of FERC permits.

The agency responsible for Section 401, permitting in Louisiana is the Louisiana Department of Environmental Quality (LDEQ). Louisiana's rules governing all requests and issuances of certifications is found at Title 33, Part IX, Subpart 1, Chapter 15.⁵⁷ Unlike Texas's rules, Louisiana's rules do not specify different procedures for the different types of certification requests. Like in Texas, however, it appears that at least some LNG applicants in Louisiana have not been requesting certification of their FHRC permits, in contrast to what FERC made clear was required in its Jordan Cove order. In Calcasieu Pass LNG, for example (AIs 210324 and 194203), the only water quality certifications applied for and issued were for Corps permits, even though the applicants also sought FERC authorization.⁵⁸ The certifications issued for that project made no mention of those FERC

⁵¹ See *Telephone Interview with RRC Staff*, April 19, 2022 (confirming that there is no official agreement that the RRC has with the Corps on how notice is given nor the certification process).

⁵² 33 CFR § 325.3(d)(1)-(2). Accessible at <https://www.ecfr.gov/current/title-33/chapter-11/part-325>.

⁵³ Admittedly, this is an unsurprising outcome given applicants' historical failures to request certifications of FERC permits at all.

⁵⁴ *City of Tacoma v. FERC*, 460 F.3d 53, 68 (D.C. Cir. 2006). ("Rather, section 401(b)(1) also requires states to comply with their public notice procedures, and therefore it requires FERC to obtain some minimal confirmation of such compliance, at least in a case where compliance has been called into question. Otherwise, FERC has no assurance that the certification the state has issued satisfies section 401, and in the absence of such an assurance, it has no authority to grant a license.")

⁵⁵ 15 USC § 717a(b).

⁵⁶ *City of Tacoma*, 460 F.3d at 68.

⁵⁷ See 33 LAC IX § 1503(A). ("These procedures apply to all water quality certifications which applicants for federal licenses or permits are required to provide to the appropriate federal agency.")

⁵⁸ *Calcasieu Pass LNG WQC Application* No. 180116-03 (only referencing Corps permit; found via website https://edms.eis.noaa.gov/edms2/ad/admain.cfm?id=2144&ad=calcasieu_pass_lng_wqc) into the "Description" line. Subject Document ID 10960676 (no reference to request for 401 WQC for FERC NGA license) *and* Ex. H, Calcasieu Pass LNG WQC No. 180116-03 (citing only the Corps permit).

CO7-7

CO7-8

CO7-9

CO7-10

CO7-8: Comment noted.

CO7-9: Comment noted. See response to comment CO7-1.

CO7-10: Comment noted. Section 401 Water Quality Certification is required as part of the Project. See response to comment CO7-1.

authorizations, even though a FERC authorization triggers Section 401 scrutiny. EIP is concerned that the same flaws will be repeated in permitting this Project.

C. Replicating these Section 401 errors while permitting this project could endanger public and environmental health.

These public notice shortcomings violate the law and meaningfully impact the public's ability to participate in an important, statutorily guaranteed forum.⁵²

For example, for Texas projects, available information indicates that not all Texas landowners are being notified that the certification for a Corps permit is taking place. The Corps' regulations for its own permits only require that adjacent (not downstream) landowners receive notice of Corps activities.⁵³ So it is likely that not all landowners who are legally entitled to notice are receiving even the pseudo-joint notice that the Corps provides for Section 401 certifications.

This potentially overlooks a large number of landowners, including for this Project, who should be allowed to participate in the 401 WOC process. Of the twenty miles of pipeline in Texas, there are twelve proposed crossings of perennial streams alone (not to mention other waterbodies that would trigger notice requirements under § 3.93). For these streams alone, up to a full 12 miles of waterfront property owners may be unlawfully excluded from the certification process.⁵⁴

CP Express Pipeline Project Perennial Stream Crossings ⁵⁵		
Pipeline Milepost	Waterbody	Crossing Length (ft.)
5.5	Dognash Gully	7
5.6	N/A	13
18.7	N/A	131
18.7	N/A	68
19.0	N/A	61
19.1	N/A	67
19.3	N/A	124
19.4	N/A	43
19.5	N/A	39
19.5	N/A	68
19.6	N/A	245
20.0	Sabine River	197
Total Crossing Length (ft)		1,063

Even those that receive the pseudo-notice aren't necessarily notified that the certification process is taking place. For example, the pseudo-notice that the Corps issued for both Rio Grande LNG and Port Arthur LNG neglected to mention that it was the notice for the certification process; it mentioned that the RRC would be considering the applicant's certification request but did not

⁵² See § 401(g)(1); 16 TAC § 3.93; 33 LAC 18:1501 et seq.
⁵³ See 33 CFR 325.3(d)(1)-(2).
⁵⁴ Landowners on either side of the ½ mile downstream stretch would need to be notified under § 3.93.
⁵⁵ See DEIS, Appendix G 1-3.

CO7-10

CO7-11

CO7-11: Comment noted. See response to comment CO7-1.

CO7 – Environmental Integrity Project

Document Accession #: 20230313-5208 Filed Date: 03/13/2023
EIP Joint Comments on the CP2 LNG and CP Express Projects (No. CP22-21-000 and CP22-22-000)

make clear that the comment period had begun on certification—not with the language contemplated in 3.93(d)(3) or any other.³⁶

Even where the notice of certification proceedings may be similar to other permitting procedures, additional public input opportunities help improve public and environmental health outcomes and is in line with CWA's purpose. Especially in Louisiana, it is very easy for the public and landowners to miss the window for comment on a certification due to the window's brevity. The public comment window is a mere 10 calendar days long, measured from the date of publication of the LDCQ's review of the application in *The Advocate* of Baton Rouge (the official journal of the state).³⁷ Mail delays can further shorten the window in which a concerned landowner may act. Ultimately, a potentially affected party only has a handful of days from becoming aware a WQC is being considered to scrutinize it and to provide fulsome comments on the proposal.³⁸

In sum, the potential for harm from Section 401 noncompliance is real for this Project, as it has been for past projects in this region. Moreover, FERC has a duty to ensure that Section 401 has been complied with, as the next section explains.

IV. FERC should not approve project activities until the Applicants and all certifying authorities have completed their Section 401 duties.

The D.C. Circuit has made clear that FERC lacks licensing authority where it fails to review a state's alleged noncompliance with Section 401.³⁹ "[W]hen a state issues a water quality certification, FERC has an obligation to confirm, at least facially, that the state has complied with section 401(a)(1)'s public notice requirements." *City of Tacoma, Washington v. FERC*, 460 F.3d 53, 68 (D.C. Cir. 2006).

The D.C. Circuit went on to confirm that if FERC fails to review a state's alleged non-compliance with Section 401, it lacks authority to grant its own licenses entirely:

We do not, however, think FERC's obligation is limited to confirming that the state has enacted a public notice procedure. Rather, we think that, by implication, *section 401(a)(1) also requires states to comply with their public notice procedures*, and therefore it *requires FERC to obtain some minimal confirmation of such compliance*, at least in a case where compliance has been called into question. *Otherwise, FERC has no assurance that the certification the state has issued satisfies section 401, and in the absence of such an assurance, it has no authority to grant a license.*

³⁶ Exhibit F at 3-4, Corps' October 18, 2018 Public Notice for the Rio Grande LNG and Rio Bravo Pipeline Projects (identifying only the Corps as the sole entity soliciting comments and mentioning the RRC's certification process only in passing, without soliciting public comments on the RRC's behalf); Exhibit F at 3-4, Corps' October 4, 2018 Public Notice for Port Arthur Project (explaining how comments could be submitted on Louisiana's WQC process for the Corps permit, but not Texas's).

³⁷ 33 LAC Part IX § 1507(D)(1)(b).

³⁸ See 33 LAC IX § 1507(D)(2) (describing LDCQ's practice of mailing public notice).

³⁹ *City of Tacoma, Washington v. FERC*, 460 F.3d 53, 68 (D.C. Cir. 2006); see also *Jackson City, N. Carolina v. FERC*, 589 F.3d 1284, 1289 (D.C. Cir. 2009) (affirming that the Clean Water Act requires states to comply with public notice procedures under 401(a)(1), and that FERC must confirm state compliance when compliance has been called into question).

CO7-11

CO7-12

CO7-12: Comment noted. See response to comment CO7-1.

Id. at 68. “HERC, in other words, may not act based on any certification the state might submit; rather, it has an obligation to determine that the specific certification required by section 401 has been obtained, and without that certification, HERC lacks authority to issue a license.” *Id.* at 67-68 (cleaned up).

For this Project, based on past practice, it is likely that the Applicants, Texas, and Louisiana will fail to fully comply with Section 401. We therefore request that EERC scrutinize the Section 401 procedures of both states and not authorize any activity until all Section 401 review is completed.

The DEIS outlines some of these potential impacts to state waters—exactly the types of impacts the certification process was designed to review and to allow affected persons to weigh in on.⁶⁰

A. Pipeline construction will impact state waters and nearby landowners.

Installation of a pipeline can impact water quality and neighboring or downstream landowners in several ways. Concerns arise during construction, operation, and closure, and include erosion, runoff, sedimentation, compaction of soils, and changes to the biological, physical, and chemical properties of the water bodies. For example, trench dewatering can result in discharges to the ground and sensitive receptors.⁶¹ The transport of pipes, crews, and other materials and equipment to the installation sites can impact water quality as the ground is cleared, compacted, and contaminants and trash exposed to runoff.⁶² And the proper disposal of hydrostatic test water (the water used to test the pipeline’s integrity before use) is another concern.⁶³

The methods suggested to cross wetlands and waterbodies raise particular concerns for landowners that may not be receiving Section 401 notices.⁶⁴ For example, the DEIS shows that horizontal drilling is one method contemplated for such crossings, including for the Sabine River crossing.⁶⁵ With horizontal drilling, drill fluids are expected to be stored in shallow pits onsite, and excess water may be produced.⁶⁶ The Applicants admit that potential releases of drilling mud are possible, especially if a natural fracture or weak area in the ground is encountered during drilling. As the DEIS points out, the migration of drilling fluid can be unpredictable, with fluid moving vertically or laterally—and often without being visible at the ground surface.⁶⁷ And according to the DEIS,

see *Reclaiming 927 F.2d* at 622. ⁶⁰ The states remain, under the Clean Water Act, the “prime bulwark in the effort to abate water pollution.” One of the primary mechanisms through which the states may assert the broad authority reserved to them is the certification requirement set out in section 401 of the Act. “Through this requirement, Congress intended that the states would retain the power to block, for environmental reasons, local water projects that might otherwise win federal approval.”

⁶¹ DEIS at 2-27, 4-40, 4-61.

⁶² DEIS at 4-18, 4-25, 4-48 – 4-50, 5-3 – 5-5.

⁶³ DEIS at 4-26 – 4-28; 4-40 – 4-41.

⁶⁴ DEIS § 2.5.3.

⁶⁵ DEIS at 2-29 – 31. (Section 2.5.3.1 “Horizontal Drilling”) (“Throughout the drilling process, a fluid mixture consisting of water and bentonite clay (a naturally occurring mineral) would be pressurized and pumped through the drill stem to lubricate the drill bit, maintain the hole, and remove drill cuttings. Water for the mixture would be pumped to the drill site through a hose or temporary, network of irrigation-type piping or trucked in from another source. Small pits would be dug at or near the entry and exit points for the HDD to temporarily store the drilling fluid and cuttings. The fluid and cuttings would be pumped from the pits to an onsite recycling unit where the fluid would be processed for reuse.

Alternatively, frac tanks may be used to temporarily store the drilling fluid and cuttings.”)

⁶⁶ *Id.*

⁶⁷ *Id.*

CO7-13: Section 4.2.4 has been revised with geotechnical studies and hydrofracture assessments performed to date regarding HDD feasibility. CP Express has committed to filing the remainder of feasibility/hydrofracture assessments as soon as they are available.

CO7 – Environmental Integrity Project

Document Accession #: 20230313-5208 Filed Date: 03/13/2023
EIP Joint Comments on the CP2 LNG and CP Express Projects (No. CP22 21 000 and CP22 22 000)

88% of the soils along the pipeline route are “Type C” soils, which are much less cohesive than unsaturated soils, increasing the threat of uncontrolled and unanticipated migration of pollutants.⁶⁸

Other proposed methods of pipeline installation also can impact downstream landowners who may not be receiving full notice of the WQC process, including open-cut construction and marsh push methods.⁶⁹ Even flume and dam-and-up methods can alter downstream water quality, including through the removal of shade vegetation, which can alter surface water temperatures.⁷⁰

The Type C soils prevalent along the proposed route also reportedly will require wider and shallower trench slopes.⁷¹ For example, the CP Express Pipeline is expected require a 150-foot-wide construction right-of-way in upland areas, and a 125-foot-wide construction right-of-way in non-saturated wetland areas.⁷² This wider width necessarily creates a greater potential for erosion, runoff, and negative water quality effects for downstream landowners. In addition, over 144 acres are expected to be needed for additional temporary work areas for the CP Express pipeline.⁷³ This estimate does not include the access roads or contractor staging areas required.⁷⁴ All this additional clearing can impact state and landowner water quality and should be considered in a Section 401 review.

The DEIS also makes clear that Applicants expect to encounter groundwater when trenching the pipeline, especially in the marshes of Cameron Parish. It is expected that the dewatering of this groundwater may cause localized drawdown of the water table. The Applicant estimates that dewatering needed for “tie-ins” will take place at 15 locations per mile for the first 50 miles (i.e., roughly once a football-field length), then two per mile for the remainder—discharging at a rate of 500 gallons per minute (i.e., roughly equivalent to a fire hose running at maximum).⁷⁵ Planned dewatering could affect the very downstream landowners that should be receiving notice of Section 401 certifications.

B. Unique local geography and hydrology requires thoughtful consideration of Project’s impacts on state waters and input from nearby landowners.

⁶⁸ DEIS at 2-13.

⁶⁹ See DEIS at 2-31 – 33. According to the DEIS, “The open-cut construction method involves trench excavation, pipeline installation, and backfilling in a waterbody without controlling stream flow (wet-ditch open-cut method) or while diverting streamflow (dry-ditch open-cut method)” and the marsh push method uses mats, marsh barges, airboats, amphibious equipment, tracked equipment, and barges to install pipe in saturated wetlands and wet soil areas. *Id.* at 2-31.

⁷⁰ DEIS at 2-32.

⁷¹ DEIS at 2-13.

⁷² *Id.*

⁷³ DEIS at 2-16 – 15 (“2,222 Additional Temporary Workspace”) (6.6 acres in Jasper County, TX; 14.3 acres in Newton County, TX; 54.9 acres in Calcasieu Parish, LA and 69.1 acres Cameron Parish, LA).

⁷⁴ DEIS at 2-15.

⁷⁵ DEIS at 4-27 – 28. And this frequency does not include the number of times the Applicant expects to also need to dewater for “frequent pipeline crossings, pipeline bore pits at road and railroad crossings, locations with pipeline side bends greater than 10 degrees, and pipeline aboveground facility sites.” *Id.*

CO7-14: See section 2.2.2.1 and 4.5.2.2 for a discussion of Type C soils.

CO7-15: See response to comment CO7-14. Additionally, Project impacts on groundwater and surface water are assessed in sections 4.4.1.4 and 4.4.2, respectively.

CO7-16: See responses to comments SA1-3, The Project-specific Plan would be implemented to prevent erosion and impacts from runoff. CP2 LNG and CP Express would restore all temporary workspaces upon completion of construction and monitor the restoration for success.

CO7-17: Section 4.4.1.4 discusses Project impacts and mitigation on groundwater.

East Texas and Western Louisiana are typically very rainy, saturated areas, which increase the frequency and likelihood that downgradient neighbors will be impacted by this Project during construction, operation, and closure.⁷⁶

Many in the Project area also rely on shallow, private drinking water wells that are not reported in the major databases relied upon in the DEIS.⁷⁷ These wells can easily become contaminated in response to drilling activities or have flow rates reduced by nearby dewatering or surface compaction, which can alter infiltration rates.⁷⁸ Natural springs are also common in the area, yet the DEIS has identified not a single spring within 200 feet of the planned pipeline route.⁷⁹ Residents and localities in the vicinity of the Project are uniquely situated to help identify such features, which can be vulnerable to degradation and provide conduits for contamination of subsurface waters. This is yet another reason why it is vital to ensure all landowners that should by law receive notice of these certification requests do so, and that they are granted a meaningful opportunity to provide comment on each certification process conducted.

CO7-18

C. Feedback from landowners would help address erosion and avulsion risks, which the DEIS does not adequately address.

Nor are all potential water-related concerns mentioned in the DEIS. For example, EIP finds no mention of the dangers of waterbody avulsion, despite the fact that the pipeline will cross the Sabine River twice. Avulsion refers to a river suddenly shifting course, often during a high-rainfall event, jumping its banks to carve a new path into the land as it makes its way to the ocean.⁸⁰

Erosion and avulsion have been long known to threaten the structural integrity of a pipeline and also can expose the remains of pits used to hold horizontal-drilling waste and other construction debris—potentially seeping contaminant plumes downgradient.⁸¹ Avulsion is not an idle threat. Communities are still scarred from when a high-rainfall event cause the San Jacinto River in Texas to jump its banks in 1994, causing over half a dozen oil and gas pipelines to rupture, sending a wall of fire downstream, destroying homes, injuring neighbors and creating a massive oil slick that extended

CO7-19

⁷⁶ Both areas receive approximately 60 inches of rain a year. See NOAA National Centers for Environmental Information State Climate Summaries 2022: TEXAS <https://stateclimatesummaries.noaa.gov/chapter/tx/>; NOAA National Centers for Environmental Information State Climate Summaries 2022: LOUISIANA <https://stateclimatesummaries.noaa.gov/chapter/la/>.
⁷⁷ It appears the Applicants relied on the Texas Water Development Board database, but this is well-known to be incomplete. See DEIS at 4-23 - 35 (“Based on civil surveys completed by CP2 LNG and CP Express, and review of publicly available data from the LDNR and TWDB, one active groundwater monitoring well and one active irrigation well were identified within 150 feet of the Project workspace; however, no active public or private domestic water supply wells were identified (LDNR, 2022; TWDB, 2021b).”).
⁷⁸ DEIS at 4-28 (“The use of heavy construction equipment could compact soils and reduce recharge/infiltration rates and modify surface water flows, potentially affecting underlying groundwater. . . . Inadvertent spills or leaks of hazardous materials, HDD drilling fluid loss and/or inadvertent return, or hydrostatic testing of the Pipeline System could affect groundwater.”).
⁷⁹ DEIS at 4-27.
⁸⁰ *Infotom (n.d.)*, [https://en.wikipedia.org/wiki/Avulsion_\(river\)](https://en.wikipedia.org/wiki/Avulsion_(river)).
⁸¹ Es, L. Swadsky et al., *Pipeline Exposure to River Crossings: Causes and Cures*, ASME, 1998. See also Sg. Schleifstein, Mark, *Rising river bottom could send Mississippi to Atchafalaya flood in next major flood*, The Times-Picayune (Updated July 22, 2019) https://www.nola.com/news/environment/article_de220244-81e5501a-bcc3-345c2d35a8cf.html

CO7-18: See response to comment CO7-17

CO7-19: The majority of major, perennial waterbodies crossed by the Project, including the Sabine River, would be crossed using the trenchless HDD method (refer to section 2.5.3.1 of the EIS). The pipeline would be installed at depths greater than typical burial depth in the vicinity of these waterbodies which would minimize the potential for impacts on the pipeline in the event of an avulsion event. Following HDD construction, excess drilling fluid (anticipated to be non-toxic) would be collected and incorporated into upland soil (with landowner approval) or disposed of at an approved waste facility. In accordance with the Project-specific Plan, Project waste or construction debris would not be disposed of via burial.

Document Accession #: 20230313-5208

Filed Date: 03/13/2023

EIP Joint Comments on the CP2 LNG and CP Express Projects (No. CP22 21 000 and CP22 22 000)

into Galveston Bay.⁸² Scientist have grave concerns over the threat of avulsion in Louisiana as well, especially given the number of petrochemical operations that lie in the Atchafalaya River basin.⁸³



CO7-19

The slower, erosional forces at play in the Sabine and other waterbodies are also concerns. As shown in the satellite image above, an oxbow lake exists just south of the Project's western crossing of the Sabine. Oxbow lakes illustrate how land seemingly far enough away from a river to build on or to bury waste on can be anything but. The more a river meanders or curves (as the Sabine does just north of the Project's eastern crossing), the more likely a cutoff will form, in which the river eventually cuts a straighter path to bypass the meander.⁸⁴ Sedimentation along the banks of the cutoff eventually causes the curve to become a separate waterbody known as an oxbow lake, as is shown above.⁸⁵ The growth and formation of oxbows causes land near a river to over time be eroded away, washing anything buried on that land downstream. This is a real concern at another Texas site just southwest of Houston, where a cutoff has recently formed adjacent to an old oil field.⁸⁶ As the river continues to cut closer and closer to this industrial site, the danger increases that old waste pits and well infrastructure will become exposed and contamination will flow downstream. A similar concern exists for this Project if waste and construction debris are buried adjacent to these water bodies.⁸⁷

CO7-20

Steady erosive processes have also undermined the foundations of pipelines running parallel to or across waterbodies all over Texas, leaving them vulnerable to breakage.⁸⁸ It's not clear that the 15

⁸² Alexander, Choate, *25 years later, I look back at the devastating San Jacinto River fire*, KTHOU, (Oct. 20, 2019), <https://www.kthou.com/article/news/local/25-years-later-choate-looks-back-at-the-devastating-san-jacinto-river-fire/285-267616ef5a6f6-4338-821f-b324-ff0c015a0>

⁸³ Schleifstein, Mark, *Reigning river bottom could match Mississippi in next mega flood*, The Times-Picayune, (4, updated July 22, 2019), https://www.nola.com/news/environment/article_46220244-81cf-560a-bae3-3d5ad35c8cf.html

⁸⁴ Proposed Sabine River crossing locations: <https://gva.gil/maps/GvaLAMI/GaP/USg257> (30°16'31.0"N 93°42'22.3"W (western branch); 30°16'40.0"N 93°41'39.7"W (eastern branch)).

⁸⁵ Oxbow Lakes, Earth Resources Observation and Science (EOS) Center, <https://eros.sigs.gov/mediterranean/gallery/earthshot/oxbow-lakes>

⁸⁶ *Id.*

⁸⁷ March 10, 2023, Telephone Interview with Bruce Bodson, Executive Director, Lower Brazos Riverwatch (describing the Brazos River cutoff formed near an abandoned oil field outside of Thompson, Texas). *See also* Brazos River oxbow

<https://local.azpbs.org/News/55315618>, 29°30'23.7"N 95°54'58.3"W.

⁸⁸ Erosion of waste pit debris into rivers is a concern along many Texas rivers, including the Brazos. *See* Ex. J at 5-6.

(Lower Brazos Riverwatch Photographs) (showing evidence of former pits eroding into the Brazos).

⁸⁹ And because many waterbodies in Texas are considered state property, such eroded pipelines may now also lie on state lands. *See also* Ex. J at 1-4 (Lower Brazos Riverwatch Photographs), courtesy of Lower Brazos Riverwatch (showing pipelines eroded from the bank of the Brazos).

CO7 – Environmental Integrity Project

Document Accession #: 20230313-5208 Filed Date: 03/13/2023 <i>EIP Joint Comments on the CP2 LNG and CP Express Projects (No. CP22-21-000 and CP22-22-000)</i>	
feet of buffer proposed for pipelines that run parallel to waterbodies would be enough over the lifespan of the pipeline to ensure that this infrastructure does not wind up in or suspended over these waterbodies. ⁸⁰ It's also not uncommon along similar Texas rivers for drilled pipe to become washed out and exposed, creating navigational, safety, and environmental risks. ⁸¹	CO7-20
The potential for avulsive events and overall erosion to create additional hazards for surrounding landowners are all the more reason that all who should be notified of certification processes are, and that they are provided meaningful opportunities to participate.	CO7-21
V. Conclusion We thank the Commission for the opportunity to comment on its authorization process for this Project. We object to the permitting of this project and urge IERC to ensure that all Clean Water Act Section 401 duties are fulfilled in accordance with federal and state laws before authorizing any Project activities. Respectfully,	CO7-22
 Claire Krebs Attorney Environmental Integrity Project Austin, Texas	 Andy McCoy UT Law Environmental Clinic Student Austin, Texas
Ilan Levin Associate Director Environmental Integrity Project Austin, Texas ilevin@environmentalintegrity.org	Tom Grosselin Sierra Club
James Hiatt For a Better Bayou	Travis Dardar Concerned Individual
Naomi Yoder Healthy Gulf	Rebelah Sale Property Rights and Pipeline Center
Anne Rolfe Louisiana Bucket Brigade	
Morgan Johnson Natural Resources Defense Council	
⁸⁰ DEIS at 4-40. ⁸¹ Ex. J at 1-4 (Lower Brazos Riverreach Photographs) (Photos of drilled pipe eroded along the Brazos); March 10, 2023 Telephone Interview with Bruce Bashon, Executive Director, Lower Brazos Riverreach.	
Page 16 of 16	

CO7-20: Refer to the EIS at section 4.13.2 for a discussion of mitigation measures and monitoring that would be implemented to minimize safety hazards during pipeline operation.

CO7-21: Comment noted. The EIS at section 1.3 addresses Public Review and Comment.

CO7-22: Comment noted. See response to comment CO7-1.

Document Accession #: 20230313-5222	Filed Date: 03/13/2023
UNITED STATES OF AMERICA BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION	
Venture Global CP2 LNG, LLC) Venture Global CP Express, LLC)	Docket Nos. CP22-21 CP22-22)
COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT OF NATURAL RESOURCES DEFENSE COUNCIL	
INTRODUCTION	
Natural Resources Defense Council (NRDC) submits the following Comments on the Federal Energy Regulatory Commission's (FERC or Commission) Draft Environmental Impact Statement (DEIS) for the CP2 LNG and CP Express projects (Project or CP2) proposed by Venture Global CP2 LNG, LLC and Venture Global CP Express, LLC (collectively, Venture Global or Applicant). Specifically, Venture Global proposes an 18-train liquefaction facility with a nameplate capacity of 20 million tonnes per annum (MTPA) with a peak achievable capacity of 28 MTPA, as well as an 85.4 mile, 48-inch-diameter gas pipeline. As discussed in depth below, NRDC's position is that the Commission's DEIS fails to comply with the National Environmental Policy Act's (NEPA) bedrock requirement that agencies take a "hard look" at the environmental impacts of, and alternatives to, a proposed action. Further, if approved and completed, the Project would cause significant and irreparable harm to nearby communities, species, the environment, and climate that are directly inconsistent with the public interest. Project authorization would therefore be contrary to the foundational elements of the Natural Gas Act (NGA).	
CO8-1	
Page 1 of 14	

CO8-1: Comment noted.

CO8 - National Resources Defense Council

Document Accession #: 20230313-5222

Filed Date: 03/13/2023

COMMENTS

A. FERC must correct its continual failure to articulate a coherent standard for the exercise of its NGA Sec. 3 authority.

FERC has no genuine framework for determining and analyzing whether or not a proposed LNG export facility is consistent with the public interest. The Commission's failure to articulate a standard with which it will wield its statutory authority under Section 3 of the NGA¹ has tainted this (and other future) NEPA analyses.

To provide a basic description of this problem, the Commission need not look much further than then-Chairman Glick's concurrence in the Commission's recent Certificate Order approving the Commonwealth LNG project. There, the Chairman noted FERC's lack of framework for determining whether Section 3-regulated proposed LNG export infrastructure is consistent with the public interest, and that the Commission does not engage in any meaningful balancing of the benefits and harms to the public interest.²

The Commission's current practice is to shirk its duty to engage in genuine public interest review by treating the U.S. Department of Energy's (DOE) approval to export the commodity as conclusively establishing that the infrastructure provides public benefits, but no one—not FERC, not DOE, nor anyone else—ever evaluates whether those benefits outweigh and justify the harm caused by a particular LNG export terminal. Applying that practice to this review, this DEIS explains that, as proposed, the Project would bring forth a number of relevant costs in a number of different contexts. Ultimately, the Commission holds a duty under the Natural Gas Act to

¹ 15 U.S.C. § 717b(e).

² *Commonwealth LNG, LLC*, 181 FERC ¶ 61,143 (Nov. 17, 2022), Glick, concurring, at P2, Accession No. 20221117-3091.

CO8-2: Comment noted.

CO8-2

N-238

CO8 - National Resources Defense Council

Document Accession #: 20230313-5222

Filed Date: 03/13/2023

meaningfully evaluate this proposed Project through a genuine framework to balance those relevant costs against assessed benefits. A failure to do so is contrary to the Natural Gas Act and to bedrock principles of administrative law. The Commission's 'split' authority with DOE under Sec. 3 of the NGA undoubtedly complicates the Commission's ability to engage in some meaningful cost-benefit analysis, but the Commission's hands are not so bound that in can never ensure consistency with the public interest or never determine a "degree of adverse impact so great that the public interest requires the Commission to reject a section 3 application."³ At any time, DOE could seek to rescind or modify its delegation order of Section 3(e) authority to the Commission, and the Commission should seek such a change. More simply, the Commission could articulate some intelligible policy regarding how it will implement that standard with respect to authorizing siting, construction, and operation of LNG terminals for which DOE has made a finding that the commodity export is not inconsistent with the public interest. Until the Commission does *something*, its NEPA reviews, such as this one, cannot assuredly be able to assist the Commission in its "consider[ation] as part of its decision to authorize natural gas facilities, all factors bearing on the public interest including a project's purpose and need."

CO8-2

B. The Commission entirely adopts the applicant's stated purpose and need for the Project, fails to include a true "no-action" alternative, rendering the Commission's alternatives analysis faulty throughout the DEIS.

An EIS must "briefly specify the underlying purpose and need for a project."⁴ The purpose and need statement dictates the range of "reasonable" alternatives that the agency must consider in evaluating the environmental impacts of a proposed action.⁵ "An agency may not

³ *Id.* at P 7.

⁴ DEIS 1-3 (citing 40 C.F.R. §1502.13).

⁵ See *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 195 (D.C. Cir. 1991).

CO8-3: See response to comment CO4-3.

CO8-3

CO8 - National Resources Defense Council

Document Accession #: 20230313-5222

Filed Date: 03/13/2023

define the objectives of its action in terms so unreasonably narrow that only one alternative from among the environmentally benign ones in the agency's power would accomplish the goals of the agency's action, and the EIS would become a foreordained formality."⁶ Here, the Commission in crafting⁷ its unlawfully narrow statement of purpose and need for the project, does expressly that.

The Commission's identified is based explicitly on CP2's stated purpose:

"CP2 LNG states that the purpose of the proposed Project is to liquefy, store, and export a nameplate liquefaction capacity of 20 MTPA of liquefied LNG, with approximately 28.0 MTPA capacity possible under optimal conditions, to overseas markets via marine transport by ocean-going vessels. CP2 LNG also states that conversion of natural gas to LNG would promote a global natural gas trade and greater diversification of global supplies. CP Express states that the purpose of the Pipeline System is to create the firm transportation capacity needed to transport 4 billion cubic feet per day (Bcf/d) of feed gas required for the proposed LNG export operations from natural gas supply points in east Texas and southwest Louisiana to the Terminal Facilities."⁸

Consistent with its review of other LNG export projects, the Commission has again unquestioningly and unflinchingly adopted the Applicant's narrowly-drafted statement of purpose and need; accordingly, the alternatives analyzed in the DEIS center around the Applicant's ultimate aims. This is improper under NEPA and the APA. Here, defining the "purpose and need" as an LNG export facility with 20 MTPA of nameplate capacity and 28 MTPA of capacity possible in optimal conditions with a pipeline that transports 4 Bcf/d from supply points in east Texas and southwest Louisiana "to the Terminal facilities" is functionally the same as defining the "purpose and need" as "building the CP2 Project." This wrongfully narrow lens taints any assessment of the true costs of the Project and will unduly warp the

⁶ *Id.* at 196.

⁷ DEIS at 1-3 ("CP2 LNG's and CP Express' purpose and objective in proposing the Project were defined in its application with the Commission. [T]he project proponent is the source for identifying the purpose for developing, constructing, and operating a project.")

⁸ *Id.*

CO8-3

CO8 - National Resources Defense Council

Document Accession #: 20230313-5222

Filed Date: 03/13/2023

Commission's ultimate consideration of the projects costs and consistency with the public interest.

In addition to the requirement to specify a clear purpose and need for a project, NEPA imposes a clear-cut procedural obligation on the Commission to take a "hard look" at alternatives that may entail less significant impacts on resources affected by the Project.⁹ An EIS must "[e]valuate reasonable alternatives to the proposed action, and, for alternatives that the agency eliminated from detailed study, briefly discuss the reasons for their elimination."¹⁰ Each alternative shall be "considered in detail, including the proposed action, so that reviewers may evaluate their comparative merits." *Id.* "The existence of a viable but unexamined alternative renders an [EIS] inadequate."¹¹ Rather than engaging in the rigorous and "open" alternatives analysis that NEPA imposes upon the Commission, here the Commission frames its alternatives analysis around the aims of the Applicant.

NEPA also requires that the Commission "[e]valuate reasonable alternatives to the proposed action" and "include the no action alternative".¹² Where the agency is evaluating a proposal for a project, "'no action' . . . would mean the proposed activity would not take place, and the resulting environmental effects from taking no action would be compared with the effects of permitting the proposed activity or an alternative activity to go forward."¹³ Here, the No-Action alternative analysis states:

⁹ See *Balt. Gas & Elec. Co. v. Nat. Res. Def. Council*, 462 U.S. 87, 100 (1983).

¹⁰ 40 C.F.R. § 1502.14.

¹¹ See *Ala. Wilderness Recreation & Tourism Ass'n v. Morrison*, 67 F.3d 723, 729 (9th Cir. 1995) (internal citations and quotation marks omitted).

¹² 40 C.F.R. § 1502.14

¹³ *Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations*, 46 Fed. Reg. 18,026, 18,027 (Mar. 23, 1981).

CO8-3

N-241

CO8 - National Resources Defense Council

Document Accession #: 20230313-5222

Filed Date: 03/13/2023

"The No-Action Alternative might result in end users of LNG making different arrangements to meet their needs. Although it is speculative to predict what actions might be taken by policymakers or end users if the No-Action Alternative is selected, it is possible that renewable energy sources (e.g., solar power), traditional energy sources (e.g., coal or fuel oil), or traditional long-term energy sources (e.g., nuclear power) could be used in lieu of the Project. But the location of the facility and use of the fuel (electricity, heating, industrial feed stock, etc.) would also be speculative. In addition, alternative energy sources would not meet the Project objective of liquefying natural gas for export and are beyond the scope of this EIS. We have prepared this EIS to inform the Commission and stakeholders about the expected impacts that would occur if the Project were constructed and operated. The Commission will determine the Project need and could choose the no-action alternative.¹⁴

The Commission's no-action alternative contravenes basic NEPA principles, is not a genuine no-action alternative, and conforms with no-actions statements that CEQ has prohibited¹⁵ as it assumes that if the proposed project is not approved, another project of identical emissions will substitute for it with identical emissions. The Commission's characterization of its no-action alternative skews the agency's entire analysis of alternatives, failing to serve as the 'measuring stick' that allows for meaningful comparison between the purported benefits of the proposed action and its environmental impacts.

Particularly when read together, the Commission's flawed statement of purpose and need and ingenuine no-action alternative render any conclusion other than building the project foregone. This is precisely the sort of scenario that NEPA caselaw and guidance have aimed to avoid.

¹⁴ DEIS at 3-37.

¹⁵ See 46 Fed. Reg. at 18,027 (defining "no action" in instances involving federal decisions on proposals for projects) (also reminding all federal decision makers not to "simply assume that if the federal action does not take place, another action will perfectly substitute for it and generate identical emissions, such that the action's net emissions relative to the baseline are zero.")

C. The project will have serious impacts on environmental justice communities, but the Commission's DEIS wrongly discards alternatives that would reduce impacts to environmental justice communities, particularly alternative pipeline routes.

NEPA requires EIS's to examine all foreseeable, potential impacts of a project; including ecological, cultural, economic, social, aesthetic, historic, or health, whether direct, indirect, or cumulative.¹⁶ In accordance with Executive Order 12898, agencies must consider the environmental justice impacts of their actions on low-income and minority communities. As proposed, the Project terminal site and pipeline route will have profoundly negative impacts on environmental justice communities. The proposed terminal site (as determined to be suitable in the Commission's DEIS) is just 2,450 feet from the nearest residential neighborhood, located within a low-income environmental justice community,¹⁷ and located in closer proximity to a noise-sensitive community than any other alternative site considered by the Commission.¹⁸ None of the other alternative sites considered by the Commission are located within environmental justice (low-income or minority) communities.¹⁹ As for pipeline routes, all four pipeline routes (inclusive of the CP Express Route) considered by the Commission would cross environmental justice communities, but the route chosen for the CP Express was the longest proposed route, leading to more disturbances to land surrounding the pipe.²⁰ Without clear guidance from the Commission as to the weight particular impacts have on the commission's determination of

¹⁶ 40 C.F.R. § 1508.8.

¹⁷ 40 C.F.R. § 1508.8.

¹⁸ DEIS at 4-2677.

¹⁹ For some of those other sites, the LNG ships could pass by environmental justice communities, but for the Sabine Pass alternative, it would neither be located in nor pass by these overly burdened communities.

²⁰ DEIS at 3-53 and 3-54.

CO8-4

CO8-4: Section 3.5 has been revised to include a pipeline route alternative with the intent of minimizing impacts on environmental justice communities.

CO8 - National Resources Defense Council

Document Accession #: 20230313-5222

Filed Date: 03/13/2023

significance or insignificance of project impacts (in this case those significantly and disproportionately negatively impacting environmental justice communities) it is unclear whether the Commission's dismissal of other project alternatives are rational and represent the 'hard look' mandated by NEPA.

CO8-4

D. The Commission's analysis of air quality impacts ultimately conflates attainment with insignificance, despite acknowledgement that related air pollution (even when consistent with NAAQS standards) can imperil health.

NEPA requires agencies to consider "every significant aspect of the environmental impact of a proposed action[.]"²¹ This includes air quality impacts. In the DEIS, the Commission considers Project impacts on air quality.²² The Commission's DEIS states that because Project air pollutants will be minimized or within the NAAQS, their impacts will not be significant. The Despite the fact that the Project will be located within an environmental justice community, the DEIS fails to investigate specifically how Project air emissions will affect environmental justice communities. By failing to perform this additional analysis, FERC continues to fail to take a hard look at the impacts of declining air quality on environmental justice populations impacted by projects that will yield large-scale emissions.

Air pollution that does not exceed the individual NAAQS can still cause harmful health impacts, and this is acknowledged by the Commission which states that "NAAQS attainment alone may not assure there is no localized harm to [sensitive] populations due to project emissions of volatile organic compounds (VOCs), hazardous air pollutants (HAP), and issues such as the presence of non-Project-related pollution sources, local health risk factors, disease

²¹ See *Greater Yellowstone Coal. v. Lewis*, 628 F.3d 1143, 1150 (9th Cir. 2010).

²² DEIS at Section 4.12.1.

CO8-5: As disclosed in section 4.12.1 of the EIS, construction and operation of the Project would result in air quality impacts. However, as stated in section 4.12.1, the Project would not cause or contribute to an exceedance of the NAAQS, including in environmental justice communities. Although the NAAQS are designated to protect sensitive populations, we acknowledge that NAAQS attainment alone may not assure there is no localized harm to such populations due to project emissions of volatile organic compounds, HAPs, as well as issues such as the presence of non-Project related pollution sources, local health risk factors, disease prevalence, and access (or lack thereof) to adequate care.

Additionally, we note that section 4.12.1 has been revised to include the results of a human health risk assessment due to operation of the Terminal Facilities.

CO8 - National Resources Defense Council

Document Accession #: 20230313-5222

Filed Date: 03/13/2023

prevalence, and access (or lack thereof) to adequate care.”²³ Despite this plain acknowledgement that these potential, foreseeable, related health impacts can occur despite NAAQS attainment, the Commission arbitrarily and entirely fails to look further into these potential, foreseeable impacts as applied specifically to environmental justice communities.

CO8-5

E. FERC improperly failed to assess impacts from project carbon capture and sequestration (CCS) facilities.

The Commission has a duty under NEPA and the NGA to consider the environmental impacts of all project facilities—despite this the Commission provides no credible reason why the vast majority of Carbon Capture and Sequestration-related features (which it classifies as non-jurisdictional)²⁴ associated with the LNG export terminal could not be considered in FERC’s DEIS. CP2 is proposing project features to capture and sequester roughly 500,000 tons of CO₂, (less than 6% of its operational emissions) per year.²⁵ As NRDC and others in the docket have raised, other comparable LNG facilities have proposed more aggressive and ambitious (nearly 90% of operational emissions) direct emissions capture features.²⁶ As for the proposed features for this project, the Commission concludes that “[t]he proposed CCS system would be permitted separately under EPA’s Underground Injection Class VI program” and “[e]a[s] such, for purposes of the NEPA analysis, [it is evaluating] the portion of the CCS system within the LNG terminal footprint.”²⁷ This choice to “carve out” particular relevant, foreseeable impacts of the project is unpersuasive—for an array of other project features, impacts, and elements permitted primarily

CO8-6

CO8-6: See response to comment CO3-7.

²³ DEIS at 4-220.

²⁴ DEIS at 2-9.

²⁵ DEIS at 4-441.

²⁶ *Id.*

²⁷ DEIS at 1-13.

CO8 - National Resources Defense Council

Document Accession #: 20230313-5222

Filed Date: 03/13/2023

by other agencies, the Commission still fulfills its duties to acknowledge and assess these aspects and impacts of the projects it considers. The Commission arbitrarily, unlawfully and unpersuasively attempts to shirk its responsibility to do so for the proposed CCS features of the Project—an attempt that is that much more concerning given that those features very likely will be considered by the Commission when it makes its consideration as to whether the project is in the public interest.

CO8-6

F. In failing to assess the significance of project greenhouse gas (GHG) emissions the Commission refuses to adequately consider the climate change implications of the Project.

The Commission has a mandate under NEPA and the Natural Gas Act to take a hard look at the impact of Project GHG emissions, evaluate their significance and impact, and ultimately, to factor these GHG emissions into the Commission's public interest determination.²⁸ But here as in other recent project reviews,²⁹ FERC explicitly refuses to provide these analyses, citing its “generic proceeding to determine whether and how the Commission would conduct significance determinations going forward” and compares proposed project GHG to other state and national benchmarks.³⁰ While FERC has repeatedly demonstrated it can indeed apply administrative tools to estimate the social cost of the projects it authorizes, disclose those costs, or compare project emissions against other numeric benchmarks, it still refuses to engage in making an actual, explicit assessment as to whether the Project's emissions are significant. FERC's continued refusal to consider the significance of the lifecycle climate impacts associated with the gas that

CO8-7

CO8-7: Comment noted. As stated in section 4.14.2.13, there currently are no accepted tools or methods for the Commission to use to determine significance, therefore we do not characterize the GHG emissions detailed in section 4.12.1 as significant or insignificant. See also response to comment CO4-21.

²⁸ *Sabal Trail*, 867 F.3d at 1376.

²⁹ See, e.g., *Commonwealth LNG, LLC*, EIS at 4-396.

³⁰ DEIS at 4-440.

CO8 - National Resources Defense Council

Document Accession #: 20230313-5222

Filed Date: 03/13/2023

will flow through the Project is directly contrary to the “hard look” that NEPA requires.³¹ FERC’s legal mandate to consider these impacts are clear,³² yet Nonetheless, FERC continues to punt to “some day intentions” to identify, finalize and apply its desired method for making significance determinations. The Commission’s continual “punt” on its obligation to conduct significance determinations defies reason, and has been criticized by Commissioners in recency.³³ FERC has, in past instances, demonstrated that it can indeed engage in such analysis.³⁴

CO8-7

In refusing to assess the significance of the Project’s GHGs, the Authorization Order “effectively writes climate change out of the public interest determination entirely”³⁵ and “as a logical matter, the argument that there is no single standard methodology for evaluating the significance of GHG emissions does not prevent the Commission from adopting a methodology, even if other potential methods are available.”³⁶ Although FERC’s Interim GHG policy statement³⁷ remains a draft, FERC nonetheless bears the obligation to engage in a GHG significance determination, and its failure to do so for the CP2 project is arbitrary and capricious. In its initiation,

³¹ *Balt. Gas & Elec. Co. v. N.R.D.C.*, 462 U.S. 87, 97, 103 S.Ct. 2246, 76 L.Ed.2d 437 (1983).

³² *See Utahns for Better Transp. v. U.S. Dep’t of Transp.*, 305 F.3d 1152, 1162 (10th Cir. 2002) (NEPA “requires agencies to consider environmentally significant aspects of a proposed action, and, in so doing, let the public know that the agency’s decisionmaking process includes environmental concerns.”). The Commission states that it includes the national and state emissions quantities to offer “context” the project’s proposed emissions, but how the Commission actually uses this figure in its analysis is unstated and unclear.

³³ *See, e.g., Commonwealth LNG, LLC*, 181 FERC ¶ 61,143 (Nov. 17, 2022), *Glick, concurring*, at P3, Accession No. 20221117-3091.

³⁴ *N. Nat. Gas Co.*, 174 FERC ¶ 61,189, at P 32 (2021).

³⁵ *See Venture Global Calcasieu Pass LLC*, 166 FERC ¶ 61,144 (2019) (*Glick, Comm’r*, dissenting at P 6 & n.11).

³⁶ *Id.* at P 7.

³⁷ *Certification of New Interstate Nat. Gas Facilities Consideration of Greenhouse Gas Emissions in Nat. Gas Infrastructure Project Revs.*, 178 FERC ¶ 61,197 at P 2 (2022).

CO8 - National Resources Defense Council

Document Accession #: 20230313-5222

Filed Date: 03/13/2023

introduction, and approval of its Interim GHG policy statement, FERC itself admitted that it has identified some potential pathways for making GHG significance determinations. Additionally, FERC has been presented with a number of sound options with which it could adopt and utilize to assess whether a project's CO2 emissions are significant.³⁸

CO8-7

G. Overall, the project is an example of unlawful and unnecessary Sec. 3-regulated LNG terminal and Sec. 7-regulated pipeline overbuild.

Overall, the Commission's DEIS (most particularly in its dismissal of potential alternatives and unlawfully narrow statement of project purpose and need) is representative of the Commission's broader inability to accurately determine public need. This is particularly true given that a myriad of Commission-approved LNG export projects remain unbuilt.³⁹ As proposed, the export terminal has a nameplate capacity of 20 MTPA.⁴⁰ However, as designed, the pipeline system is designed to deliver 4 Bcf/d to the export facility, or the approximate equivalent of 30 MTPA, which is significantly more than the capacity of the export terminal, even if operating at "optimal conditions." It is unanswered by FERC, or the applicant why a more truncated or smaller-diameter pipeline system would be inappropriate or lessen project impacts on impacted communities or the environment. Additionally, as identified in the statement of purpose and need,⁴¹ states that the project purpose is to exporting 20 MTPA of LNG. However, the facility site itself is proposed with a capacity of 28 MTPA under optimal

CO8-8

³⁸ See e.g., Motion for Leave and Supplemental Reply Comments of Natural Resources Defense Council, Accession No. 20220923-5190, Docket Nos. PL18-1-000, PL21-3-000 (September 23, 2022).

³⁹ See, North American LNG Export Terminals – Existing, Approved not Yet Built, and Proposed, available at <https://cms.ferc.gov/media/north-american-lng-export-terminals-existing-approved-not-yet-built-and-proposed-8>.

⁴⁰ DEIS at 1-3.

⁴¹ *Id.* at 3-38.

CO8-8: Alternatives for the Project are discussed in section 3.0.

Document Accession #: 20230313-5222 Filed Date: 03/13/2023	conditions. This inefficient, and unjustified design, and significant additional footprint remains entirely unexplained—inconsistent with the ‘hard look’ the Commission must take when considering the environmental impacts of the Project.
CO8-8	<u>CONCLUSION</u> Adequate NEPA review is of critical importance to ensuring citizen participation and access to information. NEPA’s framework requires agencies to demonstrate (and reviewing courts to ensure) that they have taken the required “hard look.” Just as Venture Global has failed to show that the CP2 is a necessary, just, or environmentally-sound proposal, the Commission has also failed to show that its EIS has met the mandates of NEPA, the APA, and as applied, the NGA and the ESA.
CO8-9	Respectfully submitted this 13th day of March, 2023, /s/ Morgan A. Johnson Morgan A. Johnson Senior Staff Attorney Natural Resources Defense Council 1152 15th Street NW Suite 300 Washington, DC 20005 majohnson@nrdc.org (202) 289-2399

CO8-9: Comment noted. Section 1.3 addresses Public Review and Comment.

Document Accession #: 20230313-5061 UNIVERSITY OF LOUISVILLE	Filed Date: 03/13/2023 Megan Poole Department of English College of Arts & Sciences
March 13, 2023 Federal Energy Regulatory Commission 888 First St. NE Washington, DC 20426 Dear Members of the Commission,	
I am a current resident in and/or a concerned citizen deeply connected to Southwest Louisiana, and I strongly urge the Federal Energy Regulatory Commission (FERC) to oppose, or vote "No Action," to Venture Global CP2 LNG (CP22-21) and Venture Global CP Express (CP22-22) in Cameron Parish.	IND9-1
Cameron Parish is home to cheniers, unique geological land formations formed by the shifting Mississippi River that are found nowhere else in the world. This land fosters rich wildlife and fishery resources that some call the most biologically diverse area in the nation. Audubon has classified Cameron's cheniers as a "global priority" given how its oak trees serve as vital resting stops for tropical birds migrating from Central and South America. The area is also home to 10 different threatened and endangered species, including five different sea turtles, as well as home to over 400 bird species, 130 fish species, and dozens of mammals, insects, and amphibians. Of the 100,000-500,000 acres of cheniers in Louisiana, only 2,000-10,000 remain. Because the natural processes that made these cheniers no longer exist, once this land and the diverse life on them disappear, they are gone forever.	IND9-2
Excavating existing cheniers is part of Venture Global's plan, as detailed in FERC's environmental impact statement, for a new 92-mile pipeline that would span several Texas counties and Beauregard, Calcasieu, and Cameron Parishes as well as interfere with the Croile Nature Trail. The pipeline would feed into a new plant and terminal on Monkey Island that would impact over 4,000 acres total during construction and permanently alter nearly 2,000 acres.	IND9-3
Venture Global's environmental impact statement further declares that the project "would increase" greenhouse gases and other toxic emissions in the area, would result in "physical injury or mortality" to fish and other marine species, and "is likely to adversely affect" threatened species like the eastern black rail and the giant manta ray. Most importantly, the report finds that the terminal "would have a disproportionately high and adverse impact on environmental justice communities because the impacts are [already] borne by those communities."	
Additional adverse effects including significant increases in air pollution and significant decreases to water quality can all but be counted on, given <u>Venture Global's history</u> of frequently using flares to burn off unplanned toxic emissions. Even when processes are	IND9-4
University of Louisville • Louisville, KY 40292 P: 502.852.5209 E: megan.poole@louisville.edu W: http://megampoole.com	

IND9-1: See response to CO3-8

IND9-2: Existing wildlife and aquatic resources and Project impacts and mitigation are discussed in section 4.7. Additionally, section 4.7.1.3 has been revised for further discussion of Project impacts on the Chenier Plain Important Bird Area and cheniers. See also response to comment CO4-27.

IND9-3: See response to comment CO4-27. Additionally, section 4.8 discusses Project impacts on threatened, endangered, and other special status species.

IND9-4: Section 4.0 of the EIS describes how FERC staff assess the significance of adverse impacts. Specifically, see revised section 4.10 for impacts to socioeconomic and revised section 4.12.1 discusses Project impacts on air quality, including a human health risk assessment from the LNG Terminal and mobile sources.

IND9 – Dr. Megan Poole

Document Accession #: 20230313-5061 Filed Date: 03/13/2023
UNIVERSITY OF LOUISVILLE
Megan Poole
Department of English
College of Arts & Sciences

described as "clean," the Environmental Protection Agency deems oil and gas as the largest industrial source of volatile organic compounds, such as methane, benzene, and n-hexane, toxic emissions known to cause cancer and other serious health effects, such as heart disease. Beyond known toxic emissions, the hazardous air pollutants that would be released by Venture Global are not disclosed by this environmental impact statement. One recent environmental health study not only found toluene, hydrogen sulfide, and mercury released at facilities like LNG "during routine operations," but also found that "uncontrolled leaks" are frequent.

IND9-4

So while oil and gas are a major industry boost for Southwest Louisiana, the costs of medical bills from adverse environmental health outcomes are not yet being considered. Air pollution costs each person in America \$2,500 each year, which brings the nation's total cost to \$820 billion a year. This number places LNG's profits into perspective.

Residents in Cameron and Calcasieu Parish, and across Louisiana, bear an even larger burden than the rest of the nation on adverse health effects related to air pollution. Life expectancy in Louisiana is lower than the national average, according to the Center for Disease Control, with an average of 75-77 years. Life expectancy dips even lower for individuals surrounding oil and gas facilities in Cameron and Calcasieu Parish, with some areas offering residents a life span of only 56 years.

FERC's environmental report states that the only way to "eliminate the short- and long-term environmental impacts" of this project is to "choose the No-Action Alternative." For the environment, but more importantly for the health of residents, we urge the Commission to choose NO ACTION.

IND9-5

The above statement was distributed as a petition and was signed by 83 individuals in 2 days (report and individual comments attached). We will continue circulating this petition on a local and national scale—to check how many signatures have been obtained by the time you are reading this letter, visit: <https://actionnetwork.org/petitions/people-no-petroleum?source=direct-link&>

Sincerely,



Megan Poole, Ph.D.
Assistant Professor of English
Cameron Parish, LA + Louisville, KY

University of Louisville • Louisville, KY 40292
P: 502.852.5209 E: megan.poole@louisville.edu W: <http://meganpoole.com>

IND9-5: See response to CO3-8.

All unique and substantive comments (also found under accession number 20230313-5061) are included below as IND10 through IND-26.

IND10 through IND12 – Multiple Individuals

Petition_report_417991_20230313_1418						
First name	Last name	City	State/ Zip code	Comments	Do you represent an organization with similar goals and values? If so, tell us more.	
Megan	Poole	Louisville	LA 70607			
Andrew	Krawinski	Swire	KY 40506			
Kelsey	Poole	Louisville	LA 70607		No	
Becky	Wilson	Louisville	LA 70607			
Wesley	Magnuson	Louisville	PA 17801			
Valerie	Franklin	Louisville	KY 40203			
Joe	Hart	Louisville	KY 40506			
James	Hart	Lake Charles	LA 70605	We cannot afford more on our delicate, lacy coasts. The dredging of Monkey Island is an atrocity. The damage to local established generational fishing economy is deplorable.		
Gregg	Rogers	State College	PA 16803	FERC has the authority to weigh the public interest and will find it wellfully wanting. Cumulative analysis is required.		
Blon	Glickman	New Orleans	LA 70119			
Danielle	Kirkland	Lake Charles	LA 70605			
Liz	Kingham	Lake Charles	LA 70605		Pure Vida Natural Health Store	
Meredith	Maries	Stafford	TX 77477			
J. David	Mason	Memphis	TN 38117	My professional research focuses on history and culture in southern Louisiana, so I am deeply concerned about this issue.		
Travis	Dartar	Louisville	LA 70607			
Cynthia	Robertson	Sulphur	LA 70663	The fouling of our coast is terrible, and that FERC approves these against the communities voices is unreasonable and immoral.		
Joelhua	Lewis	Louisville	LA 70607			
Ariel	SoyHoward	Bellefleur	MI 48111			
Zarah	Wilson	Covington	LA 70433			

IND10-1: Comment noted. Section 4.0 of the EIS describes how FERC staff assess the significance of adverse impacts and section 4.14 of the EIS addresses cumulative impacts. The Commission will evaluate whether the project satisfies the public interest standard in its Order (see response to CO3-8).

IND11-1: The EIS at section 4.11 includes a discussion of Project impacts on cultural resources.

IND12-1: Comment noted. See response to CO3-8.

IND13 Through IND17 – Multiple Individuals

Ashley	Behr	Formy	TX	75126	To whom it may concern, Although I now live in Texas, I was born and raised in SWLA. I have family and friends that still live there and I visit frequently. I have a deep appreciation for the area's unique and rich wildlife which would be irrevocably harmed from the proposed venture. Furthermore, it would have a devastating impact on human life, as well with increased air pollution likely lowering life expectancy even further, in the area. I believe I speak alongside the people of SWLA when I strongly urge the Federal Energy Regulatory Commission (FERC) to oppose, or vote "No Action," to Venture Global CP2 LNG (CP22-21) and Venture Global CP Express (CP22-22) in			IND13-1
John	Alaine		LA	70631	I live and witness these emissions from this and similar facilities on almost a daily basis.			IND13-2
Robin	Mozzer	Louisville	KY	40206	The environment doesn't need another pipeline.			IND13-3
Heath	Doucet		LA	70607				IND14-1
Cheryanne	Gifford	Buffalo	NY	14213				IND15-1
Jack	Sweeney	New Orleans	LA	70119				
Seth	Lauman	New York	NY	11216				
Kendall	Dix		VA	22937				
Mary	Allane-Gifford	Fredonia	NY	14063	I am a concerned US citizen. Stop increasing the use and production of fossil fuels.			IND16-1
Paul	Alaine	Watkinsville	GA	30677	Choose People, not Petroleum!			IND17-1
Patrick	Kemmerly	New Orleans	LA	70122				
Shreyas	Vasudevan	New Orleans	LA	70130				
Katie	Corrick		LA	70631				
OceAn	Clark	Vinton	LA	70668				
Alyssa	Portaro	Vinton	LA	70668				

IND13-1: Comment noted. Potential impacts on wildlife are presented in the EIS at section 4.7.1.

IND13-2: Comment noted. See the EIS at section 4.12.1 for a re-revised discussion of Project impacts on air quality.

IND13-3: Comment noted. See response to CO3-8.

IND14-1: Comment noted. See the EIS at section 4.12.1 for a revised discussion of Project impacts on air quality.

IND15-1: Comment noted. The No-Action alternative is discussed in the EIS at section 3.2; additionally, refer to our response to CO3-8.

IND16-1: Comment noted.

IND17-1: Comment noted.

IND18 Through IND20 – Multiple Individuals

sherry	Peashoff		LA	70631	No I represent myself cUS they are trying to run us off our land I don't want to leave my home I'm 70 years old I just got my trailer fixed from the hurricane s in 2021 My name Sherry Peashoff I live on 156 Rogers Ln I can hear and see the vinger globe plant from my house		IND18-1
Natale	Glover		NM	87575			
Mary	Sellers	State College	PA	16803			
Grace	Tuttle		VA	24460			POWHR. Fighting the MVP alongside y'all fighting in the Gulf. Solidarity.
Claire	Kickley	New Orleans	LA	70118			
Brittany	Sedlock	Lake Charles	LA	70631	Make Cameron home again this is crazy why do they make it so hard for everyone to get back home it's so ?		IND19-1
pey	boo	Lake Charles	LA	70605			Yes I'm from SETX and work with Stern Club and we have this same issue here
Ariana	Abuzari	Nederland	TX	77627			Grassroots.org
Valerie	Love	Davis	CA	95616			F
Savannah	Mock		LA	70631	H		
Nayshell	Dovey		LA	70631			
Steven	Dovey J		LA	70631			
Mary	CalDWell	Baton Rouge	LA	70816			
Kelly	Hebert	Scott	LA	70583			No
Renee	Carthan	Lake Charles	LA	70605			
Philip	Appleton	Vinton	LA	70668			
Melanie	Olgham	Freeport	TX	77541			Yes I represent Clean Air & Water Better Brazoria Freeport, Texas
India	Appleton	Vinton	LA	70668	A concerned citizen who loves Southwest Louisiana and is tired of being pushed around by Big Oil.		IND20-1
Suzanne	Kneale	Chalmette	LA	70043			
Susan	Appleton	Punta Gorda	FL	33955			

IND18-1: Comment noted.

IND19-1: Comment noted.

IND20-1: Comment noted.

IND21-1	Alaire	Athens-Clarke Co	GA	30606	We need to stop big-petrol from ruining our earth.	No	
	Holly Taylor	Central	LA	70704			
IND22-1	Saucier	Sulphur	LA	70663	Please stop poisoning us.	We are tired of poison air, water and soil.	
	Lisa Lampinez	Vinton	LA	70668			
IND23-1	Joanie Sienhaus	Galveston	TX	77550			
	Philip Appleton	Vinton	LA	70668			
IND24-1	Andrew Hedlesky	Lake Charles	LA	70605		RESTORE I.e. Restore Explicit Symmetry To Our Ravaged Earth	
	Michael Trisco		LA	70652			
IND25-1	Alaire	Grand island	NY	14072			
	John Gregory	Rosenberg	TX	70663		Audubon member	
IND26-1	Myrna Allaire		LA	77471	I have traveled to Cameron Parish for the last 13 years and it is a shame what you are allowing to happen to what once was a beautiful and peaceful place.		
	Joy Bernner		LA	70090	We stand with you!	The Descendants Project	
IND27-1	Natalie McLendon	Lake Arthur	LA	70549		Am a member of Join for clean air in New Orleans	
	Lawrence Gottfried	New Orleans	LA	70130			
IND28-1	Almce Mc Donnell	Strabane	PA	87828,JP		No	
	Heather Dyson		LA	70631			
IND29-1	Charles Allaire	Olympia	WA	98502			
	Delle Bernentine	Sulphur	LA	70663			
IND30-1	Robert Bernentine	Sulphur	LA	70663			
	Heather Dyson		LA	70631	Thank you for supporting Cameron	No	
IND31-1	Natalie Poole	Lafayette	LA	70501	I'm tired of seeing my beautiful home destroyed by refineries that destroy the land while being built and then constantly leak pollutants afterwards. The destruction of the Chenieres leads to more devastation when natural disasters occur. Then the people whom have lived here for generations are forced to move due to increased insurance premiums and restrictions placed on those who wish to try and rebuild. That land is then bought by the refineries so that they can put tv trailer parks up to employ a lot of the people they hire from outside of the state and the parish.		

IND22-1: Comment noted.

IND24-1: Comment noted.

IND26-1: Comment noted. See the revised discussion socioeconomic discussion in the EIS at section 4.10 and the revised discussion on air quality in the EIS at section 4.12. See response to C04-27.

To Whom it May Concern,

I am writing this to express concerns regarding the proposed Liquidated Natural Gas Export Facility in Cameron Parish, Louisiana. My name is Monica E. Unsel, Ph. D. MPH. My doctorate is in biology, and I have a Master's in public health. I have been an environmental justice advocate, researcher, and technical expert for almost 15 years and have worked with community groups, lawyers, and decision-makers nationwide.

Energy companies have marketed natural gas as a transitional fuel from crude oil to green energy, leading the public to believe that natural gas usage is necessary to transition to green energy. Unfortunately, energy companies and cities around the nation, including Louisville, KY, where I live, have neglected to address the environmental and public health impacts of natural gas. In increased greenhouse gas emissions and endangers public health through the threats of gas leaks, natural disasters, and explosions. This also threatens the local economy due to the repeated failures of the centralized and fossil fuel-based energy system. The following are the environmental and public health impacts of natural gas and the steps that need to be taken to reduce the risk to residents after severe weather.

The Natural Resources Defense Council found that this facility will increase the number of people who will live in a potentially hazardous area, putting residents and the planet in a precarious situation. Beyond the companies in proximity to the facility, products from the facility may end up in rail lines that impact communities across the continent, posing a chemical disaster risk like the recent disaster in Palestine, OH.

Areas of Louisiana are already known as a flood-prone alley-*à* la World War II, while the historic community of Metairieville was bought out by Sasol, enabling the company to pollute with less public resistance. The world also witnessed the destruction of the city of New Orleans during Hurricane Georges in New Orleans each year during graduate school. We were there before Katrina, and after the storm. When we visited the Ninth Ward to assist residents, a researcher from Belgium commented that the destruction in New Orleans was reminiscent of the destruction of the city of New Orleans during World War II. Storms worse than Katrina may become the norm with climate change, leaving untinkable damage and destruction. After Katrina, it took years for New Orleans to return from largely empty streets where business was dead. The city is still a ghost town, begging people to come to a state reminiscent of the city before Katrina.

Louisiana is also home to unique wildlife and culture. Chemical facilities, like the ones under proposition, threaten this natural heritage. Chemicals will be directly impacted by these decisions, perhaps at a rate higher than other states, due to sea level rise and severe weather. Hurricanes will destroy these facilities and the communities around them. The clean-up and restoration costs will increase and will be impacted by future inflation rates. The loss of health and life cannot be calculated. The fossil

fuel and chemical industry is stunting the state's growth and suppressing the state's public health. It's a vicious cycle, and Louisiana loses every time.

At some point, someone has to put long-term Louisiana first. Companies are exploiting the state's pattern of accessibility for polluters to create burdens for the state while CEOs and shareholders profit. This is similar to what is happening here in Kentucky. This cycle will keep the state poor and in constant need of Federal assistance and oversight to help rebuild and take care of communities.

I encourage that state to become a leader in green chemistry, leading the nation in a just transition that empowers farmers, tourist areas, wildlife habitats, public health, and all residents. Please read and endorse the Louisville Charter for Safer Chemicals. Use the charter to guide the world that a just transition is possible and practical.

I see this as a tremendous opportunity for a state known for fencecancer alleya& and hurricane damage to show other states and nations how to move away from fossil fuels without leaving workers, wildlife, and residents behind. While it is difficult to calculate the financial impact of nature, compare the financial status of Eastern Kentucky (Appalachia) versus the Great Smoky Mountains (also Appalachia). Here in Kentucky, we decided to use

IND27-4: Energy alternatives for the Terminal Site and the Moss Lake Compressor Station are discussed in the EIS at sections 3.7.1 and 3.7.2, respectively. Additionally, see the revised sections 4.12.1 and 4.13 for discussions on Project impacts on air quality and reliability and safety, respectively.

IND27-2: Comment noted. See the climate change discussion in section 4.14.2.13 of the EIS. Transportation of facility products by rail is not proposed as part of the Project, not reasonably foreseeable, and outside the scope of FERC jurisdiction.

IND27-3: Comment noted.

IND27-4: FERC has no jurisdiction over state programs or administrative/regulatory objectives. Additionally, see response to CO3-8.

Document Accession #: 20230313-5062 Filed Date: 03/13/2023

our wilderness to extract fossil fuels, and we use our Rivers to transport them. It is not uncommon to see coal barges sink in the Ohio River, hundreds of miles east of the mountains. In our mountains, we have a history of poverty, ill health, and substance use. In contrast to the Great Smoky Mountains, is a popular and cherished tourist destination with many jobs for residents and others to move in from other areas.

As stated before, this is an opportunity for Louisiana to begin a just transition away from fossil fuels, showing the world the state's creativity, intelligence, and economic power. Please vote No Action on the proposed legislation. We need to see a change in the way we think about energy. It is inevitable and will set the state back as other states embrace green energy to protect public health and national security.

Monica E. Unseld, Ph. D, MPH
Monica E. Unseld, Ph. D, MPH
Founder and Executive Director

IND27-4

CO9 - Institute for Energy Economics and Financial Analysis

Document Accession #: 20230313-5106



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**Comments of the Institute for Energy Economics and Financial Analysis to the
Federal Energy Regulatory Commission regarding the Draft Environmental Impact
Statement for the CP2 LNG and CP Express Projects,**

Docket Nos. CP22-21-000, CP22-22-000

March 13, 2023

The Institute for Energy Economics and Financial Analysis (IEEFA), a nonprofit organization focused on research and analysis of global energy markets and trends, provides the following comments in response to the Draft Environmental Impact Statement (EIS) for CP2 LNG and CP Express projects, Docket Nos. CP22-21-000, CP22-22-000. Our comments are intended to address information that was not considered by the applicant or the Federal Energy Regulatory Commission (FERC) in the Draft Environmental Impact Statement (EIS) for the projects, published by FERC on Jan. 19, 2023.

The proposed projects involve the construction of a liquified natural gas (LNG) export terminal with 20 million tonnes per annum (MTPA) of nameplate liquefaction capacity and the construction of 85 miles of natural gas pipeline to supply feed gas to the export terminal located on the Calcasieu Ship Channel in Cameron Parish, Louisiana. Our comments address the question of whether or not the projects align with the public interest.

The economic affirmation that LNG exports are consistent with the public interest relies on outdated commissioned studies. The three studies used by the Department of Energy (DOE) and FERC to consider the cumulative impacts of exporting domestically produced LNG are referred to as the 2014 Energy Information Administration (EIA) LNG Export Study,¹ the 2015 LNG Export Study,² and the 2018 LNG Export Study by the Department of Fossil Energy and Carbon Management.³

All three studies combine theoretical models, historical data and numerous assumptions to conclude that US economic gains from LNG exports outweigh economic losses. The assumptions, however, are largely outdated. They fail to include the continued effects of the COVID-19 pandemic on energy demand and the global supply chain. They fail to account for higher inflation, both in the U.S. and globally. They fail to recognize recent

CO9-1

CO9-1: Analysis of the LNG market and associated trends is outside of the scope of the EIS. The Commission will evaluate whether the project satisfies the public interest standard in its Order.

¹ EIA, [Effect of Increased Levels of Liquefied Natural Gas Exports on U.S. Energy Markets](#), October 29, 2014.

² Center for Energy Studies, [The Macroeconomic Impact of Increasing U.S. LNG Exports](#), October 2015.

³ NERA Economic Consulting, [Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports](#), June 7, 2018.

1

N-258

CO9 - Institute for Energy Economics and Financial Analysis

Document Accession #: 20230313-5106 Filed Date: 03/13/2023

CO9-1
developments in both supply and demand trends in the U.S. And they do not account for the dramatic upheavals in U.S. and global natural gas markets that were triggered by Russia's invasion of the Ukraine.

Current events and their economic effects should be reflected in updated data and used for economic modeling. Without updating data and reexamining modeling conclusions, the FERC is relying on stale information to make decisions.

The three studies acknowledge that growth in LNG exports can cause domestic natural gas prices to rise. In practice, this dynamic began occurring in the U.S. in 2021.⁴ The Industrial Energy Consumers of America (IECA) in 2021 highlighted concern about export-induced price spikes in a letter to the DOE urging the agency to temporarily curb LNG exports when domestic natural gas prices had doubled from the prior year.⁵

CO9-2
The IECA's letter points to the subject of price elasticity, as assumed across the economic models used in the three studies. Members represented by the IECA were finding their industries were not competitive on the global stage due to high domestic natural gas prices. Using current data for trade flows and their effects over the past five years could reveal the true price elasticities for comparison with model assumptions. Some analysis of model performance would be a prudent course for considering whether the studies remain valid.

The assumptions about global demand for additional LNG export capacity were based on long-term relatively low gas price conditions that existed during the time the studies were published. Global demand conditions changed in the wake of Russia's February 2022 invasion of Ukraine and the ensuing volatile commodity prices for both oil and gas. The potential of waning future global demand for LNG should be considered.

CO9-3
Finally, the current application must be analyzed in the context of the multiple LNG projects expected to come online. The potential for excess supply over demand must be considered.

LNG Demand Growth Is Uncertain

CO9-4
Recent research by the Institute for Energy Economics and Financial Analysis (IEEFA), attached as an appendix to our comments, discusses how record high LNG prices last year created and elevated risks to long-term LNG demand.

⁴ IEEFA, [Booming U.S. natural gas exports fuel high prices, November 4, 2021](#).

⁵ Industrial Energy Consumers of America, [Letter to Jennifer Granholm, U.S. Energy Secretary, September 17, 2021](#). Also see: [Reuters, Trade group wants restrictions on U.S. natural gas exports, September 19, 2021](#).

CO9-2: Analysis of the LNG market and associated trends is outside of the scope of the EIS. The Commission will evaluate whether the project satisfies the public interest standard in its Order.

CO9-3: The FERC does not plan, design, build, or operate natural gas transmission infrastructure. Accordingly, the project proponent is the source for identifying the purpose for developing, constructing, and operating a project and the NEPA analysis reflects impacts of the Project as proposed by the applicant. The Commission will evaluate whether the project satisfies the public interest standard in its Order.

CO9-4: Analysis of the LNG market and associated trends is outside of the scope of the EIS. The Commission will evaluate whether the project satisfies the public interest standard in its Order.

Volatile prices and the knock-on effects of nations considering their energy security strategies have changed the outlook for global LNG demand.⁶ Russia's war on Ukraine and the resulting energy crisis in Europe affected global LNG import patterns and altered several countries' perspectives about their future dependence on gas for heating and generating electricity. Before the war, global natural gas prices were dramatically lower, and developing economies in Asia were the predominant drivers of LNG demand growth. Since the invasion, global LNG prices have spiked and shipments to Europe have increased, even as LNG imports into Asia slowed.

The losses in Russian pipeline gas to Europe in 2022 prompted the spike in natural gas prices and the diversion of LNG shipments to Europe. The magnitude of the natural gas price surge reflected the premium Europe was willing to pay to secure imported gas to offset its lost piped gas from Russia.

Europe's benchmark Dutch Title Transfer Facility (TTF) traded at an average \$39.07 per million British thermal units (MMBtu) in 2022. Natural gas prices for the Japan Korea Marker (JKM) in Asia and Henry Hub in the U.S. last year averaged \$34 and \$6.45 per MMBtu, respectively.⁷ The price disparity, about 15% higher on average in Europe compared to Asia, illustrates the profit impetus favoring the routing of more LNG shipments to Europe.

U.S. LNG exporters benefitted, shipping 52 million tons to the continent last year, more than double the 21.5 million tons imported by Europe in 2021. Globally, US exports grew by about 1 billion cubic feet per day to 81.2 million tons in 2022.⁸ Overall, Europe imported 124.9 million tons of LNG in 2022, up 59% from the 78.6 million tons imported during the previous year. Conversely, Asian LNG demand fell from 282 million tons (mt) in 2021 to 264 mt in 2022.⁹

Developing nations in Asia felt the pinch of diverted supplies to Europe. Short-term demand responses to abnormally high spot LNG and natural gas prices included substitution (i.e., oil-fired generation, diesel generation, coal-fired generation, and nuclear), mandatory conservation, fewer spot LNG purchases, rolling blackouts, and higher utility bills for consumers. Key importing nations—including China, Pakistan, Bangladesh, India, and Japan—all imported less LNG in 2022 than 2021.¹⁰

⁶ IIEFA, *Global LNG Outlook 2023 - 2027*, February 15, 2023.

⁷ Reuters, *U.S. poised to regain crown as world's top LNG exporter*, January 4, 2023.

⁸ Bloomberg, *U.S. surges to top of LNG exporter ranks on breakeven growth*, January 2, 2023.

⁹ Reuters, *Column: Global LNG volumes hit record high as Europe crowds out poorer Asia*, January 12, 2023.

¹⁰ IIEFA, *Asia's Lower LNG Demand in 2022 Highlights Challenges for Industry Growth*, January 11, 2023.

These developments highlight the fact that LNG industry's long-term growth prospects are not guaranteed. In fact, the demand responses to last year's high prices have prompted energy forecasters—including Bloomberg, Independent Commodity Intelligence Services (ICIS), and International Energy Agency (IEA)—to lower their projections for Asian LNG demand growth.¹¹ These market developments may accelerate over the next several years if prices remain high, reducing the pace of long-term LNG demand growth in the very markets on which the global LNG industry has been relying for projections of overall market growth.

Like Asia, Europe saw decreased gas consumption last year as a consequence of high prices and declining supplies of pipeline gas from Russia. Overall, natural gas consumption fell by 12% across the EU in 2022 due to slowing economic conditions exacerbated by their energy crisis, with demand declining as the year progressed.¹² The continent faces continued declines in Russian gas shipments this year. The EU has responded to this reality with continued improvements in energy efficiency, a rapid increase in the deployment of renewables, an acceleration of the electrification of heat, and consumer behavior changes.¹³

Even as demand growth assumptions may be faltering in both Europe and Asia, the global LNG industry is engaged in a major buildout of new LNG liquefaction capacity. Although global supply additions will be modest through the end of 2024, IEEFA expects 118 MTPA of new liquefaction capacity to come online between 2025 and 2027, with much of that new supply coming from projects in the U.S. and Qatar.¹⁴ In the context of several years of restrained global LNG demand growth and massive increase in supply coming online starting in 2025, the market case for additional LNG production from CP2 LNG is weaker than the applicants hope.

To summarize, energy security and geopolitical considerations have created the conditions for increased LNG imports into Europe over the short term. However, they have also spurred long-term government measures to reduce overall European gas demand, both through government actions. Also, demand reduction may be occurring through the market mechanisms by which consumers are adapting to the higher prices for natural gas and LNG. The focal point of these reactions is less demand for natural gas, not more.

¹¹ IEEFA, [The Liquefied Natural Gas \(LNG\) boom in Europe isn't All Good News for U.S. Exporters](#), January 11, 2023.

¹² Bruegel, [European natural gas demand tracker](#), Accessed February 2023.

¹³ International Energy Agency, [How to Avoid Gas Shortages in the European Union in 2023](#), December 2022.

¹⁴ IEEFA estimate based on: S&P Global, [LNG Analytics](#), Accessed February 2023. Also see: International Gas Union, [World LNG Report 2022](#), July 2022.

CO9-4

CO9-5

CO9-5: See response to comment CO9-4.

Document Accession #: 20230313-5106 Filed Date: 03/13/2023	
CO9-5 Meanwhile, high LNG prices and supply limits are reducing the pace of demand growth in Asia. Long-term assumptions should put more weight on the potential for slow growth in global market demand for LNG, and less emphasis on the flexibility that LNG imports provided over the short run. The profile for the fundamentals of natural gas markets would have to look much different than they do today to justify the buildup that LNG exporters wish to fulfill. Also, sustained higher prices for LNG and natural gas are a likely precursor to stunted future demand for the commodity due to increasing competition in the market. Expectations set by the current environment for LNG may prove overly optimistic. CO9-6 Conclusion Today's shifting global demand outlook, a key factor in whether an additional LNG export facility will yield local, statewide, or national economic benefits, may not point to the same conclusions as data from five years ago. The significant risk of mismatches between LNG supply and demand, which can lead to volatility in prices and underutilization, calls into question the viability and economic benefit to the public. FERC must consider these issues to determine if the project is consistent with the public interest.	
5	

CO9-6: The Commission will evaluate whether the Project satisfies the public interest standard in its Order.

FA2 - United States Environmental Protection Agency Region 6

Document Accession #: 20230314-5012 Filed Date: 03/14/2023	 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 6 1201 ELM STREET, SUITE 500 DALLAS, TEXAS 75270-2102
Kimberly D. Bose, Secretary Federal Energy Regulatory Commission 888 First Street NE, Room 1A Washington, D.C. 20426	March 13, 2023
Re: EPA Draft EIS Comments for the CP2 LNG and CP Express Project Cameron and Calcasieu Parishes, Louisiana and Jasper and Newton Counties, Texas, Docket Nos. CP22-21-000 and CP22-22-000	
Dear Secretary Bose:	
The Region 6 office of the U.S. Environmental Protection Agency (EPA) has reviewed the Federal Energy Regulatory Commission (FERC) Draft Environmental Impact Statement (EIS) (CEQ Number 20230009) for the CP2 LNG and CP Express Project located in Cameron and Calcasieu Parishes, Louisiana and Jasper and Newton Counties, Texas. The Draft EIS was reviewed pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500 – 1508), and by our NEPA review authority under Section 309 of the Clean Air Act.	
The proposed project would liquefy, store, and export a liquefaction capacity of 20 million tonnes per annum (MTPA) of liquefied natural gas (LNG), with the capability 28.0 MTPA under optimal conditions, to overseas markets by ocean-going vessels. The purpose of the 91-mile pipeline system is to create the firm transportation capacity needed to transport 4 billion cubic feet per day of feed gas required for the proposed LNG export operations from natural gas supply points in east Texas and southwest Louisiana facilities. The Project will impact 192 waterbodies, 169.6 acres of wetland, 304.3 acres of agriculture lands, 163.7 acres of forest and 117.3 acres of pine plantation, 84 acres of open land, and additional residential, industrial, and open lands.	
EPA's primary concerns are with Water Quality, Environmental Justice (EJ), Air Quality and Climate Change impacts. The following detailed comments are provided for your consideration.	
Water Quality Comments Despite the long potential lifespan of this project and its assets, abandonment or decommissioning procedures should still be considered in the event that a facility is no longer able to extract sufficient resources as a result of natural or mechanical interference. EPA requests that FERC include tentative abandonment procedures as part of the document's revision process.	FA2-1
We recommend that FERC modify the titles of the tables in Appendix G to differentiate between Texas from Louisiana water bodies.	FA2-2
Appendix G includes a column dedicated to designated uses. For Texas, these are shown as "General Criteria." However, EPA recommends updating this column by removing "general	FA2-3

FA2-1-1: In the event CP2 LNG or CP Express propose to abandon their facilities in the future, they would be required to obtain NGA Section 7(b) authorization, which would require NEPA analysis.

FA2-2-2: Appendix G has been revised to distinguish waterbodies within Texas and Louisiana.

FA2-3-3: Appendix G has been revised with additional waterbody information for features within Texas.

FA2 - United States Environmental Protection Agency Region 6

Document Accession #: 20230314-5012 Filed Date: 03/14/2023	criteria" and replacing it with specific designated uses in a format similar to Louisiana's waterbodies in Appendix G. This may include: - o Primary Contact Recreation to all water bodies <i>unless a different recreation use has been adopted in the Texas Surface Water Quality Standards (TSWQS)</i> - o Intermittent (i.e., ephemeral) streams have a <i>presumed minimal aquatic life use</i> - o Intermittent streams with perennial pools have a <i>presumed limited aquatic life use</i> - o Perennial water bodies have a <i>presumed high aquatic life use</i> This information would aid in subsequent reviews, as well as help to better connect with the state's waterbody identification systems. EPA requests that unnamed waterbodies are supplemented with the state's corresponding format for listing subsegments as shown in their water quality standards. With only a "unique ID," waterbody name (most are "unnamed"), and feature type listed, it is nearly impossible to know where crossings are located within the context of the state's Water Quality Standards and Clean Water Act 303(d) list.	FA2-3
EJ Comments EPA strongly encourages the use of an updated EJScreen tool to analyze with the most recent version of EJScreen 2.1). The EJ and supplemental indexes summarize how an environmental indicator and socioeconomic factors come together in the same location. While EJScreen provides access to high-resolution environmental and demographic data, it does not provide information on every potential community vulnerability that may be relevant. The tool's standard data report should not be considered a substitute for conducting a full EJ analysis, and scoping efforts using the tool should be supplemented with additional data and local knowledge when reasonably available. You may find the latest version and all information relevant to EJScreen (including Technical Documentation) at: https://www.epa.gov/ejscreen. EPA also recommends that FERC selects a proposed alternative that will minimize to be routed through a community with EJ concerns.	FA2-4 Section 4.10.10 has been revised to reflect the current version of the EJScreen tool, which was used as an initial step to gather information regarding minority and low-income populations; potential environmental quality issues; environmental and demographic indicators; and other important factors. However, EJ Screen is not used for final decision-making.	FA2-5
Air Quality and Climate Change Comments 2.1.1.6 Carbon Capture and Sequestration EPA recognizes and appreciates the efforts by CP2 LNG to include carbon capture and sequestration system as part of the proposed project to reduce greenhouse gas (GHG) emissions.	FA2-6 Comment noted.	FA2-7
3.2 No-Action Alternative EPA recommends that FERC evaluate non-gas energy alternatives, as well as other non-project alternatives that satisfy the need for the project under the no-action alternative. We do not believe that it is overly speculative to broadly assess alternative non-gas energy sources particularly those impacts that are of global scale. Given FERC's broader mission statement to "assist customers in obtaining reliable, safe, secure and economically efficient energy services at a reasonable cost through appropriate regulatory and market means, and collaborative efforts," EPA reaffirms that non-gas energy alternatives be considered as part of the no-action alternative.	FA2-7 Section 3.7.1 has been revised to include analysis of electric-driven turbines at the Terminal Site and section 3.7.2 evaluates an electric compressor alternative at the Moss Lake Compressor Station.	FA2-7

Document Accession #: 20230314-5012 Filed Date: 03/14/2023 4.12.1.2 Permitting/Regulatory Requirements We recommend the EIS should also consider any expected air quality/visibility impacts to Class I Federal Areas identified in 40 CFR Part 81, Subpart D.	FA2-8
4.12.1.3 Construction Emissions and Impacts and Mitigation and 4.12.1.4 Operation Emissions and Mitigation EPA appreciates the description and reporting of estimated air emissions from the potential construction, commissioning, and operation activities, as well as proposed mitigation measures to minimize those emissions. EPA recommends, however that an appendix be included with the proposed action's air emission calculations for construction and operation. This would provide details on the activity levels assumed in the calculations, frequency of events, equipment type, engine size, emission factors used in the calculations. 4.12.1.3 Construction Emissions and Impacts and Mitigation Table 4.12.1-6 does not present projected construction emissions of each individual GHG (CO₂, nitrous oxide, or methane); it only expresses GHG emissions in terms of CO₂ equivalent values. In general, when quantifying GHG emissions from a project, EPA believes that the EIS should calculate and report separately annual emission estimates of metric tons of CO₂, methane, and nitrous oxide, as applicable, for proposed projects to enhance public disclosure and decision-making and to account for differences in the impacts of these pollutants in the atmosphere over time. Estimating annual emissions separately for each relevant GHG allows for better consideration of the different environmental impacts associated with emissions of each of the GHGs, including applying the estimated social cost of GHGs. EPA recommends reporting each GHG in the emissions Appendix for both construction, commissioning, and operation.	FA2-9
4.12.1.5 Construction Emissions and Impacts and Mitigation Table 4.12.1-5 does not present estimated emissions of each individual hazardous air pollutant (HAP) (e.g., Formaldehyde, benzene, ethylbenzene, xylene, etc.); it only expresses emissions in a single column titled "HAPs". The potential health effects of each individual pollutant vary, so it is important to have them disaggregated in a way that is transparent to the public. EPA recommends reporting each HAP separately in the emissions appendix. This will ensure that the subsequent analysis can be replicated and that the public is aware of the specific HAPs of concern. Additionally, we recommend evaluating potential HAP impacts based on relevant inhalation health-based risk for the pollutants identified as available from EPA's Integrated Risk Information System (IRIS). The text acknowledges that "Residences and recreational vehicle parks are within a quarter mile of the eastern edge of the proposed Project construction site; and that "Emission increases associated with the Project construction activities could have localized impacts on air quality at these locations during construction". In determining the potential significance of air impacts, we recommend FERC identify the proximity (i.e., distance) of these receptors to the construction activities and assess their potential air quality impact. Additional mitigation may be warranted in those areas.	FA2-10
4.12.1.6 Construction Emissions and Impacts and Mitigation EPA reiterates the importance of minimizing not only fugitive dust, but all criteria pollutants, including exhaust emissions. We recommend FERC identify measures to reduce air emissions from equipment and vehicles, including use of alternatively fueled or zero-emission equipment and low-sulfur fuel, newer tier equipment, diesel emissions controls, and strategies and technologies to enforce idling time (e.g., automatic engine shut-off) as practicable. Page 3 of 6	FA2-11

FA2-8: See the revised section 4.12.1.2. No air quality or visibility impacts to any Class I Federal Area identified in 40 CFR Part 81, Subpart D are expected. The closest Class I Federal Area (Brenton NWR) is 361 miles east of the Terminal Facilities and 270 miles east of the Moss Lake Compressor Station. Based on these distances and the magnitude of Project emissions, an impacts analysis to this area is not required, per Federal Land Manager guidance.

FA2-9: See the revised sections 4.12.1.3 and section 4.12.1.4. The details on emission factors, activity levels, equipment number and type, engine sizes, etc., used to develop the emission rates can be found in Accession No. 20211202-5104 (Appendices 9A and 9B of Resource Report 9) for construction activities and Accession No. 20220801-5238 (Response 1-f.v, Attachments General 1-f.v-1 and General 1-f.v-2) for operation of Project sources as well as subsequent responses to FERC Environmental Information Requests that resulted in modifications to the original assumptions and calculations. Revisions to the set of emission sources for the Moss Lake Compressor Station were provided in Attachment 31-2 of Accession No. 20230313-5230. Also, per Attachment 1-1 of Accession No. 20230407-5147, CP2 LNG provided updates to construction workforce projections that resulted in further revisions to construction-related emissions.

FA2-10: Refer to the revised section 4.12.1, which now details individual GHG emissions for construction and operation.

FA2-11: See the revised section 4.12 of the EIS. In their response to EPA Comment No. 2 presented in Accession No. 20230407-5147 (Attachments 2-1, 2-2, and 2-3), CP2 LNG and CP Express provided emission rates for individual HAPs for each year of construction. Based on the short-term and temporary nature of construction emissions, as well as the mitigation measures CP2 LNG commits to implement as outlined in section 4.12.1.3, we do not believe that conducting a human health risk assessment for construction emissions is necessary. See the revised section 4.12.1.4 for human health risk assessment for LNG Terminal and marine vessels during operation.

FA2-12: See the revised Section 4.12.1.3 of the EIS that details measures in the fugitive dust control plan for the Terminal Facilities to mitigate fugitive dust emissions during construction. Additionally, CP2 LNG and CP Express have committed to additional measures to reduce fugitive dust impacts, as discussed in Response Air-2 of Accession No. 20230522-5195.

FA2-13: See the revised Section 4.12.1.3 of the EIS.

Document Accession #: 20230314-5012

Filed Date: 03/14/2023

4.12.1.4 Operation Emissions and Mitigation Plan

EPA recommends that FERC adopt all practicable GHG mitigation measures, given the reasonableness of such measures from a public interest and necessity standpoint. We also recommend that FERC incorporate such mitigation measures into the proposed terms and conditions required as part of certificate issuance. Potential mitigation options for FERC to consider beyond those discussed here for this proposed action include, but are not limited to: (1) Using work practice standards and equipment types that minimize leaks and venting, including ultrasonic flow meters and low bleed pneumatic devices; (2) Utilize hot tapping, a procedure that makes a new pipeline connection while the pipeline remains in service, flowing natural gas under pressure, to avoid the need to blow down gas; (3) Perform routine leak detection at all compressor seals and wellhead components using appropriate commercially available technologies such as optical gas imaging, point concentration sensors, hyperspectral cameras, differential absorption Lidar (Light Detection and Ranging), and drone mounted Tunable Diode Laser Adsorption Spectrometer (TDLAS) systems. EPA recommends that any standard mitigation, best management practices, mitigations and detection plans developed by the applicant, be included as an appendix or as a linked reference in the EIS if the measures are not specified in the EIS. In addition, EPA recommends that mitigation measures be included as conditions in the certificate Special Order, in a Memorandum of Understanding with the applicant, or in a state or local permit to ensure such measures are real and verifiable. The proposed action may require the use of gas-insulated switchgears. Sulfur hexafluoride (SF₆), which is typically used as the gas in such switchgears, is the most potent known GHG. Approximately 26,000 times more effective at trapping infrared radiation than carbon dioxide, SF₆ is also a very stable chemical with an atmospheric lifetime of 3,200 years. Thus, a relatively small amount of SF₆ leaking from each of the thousands of switchgears associated with the energy sector can have a significant impact. Emissions of SF₆ also come from the manufacture and recycling of SF₆, as well as changing, repairing, and decommissioning the switchgears. EPA recommends that FERC considers the use of switchgears that are SF₆-free for the proposed alternatives. For additional information see the EPA's references for the Electric Power Systems Partnership at: <https://www.epa.gov/eps-partnership>.

Section 4.12.1.5

Section 4.12.1.5 is called out in four (4) places on pages 4-220, 4-230, 4-238 and 4-333 within Section 4.12.1 but appears to be missing from the Draft EIS. EPA recommends that FERC add the missing section to the Draft EIS.

4.14.2.13 Climate Change

On Page 4-439, the text says that the courts have explained that because the authority to authorize LNG exports rests with Department of Energy (DOE), NEPA does not require FERC to consider the upstream or downstream GHG emissions that may be indirect effects of the export itself when determining whether the related LNG export facility satisfies section 3 of the National Gas Act (NGA). Nevertheless, NEPA requires that FERC consider the direct GHG emissions associated with a proposed LNG export facility. Therefore, the upstream and downstream emissions from the Project are not analyzed in this EIS.

EPA appreciates that the EIS quantifies construction and operational GHG emissions in CO₂e. However, EPA reaffirms the recommendation that the EIS quantify all upstream and downstream GHG emissions associated with the proposed action, as supported by CEO's final Phase I

Page 4 of 6

FA2-14

FA2-14: See the revised Section 4.12.1.3 of the EIS. As stated in Response Air-1c of Accession No. 20230522-5195, CP2 LNG and CP Express intend to implement work practice standards and equipment types to minimize leaks and venting, including 1) use of strap-on ultrasonic meters to monitor flow balancing; 2) installation of leak protection at the Moss Lake Compressor Station; 3) use of tertiary design for all compressor seals; 4) assembling of flange installations greater than 24 inches using bolt tensioning; and 5) installation of low-bleed pneumatic devices. All pipeline valves that are part of the mainline will be weld-end connections and there will be no flanges on the mainline. Ultrasonic flow meters will be installed in the metering station at the Terminal Facilities. Any hot tapping used to avoid the need to blow down gas will be implemented with consideration for safety.

FA2-15: See the revised Section 4.12.1.4 of the EIS. Although CP2 LNG has stated that they would use sulfur hexafluoride in gas-insulated substation switchgears. However, they would comply with the International Electrotechnical Commission (IES) Standard (IEC62271-203 Sec. 7.104) and expect minimal fugitive emissions from leaks (see Response Air-1d of Accession No. 20230522-5195).

FA2-15**FA2-16**

FA2-16: Comment noted; see revised section 4.12.1 of the EIS.

FA2-17

FA2-17: Comment noted. See section 4.14.2.13 of the EIS.

FA2 - United States Environmental Protection Agency Region 6

Document Accession #: 20230314-5012 Filed Date: 03/14/2023	rulemaking relating to NEPA Implementing Regulations Revisions. [See CEQ NEPA Phase 1 Final Rule] Federal agencies have a legal obligation to consider direct and indirect impacts associated with a project including upstream and downstream emissions caused by production, processing, transportation, and consumption of the project's resources. Both upstream and downstream GHG emissions are clearly reasonably foreseeable indirect impacts for NGA section 3 projects. Whether downstream GHG emissions occur within the United States or outside of the United States is not relevant in assessing their climate impacts, given that GHGs have impacts that are global in scale. Whether a project serves domestic consumption or export would not meaningfully affect the location of upstream GHG emissions, which in most cases would be from domestic sources. Given the reasonably close causal relationship between upstream and downstream emissions and FERC's authorization role under the NGA for section 3 projects, FERC should usefully disclose and consider, in its NEPA and NGA analyses, the often large-scale upstream and downstream emission impacts of NGA section 3 projects.
In Section 4.14.2.13 (page 4-439), the text says that to date, FERC has not identified a methodology to attribute discrete, quantifiable, physical effects on the environment resulting from the Project's incremental contribution to GHGs. Without the ability to determine discrete resource impacts, FERC staff are unable to assess the Project's contribution to climate change through any objective analysis of physical impact attributable to the Project. Additionally, FERC staff have not been able to find an established threshold for determining the Project's significance when compared to established GHG reduction targets at the state or federal level. Ultimately, this EIS is not characterizing the Project's GHG emissions as significant or insignificant because FERC is conducting a generic proceeding to determine whether and how FERC would conduct significance determinations going forward. However, as we have done in prior NEPA analyses, we disclose the Project's GHG emissions in comparison to national and state GHG emission inventories. EPA recommends that FERC avoid expressing project-level GHG emissions as a percentage of national or state GHG emissions as the comparison of project-level emissions to national and state emissions diminishes the significance of project-scale GHG emissions and associated project-specific contributions to overall GHG emissions. Instead, we recommend the FERC includes a discussion of whether these increases are consistent with the State climate plan as proposed and in conjunction with the cumulative impacts of other LNG and pipeline development projects in the State. Additionally, EPA recommends the EIS discusses whether the estimated GHG emissions from the proposed alternatives are consistent with taking action to achieve science based national GHG reduction targets and any relevant state or local goals.	FA2-17
On Pages 4-440 through 4-441, we acknowledge that FERC provides an estimate of the social cost of carbon using the methods and values in the Interagency Working Group's (IWG) current draft guidance. We agree that this calculation is a useful parameter for disclosing GHG impacts and benefits of mitigation and for comparison across alternatives. We recommend that the full set of assumptions used in this calculation be provided in the air quality appendix in the Final EIS.	FA2-18
FA2-19	FA2-19

FA2-18: The Commission has stated in recent orders that the comparisons provide additional context in considering a project's potential impact on climate change. See Order Issuing Certificates and Approving Abandonment, 178 FERC ¶ 61,199 (2022) at P89; and Order Issuing Certificate, 178 FERC ¶ 61,198 (2022) at P48.

FA2-19: The assumptions used in the SC-GHG analysis are detailed in section 4.14.2.13.

Document Accession #: 20230314-5012		Filed Date: 03/14/2023	
4.13 Structures and Natural Hazard Evaluation - Hurricanes, Tornadoes & Other Meteorological Events We note that FERC provided a comprehensive analysis of hazards associated with hurricanes, tornadoes, and flooding but these in general were based on past historical climatic. EPA recommends that the resiliency analysis look at the anticipated future climate in this assessment including extreme temperatures effects such as on building materials and seals and extreme precipitation events.			
4.2.3.4 Coastal Erosion and Seal Level Rise We appreciate FERC's assessment and resiliency measures for sea-level rise taking into consideration projected seal level rise from the Coastal Protection and Restoration Authority's 2017 Coastal Master Plan eustatic sea level rise modeling that predict sea level rise for the Gulf of Mexico region by 2100 ranging from approximately 1 to 6.5 feet. However, it is not clear what height was chosen for proactive actions for pipelines and buildings. We appreciate the opportunity to review the Draft EIS and are available to discuss our comments. Please send our office an electronic copy of the Final EIS when it is electronically filed with the Office of Federal Activities using the following link: https://www.epa.gov/nepa/cenra-guide-registration-and-preparing-eis-electronic-submission. If you have any questions, please contact Gabe Gruta, project review lead at 214-665-2174 or gabruiel@epa.gov.			
Sincerely, Houston, Robert Robert Houston Staff Director Office of Communities, Tribes and Environmental Assessment Digitally signed by Robert Houston Date: 2023.03.13 15:59:13 -0500			
FA2-20 See added discussion in section 4.13.1.5 of the EIS that describes the already more stringent code and standard requirements relative to other facilities as well as pro-posed recommendations that include projected sea level rise, that further enhance some of these design parameters for LNG facilities and the relatively insignificant in-pacts the other projected increases would have on the LNG facilities due to being well within existing design safety factors. There is uncertainty in the future projections, but the related future climate change increases to these design loads would not be expected to cause failure of the LNG facilities in a way that would pose a public safety impact. For example, the potential percent in-increase in wind loads, storm surge, and precipitation may cause stresses above certain criteria within structural codes and standards used, but would be well below de-sign margins and safety factors built into the criteria. In other design considerations, increased meteorological intensities, such as precipitation, may cause sumps to drain over longer period.		FA2-21 As stated in the EIS at section 4.2.3.4, aboveground facilities buildings would be elevated above base flood elevations. The base flood elevation is defined as the elevation of surface water resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year (100-year flood). Base flood elevation varies by location and is depicted on Federal Emergency Management Agency flood hazard maps.	
Page 6 of 6			

Document Accession #: 20230314-5011	Filed Date: 03/14/2023
 P.O. Box 66226 Houston, TX 77266 healthygulf.org	
Federal Energy Regulatory Commission Office of Energy Projects Washington, DC 20426	
Re: Venture Global CP2 LNG and CP Express Pipeline, Docket No. CP22-21-000, CP22-22-000, DEIS Comments	
Healthy Gulf and Louisiana Bucket Brigade submit the following addendum to comments published elsewhere in the docket. This pertains to the "distance to residences" utilized by Venture Global CP2 LNG and CP Express ("the Applicant").	
The Applicant provides a variety of distance criteria that presumably were used to justify the preferred location of the CP2 LNG export terminal ("the Terminal") next to Venture Global's existing Calcasieu Pass LNG facility. We mapped the distances in GIS, specified in the DEIS as the "distance between site and residential neighborhood" at 1.6 miles. It is unclear where the 1.6 miles is to be measured from, so we created a buffer of 1.6 miles from the centroid of the Terminal and the perimeter of the Terminal (see map).	
CO10-1	The distance between the Terminal Site and nearest residential neighborhood has been removed from table 3.4.1-2. Instead, refer to the distance to the nearest resident or noise sensitive area in table 3.4.1-2. Additionally, the closest residences to the Terminal Site and Pipeline System are identified in sections 4.9.2.1 and 4.9.2.2, respectively.
CO10-2	Mitigation measures to minimize Project impacts on nearby residences and specifically, air quality are discussed in sections 4.9.2 and 4.12.1, respectively.
CO10-3	The Purpose and Need of the Project is detailed in section 1.1.

1 UNITED STATES OF AMERICA
2 FEDERAL ENERGY REGULATORY COMMISSION
3 - - - - - x
4 CP2 LNG AND CP EXPRESS: Docket Numbers
5 - - - - - CP22-21 and CP22-22
6

7
8 Ward 7 Community Center
9 1615 Horridge Street
10 Vinton, LA 70668
11 Wednesday, March 1, 2023
12

13 The public comment meeting, pursuant to notice, convened at
14 5:00 p.m.
15

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24
25

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	2
1	P R O C E E D I N G S			
2			5:00 p.m.	
3	COURT REPORTER: Alrightee, yes sir. If you			
4	would just say your name and then spell it for me.			
5	KA. TRITICO: My name is Michael Tritico.			
6	M-I-C-H-A-E-L, T-R-I-T-I-C-O.			
7	COURT REPORTER: Go ahead sir, thank you.			
8	KA. TRITICO: All right. I do everything as a			
9	biologist for RESTORE, which is all capital letters, Restore			
10	Explicit Symmetry To Our Ravaged Earth. It's an			
11	environmental group I started in 1974, and all the RESTORE			
12	members except I guess two or three are dead. We outlived			
13	our usefulness. But anyway, as long as I can keep doing			
14	things I will.			
15	What I've done is I've brought an outline, and I			
16	do plan to send in written comments after I do a more			
17	comprehensive comparison of the new EIS with all the scoping			
18	stuff.			
19	All through the years, I've been sending in			
20	comments, not about only Venture Global or CP or Express,			
21	but when I look at the scoping things and then I look at			
22	what comes of it, I get frustrated because all of FERC seems			
23	to spend huge amounts of time increasingly, that's good, but			
24	more time and energy looking at everything and coming up			
25	with all kinds of conclusions, and yet the company always			

PM1-1: Mitigation measures to minimize Project impacts are discussed throughout section 4.0 of the EIS. Additional mitigation measures are recommended by FERC staff and listed in section 5.2.

Document Accession #: 20230316-4000

Filed Date: 03/16/2023

3

1 gets what it wants.

2 And it's almost like FERC is saying oh yeah

3 public, go ahead and participate, but we're going to give

4 them what they want. That's almost like saying public, why

5 do you bother? That is a bad thing. That undermines public

6 trust in government agencies. It would be interesting to

7 know what percent of the Venture Global budget has actually

8 been spent on fire safety for the public, environmental

9 damage prevention, the mitigation is paltry.

10 But it would be very interesting to see if they

11 spent more than one percent on actual environmental issues.

12 I realize they've spent stuff to keep themselves from

13 burning up, from losing product and all of that. But to me

14 it looks like sort of a charade. Here's this big system to

15 protect the public safety and the environment, but we're

16 going to give the company what it wants anyway.

17 All right. There were over 1,200 pages in the

18 EIS and its appendices, and it's going to take me a while.

19 I've been at it for a while, but it's going to take me more

20 of a while to finish comparing what some of us said during

21 scoping, and any results in our direction that might have

22 happened, because I don't so far see anything. I do see

23 some things that were addressed, but the end result is the

24 company gets what it wants.

25 All right. There were some global issues that

PM1-1

PM1-2

PM1-3

PM1-4

PM1-2: Section 4.13.1.5 of the EIS discusses the adequacy of all the layers of passive and active safety systems that would be designed to prevent a potential plant incident from cascading into an event with offsite safety impacts. In addition, this section discusses that an ERP, including a Cost-Sharing Plan (CSP), is required to be developed in consultation with the Coast Guard and state and local agencies. The CSP would describe any direct cost reimbursements agreed to be provided to the agencies with responsibility for safety and security, and the ERP and CSP would be subject to our review and approval prior to initial site preparation.

PM1-3: Comment noted.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	1
1	are being exacerbated by FERC's permissiveness, climate			
2	change for instance, the swelling of the sea, the storms,			
3	the droughts worldwide. Those are exacerbated every time			
4	FERC gives a permit for one of these things. The over 26			
5	million tons a year of greenhouse gases from the LNGs just			
6	in Cameron make Cameron the world's greenhouse gas hotspot,			
7	and more permits are pending.			
8	FERC's permissions in Cameron delay the			
9	transition back to renewable energy, a sustainable economic			
10	system. It helps lock in the depletable resource,			
11	unsustainable economic system. FERC's permissiveness is			
12	making even more inevitable a global famine, because FERC is			
13	encouraging the use of LNG for fuel instead of in the Haber			
14	Bosch process for making ammonia fertilizer.			
15	Every time a ship leaves Cameron full of LNG,			
16	the world loses 200 million servings of rice. That's a lot			
17	of food every time a ship leaves. Somewhere down the road,			
18	children are going to starve because there's not enough			
19	methane to use not as a fuel but as a molecular building			
20	block to make ammonia fertilizer.			
21	There is no other way mankind has found to fix			
22	nitrogen. Lightning fixes nitrogen, some fungus fixes			
23	nitrogen, beans fix nitrogen, but nothing on the scale that			
24	we need to feed the millions and millions of people. The			
25	only way we're able to do mass production food production is			

PM1-4: Comment noted. See also cumulative impacts discussion in section 4.14.

PM1-4

PM1-5: Refer to comment CO3-23. The Purpose and Need of the Project is discussed in section 1.1. Additionally, refer to the EIS at section 1.3.1; cumulative impacts are addressed in section 4.14.

PM1-5

1 with ammonia fertilizer. The only way to make that is with
2 methane as building block.

3 So every time you grant a permit for an LNG
4 plant, 400 ships a year from this plant, 400 times 200
5 million servings of rice, that's an awful lot of hungry
6 children some day. What we really need from FERC is a
7 regional environmental impact study and statement
8 comprehensive, not just this plant this time, this plant
9 this time, that plant that time.

PM1-5

10 In the comprehensive regional environmental
11 impact study and statement, there needs to be a no build
12 alternative. FERC has not considered a no build
13 alternative. It just assumes it's going to grant a permit.
14 It's a big mistake.

PM1-6

15 The big fire issue. 82 Cameron households are
16 within the radius of a flammable vapor cloud. Now that is a
17 new thing that is in the EIS, and I'm grateful. Finally,
18 FERC is beginning to put for the public to see some
19 indication that they, FERC, understand that these places can
20 burn a lot of people all at once.

PM1-7

21 82 Cameron households are within the radius of
22 the flammable vapor cloud. 143 housing units are within the
23 10,000. I can't remember the unit exactly right now. But
24 anyway, there's a flux unit. 143 housing units and as the
25 EIS does say, and I'm grateful, they say in the EIS most of

PM1-6: The no-action alternative is discussed in the EIS at section 3.2.

PM1-7: Section 4.13.1.5 of the EIS details all the layers of passive and active safety systems that would be designed to prevent a potential incident at the onshore facilities from developing into an event with offsite safety impacts. For unlikely catastrophic events, table 4.13.1-1 in the EIS indicates the number of households that may be in the range of all cumulative worst case hazards from a single and cascading events at the site, considering every worst case wind condition, every wind direction, and worst case release direction for each type of scenario at the LNG terminal, even though all wind and release directions would not occur simultaneously. This section also discusses that an ERP would be required to address catastrophic hazard scenarios for the terminal facilities, as well as those for the LNG marine vessels, for our review and approval prior to initial site preparation. The LNG storage tanks and marine cargo tanks are kept cold through auto-refrigeration from the continuous boiling of LNG. The LNG is continuously boiling at a cryogenic temperature, and the appurtenant tank systems are designed to handle this vapor, or if needed, relieve it safely. Also, see responses to comments PM1-2 and PM1-8 regarding FERC and Coast Guard safety reviews.

1 Cameron would be within the deadly radiant heat zone.
2 That's a lot of people. Workers, shrimpers, housewives,
3 government officials.

4 If Venture Global CP loses its refrigeration and
5 the methane expands 600 times and splits the tank, that's a
6 lot of people burnt to death quickly, at least it would be
7 fairly quick. FERC sorts of punts and says well on safety,
8 the Coast Guard is checking it out and the Coast Guard
9 thinks the waterway suitability analysis by Venture Global
10 CP is adequate. The ship channel can handle it.

11 The Coast Guard has failed to do its job. I
12 asked one of them in person, a Coast Guard official in the
13 Lake Charles office, how is it that you stop things like
14 this on the west coast and the east coast, but not in the
15 Calcasieu River. He said well Mike, there's no public
16 uproar down here. The people that get burned up are
17 Americans just like the ones in Oregon or Boston.

18 The Coast Guard has failed, and FERC says okay
19 Coast Guard, you know, they did their job and we're going to
20 just do what they say. FERC needs to quit punting. FERC
21 needs to take its power and tell Coast Guard do your work
22 right. And the Coast Guard needs to do that all over again,
23 start all over for each one of the existing LNGs and all the
24 proposed, because that ship channel is a major accident
25 waiting to happen.

PM1-7

PM1-8

PM1-8: See section 1.2.3 of the EIS. The Coast Guard is the federal agency responsible for determining the suitability of waterways for LNG marine traffic and is responsible for matters related to navigation safety, vessel engineering and safety standards, and all matters pertaining to the safety of facilities or equipment in or adjacent to navigable waters up to the last valve immediately before the receiving LNG tanks. Section 4.13.1.3 of the EIS details that the Coast Guard evaluated a Waterway Suitability Assessment and consulted with relevant safety and security planning groups before determining the waterway suitable for the CP2 LNG marine vessel traffic. The review focused on navigational safety and maritime security aspects of the LNG vessel transits and was conducted in accordance with the Coast Guard Navigation and Inspection Circular (NVIC) 01-2011. Section 4.13.1.3 of the EIS also notes that over the LNG shipping history since 1959, no LNG marine vessel accidents have resulted in a breach of the LNG cargo tanks in these double hulled ships. In addition, FERC is responsible for review and approval of the ERPs and CSPs developed in coordination with Coast Guard and other federal, local, and state emergency responders and agencies. See Section 4.13.1.5 for discussion of ERPs and recommendations that ensure the development of the ERP considers worst case events, including credible worst case accidental and intentional events at the LNG terminal, up to catastrophic rupture of LNG tank, and credible worst case accidental and intentional events on the LNG marine vessel. The ERP recommendations also include public education materials disseminated on the ERP within those areas possibly impacted.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	7
1	There's some regional ecological problems that	PM1-9	PM1-9: Section 4.7.2.2 of the EIS discusses Project impacts and mitigation of aquatic resources, including turbidity.	
2	the environmental impact statement addresses, and still			
3	turns out saying okay, well we've addressed it and the			
4	company's looked at it, and we think it's all going to be			
5	hunky-dory. But it's not. One of the problems is			
6	turbidity. Stirring up the Calcasieu River sediments blinds			
7	organisms. It blocks their sense of smell, and it clogs			
8	their gills.			
9	So respiratory, visual and olfactory			
10	interferences by turbidity have not to my opinion been			
11	properly addressed in the EIS.			
12	Noise. I asked the people in the other room	PM1-10	PM1-10: See the revised sections 4.7.2 and 4.10.4.1 of the EIS.	
13	from Venture Global how many hammer strikes, because in the			
14	EIS, the FERC table is very confusing. The way I calculate			
15	it from that table, when the piling are being driven across			
16	six months, they're going to be over three million hammer			
17	strikes. Three million hammer strikes. How would you feel			
18	if while you were trying to sleep or eat or reproduce, you			
19	heard hammer strikes, hammer strikes, hammer strikes			
20	constantly for six months?			
21	That's what the aquatic organisms are faced with			
22	for this project, and then for Commonwealth. The noise			
23	pollution from construction and operation of these plants			
24	carries in the water. Water transmits sound a lot more than			
25	air does. So what the organisms are up against is more than			

PM1 - Michael Tritico

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	8
1 humans can imagine.		
2 I've supplied several times a diagram called a		
3 Migratory Clock for the Calcasieu. I did that first in 1974		
4 I believe, from Louisiana Wildlife and Fisheries data. It		
5 shows three major pulses of migration by aquatic organisms		
6 like fish and shrimp, and larval forms or eggs being brought		
7 in. There are three times a year when there's a big		
8 concentration of aquatic organism movement from the Gulf		
9 inward or from the estuary and the marshes outward.		
10 At least permits should say no dredging, no pile		
11 driving during those pulses. But so far, none of the		
12 agencies have done what they should, if they would live up		
13 their assignments. They all let it all go. Year-round,		
14 anything goes.		
15 Not too long ago a whale was discovered in the		
16 Gulf. There are only 20 of them left of that species, and		
17 the noise and the outflow of turbidity and contaminants from		
18 the dredging of the Calcasieu ship channel, that's going to		
19 put a stress on what's called the rice, R-I-C-E whale.		
20 Rice's whale. That's a problem that needs to be much more		
21 carefully investigated, and the birds like Ajonalaris Place		
22 (phonetic) across the channel from this proposed project.		
23 There are rare birds in this area, and we're in		
24 the major flyway. So the light pollution, I mean Venture		
25 Global said that they were going to do control of light, so		
PM1-10		
PM1-11		
PM1-12		

PM1-11: See response to comment CO4-56.

PM1-12: Project impacts from lighting for wildlife, migratory birds and aquatic species are discussed in sections 4.7.1.2, 4.7.1.3, and 4.7.2.2, respectively.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	9
1	there wouldn't be any adverse impact from the light			
2	pollution. You go down there at night and it's lit up like			
3	Times Square or worse. It is a bright blazing source of			
4	light. I'm sure they can see it from the Space Station.			
5	That means that the migrating animals, whether			
6	they're in the water or in the sky, have to contend with a			
7	disruption of their signals. When you get that much light			
8	in one spot, a bird might be able to fly and go around, but			
9	a fish is not able to. All of that light pollution has			
10	proved that all of the assurances that were in the original			
11	Venture Global SIS meant nothing.			
12	You just go down there at night and you'll see.			
13	All of those assurances meant nothing. There is a proposal			
14	to put the CP Express pipeline through a hazardous waste,			
15	what should have been a Superfund site. It's called Carliss			
16	(Shonetic) Pit No. 2, and about 2,000 feet of that pipeline			
17	that cut through soil that was so heavily contaminated that			
18	as it seeped under Highway 27 by the only bridge, it killed			
19	the lake on the other side of Highway 27.			
20	I used to be a commercial crabber and one day			
21	the guys that ran that burn pit and hazardous waste site			
22	just dumped it all into the Calcasieu Lake and it killed			
23	everything. All the, everything even the plankton died in			
24	Calcasieu Lake. The place is highly poisonous, and to dig a			
25	new pipeline route through a bunch of poison mud is just			

PM1-12

PM1-13

PM1-13: See response to comment CO3-11.

PM1 - Michael Tritico

Document Accession #: 20230316-4000 Filed Date: 03/16/2023 10

1 stupid.

2 But it's mapped that way and I brought it up in
3 scoping and it's in the brand new EIS, the maps. It's still
4 going where -- they can't say they didn't know about it
5 before the EIS because I put it in the scoping. I told them
6 exactly where it was, and they're still letting it go. It's
7 wrong.

PM1-13

8 Not too long ago we had a public meeting at the
9 Burton Coliseum in Lake Charles on the states. They do a
10 coastal restoration master plan every six years, and this
11 year some of their multimillion dollar projects are
12 overlapped with this mitigation project that CP wants to do.

13 Now I asked the guys from CPRA, I said who's going to really
14 pay for this, public money, Venture Global, Commonwealth?
15 They're all overlapped.

16 The same so-called marsh restoration project,
17 which is in the first place is a oxymoron when they say
18 BUDX, beneficial use of dredged material. That's an
19 oxymoron, because it's the dredging that causes the problem.

20 You try to mitigate it and you ruin 50 acres to make one
21 acre of marsh grass. That's --

22 (interruption.)

23 MR. TRITICO: They're lining up. Well, that's
24 good. I'm only about halfway through, so I don't want to
25 wrap up, because I might not live long enough to do my

PM1-14: See response to comment CO3-16.

PM1 - Michael Tritico

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	11
1	written comments.			
2	FEMALE PARTICIPANT: Could you email that to me?			
3	K.A. TRITICO: Yes-no. Anyway, let me see how			
4	much I can get done. Well, all right. Let me try to speed			
5	up. CP Express pipeline's going to cross 41 water bodies in			
6	Texas and 275 at least in Louisiana. It's going to cross			
7	271 wetland units in Texas and over 340 in Louisiana. There			
8	is a charade built into this, carbon capture and			
9	sequestration.			
10	Venture Global wants to brag that it's going to			
11	use carbon capture and sequestration and pump the stuff			
12	offshore past the Louisiana state jurisdiction, and down in			
13	injection well, and they're going to do a wonderful capture			
14	of six percent, leaving 94 percent go into the atmosphere.			
15	To me, FERC even hinting that it might think that that's a			
16	positive development is counterproductive because it			
17	encourages other people to try the same charade. You're			
18	going to do something that's four percent, six percent			
19	effective and 90-something percent ineffective? I'm not			
20	impressed.			
21	Historical sites. The Gulf Biologic Station at			
22	Cameron provided a baseline for ecological conditions.			
23	FEMALE PARTICIPANT: Tapes 1 and 2, **10:05:53.			
24	We've got people waiting to make comments at this point. So			
25	you're more than welcome to go right again if you want to			

PM1-15

PM1-15: See section 2.1.1.6 of the EIS. The CCS is not an application before the FERC.

PM1-16

PM1-16: See response to comment CO3-25.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	12
1	continue, and continue to do a number of comments.			
2	K3. TRITICO: I may not live long enough to be			
3	at the end of the line.			
4	FEMALE PARTICIPANT: I'm sorry. Other people			
5	have been waiting to make comments as well.			
6	K3. TRITICO: All right. Good thing I got here			
7	early, huh? Okay. I'll wrap up. I've got other things			
8	that I might be able to put into a written comment. It's			
9	time for FERC to stop granting permits and start denying			
10	permits, if you want anybody to believe that you really are			
11	doing what you're supposed to be doing on paper, what we			
12	think you're supposed to be doing.			
13	I mean if all you're going to do is grant			
14	permits, then there's no point in bothering to do			
15	environmental impact studies and statements. Okay.			
16	K3. ROBERTSON: Ready for me? Okay. My name's			
17	Cindy Robertson. Do you need me to spell it out? I don't			
18	enunciate well.			
19	COURT REPORTER: Yes ma'am.			
20	K3. ROBERTSON: All right. It's C-I-N-D-Y,			
21	R-O-B-E-R-T-S-O-N, okay? Is that all you need? Okay. I			
22	live right here. I live within this 33 miles from the			
23	little stars, and I live within the 13 miles from the actual			
24	Moss Lake Compressor Station. So if something happens, I'm			
25	within the blast zone. I'm within the zone of methane gas			

PM1-17

PM1-17: FERC's obligations under NEPA are described in the EIS at section 1.0, 1.2, and 1.2.1. The Commission (i.e., the commissioners) will evaluate whether to authorize the project in its Order.

PM2-1

PM2-1: Refer to section 4.13 of the EIS regarding safety and reliability.

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	13
1 coming up my way.		
2 There are so many, and I don't even see how this		
3 can happen, when you have so many -- my neighborhood, the		
4 neighborhood that I live in, is elderly, uneducated, some of		
5 them unhouse, low income. I mean we're not black, but we		
6 still count, and nothing against -- I shouldn't have said		
7 that, but it's like low income people count just as much as		
8 anybody, any other race does, even if we're white.		
9 They're talking about dredging the Calcasieu		
10 River. We have all that pollution. The lakes and		
11 everything are either were or should have been a Superfund		
12 site, bringing all that pollution goes downriver. They're		
13 talking about dredging the rivers, and where you gonna put		
14 all that stuff? It's contaminated. The dredging that		
15 they're already doing washes up on the beaches and Holly		
16 Beach and going down towards Texas.		
17 So because they're throwing it out into the		
18 Gulf, and if you can't use it to backfill and make more		
19 wetlands, I mean that's just stupid. You're destroying		
20 acres and acres and acres of wetlands and saying that you're		
21 going to, you know, the state's going to rebuild this master		
22 coastal plan and use the dredging so that we could have		
23 these big ships in there to fill in, to make more wetlands.		
24 Why don't you just not do it to begin with? The		
25 dredging is really bad for our fishermen, our shrimpers, the		

PM2-2

PM2-2: Comment noted. Environmental justice communities, including low income and minority populations, as defined by the EPA's recommended guidance is discussed in section 4.10.10.2. Potential impacts and mitigation in regards to environmental justice communities is discussed in section 4.10.10.3.

PM2-3

PM2-3: As described in the EIS at section 4.3.2, based on a review of federal and state sources, no active hazardous waste sites, Superfund sites, Brownfield sites, leaking underground storage tanks, or other known areas of existing soil contamination were identified within 1 mile of the Project. Section 404 of the Clean Water Act regulates the discharge of dredge or fill material into waters of the United States and is under the jurisdiction of the Army Corps of Engineers. Section 4.4 of the EIS describes anticipated impacts on water quality and section 4.10.4.1 of the EIS describes impacts on commercial fisheries. CP2 LNG would perform characterization analyses of the sediments to be dredged and the nearshore soils to be excavated in the Marine Facilities area to confirm the viability of specific reuse and sediment analyses would be undertaken as necessary to comply with applicable regulations or landowner requirements for dredged material disposal. The Commission will evaluate whether the project satisfies the public interest standard in its Order (see response to comment CO3-8).

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	14
1	folks that oyster. When you dredge, all that stuff comes up			
2	out of the water, and like Michael said, it's hard for any			
3	kind of aquatic organism to survive when its gills, eyes and			
4	nose. Do fish have noses or have dirt in them. I mean you			
5	wouldn't breathe.			
6	I get a report every week about leaks on			
7	pipelines and air emission releases in Calcasieu and Cameron			
8	Parish. Don't tell me this is safe. We have leaks			
9	constantly along the different pipelines, just in our			
10	parish. So allowing more pipelines and pipelines to pile			
11	one on top of the other is -- it just boggles the mind to			
12	think about the environmental disasters that could happen			
13	and also the impact on the people that live in this area.			
14	Our water and sulfur is full of manganese,			
15	aluminum, chromium, along with all the other stuff from the			
16	disinfectant byproducts. So you know, please don't let			
17	these folks come in and put more stuff into our land that's			
18	going to get into our water, because we're already -- I mean			
19	I drink distilled water because the water's so bad.			
20	Lessee. Let's talk about the impact of the			
21	wetlands being lost on the hurricanes coming in. Those			
22	wetlands protect us from storm surge, from the buffet, you			
23	know, from the winds because they provide a block. If you			
24	do the pipeline and CP2, then you're going to lose wetlands			
25	and you're going to lose the protection, whoops, the little			

PM2-3

PM2-4

PM2-5

PM2-6

PM2-4: Air quality impacts of the Project are discussed in section 4.12 and safety and reliability are discussed in section 4.13.

PM2-5: Refer to section 4.4 of the EIS for impacts on water quality.

PM2-6: Refer to the EIS at sections 4.2.3.4 and 4.13.1.5 (Structural and Natural Hazard Evaluation).

PM2 – Cindy Robertson

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	15
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1 bit of protection that I have for my house, you know, since

2 we've already lost so much.

3 I mean what is it we lose, a football field of

4 land every day in Louisiana.

5 KALE PARTICIPANT: You're almost at four

6 minutes.

7 K3. ROBERTSON: Oh, okay.

8 KALE PARTICIPANT: Actually, a minute over. I'm

9 sorry. I have to cut you off.

10 K3. ROBERTSON: That's okay. I'll write

11 something to add to it, but thank you.

12 KALE PARTICIPANT: Thank you.

13 K3. ROBERTSON: Oh, thank y'all for being here.

14 I mean this is really important. We live here and this is

15 -- we don't, you know, we don't want to have --

16 FEMALE PARTICIPANT: Yeah, just remember to say

17 and tell your name and if you have an affiliation, you can

18 add that.

19 K3. KOPKIN: Okay, sure. Hi, my name is

20 Zachary, Z-A-C-H-A-R-Y, Kopkin, K-O-P-K-I-N, and I'm going

21 to read a comment on behalf of Jamie, J-A-M-I-E, Zeringue,

22 Z-E-R-I-N-G-U-E, is what she wrote. I am a college student

23 and a parent. I have two children. One has an acility

24 difference and the other is a baby. I speak out for them.

25 I'm concerned for my community, my family and my

PM2-6

PM3 - Zachary Kopkin, on behalf of Jamie Zeringue

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	16
1	neighbors, many of whom have cancer. I'm putting my spare			
2	time into understanding these issues and speaking to you. I			
3	can't be physically present tonight because I'm sick. I			
4	live near a polluting industry in Lafourche Parish, and it's			
5	been worsening my breathing as I try to fight off a virus.			
6	I can't leave my house and breath this toxic			
7	air. I also have a hard time being away from my little ones			
8	because I love them a lot. While I don't live in Southwest			
9	Louisiana in the path of this proposed pipeline, I do live			
10	in the path of another proposed LNG pipeline and compressor			
11	station that would connect to a Venture Global export			
12	terminal.			
13	So as I testify today, my heart is heavy. I'm			
14	afraid of tearing up and getting emotional as I write this.			
15	I want to live in a world where our communities are treated			
16	with respect, and where my children and the natural world			
17	can flourish. But right now, we're in a crisis of climate			
18	change and pollution. We are all now ingesting 17,000			
19	micrograms of microplastic particles daily, making some			
20	people infertile and unable to start a family.			
21	We've seen old oil wells in the Gulf leaking for			
22	weeks, and the oil and gas industry hasn't earned our trust			
23	when we constantly see this kind of negligence. Louisiana			
24	is also in a crisis of land loss. Due to erosion and			
25	subsidence, we're losing a football field of land every			
PM3-1				
PM3-1: Air quality impacts of the Project are discussed in section 4.12 of the EIS and climate change is discussed in section 4.14.2.13 of the EIS.				
PM3-2				
PM3-2: Comment noted.				
PM3-3				
PM3-3: Refer to the EIS at sections 4.2.3.4 and 4.13.1.5 (Structural and Natural Hazard Evaluation).				

PM3 - Zachary Kopkin, on behalf of Jamie Zeringue

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	17
1	hour.			
2				
3	Ky parish, Lafourches, as well as Calcasieu and			
4	Cameron Parishes, all include species listed in the			
5	Endangered Species Act, and that are protected by Wildlife			
6	and Fisheries and the NOAA. Please be advised that these			
7	areas are protected by international agreements to protect			
8	all listed fauna and flora. People in coastal Louisiana are			
9	threatened along with those species. We will be harmed by			
10	pollution from the proposed project under consideration			
11	today.			
12	I find it unjust and uncivil to continue to			
13	extract at any rate. I find the idea of extraction near			
14	these species to be harassment of our natural resources and			
15	extremely harmful to mankind. I know that pipelines and			
16	compressor stations are bad for people, animals and the fish			
17	in the waters.			
18				
19	When I was a child, I never could have imagined			
20	that my government would allow industry to send away natural			
21	resources, hurting people here with no benefit to regular			
22	working people and delaying global climate action. I also			
23	don't think industry and government regulators are factoring			
24	in how much we're going to spend on our healthcare as a			
25	result of pollution, especially when industry goes where			
	people are poor and elderly.			

PM3-4: Refer to section 4.8 of the EIS for a discussion of project impacts on threatened and endangered species.

PM3-5: Comment noted.

PM3-6: Comment noted.

PM3 - Zachary Kopkin, on behalf of Jamie Zeringue

Document Accession #: 20230316-4000

Filed Date: 03/16/2023

18

1 You can't take, take, take from the environment
2 without stopping. The world works in mysterious ways, but
3 it's also predictable. For example, we know we're making
4 hurricanes more severe, and one thing we do here can affect
5 people all over the world. A little gust off the coast of
6 Africa can turn into a tropical storm and then a hurricane.
7 So it's time for us to start some change. We need to come
8 together to form a better solution this local and global
9 crisis. We need to help, not hurt.

PM3-7

10 I think some in industry think they're helping,
11 but they're not looking deep enough. We have to look deeper
12 together. They need to know that what we're doing is wrong.
13 The law should be above the corporations, and so my
14 testimony is an attempt to make sure those responsible for
15 enforcing the law are doing all they can to keep people like
16 me and those I care about safe.

PM3-8

17 Coastal Louisiana should be sanctuary. We
18 should be protecting our environment and species around us,
19 not destroying them forever. But that's exactly what will
20 happen if we allow this kind of project to be built. In my
21 home parish of Lafourches Parish, I volunteered to help
22 create an iris sanctuary. We planted the irises one bud at
23 a time.

PM3-9

24 We can preserve and honor our ecosystems in this
25 way. I would be sad for industry to undo any of this hard

PM3-10

PM3-7: Comment noted. The Commission will evaluate whether the project satisfies the public interest standard in its Order. See section 4.14.2.13 of the EIS regarding climate change.

PM3-8: The Project would be constructed and operated in accordance with all applicable requirements. Section 4.13.1.5 of the EIS discusses the numerous safety regulations, codes, and standards that the project would meet, and section 4.13.5 provides our safety related recommendations that, if the Project is authorized, typically become conditions of authorization, subject to our review and approval. Many of those recommendations would enhance aspects of safety in more detail than the minimum requirements in the law.

PM3-9: Comment noted.

PM3-10: Comment noted.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	19
1	work that people have already done. We don't have a lot of			
2	fun, but what we have done we know is right anyways. So			
3	tonight I call on FERC to uphold the law and do everything			
4	in its power to ensure the people and environment of			
5	Louisiana are safe, happy and healthy. My children deserve			
6	nothing less and so do yours. That's it, thank you.			
7	FEMALE PARTICIPANT: Did you want to do a			
8	secondary comment or --			
9	MR. KOPKIN: For myself? Can I take another			
10	number and work on my own?			
11	FEMALE PARTICIPANT: Sure.			
12	MR. KOPKIN: Yeah.			
13	MR. EUSTIS: Hello. My name is Scott Eustis,			
14	S-C-O-T, E-U-S-T-I-S. I'm the Community Science Director			
15	for Healthy Gulf, Gulf as in Gulf of Mexico, and I just			
16	wanted to comment here on this DEIS hearing. The format of			
17	these is very weird. I think we would prefer if the company			
18	has to say something on record.			
19	We understand that, you know, you want the			
20	community to interact, but it's very alienating and weird to			
21	even in Lake Charles, where people are used to, you know.			
22	You never know whose boss is listening, especially in			
23	Louisiana, especially in a place like this, especially if			
24	you, you know, typically you invite the mayor to speak, but			
25	the mayor will be the landowner or another boss.			

PM3-11: Comment noted.

PM4-1: See response to comment CO4-45.

Document Accession #	20230316-4000	Filed Date	03/16/2023	20
1	So it's really hard to get people to come on			
2	these projects, because of the format. There's also the			
3	volume of projects that come in. People are just lost.			PM4-1
4	This hearing was held the same night at Commonwealth LNG.			
5	It was a coastal use permit, and like trying to			
6	tell people what the difference is is, you know, we would			PM4-2
7	prefer to at least space them out so we can tell people to			
8	come comment and give you the information, especially about			
9	wetlands and fisheries impacts, things that are necessary			
10	for our survival in Louisiana.			
11	It's a really -- I know this has been the format			
12	and this is the way it's done since like 2017 I've been			PM4-3
13	doing this. But we really would like some kind of change.			
14	The project -- so I was just going to try to			
15	remember everything that the folks I talk to, right, claimed			
16	about the project and the discussions that we had, although			
17	memory's going to fail me. So I was hearing a 20 megaton a			
18	year carbon dioxide equivalent just nameplate, just coming			
19	out the stack. That's enormous. It's almost unbelievable.			
20	People didn't know, you know, but that's frustrating because			PM4-4
21	I'm supposed to comment and we don't know, you know.			
22	The company doesn't know the climate impact, but			
23	I'm supposed to comment on it. So I don't want to sound			
24	unreasonable, but 20 megatons was the number coming out of			
25	there. That was the number in the materials for the MTPA,			

PM4-2: See response to comment CO2-1.

PM4-3: Comment noted. See response to comment PM4-1.

PM4-4: Climate change is discussed in section 4.14.2.13 of the EIS.

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	21
1 which is a different thing. So I don't know. Everyone 2 seems confused. But previously, previous Commissioner Blicck 3 (phonetic) commented about that, and that was eight 4 megatons carbon dioxide equivalent, and that's like four 5 tanks out of the how many trains. 6 But a similar, same company, big facility. 7 Eight is enormous, right? ExxonMobil refinery is six. 8 Louisiana has a climate plan Net Zero 2050, and these 9 facilities ain't on it and the permitting of this facility 10 just blows that out of the water. These refineries are 11 just, they make attainment of any Net Zero impossible. 12 Even with, you know, they'll say we're going to 13 do carbon waste injection, but that ends up being like two 14 megatons on an eight megaton project, something like that, 15 and then you're left with six megatons, which is the 16 ExxonMobil refinery in Baton Rouge. It's the climate impact 17 of these facilities is enormous, scary. The United States 18 cannot comply with Paris Accords and permit these things. 19 Even one of them is difficult. 20 of them is 20 unimaginable. We do need a programmatic environmental 21 impact statement. This is the second one in this location, 22 which again because of climate change we know that there 23 won't be a land oasis around the facility in 50 years. Ms. 24 Elizabeth Dollzoll (phonetic) said that the project design 25 is 50 years, and she was referring to the pipelines like the		
PM4-4		
PM4-5		
PM4-6		
PM4-7		

PM4-5: As described in the EIS at section 1.4, the CCS system would be permitted under the EPA's Underground Injection Control Class VI program and is not an application with the FERC.

PM4-6: Refer to the EIS at section 1.3.1 and response to comment CO3-23.

PM4-7: The CP2 LNG Terminal Site would be surrounded by a floodwall with access roads through water tight gates. The access road elevations would be higher than high tidal events plus the expected sea level rise calculated for the LNG terminal design life, which section 2.7 of the EIS indicates to be 30 years. In addition, we routinely inspect operational LNG marine terminals as a condition of project authorization, and if a significant increase in local seawater levels occurred in the future, we would address any potential safety issues. Cumulative impacts are presented in section 4.14; reliability and safety of the Project is discussed in section 4.13.

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	22
1 cold pipelines that are hard, you know, the big pipelines	PM4-7	
2 that are easier, as well as, you know, internal pipelines		
3 and tanks and trains in the facility.		
4 A 50 year design life but, you know, after Delta		
5 we flew over the CP1, and the tank was crushed, right, by		
6 the force of the hurricane. That was before it was		
7 operational. We'll send you a photo, but that's the kind of	PM4-8	
8 thing that like my stomach is dropping right now, you know.		
9 This was an issue in the Plaquemines LNG, where we had these		
10 scoping hearings. No one believed that the facility would		
11 be built.		
12 In the Plaquemines area, you know, the parish		
13 president made three million from the facility, right, so		
14 everyone was convinced this is just a real estate scam that		
15 the president was getting paid, right? And in 2022, you	PM4-9	
16 know, Venture Global bought his land. That whole deal in		
17 Louisiana, flipping wetlands or sugar cane land from low		
18 value agriculture property to high value industrial		
19 property, and then that pays off the government people, and		
20 then we get a methane refinery in the middle of a place		
21 that's going to be the ocean in 25 years.		
22 I just, it's hard to describe the absurdity of		
23 the siting of a facility like this, very sensitive to wind,		
24 you know. You start thinking about it and you sound crazy		
25 to yourself, but you know for example Serper LNG Cameron		

PM4-8: We are aware that some hurricane wind damage has occurred during construction phases at LNG terminal sites. However, the finished LNG storage tanks for the CP2 LNG Project would have an outer steel-reinforced concrete tank shell designed to withstand hurricane force winds. Also see the response to comment PM6-6 for more details on the hurricane design for the CP2 LNG facilities.

PM4-9: A total of six Terminal Site alternatives are evaluated in revised section 3.4. None of the site alternatives presented provided a significant environmental advantage over the proposed site. The proposed CP2 LNG facility would be designed for hurricane conditions at the proposed site, with consideration of future anticipated sea level rise. See the response to comment PM4-7, PM6-6, and FA2-20 for details. An LNG facility proposed farther inland would be expected to be designed for the conditions at that location, which may have lesser design loads for certain extreme weather criteria such as storm surge and wind.

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	23
1 went through Laura, and because of the wetlands in front of		
2 the facility, which we don't have in this case, right, that		
3 surge was only four feet. They still were out of operation		
4 for weeks, and one-third of their pollution, and I don't		
5 know carbon emissions.		
6 But one-third of their pollution, benzene		
7 particulates in 2020 was unplanned from a ground flare,		
8 right. So that wasn't even a big storm. That wasn't even a		
9 Hurricane Rita. So we really would like to see, you know,		
10 alternatives that put the facilities much further inland,		
11 and we have deepwater access further inland. The ports love		
12 it, right. I mean we have --		
13 But I think we are running out of room, because		
14 we would like a cumulative risk analysis of cascading		
15 failures of the tanks or the cold pipelines, you know, what		
16 we saw with Freeport LNG, you know. With this, we're going		
17 to have how many of those pipelines all right on top of each		
18 other, all vulnerable in the storm. It doesn't really -- I		
19 think it's absurd. I think the risk of one going off and		
20 then the other ones being affected is very high, because		
21 during the regular hurricanes that we have on the Gulf Coast		
22 in 2023, you know, it hits somewhere on the Gulf Coast		
23 every year.		
24 Yeah, the cumulative risk profile of this		
25 facility along with all the other facilities needs to be		

PM4-10: Refer to the EIS at section 4.14.2.12 regarding cumulative impacts on reliability and safety. Regarding hurricanes, see the response to comment PM6-6. During operations, the LNG terminal would have layers of passive and active safety systems, as described in section 4.13.1.5 of the EIS, which would be designed to prevent potential incidents from developing into an event with offsite impacts. If an unlikely catastrophic event would occur, worst case flammable vapor dispersion impacts that could lead to overpressures, if ignited, are disclosed. This is addressed for LNG tanks in the response to comment PM6-3. For any unlikely catastrophic hazards that would be developing and have potential to reach another facility that handles hazardous materials, CP2 LNG would keep that facility advised of the situation, while coordinating with emergency responders. Any additional hazards from other in-plant events, including cascading events, from potential vessel bursts, would be expected to remain within the emergency response planning areas described in section 4.13.1.5.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	24
1	evaluated with a quantitative risk assessment of the	PM4-10		
2	different kinds of fire and blast zones. We've heard	PM4-11		
3	there's people living within a mile of the facility. That	PM4-12		
4	seems bad, and of course we have all of the concerns with			
5	the existing dredge and the spoil problems affecting the			
6	fisheries of the area.			
7	The wetlands mitigation is too low. 1 to 1 has			
8	been thoroughly discredited in the literature and wetlands			
9	mitigation, and the process for wetlands mitigation for CPL	PM4-13		
10	was flawed in a way that the federal plan for the wetland,			
11	that same wetland area was not, you know. We have a state			
12	plan for wetlands restoration. We're missing a lot of land			
13	south of Calcasieu Lake.			
14	So it's an appropriate location, but the scale			
15	is bad and then the method is bad, so much that we're losing			
16	a lot of sediment control, which is resulting in a lot of			
17	impact to the oyster fishery at least. The oyster fishery			
18	is the easiest to document because there's a stable			
19	footprint, right? It's planted. But there's other impacts			
20	like shrimp and crabs, where fishers are displaced out of	PM4-14		
21	their livelihood and, you know, a discontinuity of one			
22	season can be the difference between -- can bankrupt the			
23	family.			
24	So we do need to see in the project a fisheries			
25	mitigation fund based on the problems we've seen from CPL,			

PM4-11: Potential impacts on nearby residences are discussed in section 4.9.2.

PM4-12: Potential impacts on aquatic species from dredging is addressed in section 4.7.2.2.

PM4-13: See response to comment CO3-15.

PM4-14: See response to Comment CO3-16. In addition, mitigation for Project impacts on aquatic resources and essential fish habitat, are discussed in sections 4.7.3 and 4.7.2.2. Section 4.10.4.1 has also been revised to provide additional discussion of impacts on commercial fisheries.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	25
1	right? The ocean dumping that was unpermitted, the ocean			
2	dumping, the ocean dumping that wasn't far enough out, I			
3	guess, or it flowed back, you know, when the berth was			
4	created, when the stuff was moved for whatever the dredging,			
5	the excavation. Wherever it was placed offshore, it came			
6	back onto the beaches in a way that was economically harmful			
7	to the fisheries.			
8	So we, you know, some of that is essential fish			
9	habitat; some of that might not be. But what we see is our			
10	food source going away because of the large disturbances in			
11	the ecosystem. So dredging plans can be tailored to avoid			
12	particular seasons, for example, and then dredging			
13	containment can be done more carefully like it was done with			
14	the No Name Value Project, in order to not have the			
15	fisheries impact.			
16	But I think the scale is such that there's going			
17	to be problems, and then the history of this company in this			
18	exact area is such that there seems to be likely economic			
19	harm to a lot of people.			
20	I mentioned the climate scale. You know, these			
21	are environment justice areas. Rosina Filipoa (phonetic)			
22	and other Louisiana tribes have petitioned the UN that the			
23	United States isn't doing anything about climate change on			
24	projects like this, on wetland, federal impacts wetlands,			
25	you know. You can read their petition to the UN and the UN			

PM4-14

PM4-15

PM4-15: Comment noted. See section 4.14.2.13 of the EIS for impacts on climate change and sections 4.10.4 and 4.10.5 for discussions of impacts on commercial fisheries and recreational fishing, respectively.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	26
1	responded.			
2	There's a list of recommendations for the United			
3	States in that petition that, you know, the United States is			
4	basically committing genocide upon them from projects like			
5	this. You know, I read something like that just as a,			
6	someone with a fisheries background who studies the area and			
7	who wants to live here and wants my family to live here.			
8	Yeah, there's so much that should be done with a			
9	project like this, to mitigate harms if it is to be			
10	permitted. I don't think it should be. But for example,			
11	the climate impacts are wetlands impacts, and in Louisiana,			
12	petrochemical developments such as this are, you know, most			
13	of the Louisiana's carbon footprint in the ZPA flight data			
14	is, are facilities like this, 80 percent.			
15	66 percent just the facilities, and then another			
16	13 from the power. So like Sanger LNG Cameron doesn't have			
17	onsite power. It's relying on the coal plant, right. So			
18	that Sanger LNG plus the coal plant, you get to -- 79			
19	percent of our carbon footprint is stuff like this.			
20	Louisiana is 4.1 percent of the United States			
21	2018 footprint, which is enormous for a state of our size.			
22	The U.S. is big in the world for climate initiative. So all			
23	the stuff in this facility is going up and it's definitely			
24	drowning Togaloo (phonetic), right, if this facility's			
25	permitted. But it's also drowning Louisiana, and Louisiana			

PM4-15

PM4-16: Climate change, and potential impacts on coastal Louisiana due to climate change, are discussed in section 4.14.2.13.

PM4-16

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	27
1	we have the CPRA doing modeling of how the inundation is			
2	killing marshes.			
3	Based on that, you know, the envelope math, some			
4	very linear kind of just percent, percent, percent, percent.			
5	But the amount we're losing from sea level rise in Louisiana			
6	over the project life of the project is over 3,000 square			
7	miles of tidal wetlands. So tidal, jurisdictional,			
8	whatever. So when you add those, you know, this facility a			
9	small part of the global climate footprint, but still ranks.			
10	And you know, if you do the math, on a facility			
11	that's a 20 megaton carbon dioxide equivalent a year, you			
12	know, whatever's in the air permit. That's over 1,000 acres			
13	of damage just from Louisiana. I'm sure it's drowning			
14	Massachusetts and California too. But just from Louisiana,			
15	we've got a lot of federal wetlands that are drowned from			
16	the methane that's being injected into the air, the carbon			
17	dioxide being put into the air from the stacks.			
18	Not even considering the full cycle, you know,			
19	what should be done. So you know, the bare minimum would be			
20	to recognize this, and when we see that the facility will be			
21	in open water in the next 25 years, you know, one what --			
22	but why is it being -- an alternative should be, it should			
23	be built like for a rig. I mean we -- the Wildlife and			
24	Fisheries is building its research stations 20 feet in the			
25	air now in Louisiana.			

PM4-16

PM4-17

PM4-17: See response to comment CO3-15.

1 I mean if you want to get a house, if you want
2 to get a mortgage in Cameron, you know, you've got to build
3 a facility, you know, besides if you actually want to live
4 in it. But the -- you know, why. We know that LNG plants
5 can be built up in the air. You know, why isn't this a rig,
6 because we know that there's, you know, does D.C. has a
7 history of blaming us here for these problems, like with
8 Katrina, you know, like it's our fault?

9 I just want to make sure that y'all are the
10 ones. We know how crazy this is, and so at the very least,
11 you know, the chunk of land that's lost from the state of
12 Louisiana from the rising sea should be replaced by the
13 facility. And you know, that's a reasonable request. It
14 can be fit into the mitigation plan. It just, it doubles
15 the footprint, which probably should be doubled anyway,
16 right, because you're doing 1 to 1 mitigation and the soils
17 just don't come back.

18 You're destroying a natural wetland, even a
19 degraded wetland, you know. When you're doing the marsh
20 creation, the soils don't come back for 10-15 years. So
21 you're not getting the functions, you're not getting the
22 habitat, yadda, yadda. But so doing 1 to 1 mitigation in
23 2023 is -- goes against George Bush's, you know, rules and
24 guidance on wetland mitigation that were passed in 2008.

25 We really need y'all to take a very active role,

PM4-17

1 y'all at FERC, take an active role overseeing the Army Corps
2 of Engineers and coastal management on these issues, and I
3 think you really want a facility that could last 20 years,
4 you would do that. You could mitigate from the facility,
5 around the facility, in the tidal prism of the facility.

PM4-17

6 It's going to help, even if you want to build
7 this thing flat on the ground like you're doing. Like I
8 said, we saw CFI crumple in the wind of Laura, and it's just
9 -- my toes are tingling right now just trying to express to
10 you the fear around the absurdity of this thing being built.

11 Yeah, so the wetland, at the very least the
12 wetland mitigation needs to be pumped up by thousands of
13 acres. We are glad -- we heard that it was going to be an
14 above-water cold pipeline, the kind of pipeline that was a
15 problem at Freeport LNG. That was terrible. Now we heard
16 that it's being submerged 40 to 80 feet, did I get that
17 right? Some tens of feet below the waterline.

18 That seems, that seems sane. Again, when we
19 flew over this place in Laura, there are crew boats that
20 wash into the ship channel from the Gulf. It's not unheard
21 of that a mobile drilling rig would flow into the channel
22 from the Gulf. We've seen that at Port Fourchon, and we've
23 seen it off of the Mississippi, right?

24 The hurricane forces are serious, and when you
25 have a facility this distal, this out and it's going to be

PM4-18: The only hazardous fluid facilities associated with the CP2 LNG Project that would be near the ship channel would be at the remote berth area, and the Coast Guard would not be expected to allow LNG marine vessels to be berthed during a major hurricane. We also note that the public near the LNG terminal would likely be evacuated prior to a major hurricane. In addition, section 4.13.1.5 of the EIS indicates a sea level rise of potentially up to 2 feet is anticipated for the future climate. This amount of sea level rise would not be expected to make a significant difference in the ability of ships to reach the Terminal Site, and this scenario would seem unlikely.

PM4-18

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	30
1 open water in 25 years, the possibilities of vessel strike	PM4-18	
2 on the facility have to be considered, you know. We have,	PM4-19	
3 you have the -- we want to see the Sandia blast zones, like		
4 the face melting, body melting stuff.		
5 We don't really understand how there's not more	PM4-20	
6 information to the public about that, especially anybody on		
7 the water is going to have to be in a zone of refuge when		
8 those ships come in, and there's a lot of people on the		
9 water. There's a lot of people on the beach in this area,	PM4-21	
10 and there's not a lot of zones of refuge.		
11 It's a very flat landscape without a lot of		
12 structures, and I think it's irresponsible of FERC to permit		
13 this without a thorough on the ground education about the		
14 need for zones of refuge from the vessels, and from my		
15 understanding from the tanks.		
16 You know, we heard reports from Freeport, you	PM4-22	
17 know. When it went off, the ground shook across the channel		
18 in what is that, Surfside. That was just a little, a little		
19 old pipeline. That's not even like the full, you know. We		
20 do want to see worst case scenarios in the siting analysis,		
21 and we think they're not being done because I think the		
22 impact radius, the fire radius, the blast radius, whatever		
23 it is, the heat flux extends off the property.		
24 But we do need to see that. We need to know	PM4-23	
25 that. At the very least, we know that the Zone 1 is the		

PM4-19: See the response to comment PM6-2. Descriptions of radiant heat impacts are disclosed in section 4.13.1.2 and Sandia blast zones are described in section 4.13.1.5, including in figures 4.13.1-1 and 4.13.1.2.

PM4-20: Section 4.13.1.3 of the EIS notes that over the LNG shipping history since 1959, no LNG marine vessel accidents have resulted in a breach of the LNG cargo tanks in these double hulled ships. This section also details that the Coast Guard performed a Waterway Suitability Assessment and consulted with relevant safety and security planning groups before determining the waterway suitable for the CP2 LNG marine vessel traffic. The Sandia National Laboratories reports SAND2004-6258 and SAND2008-3153 evaluated both flammable vapor dispersion and heat due to ignition of a pool of LNG released from possible LNG ship breach scenarios from credible accidental and intentional events. The radiant heat zones, shown in figures 4.13.1-1 and 4.13.1-2 of the EIS, are related to the time of maximum LNG pool development. Upon any indication that it would be prudent to keep other marine vessels away from an LNG marine vessel, the Coast Guard would have authority to direct that. The Coast Guard also has the ability to establish safety and security zones, regulated navigation areas, or other mitigation it feels necessary as a preventative or mitigative measure, such as those that were established previously for the Calcasieu River in Title 33 CFR Section 165.805 and discussed in 75 Federal Register 18755.

PM4-21: Section 4.13.1.5 of the EIS describes that, if the CP2 LNG Project is approved, an ERP would be developed in consultation with local emergency response planning authorities and others who would determine the resources needed for emergency plans for unlikely catastrophic failure scenarios. As part of our recommendation on emergency response plans, we are recommending public education materials on the ERP. Our staff have visited the Calcasieu Pass LNG terminal area, and the ERP would be subject to our review and approval, prior to initial site preparation.

PM4-22: The scenarios used in the siting analyses are subject to U.S. Department of Transportation (DOT) Pipelines and Hazardous Materials Safety Administration (PHMSA) regulations and enforcement. The DOT PHMSA siting requirements are described in section 4.13.1.2 and analyzed in the DOT PHMSA's Letter of Determination to FERC for consideration by the Commission. As described in section 4.13.1.5, FERC staff considers the full range of potential incidents including potential catastrophic events and risks of impacts when determining the adequacy of the layers of protection. Section 4.13.1.5 of the EIS describes the offsite areas in the emergency response planning zones for unlikely catastrophic events. Also, see the response to comment PM6-7 regarding the incident at the Freeport LNG terminal and PM1-7 regarding worst case scenarios.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	31
1	water and we're on the water in this part of the world.			
2	That's the reason people are down here. So like imagine			
3	you're on a shrimp boat. It's 5:00 p.m. You're going out			
4	to catch the falling tide and something happens, you know.			
5	You're on a vessel. There's a 100 square foot cabin. It's			
6	got plexiglass windows in it. Like I don't know everything			
7	about the safety, but that seems like that is not a zone of			
8	refuge, and we just need some real numbers and some honest			
9	talk about that, especially for permitting one, two, three			
10	maybe four facilities in this exact same location.			
11	There needs to be funding. There needs to be			
12	funding for the fisheries damages we already have from CPl.			
13	There needs to be more wetlands mitigation. There needs to			
14	be funding for can we, can we have a planning process for			
15	how a shrimp, how people operate on the water? Other			
16	vessels, other tankers coming in out the Port of Lake			
17	Charles. You know, we have a lot of petrochemicals, and I			
18	wouldn't never thought, you know, that the pellets spilled			
19	off a rail would have caught on fire before this last month,			
20	because you know, we can't.			
21	But the stuff catches on fire and there's not --			
22	FERC really needs to come down here and do a lot more			
23	honest talk, real modeling of worst case scenarios with the			
24	fire damage, and as well as fund planning for the parishes			
25	to evacuate people. We need funding to create zones of --			

PM4-23

PM4-23: See response to comment PM4-20.

PM4-24

PM4-24: A revised discussion of impacts on commercial fisheries is presented in section 4.10.4; see response to comment CO4-68. Additionally, CP2 LNG and CP Express would mitigate permanent wetland loss in accordance with COE permits, as discussed in section 4.5.2.

PM4-25

PM4-25: Regarding worst case scenarios, see the response to comment PM1 7. Regarding emergency response planning and funding, see the responses to comments PM4-21 and PM1-2.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	32
1	do you build zones of refuge?			
2	I don't know, but there needs to be funding to			
3	implement whatever comes out of a planning process for the			
4	safety, because we've been through this with oil, where			
5	people evacuate through the vapor cloud. Those vapor clouds			
6	didn't ignite because those are heavy, you know, it's hard			
7	to ignite that. But we're, you know, evacuating through a			
8	vapor cloud that can ignite, it's very distressing to think			
9	about given that, you know, we lived through Katrina, we			
10	lived through Isaac and Shoalhaven.			
11	We lived through all of these disasters of			
12	having to evacuate through vapor clouds and we don't just			
13	please stop, please stop it.			
14	FEMALE PARTICIPANT: We're approaching 25			
15	minutes. Could you --			
16	MR. EUSTIS: Wrap it up? You know I'm scared,			
17	right, and it's -- don't blame us like you did with the			
18	levees. Like those people in Louisiana are so corrupt.			
19	They didn't build the levee. No, that was -- that was the			
20	Army Corps. We won in court, but we can't sue you guys and			
21	get compensation, right? So I'm taking a little too long.			
22	But yeah. Don't build this thing down here. If			
23	you build down here, it needs to look like a offshore rig.			
24	I mean we know how to do that. I don't understand. The			
25	joes would be tremendous, the fabrication. So siting			

PM4-25

PM4-26

PM4-27

PM4-26: Comment noted.

PM4-27: Comment noted.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	33
1	alternatives, the damages to fisheries and we -- I guess to			
2	comment legally I guess, I would like to incorporate every			
3	fisheries complaint received by FERC, Army Corps, Office of			
4	Coastal Management, LVQ, and if we can get even the			
5	complaint sent into the company onto the record for this			
6	decision, I would like to incorporate those comments by			
7	reference, because we have a lot of fisheries impacts. It's			
8	very hard to document them with -- due to work on the water			
9	12 hours a day, seven days a week.			
10	Climate impacts are real, you know. CEO is			
11	looking at that rule. You can get ahead of that. Look,			
12	we're losing our land and losing the land base in front of			
13	the facility from the climate impacts, and it's thousands of			
14	acres. So it's just we need the mitigation to be bumped up			
15	considerably in order to protect the facility operations for			
16	the people of Cameron and wetlands in general.			
17	Yeah, we really urge elevated platform			
18	alternative. We really urge a different site, and it's			
19	absurd because we're building so many of these things. You			
20	really need to do a programmatic EIS, because the			
21	alternatives for this facility are going to be places where			
22	you're already building these methane refineries. So there's			
23	-- we're running out of room to do this stuff. So that's			
24	the summary. All right, thank y'all.			
25	PALE PARTICIPANT: Thank you, thank you.			

PM4-28

PM4-28: See response to comment PM4-24.

PM4-29

PM4-29: Climate change is discussed in section 4.14.2.13. See also response to comment CO4-24.

PM4-30

PM4-30: See response to comment CO3-23. See also response to comment CO4-24 regarding engineering design to mitigate flooding and storm impacts.

CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceeding
before the FEDERAL ENERGY REGULATORY COMMISSION in the
Matter of:

Name of Proceeding:
CP2 LNG AND CP EXPRESS

Docket No.: CP22-21 AND CP22-22

Place: Vinton, LA

Date: Wednesday, March 1, 2023

was held as herein appears, and that this is the original
transcript thereof for the file of the Federal Energy
Regulatory Commission, and is a full correct transcription
of the proceedings.

Mike Williams
Official Reporter

1 UNITED STATES OF AMERICA
2 FEDERAL ENERGY REGULATORY COMMISSION
3 - - - - - x
4 CP2 LNG AND CP EXPRESS: Docket Numbers
5 - - - - - CP22-21 and CP22-22
6
7
8 Ward 7 Community Center
9 1615 Horridge Street
10 Vinton, LA 70668
11 Wednesday, March 1, 2023
12

13 The public comment meeting, pursuant to notice, convened at
14 5:00 p.m.
15

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25

PM5 – Kenneth Jerry Merchant

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	37
1	P R O C E E D I N G S			
2	5:00 p.m.			
3	COURT REPORTER: Would you spell your name?			
4	KJ. MERCHANT: Kenneth, K-E-N-N-E-T-H, Jerry,			
5	J-E-R-R-Y, Merchant, K-E-R-C-H-A-N-T.			
6	KJ. MERCHANT: Ma'am?			
7	COURT REPORTER: You can start now.			
8	KJ. MERCHANT: Okay. I am president of the			
9	Benton Harbor and Terminal District here in Benton,			
10	Louisiana. I've lived in Benton for 76 years now, and the			
11	retired fire chief from Benton for 50 years. And I just			
12	wanted to make comments about the fact that since we were			
13	contacted initially by Venture Global about possibly			
14	utilizing some of our property, we've had several meetings			
15	with them.			
16	I think that they've been very transparent about			
17	the project itself, their needs, what we will be required to			
18	do and first time that I've been able to have that kind of			
19	up-front transparency about the project, a project for the			
20	Port. I'm, I was very happy with the way they did it.			
21	They did it gradually. They brought us along			
22	and notified us of any changes that had taken place, and I'm			
23	very happy to do business with them if we end up actually			
24	doing business with them. But we are one of the sites that			
25	they're looking at for a pipe laydown yard and a			

PM5-1: Comment noted.

PM5-1

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	38
1	transportation hub to get it in by barge and then out by			
2	truck to the pipeline right-of-way. So again, Jonathan			
3	Robillard (phonetic) was my contact, and he's here tonight,			
4	and has been again very, very up-front with everything			
5	about the project.			
6	I'm glad to participate in this comment session.			
7	I also sent in a written email, a written one also earlier			
8	in the week. So that's it. I think the construction of			
9	this pipeline not only is going to enhance our ability to			
10	furnish this natural gas that we have such an abundance of			
11	in this country to the world, I think it's actually going			
12	to be lowering a lot of our CO2, what am I wanting to say,			
13	the CO2 footprint that we have, which is actually going to			
14	be down some after this is used in so many projects			
15	throughout the world and get away from coal and oil.			
16	And really that's it at this point. It's going			
17	to be good for our community too during the construction			
18	project, as the pipeline comes through. And that's it. Do			
19	I need to go any further? Okay, all right. Thank you.			
20	(Pause.)			
21	COURT REPORTER: Please state your full name			
22	for me please?			
23	MS. YODER: Sure. It's Naomi, N-A-O-M-I, Yoder,			
24	Y-O-D-E-R.			
25	COURT REPORTER: Thank you.			

PM5-1

PM5-2: Comment noted.

PM5-2

PM5-3: Comment noted.

PM5-3

1 MS. YODER: Okay. Should I just start my
 2 comments? Oh okay, great. So a couple of the things I
 3 wanted to talk about were the environmental justice concerns
 4 with both the terminal and the pipelines. So some of PERC's
 5 own methods for evaluating environmental justice is about 33
 6 miles from the terminal, and 13 miles from the compressor
 7 station.

8 I also have done another analysis with a mile
 9 buffer from the pipeline, which I think is appropriate, but
 10 regardless I didn't use that in this analysis. And when I
 11 looked at those two buffers from the terminal and the
 12 compressor station, I found a total of 128 census block
 13 groups. Within those 128, 104 are considered environmental
 14 injustice. So that means they are disproportionately low
 15 income or disproportionately high percentages of people of
 16 color or both.

17 That doesn't make any sense that this, you know,
 18 that this project would be considered not having a
 19 significant impact on environmental justice. That's 84
 20 percent of the block groups in this area that touch those
 21 buffers.

22 So in -- so the other issue here is with safety,
 23 because we don't have an accurate estimate of what the blast
 24 radius would be or a blast zone, and that's also a huge
 25 problem because we know that it could be a lot more than

PM6-1: See response to comment CO4-41.

PM6-1

PM6-2: The Sandia National Laboratories reports SAND2004-6258 and SAND2008-3153 evaluated possible credible scenarios in which accidental and intentional events could breach the outer hull and an inner cargo tank of an LNG ship.

These scenarios would not detonate the LNG, but these scenarios may release large quantities of LNG that may result in pool fires and dispersion of flammable vapors. Figures 4.13.1-1 and 4.13.1-2 of the EIS indicate potential radiant heat and flammable vapor dispersion zones for breach scenarios, and the emergency response planning for those scenarios is discussed in the same section. Note that the SAND2004-6258 report indicates that a large vapor dispersion from an intentional breach is highly unlikely, partly due to the high probability that an ignition source would be available from many of the initiating events identified, which would cause the LNG vapor to burn at the source, rather than disperse. Similarly, we have disclosed the possible impacts from worst case LNG terminal hazards, including a catastrophic failure of a LNG tank, as well as the worst case releases that result in dispersion of flammable vapors and fires and potential cascading impacts from vapor cloud explosions, dispersion of toxic vapors, boiling liquid expanding vapor explosions, and pressure vessel bursts.

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	CO
1 what even the Sandia report says or any of the other 2 resources that do say anything about blast reports. So this 3 33 miles is probably even a conservative estimate of area 4 that could be affected by an explosion were that to occur. 5 We also know that both -- so industry analysts 6 and the Physicians for Social Responsibility have both said 7 that an LNG, one LNG storage tank is, holds the amount of 8 energy equivalent to 55 atomic bombs, similar to the bomb 9 dropped in Hiroshima. So that doesn't -- yet we still don't 10 have an adequate estimate of, you know, safety or risk from 11 an explosion that could occur because of those tanks. 12 You know, there's already tanks existing next to 13 where this would be. The terminal itself, there's already 14 two large tanks. If all of the facilities that are proposed 15 for that area were to get built, there would be more than 16 that. So suddenly there would be essentially a tank farm 17 of, you know, 55 atomic bombs each. So anyway, the safety 18 risks of these facilities is not given to the public, and 19 that needs to happen. 20 People live within a few miles of these 21 facilities, and in fact in the DEIS and other environmental 22 review documents from Venture Global, they have said that 23 the proposed site of CP2 will be -- it says 1.6 miles from 24 the nearest neighborhood. That is incorrect. There's no 25 possible way that they could have measured that correctly.	PM6-2	
	PM6-3	
	PM6-4	

PM6-3: Although an LNG storage tank can contain a large amount of stored energy, the impacts from the energy released is largely dictated by the rate of which that energy is released. TNT releases the energy nearly instantaneously in the form of a detonation. The only way the full amount of LNG would result in the same amount of impacts is if all LNG vapors would be distributed in a homogenous mixture of a specific concentration, is ignited in that condition, and then results in a detonation. This is not a credible scenario that can happen. The dispersion of LNG vapors would not result in a homogenous mixture of a specific concentration and only a relatively small portion of the vapors would be within the flammable range, let alone a specific worst case concentration, and therefore only a small proportion of the LNG would participate in any post ignition event. Moreover, in order to have a similar rapid rate of energy release the flammable vapor cloud would need to detonate. LNG vapors, primarily methane, have a much lower reactivity than most other hydrocarbons and require confinement to initiate such an event. There have been a number of studies conducted by the Coast Guard in the late 1970s at China Lake that studied the potential for LNG vapors to detonate. The studies found that unconfined LNG vapors even at worst case concentrations are very difficult to sustain a detonation, let alone develop into a detonation on its own even when using intentional sources to initiate such an event. Moreover, catastrophic failure scenarios, involving both the inner tank and the outer steel-reinforced concrete tank of the proposed full-containment LNG tanks, would be very unlikely and, if occurred, would be expected to result in a pool fire rather than a flammable vapor dispersion scenario because of the ignition sources that would likely be present in order to initiate such a breach. Regardless, both scenarios would be addressed with emergency response planning, as discussed in section 4.13.1.5 of the EIS, as well as other potential onsite worst case events, including cascading events, from vapor cloud explosions, dispersion of toxic vapors, boiling liquid expanding vapors, and pressure vessel bursts. Also, see the response to comment PM4-10 which addresses the concern about cascading impacts.

PM6-4: See response to Comment CO10-1.

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	41
1 Even from the farthest corner near Calcasieu Pass LNG, if		
2 you were to measure from there, the town of Cameron is		
3 within 1.6 miles.		
4 So there's -- it doesn't make any sense why they		
5 said that, and why they're considering 1.6 miles to be an		
6 adequate like distance to the nearest residences. It's		
7 actually under a mile is from, depending on whether you		
8 calculate you from the center of the property or, you know,		
9 from which border. Anyway regardless, they have		
10 misrepresented that and that does not make anyone		
11 comfortable.		
12 Why would they do that? Why would they		
13 misrepresent how close they are to neighborhoods unless		
14 they're trying to, you know, basically get away with		
15 something, like say they're not going to affect		
16 neighborhoods but they are. So if they're misrepresenting		
17 that, what else is the company misrepresenting and		
18 stretching the truth about?		
19 The other, another thing that I wanted to say is		
20 about the LNG terminal itself. This facility, there's so		
21 many things I want to say. This facility is, would have a		
22 pipe rack trestle bridge over the kind of I guess you'd call		
23 that the Monkey Island Channel. It's part of the Calcasieu		
24 River, but it's a little Ox Bow. So that is a utilized		
25 waterway. It's not like, you know, there's also other		

PM6-4

PM6-5

PM6-5: A pipe rack trestle bridge is not proposed across the Calcasieu Loop Pass; the HDD construction technique would be used to install the pipe-in-pipe LNG transfer lines, boil-off gas line, and utility lines under Calcasieu Loop Pass. These lines would be installed at a significant depth under the waterway bottom, which would avoid any anchor drag concerns. Section 4.13.1.5 also discusses various layers of protection proposed that would further mitigate the likelihood of any events from occurring and that would reduce the impacts from any events that do occur that would reduce the risk of impacts to less than significant.

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	42
1 shipping vessels and industry in there. 2 So it's not like there's nobody there, but it is 3 -- that's an extraordinary risk, having elevated pipelines 4 that are carrying frozen gas. That's exactly what exploded 5 in Freeport. So we know that that's already a safety risk. 6 Why in anybody's common sense would you put a bridge over 7 the channel where there's, you know, plenty of traffic and 8 so therefore there are going to be, you know, the risk of 9 collisions? 10 Plus it's right in -- I mean it's on the coast, 11 which means it's a hurricane zone. So why would you have a 12 structure like this that's so vulnerable, that is in the 13 middle of a hurricane zone? That just doesn't make any 14 sense. We had, we had storm surges 17 feet with Laura. 15 With had storm surge of 22 feet with Rita. We had storm 16 surge of 18 feet with Ike. 17 Like that doesn't -- it just -- there's no -- 18 it's only a matter of time before that structure in 19 particular could be, could be ruptured and, you know, 20 Freeport LNG, the explosion happened when there, it was 21 operational and there were normal inspections happening. So 22 what happens in a hurricane when those inspections are, you 23 know, suspended or called off because there aren't the 24 personnel there available to do that? 25 You know, just the amount of risk that that	PM6-5	
10 Plus it's right in -- I mean it's on the coast, 11 which means it's a hurricane zone. So why would you have a 12 structure like this that's so vulnerable, that is in the 13 middle of a hurricane zone? That just doesn't make any 14 sense. We had, we had storm surges 17 feet with Laura. 15 With had storm surge of 22 feet with Rita. We had storm 16 surge of 18 feet with Ike. 17 Like that doesn't -- it just -- there's no -- 18 it's only a matter of time before that structure in 19 particular could be, could be ruptured and, you know, 20 Freeport LNG, the explosion happened when there, it was 21 operational and there were normal inspections happening. So 22 what happens in a hurricane when those inspections are, you 23 know, suspended or called off because there aren't the 24 personnel there available to do that? 25 You know, just the amount of risk that that	PM6-6	PM6-6: Geologic hazards, including impacts and mitigation measures associated with hurricanes, are described in the EIS at sections 4.2.3 and 4.13.1.5. Section 4.13.1.5 of the EIS discusses that the floodwall surrounding the Terminal Site is designed to protect the facilities from potential hurricane storm surge levels that include sea level rise due to anticipated future climate. In addition, this section details that the LNG facilities would be designed to withstand hurricane force winds. We note that, for major hurricanes, the surrounding public would likely have been evacuated before the hurricane arrived. Weather forecasting also allows LNG terminals to prepare in advance of a hurricane, such as ceasing process operations, and allows the Coast Guard to require that all LNG marine vessels depart the area. Natural hazard impacts would also be considered in emergency response planning coordination and development with local responders.
20 Freeport LNG, the explosion happened when there, it was 21 operational and there were normal inspections happening. So 22 what happens in a hurricane when those inspections are, you 23 know, suspended or called off because there aren't the 24 personnel there available to do that? 25 You know, just the amount of risk that that	PM6-7	PM6-7: Section 4.13.1.5 describes the pipe over-pressurization incident that occurred at the Freeport LNG terminal in June 2022 due to inadvertent isolation of a section of LNG piping. This section also discusses our recommendations that propose additional administrative and procedural controls be filed for our review and approval to further reduce the risk of such events.

PM6 – Naomi Yoder

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	43
1 poses having these like, you know, pipelines. Anything that 2 stores or transports frozen gas, the LNG itself is a risk 3 structure, because that's what would explode. So that 4 doesn't make any sense. Those are the things that should be 5 the most fortified, the most extremely, you know, worried 6 about and that's not what this is. 7 So then the other thing that I wanted to talk 8 about is wetlands. This project will destroy more than 9 1,700 acres, 1,700 acres of wetlands, marshes and cheniers, 10 which are -- cheniers are a very unique, irreplaceable 11 wetland type that are home to many, many species, crabs, 12 blue crabs, shrimp, many shore birds, including the 13 endangered eastern black rail and the area of CP2 is a known 14 eastern black rail habitat site. 15 So the site for this facility is unacceptable 16 because of the acreage of wetlands that it would destroy, 17 but also then the pipeline. The pipeline is quite long and 18 goes through, just like directly through an incredible 19 number of acres of wetlands. 20 The other thing that doesn't make any sense is 21 that the CP2 and CP Express -- I'm sorry no, it's just CP2. 22 The CP2 coastal use permit talks about the dredging, the 23 dredge spoil from Monkey Island, where the trestle bridge 24 will go and the dock is, and maybe partly from the terminal 25 site. That dredge spoil will go, will be carried by	PM6-7	PM6-8: See response to comments CO4-27 and CO4-29.
	PM6-8	
	PM6-9	PM6-9: Refer to the response to comments CO3-16 and PM2-3.

1 pipeline north to the south shores of Calcasieu Lake, which
 2 is the site of two enormous marsh restoration programs from
 3 CPRA.

4 So it makes zero sense to, you know, pipe dredge
 5 that is potentially contaminated without testing it, without
 6 verifying that there's no toxins in there, which we know
 7 there are toxins and dredge there because upstream,
 8 everything upstream of this site is a Superfund site.
 9 Calcasieu River Superfund area, which has been settled under
 10 consent decree and millions and millions of dollars have
 11 been pledge to restore that area, and it's -- and that was
 12 recent, so that's not finished.

PM6-9

13 So this is a contaminated area basically that
 14 they're saying they want to dredge and deposit into marsh
 15 creation spaces. So the CPRA marsh creation spaces, one is
 16 the Calcasieu Ship Channel Marsh Creation. It's the cost is
 17 \$83 million. One is South Calcasieu Lake Marsh Creation.
 18 The cost is \$450 million.

19 So why, why would CPRA spend money on those
 20 marsh creation places when -- and at the same time allow,
 21 you know, Calcasieu Pass 2, CP2, to dump its, you know,
 22 toxic dredge, spoil into the project? It's like it's not
 23 going to be what they say is beneficial use. It's not going
 24 to be beneficial use. So that inconsistency must be
 25 addressed.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	45
1	It needs to be addressed, and it really doesn't			
2	make any sense to build this facility on the Gulf Coast			
3	where we're losing land at this incredible rate. That's why			
4	CFRA has been created. That's why these billions of dollars			
5	have been, you know, delegated, obligated to CFRA, and the			
6	reason, the reason for that, the continued and like			
7	increasing rate of land loss is climate change.			
8	So why would be also then building a facility			
9	that spews greenhouse gases at an extraordinary rate.			
10	They're just absolutely powerhouses of greenhouse gas			
11	emissions. Why on earth would we be one, destroying			
12	wetlands with the actual facilities, the pipeline terminal,			
13	the compressor station, but then also creating a facility			
14	that, you know, creates an incredible amount of greenhouse			
15	gases?			
16	It seems like the opposite should be happening.			
17	We need to have these restoration projects, and we also need			
18	to be preventing anything that creates greenhouse gas			
19	emissions. So there might be one other thing that I want to			
20	say, which is about cumulative impact. So as I said before,			
21	there are -- if everything were to be built, there would			
22	actually be four total -- there would be four LNG export			
23	terminals within like a two mile radius of CP2, including			
24	that one.			
25	But there's in Calcasieu and Cameron Parish,			

PM6-10: Refer to the EIS at sections 4.2.3.4 and 4.13.1.5 (Structural and Natural Hazard Evaluation).

PM6-11: Climate change is discussed in section 4.14.2.13.

PM6-12: Comment noted.

PM6-13: See section 3.2 of the EIS. The FERC does not plan, design, build, or operate natural gas transmission infrastructure. Accordingly, the project proponent is the source for identifying the purpose for developing, constructing, and operating a project and the NEPA analysis reflects impacts of the Project as proposed by the applicant. The Commission will evaluate whether the project satisfies the public interest standard in its Order. Cumulative impacts are presented in section 4.14.

PM6 and PM7 – Naomi Yoder and Nicola Appleton

Document Accession #: 20230316-4000

Filed Date: 03/16/2023

6

1 there will be a total of 11. So that also doesn't make any
2 sense. Why, you know, it's right now we have three
3 operating export terminals just in Cameron Parish. What
4 more do we need? Why do we need more? There is no
5 justification to say that we need any more terminals.
6 There's no economic justification, there's no environmental
7 justification.

8 In fact it's, as I said, it's the opposite.
9 This project and these other LNG export terminals endanger
10 people and ecosystems, and there's no -- there's no public
11 interest. So that's it.

12 (Pause.)

13 MS. APPLETON: Hello.

14 COURT REPORTER: Say your name and spell it.

15 MS. APPLETON: Nicola Appleton, N-I-C-O-L-A,
16 Appleton, A-P-P-L-E-T-O-N. Okay. I did read the whole EIS
17 report mostly. I got to page 460 about. My biggest concern
18 is the water. So the Chicot aquifer a sole source aquifer
19 and then the pipeline is going to traverse through,
20 underneath full wellhead protection areas. If you dig
21 deeper into the quality of the water in Benton, it already
22 has 17 contaminants. If we're going to build this and the
23 cumulative impact of all the other LNG plants that are
24 already in existence, the ones that potentially might be
25 built, I do believe there could be a cumulative impact.

PM6-13

PM6-14

PM7-1

PM6-14: The Commission will evaluate whether the project satisfies the public interest standard in its Order.

PM7-1: See sections 4.13.2 and 4.14.2.2 of the EIS. Methane, the primary component of natural gas, is inactive biologically and is nontoxic. When water containing dissolved methane is exposed to air, the methane quickly escapes from the water into the atmosphere.

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	47
1 I don't think that at this point, you know, 2 enough is enough as far as safety in our water. I would 3 like to know that the next generations are going to have 4 clean water, my children's children will have clean water. 5 So that's, that was one of the things that stood out the 6 most from the EIS report. 7 And secondly, in the EIS report it said that 8 Venture Global will have, will have to have an environmental 9 inspector on site, at least one. But that's at least one. 10 What happens if there is only one and that's too much work 11 for one person? And it says that they will employ that 12 person. So whoever's going to be monitoring and making sure 13 that they are following regulations is actually hired by 14 then? 15 So that does not seem fair. That's 16 self-regulating, and I wish I could say that the federal 17 government would be able to do that, but I'm not sure they 18 have the resources, financial or manpower. So ultimately, I 19 would say that I would like to have the no action 20 alternative. I don't think we need more than the current 21 amount of LNG that we have down there. 22 The pipeline safety concerns me. Supposedly 23 there's a report out that says that every 10 hours there is 24 a major pipeline spill in the U.S., and that's not the minor 25 spills because they probably don't get reported very often.	PM7-1	
	PM7-2	PM7-2: See section 2.4 of the EIS for a discussion of FERC's environmental compliance program. In addition to the EIs, FERC staff would conduct periodic compliance inspections during all phases of construction. Following the inspections, we would enter inspection reports into the Commission's public record. Other agencies may conduct inspections as well. Section 5.2 recommends one EI for the Terminal Facilities and one EI per spread for construction of the pipeline.
	PM7-3	PM7-3: Comment noted. See response to comment CO4-3.
	PM7-4	PM7-4: Sections 4.13.2 through 4.13.4 of the final EIS discuss pipeline safety.

PM7 – Nicola Appleton

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	48
1	Since this pipeline is coming close to my property, we have			
2	180 acres.			
3	It's a 48 inch pipeline. I mean I just, I think	PM7-4		
4	that there's a lot of concern with the safety of the			
5	pipeline itself, especially in light of all the new research			
6	and the current, you know, problems that we're seeing. I			
7	think the EIS was supposed to address the need for another			
8	LNG, and I don't think that it was very clear that there is			
9	a need for more LNG that's just going to get exported			
10	overseas.			
11	That is a concern. I don't think that the EIS	PM7-5		
12	was very clear in proving that at all, that there's more			
13	need because I think the cumulative impacts are real, and I			
14	would hate to see us continue to destroy natural resources			
15	just to create 280 permanent jobs at the terminal and ten on			
16	the pipeline, in a population of 100,000 people. That			
17	doesn't seem worth it, in my opinion.			
18	Also, I did not see in the EIS any			
19	sustainability goals for Venture Global besides the carbon			
20	sequestration and the sequestration is just shipping it out			
21	underground in the Gulf of Mexico, which again doesn't seem	PM7-6		
22	like a viable option in the long run. So I wish that they			
23	could have, or maybe they will somewhere have sustainability			
24	goals.			
25	Okay, okay. I'm done actually. Thank you.			

PM7-5: See response to comment CO4-3.

PM7-6: Comment noted.

PM8 – Philip Appleton

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	49
1	Thank you so much.			
2	FEMALE PARTICIPANT: But so yeah. I'll have a			
3	timer running. I'll let you know. There's no one waiting,			
4	so I wouldn't worry too much about, you know, speaking your			
5	piece.			
6	COURT REPORTER: Spell your full name for me			
7	please.			
8	DR. APPLETON: Phillip -- are you recording me			
9	now? Okay. Philip Appleton. P-H-I-L-I-P, Appleton,			
10	A-P-P-L-E-T-O-N. Okay. So I've lived in Benton since 1999.			
11	I'm a veterinarian in town. I guess I'm a little disturbed			
12	or I'm not happy that the LNG pipeline is coming through. I	PM8-1		PM8-1: See response to comments CO4-3.
13	don't see any real need for it. I think we have enough LNG.			
14	I don't see the need for natural gas period when we're			
15	having global warming. I believe that you're going down the	PM8-2		PM8-2: See response to comments CO4-3.
16	wrong road that's already giving us problems with global			
17	warning. What I'm very concerned about is this pipeline			
18	goes close to my property where I run cows.			
19	I raise grass-fed beef. I don't use antibiotics			
20	or hormones or any of the other things. It's all natural,			
21	and you're going to have a pipeline close to where my cattle			
22	graze, and if you contaminate the groundwater, I'm going to	PM8-3		PM8-3: Comment noted. Potential impacts of the Project on groundwater is addressed in section 4.4.1.4. Additionally, see response to comment PM7-1.
23	be in a big problem. This whole community's going to be in			
24	a huge problem if the groundwater becomes contaminated.			
25	That's what I'm really concerned about.			

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	50
1	But I'm also a little concerned about the --			
2	there doesn't seem to be any sense of common sense, saying			
3	why continue with natural gas when there are other forms of			
4	energy that we really should be using instead? This makes			
5	no sense. This is not smart. I'm 57, okay. I'm old enough			
6	not to be intimidated by people anymore.			
7	What I'm afraid of is that the community's			
8	getting intimidated by the machine that creates these			
9	things. That's what I don't like. It's wrong. It's a big			
10	problem, and I hope that people in the government are			
11	monitoring what's going on. What I'm afraid of is that the			
12	people in the government don't have the ability to monitor			
13	what's going on. I've seen some of the information that the			
14	company that's putting in the pipeline actually has their			
15	own environmental inspectors.			
16	Well, that's nice. But the problem with being,			
17	having an environmental inspector that's employed by the			
18	company that's putting it in, that's a conflict of interest,			
19	very simply. Those are my problems through this. Thank			
20	you. Is that good enough --			
21	FEMALE PARTICIPANT: --off the record about			
22	compliance and things like that.			
23	DR. APPLETON: Okay.			
24	KA. KOPKIN: I think I do, sure. Okay, so this			
25	one is probably close to like five minutes. Is that okay?			

PM8-4

PM8-4: The no-action alternative is discussed in the EIS at section 3.2. The Commission will determine the need for the Project and may choose the No-Action Alternative.

PM8-5

PM8-5: Comment noted.

PM8-6

PM8-6: Environmental compliance is detailed in section 2.4. CP2 LNG would employ at least one EI for the LNG Facilities. The EIs would have peer status with all other inspectors and would have the authority to enforce permit and FERC environmental conditions, issue stop-activity orders, and impose corrective actions to maintain environmental compliance. In addition to the EIs, FERC staff would conduct periodic compliance inspections during all phases of construction. Following the inspections, we would enter inspection reports into the Commission's public record. After construction, FERC would continue to conduct inspections until the Project is successfully restored and/or stabilized. Additionally, the FERC staff would conduct annual engineering safety inspections of the Terminal operations throughout the life of the Project.

PM9 - Zachary Kopkin, on behalf of Rachael Stone

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	51
1	FEMALE PARTICIPANT:	That's fine. Yeah, let me		
2	just get --			
3	KA. KOPKIN:	Because no one's going to be		
4	waiting?			
5	FEMALE PARTICIPANT:	No one's waiting, exactly		
6	yeah. We just ---			
7	KA. KOPKIN:	Okay. It's just someone else who		
8	wrote it for me to read on their behalf, and so I'll spell			
9	my name and then theirs as well? Okay. Let me just make			
10	sure I've got it in front of me here. Cool.			
11	My name is Zachary, Z-A-C-H-A-R-Y, Kopkin,			
12	X-O-P-K-I-N, and I am reading on behalf of Rachael Stone,			
13	R-A-C-H -- R-A-C-H-A-E-L, S-T-O-N-E. All right. I'll just			
14	read for her. My name is Rachael Stone. I'm here today			
15	with the Sierra Club, an organization that cares deeply			
16	about the planet and those who reside on it. I'm a resident			
17	of Texas and as a Texan I value clean water to drink, fresh			
18	air to breathe, healthy vegetation and wildlife, along with			
19	a strong mind and body health.			
20	I have this vision for everyone and wish these			
21	blessings to all. I understand having a healthy environment			
22	is one major way to get all of us there. So you can imagine			
23	my dismay when I heard about a 48-inch liquefied natural gas			
24	pipeline proposal. For a moment, I would like you to			
25	visualize a circular steel pipe, four feet wide and large			

PM9-1: Comment noted.

PM9 - Zachary Kopkin, on behalf of Rachael Stone

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	52
1	enough for a person to walk through, scheduled to be under			
2	the surface of the soil, trees and other vegetation and what			
3	must be done to the earth to accept such an unnatural object			
4	under the crest.			
5	Let your eyes and your soul envision the			
6	structure stretched from Texas, winding its way through			
7	Louisiana and finally down to the Gulf. The Gulf of Mexico			
8	is a body of water that many of the states in the South, not			
9	to mention another country share, that is directly linked to			
10	many families' way of income, food and serenity, just to			
11	name a few benefits. According to the United States PIRG			
12	Education Fund, Environment America Research and Policy			
13	Center and Frontier Group research reports, from June of			
14	2022 there have been 2,600 hazardous gas pipeline leaks in			
15	the United States.			
16	They've caused more than \$4 billion in damages			
17	and emergency services. They've killed 122 people directly			
18	and released 26.6 billion cubic feet of fuel as methane or			
19	carbon dioxide. The report shows that on average a major			
20	new gas leak incident is reported by the federal government			
21	every 40 hours, while minor leaks go undetected and			
22	unrepaired for years.			
23	We're told that major pipeline leaks or			
24	explosions have not decreased over the last decade. Studies			
25	also show that these incidents range anywhere from operator			

PM9-2

PM9-2: Comment noted. See also section 4.13.

PM9 - Zachary Kopkin, on behalf of Rachael Stone

Document Accession #: 20230316-4000

Filed Date: 03/16/2023

53

1 error to equipment failure, even down to natural causes,
2 which no matter how much regulation we impose will not be
3 able to be avoided.
4 I also imagine the medical claims of residents
5 near such pipelines and burnoff facilities must be
6 astronomical, knowing what we know about poisonous gas being
7 leaked into our atmosphere. I also am sure that many people
8 do not even know the real reason why they are ill, but many
9 of us do and it's our responsibility to protect one another
10 and not endanger them.
11 The citizens of towns where these pipelines come
12 through are already often impoverished, many times people
13 are color and are often told whimsical stories of boosted
14 economies and healthy ways of living, all the while never
15 having it delivered to them. What is delivered to them is
16 beyond where I can comprehend and should not have to.
17 To offer a simple solution, I suggest that
18 industry utilizes the ten LNG facilities currently in
19 operation with stricter guidelines and education for all
20 employees that are involved. I suggest we limit the burnoff
21 times and study exactly what is being released. Any
22 families within a certain mileage of existing plants should
23 be given compensation and means to move away from these
24 environmental dead zones.
25 Regarding exports to other countries' demands,

PM9-3

PM9-4

PM9-5

PM9-6

PM9-7

PM9-3: Air quality impacts are discussed in section 4.12.1.

PM9-4: Project impacts on socioeconomics and environmental justice communities are addressed in sections 4.10 and 4.10.10, respectively.

PM9-5: LNG System alternatives are discussed in section 3.4.1. The Commission will determine the need for the Project and may choose the No-Action Alternative, as discussed in section 3.2.

PM9-6: Comment noted.

PM9 - Zachary Kopkin, on behalf of Rachael Stone

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	54
1	with more of the future looking towards greener answers in			
2	all environmental aspects, I would offer such solutions as			
3	exporting solar panels and wind turbines, and possibly cars			
4	that function on products that don't harm the earth, its			
5	inhabitants or the atmosphere, in lieu of liquefied natural			
6	gas. It's past time we begin to put people's lives over			
7	profit, and the deterioration of the earth.			
8	So in conclusion, I ask why do innocent people			
9	and wildlife with no voice have either no say in these			
10	life-changing events, or why must we stop everything to			
11	begin on some things that can be multiple year fights, to			
12	make sure that they, their friends, children and neighbors			
13	can thrive and live just like everyone wants to and deserves			
14	to?			
15	I ask that all plans implementing yet another			
16	pipeline here or anywhere else immediately cease, being that			
17	they leave destruction and death in their paths. Please			
18	also understand that I and the people around me are			
19	committed to showing up every day that we are physically			
20	able to, in order to do our best to ensure people we've			
21	never even met can live their lives in the best way			
22	possible and not just survive. Thank you.			
23	FEMALE PARTICIPANT: Thank you.			
24	K3. KOPKIN: Can I do for myself as well?			
25	FEMALE PARTICIPANT: Sure.			

PM9-7: Comment noted.

PM9-8: Comment noted. Additionally, see section 1.3 for a discussion of Public Review and Comment.

PM10 – Zachary Kopkin

Document Accession #: 20230316-4000 Filed Date: 03/16/2023 55

1 KZ. KOPKIN: Much more off the cuff though. My
2 name is the same, Zachary, Z-A-C-H-A-R-Y. Oh, you're good?
3 K-O-P-K-I-N. I live in New Orleans, Louisiana and I am very
4 concerned about this pipeline and the LNG export facility
5 that it would provide gas to. For me, a lot of what I bring
6 to these conversations is thinking about my own
7 grandparents. They live in northern Pennsylvania, where the
8 earliest fracking boom occurred in the United States. They
9 have a fracking lease under their land and currently we
10 can't drink their water. We haven't been able to drink
11 their water for several years.
12 Ky grandfather went to the hospital before he
13 passed away one time because of the water. That was when
14 they stopped drinking it for good, and I won't lie, you
15 know. They also got -- they still get checks from the gas
16 company and they're grateful for that. I'm not mad at them
17 for having made that sacrifice in order to have the funds to
18 take care of themselves, and to take care of me and their
19 kinds, my parents.
20 Yet I am mad about the fact that they had to
21 make that sacrifice, and that I don't know if that's going
22 to be a place that we can continue to have our family. It's
23 a farm that's been in the family for over 100 years. We're
24 really proud of that, and so I think about that. I think
25 about -- I know we're talking about a pipeline and LNG

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	56
1 exports here.		
2 But I think about the train derailment in East		
3 Palestine. I'm sure y'all do too, and like the comment I		
4 read previously, Rachael was saying, you know, there's these	PM10-1	
5 industrial leaks and spills and disasters all the time. And		
6 so living in coastal Louisiana, I'm surrounded by these		
7 things, and there's the chronic stress of not knowing when		
8 the next one is going to happen. So I just wanted to show		
9 up here to Southwest Louisiana, where I know a lot of folks		
10 and have friends and family, and to say that I hope that		
11 FERC will use its power to look really, really closely at	PM10-2	
12 the CP Express pipeline, at the CP2 LNG export terminal, and		
13 ideally in my opinion to prevent it from being built on the		
14 grounds of climate change.		
15 I know that President Biden has very clear		
16 climate goals, and this export facility's just not		
17 compatible with them. I've lived through the hurricanes		
18 here and read in the paper yesterday that we're more likely		
19 to have multiple hurricanes back to back than we did prior		
20 to human-caused climate change.		
21 But also just for the folks who have to live		
22 right next to those pipelines, to know that, you know, the	PM10-3	
23 might not one day be able to continue doing what they do		
24 here and have their livelihoods if anything goes wrong with		
25 this project. So I'd just urge y'all to exercise all of	PM10-4	

PM10-1: Comment noted. Also see response to comment PM1-2.

PM10-2: The Commission will evaluate whether the project satisfies the public interest standard in its Order.

PM10-3: Comment noted. Potential impacts of the Project on socioeconomics are presented in section 4.10.

Document Accession #: 20230316-4000 Filed Date: 03/16/2023 57

1 your authority and hold this company accountable. Thank | **PM10-4**
2 you.
3
4 (Whereupon, at 8:00 p.m., the scoring was
5 concluded.)
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25

I your authority and hold this company accountable. Thank | **PM10-4**

CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceeding
before the FEDERAL ENERGY REGULATORY COMMISSION in the
Matter of:

Name of Proceeding:
CP2 LNG AND CP EXPRESS

Docket No.: CP22-21 AND CP22-22

Place: Vinton, LA

Date: Wednesday, March 1, 2023

was held as herein appears, and that this is the original
transcript thereof for the file of the Federal Energy
Regulatory Commission, and is a full correct transcription
of the proceedings.

Keron Tesafe
Official Reporter

1 UNITED STATES OF AMERICA
2 FEDERAL ENERGY REGULATORY COMMISSION
3 - - - - - x
4 CP2 LNG AND CP EXPRESS: Docket Numbers
5 - - - - - CP22-21 and CP22-22
6

7
8 Cameron Parish Police Jury Room
9 1/8 Smith Circle
10 Cameron, LA 70631
11 Thursday, March 2, 2023
12

13 The public comment meeting, pursuant to notice, convened at
14 5:00 p.m.
15

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25

PM11 - Gus Fontenot

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	2
1	P R O C E E D I N G S			
2	5:00 p.m.			
3	COURT REPORTER: Okay. So please, would you			
4	state your full name and spell it out for me.			
5	MR. FONTENOT: My name is Gus Fontenot, G-U-S,			
6	F-O-N-T-E-N-O-T.			
7	COURT REPORTER: Okay. What did you say your			
8	name was?			
9	MR. FONTENOT: G-U-S is my first name.			
10	COURT REPORTER: Okay.			
11	MR. FONTENOT: Last name is Fontenot,			
12	F-O-N-T-E-N-O-T. Okay. I work with the Southwest Louisiana			
13	Economic Development Alliance, and the Alliance supports the			
14	Venture Global CP2 Project, because of the benefits it			
15	brings to Cameron Parish and our region. The LNG export			
16	industry generates local jobs and tax revenue. They are a			
17	good corporate partner who has worked closely with our local			
18	officials and representatives to make sure that the project			
19	delivers on its promises to our people.			
20	This industry will help keep Southwest Louisiana			
21	at the forefront of the global natural gas industry in the			
22	years to come.			
23	FEMALE PARTICIPANT: Thank you.			
24	MR. FONTENOT: All right. That wasn't too bad			
25	huh?			

PM11-1

PM11-1: Comment noted.

PM12 – Scott Trahan

Document Accession #: 20230316-4000 Filed Date: 03/16/2023 3

1 KALE PARTICIPANT: You have another two minutes
2 to --
3 K.R. FONTENOT: Yeah, I can see him.
4 KALE PARTICIPANT: Thank you.
5 K.R. FONTENOT: All right. Thank y'all.
6 (Pause.)
7 KALE PARTICIPANT: Because of the crowd out
8 there, I'm going to have to ask you to keep your comments to
9 three to five minutes please.
10 K.R. TRAHAN: Well, I won't take long.
11 KALE PARTICIPANT: Okay, good.
12 COURT REPORTER: Okay. Will you please state
13 your full name and spell it for me sir?
14 K.R. TRAHAN: Scott, S-C-O-T-T, Trahan or Trohon,
15 T-R-A-H-A-N. I'm from Creole, Louisiana. Creole,
16 C-R-E-O-L-E, Louisiana. You need my post office box or
17 address, whatever? No. I'm 58 years old. I've been -- I
18 was born in Grand Chenier, which is about 25 miles to the
19 east and I married a girl 12 miles from home when I moved 12
20 miles to the west. So I live in Creole, which is 15 minutes
21 from here maybe.
22 Born and raised down here all my life. We had a
23 gas processing plant in my backyard. We never worried about
24 it. It was safe. It had over a billion cubic feet of gas
25 coming through there at one time, and the plant fence was

PM12 – Scott Trahan

Document Accession #: 20230316-4000 Filed Date: 03/16/2023 4

1 actually our fence for my daddy's cattle and horses and
2 stuff that was coming back. The front, the back fence for
3 them, their fence was part of our cow pen and stuff.

4 And actually when the plant was down, we would
5 -- we missed it because all the noise. We used to like the
6 noise, you know. But anyway, so that's a little background

7 for where I come from. But I'm a police juror. I'm an
8 elected official over in the Cameron-Creole district is my
9 district, and a police juror and I support this project.

10 It's going to bring -- it's already brought a
11 lot of jobs to a lot of local people. With these

12 hurricanes, a lot of people have had to move out. But

13 hopefully with, when the plants start paying their taxes and
14 stuff, that we'll have a little in taxes to help. It's

15 already helping some already, but we will be able to help

16 out a lot on our skeeter control and the skeeters are

17 horrible down here, all our roads, schools, fire department,
18 sheriff department.

19 These jobs benefit these jobs plus the taxes

20 it's going to bring in, plus all the little spinoffs. Right

21 now, the insurance. People complain about FEMA running

22 everybody out of here. It ain't FEMA; it's them insurance

23 companies, you know. So if we can keep these -- if we can

24 keep -- but you have to have jobs.

25 Now my class that graduated -- school here in

PM12-1

PM12-1: Comment noted.

1 South Cameron, where we had 80, 81 people who graduated in
2 1982. I'm probably about the only one left down here that
3 has a job in this area. Most everybody had to leave because
4 of no jobs. So now this is, and I know with Venture Global
5 right now there's probably I'll bet local people at least 50
6 or more that's local, if they ever come back home.

7 Now if we can get the insurance prices down,
8 we're looking at taking that dredge, that dredge material
9 that Venture Global's going to do, and take that dredge and
10 use it for spoil. That's what we're looking at as a police
11 jury, to make berms out of the front marsh for storm surge
12 protection.

13 So I wouldn't want to put the spoil back in the
14 Gulf like they've done in the past. We need to make it
15 beneficial. As far as marsh creation further in the back,
16 we need it on these ridges in the front, to make a levee
17 system to stop all the storm surge from tearing all -- and
18 hopefully we can get the insurance lowered by doing this,
19 you know, and then build some levees like them in Putnam,
20 East Louisiana have.

21 If I'm getting close, raise your hand up there.
22 But anyway, what else I want to tell y'all about. Shoot,
23 the jobs. All the jobs it brings, all the little stores
24 right now, hopefully we'll get somebody else that wants to
25 come do another store. That one guy built a store in

PM12-2: Comment noted. See response to comment CO3-16.

PM12-2

PM12 – Scott Trahan

Document Accession #: 20230316-4000 Filed Date: 03/16/2023 6

1 Creole. He took a chance and thank God he was able to do
2 it, and hopefully we can get some more stores, and Venture
3 Global's already built a restaurant and store out here for
4 us to help the community out.

5 They've built an RV Park they used to have on
6 the beach that was tore up. So they're redoing another one.
7 So there's different things that they're looking at to help
8 our community and stuff out, you know. And I guess that's
9 about it. Is that about three minutes?

10 MALE PARTICIPANT: 4 minutes, 15 seconds.

11 MR. TRAHAN: Okay. So is that good enough?

12 FEMALE PARTICIPANT: Yeah.

13 MR. TRAHAN: Okay.

14 I'm 100 percent for it. It's a good thing for
15 us. I was interviewed years ago by, oh God, what's that --
16 one of them news station out of, God, I can't think -- NPR,
17 National Public Radio. You could look it up, National
18 Public Radio, Scott Trahan interview, LNG plants. It was a
19 long time ago, and I said bring them on because they didn't
20 want them on the east coast. I said bring them over here to

21 Cameron. We'll take them.

22 (Pause.)

23 MR. MALLORY: Hello.

24 FEMALE PARTICIPANT: Hello sir.

25 MR. MALLORY: How we doing?

PM12-3

PM12-3: Comment noted.

PM13 – Christopher Mallory

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	7
1	COURT REPORTER:	Good, how are you?		
2	MR. MALLORY:	Very good.		
3	COURT REPORTER:	Good. Would you please say		
4		your full name and spell it out for me?		
5	MR. MALLORY:	Christopher Mallory,		
6		C-H-R-I-S-T-O-P-H-E-R. Mallory, K-A-L-L-O-3-Y. So how's		
7		this?		
8	MALE PARTICIPANT:	I'm going to ask you to keep		
9		it to under five minutes please.		
10	MR. MALLORY:	Okay, very good. So my question		
11		is we've never been -- as a resident and a business owner		
12		down here, we've never been notified that there was any		
13		other outstanding grievances with the landowners or with		
14		anything with the pipeline or the facility for the first		
15		plant, and my concern, one of my concerns was the pipeline		
16		that was ran for CP1 was to be bored under one of our levees		
17		and it wasn't.		
18		It was -- they just cut through the levee. They		
19		trenched the levee and they put it back. Well, they never		
20		did impact studies on the ground to see if the ground was		
21		good. So when the storms came, it washed the levee out.		
22		They went out there and patched it.		
23		I mean is this, you know, is a concern I have		
24		with the pipeline. You know, are we going to say yeah,		
25		we're going to bore it and not only did they not bore it,		

PM13-1

PM13-1: See section 5.2 of the EIS. Our recommendation 1 would require that CP2 LNG and CP Express follow the construction procedures and mitigation measures described in its application and supplements. CP2 LNG and CP Express would be required to request any modification to these procedures, measures, or conditions in a filing with the Secretary and receive approval from FERC in writing prior to implementing the requested modification.

1 they hit the levee at a transversed angle. So you elongated
2 your trench through the levee, as opposed to just turning
3 and going directly through it.

PM13-1

4 I mean are we going to do this again, and this
5 is, you know, a simple -- for them to save money by
6 trenching the levee when they could have bored it, you know,
7 what's that say to the federal government with FEMA for
8 potential floods and hazards and not only us, the residents?

9 The other concern I had was we're going to see a
10 lot more ship traffic and I own a shrimp shop. Ship traffic
11 kills us. Ships come through. They turnulate the water.
12 Shrimp go on the bottom, shrimpers don't catch shrimp. So
13 you can literally see a ship come in. The shrimpers just go
14 to the dock, because they know after the ship goes by
15 they're --

PM13-2

16 So I mean if we go ahead, this next facility is
17 supposed to be 20 MTPA as opposed to that one. So it's
18 double the size of that one. So we're going to double the
19 ships we already have. You know, we still -- you have all
20 the people come here and build this, and once it's done they
21 leave. We still have to deal with this. We have to cope
22 with this. I mean how do we -- we're supposed to sacrifice
23 because, you know, the world is in great demand of natural
24 gas? I mean that's, you know, that's not fair to the people
25 who live here.

PM13-3

PM13-2: Comment noted. The increase in marine vessel traffic during both Project construction and operation is discussed in the EIS at section 4.10.8.1. Additionally, see our response to comment CO4-68.

PM13-3: Comment noted. The increase in marine vessel traffic during both Project construction and operation is discussed in the EIS at section 4.10.8.1.

Document Accession #: 20230316-4000

Filed Date: 03/16/2023

9

1 My other issue is being that I do own a shop, I
2 also -- we're starting a program with the Port Board for an
3 oyster, they call it oyster park but it's bedding grounds,
4 and we're going to be raising oysters in cages. If this
5 facility were to have spillage, how do we contain it? How
6 do we address it? What about once again us that rely on the
7 water? We work on the water.
8 What do we do? Do we just wait for them? I
9 mean is there going to be protocols implemented for this?
10 So those are my concerns.

PM13-4

11 MALE PARTICIPANT: I'm glad that you said that
12 on the record, but I personally am not certain if the plans
13 for aquaculture are included in the, in the cumulative
14 impacts. So that's a really good thing to know.

15 KR. MALLORY: Well no, and I understand how they
16 do these impacts. It's a numbers game, and I was, you know,
17 I went to school. I was a big numbers guy in school. My
18 brother, my brother does forensic accounting for Perdue
19 Chicken, so I mean we're all numbers. I understand the
20 people look at it as we're bringing three, 300 permanent
21 jobs to this facility. So it's okay if we can lose 20 jobs
22 over here. That's collateral damage. You have that. It is
23 what it is. But not everybody's the collateral damage.

PM13-5

24 So how do we address this? So and like I said,
25 we are seeing adverse effects with the ship traffic, you

PM13-6

PM13-4: Section 4.4.3.1 has been revised to include a discussion of surface water impacts related to spills and hazardous materials associated with the Terminal Site.

PM13-5: Comment noted. See also section 4.10 of the EIS.

PM13-6: Refer to our revised discussion of impacts from vessel traffic as it relates to socioeconomics are discussed throughout section 4.10. Additionally, see our response to comment CO4-68.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	10
1	know, and then you can -- they can actually pull the record.	PM13-6		
2	This was an open forum when the Port Board's meetings was			
3	the facilities are concerned with the draft of the ship			
4	channel, the mean depth of the ship channel. They want to			
5	dig it deeper and wider, because the concern is they're			
6	short loading the ships.			
7	So what happens is when you dig this channel	PM13-7		
8	deeper, you're going to have what they call sluffage, where			
9	it settles. So what happens is our banks of our			
10	shorelines wash into the channel, and this is because my			
11	God, we had to cut \$10 million off \$180 million of product,			
12	you know. I mean really? You had to refrain eight percent			
13	of product onto the ships?			
14	You know, and it's not just us. I mean these			
15	lakes are tied into refuges. We're spending millions and			
16	millions of dollars of federal money protecting these			
17	refuges, and then we're going to spend this money with the			
18	Army Corps of Engineers. Catch-22.			
19	MALE PARTICIPANT: I'm afraid your time is up,			
20	but since I'm the one who prolonged your comment --			
21	MR. MALLORY: Thank you.			
22	(Pause.)			
23	COURT REPORTER: Hello. Could you say your			
24	full name and spell it out for me please?			
25	MS. PICOU: My name is Jennifer,			

PM13-7: As described in the EIS at section 4.13.1.5, CP2 LNG performed a shoreline protection study for the marine slip, with the specific objective to design rock riprap to protect the dredged slope of the marine slip. Further, we recommend in the EIS at section 4.13.5 that CP2 LNG file with the Secretary the final design basis of the structure, system, and components in consideration of flood loads, erosion and scour and hydrostatic loads, etc.; and final maintenance program of inspection of hydrographic survey of the submerged slope conducted with enough frequency to detect any erosion in the areas vulnerable to bow thrusters and propellers.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	11
1	J-E-N-N-I-P-E-R, Picou, P-I-C-O-U.			
2	COURT REPORTER: Okay.			
3	MS. PICOJ: Okay. My main concern is my home is			
4	within 500 feet of the new proposed LP2 or whatever, CP2.			
5	I'm just concerned about the impacts of my life, my			
6	husband's life being that close to the facility, and the			
7	impacts to the commercial fishing industry. I work in the			
8	commercial industry. I buy and sell seafood from Cameron			
9	Parish. They're all fishermen, and I'm concerned about the			
10	impacts to the fisheries.			
11	WAL3 PARTICIPANT: Thank you. Thank you for			
12	coming. I appreciate it.			
13	(Pause.)			
14	COURT REPORTER: Would you say your full name			
15	and spell it out for me please?			
16	MR. DUPONT: Joe Dupont, J-O-E, D-U-P-O-N-T.			
17	COURT REPORTER: D-U?			
18	MR. DUPONT: P-O-N-T.			
19	COURT REPORTER: All right.			
20	MR. DUPONT: I'm Joe Dupont. I live at 225			
21	Grand Lake, Louisiana, and I'm one of the elected officials			
22	in Cameron Parish on the police jury, and I'm also serving			
23	as the president of the jury currently. I want to tell			
24	everybody we open our arms to the LNG plants out there.			
25	They're a godsend to Cameron Parish after the three storms			

PM14-1

PM14-1: See revised section 4.10.4 for discussion of commercial fisheries and our response to comment CO4-68.

PM15-1

PM15-1: Comment noted.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	12
1	that we had, actually four.			
2	They've been great, you know. They're here to			
3	help us and we need them, and I don't understand the people			
4	out there that's not even from our parish that are			
5	protesting these people. I don't understand that. They're			
6	not here with us. They don't feel our pain from the storms			
7	to rebuild. They're not here helping us rebuild. These			
8	LNGs do, and we need them.			
9	One quick thing I want to talk, I know we have a			
10	lot of commercial fishermen out here that's protesting,			
11	because of either not getting to sell their property to the			
12	LNGs or whatever. But the shrimp had failed in the 70's			
13	when they leveed off the marsh and they put the weirs in.			
14	The shrimp have been on decline since.			
15	The reason I know this, I'm born and raised			
16	here. I've been here for 62 years. I married a woman whose			
17	mom and dad were shrimpers, and her brothers were shrimpers,			
18	and they all went out of business because of the decline of			
19	the shrimp. The LNGs wasn't even in sight. So nothing to			
20	do with the LNGs on the shrimpng industry. And that's it.			
21	That's all I've got to say. Thank you.			
22	FEKALE PARTICIPANT: Thank you.			
23	KAL3 PARTICIPANT: Thank you for coming.			
24	K3. DUPONT: Yes sir. Have a good day.			
25	KAL3 PARTICIPANT: Thank you, you too.			

PM15-2: Comment noted.

PM16 – Stephanie Rodrigue

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	13
1	(Pause.)			
2	COURT REPORTER: Please state your full name			
3	and spell it out for me.			
4	MS. RODRIGUE: Stephanie Rodrigue.			
5	S-T-E-P-H-A-N-I-E, R-O-D-R-I-G-U-E.			
6	COURT REPORTER: Thank you.			
7	MS. RODRIGUE: I'm Stephanie Rodrigue, and I'm a			
8	resident of Cameron, and I live approximately five miles			
9	from the plant. I have a long history with Cameron Parish.			
10	I'm the former superintendent of schools, and have now			
11	weathered four storms, and after the last two I really do			
12	not think that our community could have survived had Venture			
13	Global not been a partner in our community.			
14	I cannot say enough about the immediate			
15	assistance of every type that was offered to our residents,			
16	almost to the fact that Venture knew what our residents			
17	needed before our residents could really wrap their head			
18	around the destruction of our community. They were there			
19	with generators, they were there with water, they were there			
20	with electricians or building a set of stairs for the			
21	elevated homes that lost their stairs and the residents just			
22	wanted to see, you know, what was left, what could they			
23	salvage, and a number of ways that they saved our community			
24	after Hurricanes Laura and Delta.			
25	But even moreso, that is in itself a small			

PM16-1: Comment noted.

PM16-1

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	14
1	folks that oyster. When you dredge, all that stuff comes up			
2	out of the water, and like Michael said, it's hard for any			
3	kind of aquatic organism to survive when its gills, eyes and			
4	nose. Do fish have noses or have dirt in them. I mean you			
5	wouldn't breathe.			
6	I get a report every week about leaks on			
7	pipelines and air emission releases in Calcasieu and Cameron			
8	Parish. Don't tell me this is safe. We have leaks			
9	constantly along the different pipelines, just in our			
10	parish. So allowing more pipelines and pipelines to pile			
11	one on top of the other is -- it just boggles the mind to			
12	think about the environmental disasters that could happen			
13	and also the impact on the people that live in this area.			
14	Our water and sulfur is full of manganese,			
15	aluminum, chromium, along with all the other stuff from the			
16	disinfectant byproducts. So you know, please don't let			
17	these folks come in and put more stuff into our land that's			
18	going to get into our water, because we're already -- I mean			
19	I drink distilled water because the water's so bad.			
20	Lessee. Let's talk about the impact of the			
21	wetlands being lost on the hurricanes coming in. Those			
22	wetlands protect us from storm surge, from the buffet, you			
23	know, from the winds because they provide a block. If you			
24	do the pipeline and CP2, then you're going to lose wetlands			
25	and you're going to lose the protection, whoops, the little			

PM16-2: Comment noted.

PM16-2

PM16 – Stephanie Rodrigue

Document Accession #: 20230316-4000 Filed Date: 03/16/2023 15

1 in Beaumont or a plant in Port Arthur wherever the case may
2 be, to make use of the skills that they learned, that they
3 learned, to have the career they wanted, particularly
4 operators, engineers.
5 But even Human Resources and security and
6 maintenance and all of those, the careers that are so well
7 paid through Venture. They can work at home, they can raise
8 a family at home. They can be home. They don't have to try
9 to get a job in the Gulf, you know, and work, work.

PM16-2

10 Be home half the year and work the other half of
11 the year, and miss out on all of the events of their family.
12 Now they can work here at home, and I say the entire Cameron
13 Parish when I talk about that because, you know, we have, we
14 have employees that I think in this community that drive in
15 from all ports, all locations of the parish. So that is
16 probably the, just the -- just the true spirit that they
17 brought back to Cameron Parish, cannot -- I cannot say
18 enough about it. I cannot be more appreciative as a
19 resident of Cameron Parish. Thank you. Did I make it?

20 KALE PARTICIPANT: Yes, you did.

21 (Pause.)

22 K.A. GUIDRY: Need my number?

23 COURT REPORTER: Your full name and spell that
24 for me.

25 K.A. GUIDRY: McKinley, M-C-K-I-N-I-E-Y, Wayne,

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	16
1	W-A-Y-N-E, Guidry, G-U-I-D as in David R-Y. Okay. I'm for			
2	this project. I'm a police jurymen, Cameron Parish. I			
3	retired from industry, the petrochemical industry. We need			
4	this project. We need the plants to create jobs for our			
5	economy of our parish, for the economy of our state and our			
6	nation. I support this project 100 percent. That's all I			
7	have to say.			
8	WALE PARTICIPANT: Thank you for comment.			
9	MR. GUIDRY: Thank you for coming.			
10	(Pause.)			
11	WALE PARTICIPANT: And due to the number of			
12	speakers who have signed up, I'll ask you to keep it under			
13	five minutes please.			
14	MR. KEATON BOUDREAU: Yes.			
15	COURT REPORTER: Please say your full name and			
16	spell it out for me please.			
17	MR. KEATON BOUDREAU: K-E-A-T-O-N, Boudreaux,			
18	B-O-U-D-R-E-A-J-X. Number 13.			
19	WALE PARTICIPANT: That's all right. You don't			
20	have to give us the number.			
21	MR. KEATON BOUDREAU: So I'm ready to go?			
22	WALE PARTICIPANT: Yes sir.			
23	MR. KEATON BOUDREAU: I'm here to say we need			
24	these LNGs more than anything, and anybody that is actually			
25	saying that we don't need them and they're bad for us, they			

PM17-1: Comment noted.

PM17-1

PM18-1

PM18 – Keaton Boudreaux

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	17
1	really don't understand the environmental impact that not			
2	having these. And the other thing we're saying is there's a			
3	lot of things in this country that is very harmful, and this			
4	is the least amount, least harmful thing there is, and			
5	they're completely wrong about their research of what			
6	they're doing to hurt these places.			
7	The people that are hurting these places and			
8	trying to stop them, they've never been from here. They			
9	don't know what we've been through with three storms and ups			
10	and downs of oil field and years of economic upsets, let's			
11	say that. So I'm here to say we need them.			
12	MALE PARTICIPANT: Thank you for your comment.			
13	MR. KEATON BOUDREAUX: All right.			
14	(Pause.)			
15	MR. JAMES BOUDREAUX: I ain't even going to be			
16	that long. I just heard about this. I don't have a problem			
17	with it.			
18	COURT REPORTER: Wait. Before you speak --			
19	MR. JAMES BOUDREAUX: Okay.			
20	COURT REPORTER: Would you say your full name			
21	and spell it out for me please.			
22	MR. JAMES BOUDREAUX: James.			
23	COURT REPORTER: James.			
24	MR. JAMES BOUDREAUX: Yeah.			
25	COURT REPORTER: Last name?			

PM18-1: Comment noted.

PM19-1: Comment noted.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	18
1	MR. JAMES BOUDREAUX: Boudreaux.			
2	COURT REPORTER: B-J --			
3	MR. JAMES BOUDREAUX: B-O.			
4	COURT REPORTER: Oh, B-O, okay.			
5	MR. JAMES BOUDREAUX: U-D-R-E-A-J-X. Good now?			
6	COURT REPORTER: Yes.			
7	MR. JAMES BOUDREAUX: I didn't know if you could			
8	ask questions. I didn't know if it was just a -- you're			
9	just making a statement, that's it?			
10	MALE PARTICIPANT: Just a statement.			
11	MR. JAMES BOUDREAUX: Okay, okay. I don't have	PM19-2		
12	a problem with it. I live about 1,100 to 1,200 feet from			
13	where CP2's going to be, and I'm just wanting to make sure			
14	that about a buffer zone, you know, and that's the only			
15	thing I was really concerned about it, you know, if they was			
16	required to have a buffer zone for at least the residents,			
17	you know, the people that live right there close to it.			
18	So that was really the only concern I had, and I	PM19-3		
19	don't know if they was willing to relocate if we, you know,			
20	if we -- you know, a certain distance from it, stuff like			
21	that. I think they should, you know, should give you that			
22	opportunity. I mean at first it was just going to be the			
23	one plant, and now they're moving it, they're getting a			
24	whole lot closer to us, you know.			
25	We do get a little noise and a little rumbling	PM19-4		

PM19-2: Comment noted.

PM19-3: Section 4.13.1.2 in the EIS discusses the Letter of Determination provided by the DOT PHMSA, indicating that the exclusion zones and other distinct hazards for the CP2 LNG Project would meet the siting requirements found in 49 CFR Part 193 Subpart B. These exclusion zones would not extend over residences. However, the siting requirements do not cover all possible scenarios, but represent more credible or likely scenarios that could possibly occur. For other possible scenarios with larger impacts that could extend onto the public, FERC staff have evaluated the layers of protection, including the DOT PHMSA minimum federal regulations and have made recommendations to further enhance those layers of protection. See the response to comment PM1-2 and section 4.13.1.5 for further discussion of those layers of protection..

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	19
1	from the other plant, so this one here is going to be -- the			
2	other one is like a mile and a quarter from my house. This			
3	one here is going to be like 1,100 feet, 1,100 to 1,200			
4	feet. So it's going to be a whole lot closer. That's about			
5	one quarter of a mile. I just want to make sure that			
6	they're going to, you know, that they're going to look out			
7	after the people too, you know, in the area right there.			
8	I've been there 62 years, so that's it. All right.			
9	MALE PARTICIPANT: Thank you for being here to			
10	comment. I appreciate it.			
11	MS. JAMES BOUDREAUX: You need this.			
12	MALE PARTICIPANT: Yeah, I'll take that. Thank			
13	you.			
14	MS. JAMES BOUDREAUX: I appreciate y'all			
15	listening.			
16	MS. DARDAR: Nicole Dardar, N-I-C-O-L-E,			
17	D-A-R-D-A-R.			
18	COURT REPORTER: D-A-R-D --			
19	MS. DARDAR: A-R, yes ma'am. I am very opposed			
20	to this. I live probably about 400 to 450 feet away from			
21	where they're going to build CP2. The pictures I have of			
22	the flames that they have at this plant already are			
23	tremendous. The other night, I grabbed my kids. I'm sorry.			
24	(Crying.)			
25	MS. DARDAR: I was prepared to run, because I			

PM19-4

PM19-4: Nearby residents would be impacted due to noise during construction and operation of the LNG Terminal. These impacts are discussed and quantified in section 4.12.2.

PM20-1

PM20-1: See the revised discussion of flaring in section 4.12.1.4

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	20
1 thought that plant was on fire. It was that big. It scares 2 us. I cannot live next to this. I cannot, and like I said, 3 where they want to put this place is right at our front 4 door, very very close. They're insulting us with trying to 5 get us out of here. It's ridiculous. Nobody can move. 6 Ky husband's a fisherman here. All these plants 7 that they're trying to build is going to destroy the 8 fishing, period. There will be no coming back from it. We 9 have to be able to move somewhere else, because we cannot 10 live next to this. The one that's built now is so loud, it 11 rattles shit off of my wall. My kids have to get up in the 12 morning to go to school and they're tired all the time 13 because of all the noise. And one living within 450 feet of 14 my house? What's that going to do? 15 I can't. We do not want this here. We don't 16 want none of it. It's ridiculous, and for them to sit there 17 and insult us on an offer to leave. I know our lives aren't 18 worth much to them, but it is to us. We own our land. We 19 worked hard for our land, and for our children to be able to 20 grow up in a safe environment and place and now they can't 21 even do that. 22 There's a problem with the workers that have 23 come in. We've had many problems with that. I just, I'm 24 completely, totally opposed to it. They've taken over our 25 town. We don't have a store anymore, and I know that the	PM20-1	
	PM20-2	PM20-2: A revised discussion of the Project's impacts on commercial fisheries is presented in section 4.10.4.1; see also our response to comment CO4-68.
	PM20-3	PM20-3: Nearby residents would be impacted due to noise during construction and operation of the LNG Terminal. These impacts are discussed and quantified in section 4.12.2. Per our condition in section 5.1, CP2 LNG would be required to ensure noise due to operation of the CP2 LNG Terminal at full load is less than 55 decibels day-night level on the A-weighted scale.
	PM20-4	PM20-4: Comment noted.
	PM20-5	PM20-5: See revised section 4.10.7.2 of the EIS regarding public safety.

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	21
1 storm took it out, but before this plant was built, we never 2 flooded, never. We didn't even have two inches in our yard. 3 Now, it's knee deep when it floods, and that's 4 for a very strong storm of course. But even with a lot of 5 rain, we still have ankle deep water in our yard. If we 6 have a really bad storm for a couple of days, it's going to 7 be knee deep, just like the last one. There's, you know, 8 it's senseless. They built on top of the drainage and we're 9 paying for it. I just -- I'm very disappointed in this town 10 too. They have handed us over, the citizens of this town, 11 handed us over on a silver platter and do not care whether 12 we live or die.	PM20-6	PM20-6: Comment noted. See revised section 4.4.3.1 for additional discussion on flooding impacts on landowners near the Terminal Site.
13 Everything, all the conditions of living here 14 now is unacceptable. It's the traffic and the people that 15 come in to build these plants are absolutely ridiculous. My 16 husband has been put at gunpoint in our own street by some 17 workers, because they were out there drunk and wanted to 18 know what we were doing, and the police did nothing. 19 Also, I've had a Mexican worker who came looking 20 for something and he followed me down the road where I had 21 to go drop my kids off for the bus, because we missed the 22 bus at the regular stop. He followed me. He didn't see my 23 kids, and he came up to my truck with his pants undone and 24 belt undone, and tried to touch me. I had to grab a weapon 25 and threaten him.	PM20-7	PM20-7: See revised section 4.10.8 for an evaluation on the Project's impacts and mitigation of traffic.
Also, I've had a Mexican worker who came looking for something and he followed me down the road where I had to go drop my kids off for the bus, because we missed the bus at the regular stop. He followed me. He didn't see my kids, and he came up to my truck with his pants undone and belt undone, and tried to touch me. I had to grab a weapon and threaten him.	PM20-8	PM20-8: See revised section 4.10.7.2 of the EIS regarding public safety.

PM20 – Nicole Dardar and PM21 – James Hiatt

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	22
1	I don't feel safe for my children. We've had			
2	multiple sex offenders in our neighborhood. It's			
3	ridiculous. I'd rather go live in New Orleans than have to			PM20-8
4	deal with this. I probably wouldn't have to deal with this			
5	much.			
6	VALE PARTICIPANT: I'm very sorry to cut you			
7	off, but you are over time.			
8	MS. DARDAR: Okay, I'm sorry. But I mean you			
9	know, I'm speaking to y'all. It's not fair. It's not fair			PM20-9
10	at all. Thank you.			
11	VALE PARTICIPANT: Thank you for leaving a			
12	comment.			
13	(Pause.)			
14	VALE PARTICIPANT: The people who asked to			
15	comment. I'll have to ask you to keep it to five minutes.			
16	MR. HIATT: Five minutes, okay. I'll attempt to			
17	do that.			
18	COURT REPORTER: Would you say your full name			
19	and spell your last name?			
20	MR. HIATT: Sure. My name is James, J-A-M-E-S,			
21	Hiatt, H-I-A-T-T. Okay, good. I want to, on behalf of			
22	every person who lives in this area, ask what is the safety			
23	distance? What is a minimal barrier between these tanks and			PM21-I
24	these trains and where people live? We don't, we hear the			
25	alarms go off all the time. We do not know what they mean.			

PM20-9: Comment noted.

PM21-I: See the response to comment PM19-3 regarding exclusion zones, PM4-10 regarding emergency response planning areas, PM4-21 for public education materials to be developed and disseminated, and PM6-7 regarding the incident at the Freeport LNG terminal.

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	23
1 They have not told us what they mean. We've talked to the		
2 vice president, who said that these alarms are maybe for		
3 testing and maybe for something.		
4 But residents don't know what's going on. They		
5 see the flame from the flare, they hear the alarms. They		
6 know explosions happen like what happened in Freeport, and		
7 we don't want that to happen here, and we want people to		
8 know what they're supposed to be doing.		
9 The other main concern I have is about cutting		
10 off half of Monkey Island to place ship berths. In an area		
11 at the mouth of the river, a river that supports the 12th		
12 busiest port in America, you're going to put two more ship		
13 berths and you don't consider the cumulative impact of all		
14 of the ship berths.		
15 If you had six ships at the mouth of the river		
16 and something happened, you would close the river down. All		
17 of the refineries, the output would be shut down. Nobody		
18 knows. Back ten years ago, the Coast Guard had moving		
19 safety zones behind these ships, a mile ahead and a mile		
20 behind. The shippers suffered through that, and I don't		
21 know why. Did the terrorist threat go down, the MARSEC		
22 (phonetic) level stay at 1 long enough that we don't need to		
23 worry about massive amounts of natural gas exploding?		
24 It just, you know, safety it seems like it's on		
25 a back burner, to put it, you know, lightly. The worse case		

PM21-1**PM21-2**

PM21-2: Section 4.13.1.3 of the EIS notes that over the LNG shipping history since 1959, no LNG marine vessel accidents have resulted in a breach of the LNG cargo tanks in these double hulled ships. However, if a fire due to a large intentional breach in an LNG marine vessel cargo tank would be located so that the release could possibly impact another LNG marine vessel, the safety impacts would likely be sequential and extend the radiant heat impact duration, which would still be a relatively short timeframe to hold port operations. For a large intentional breach scenario, the Sandia National Laboratories report SAND2004-6258 contains an estimation that the LNG from one of the cargo tanks could burn off in approximately 8 minutes. Note that table 4.13.1-1 in the EIS indicates no households would be located in the marine radiant heat zones of concern. Also, see the response to comment PM4-10 regarding multiple facility involvement, PM1-8 regarding the Coast Guard review, PM4-20 for actions that Coast Guard have and could take, and PM6-7 regarding the incident at the Freeport LNG terminal.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	24
1	scenario of all of the proposed facilities experiencing			
2	something catastrophic is in the realm of possibilities and			
3	is not being addressed at all, and the people are being left			
4	off.			
5	When PHMSA and FERC release a report about what			
6	happened at Freeport, it was completely redacted and for			
7	what? For what? For corporations' privacy, so they can			
8	keep their secrets on how they freeze natural gas?			
9	These are real people and real lives, and			
10	generations have lived here and have lived on the land and			
11	on exactly where they're talking about dredging. The best			
12	place for shrimping in this entire area is right where the			
13	old river meets the ship canal, right where they want to			
14	excavate half the island to put ship berths.			
15	You're killing a way of life by accepting, and			
16	by saying you only can rubber stamp these, it's outside of			
17	your scope, the public interest determination is the			
18	Department of Energy. The Wildlife and Fisheries Service,			
19	who says what the aquatics are. That's all outside of your			
20	scope and you just have to approve these things.			
21	That's not true. I mean there are people here			
22	who are living here, who have been living here, who have			
23	been suffering through the building and this one that's			
24	already here. For CP2 to put their dredge spoils in the			
25	middle of a refuge, in the middle of a public lake and a			

PM21-2

PM21-3

PM21-3: See revised section 4.10.4.1 in the EIS and response to comment CO4-68.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	25
1	public waterway is unacceptable. To cut half an island on			
2	the coast that's already fragile and eroding, to promote			
3	land loss, to put greenhouse gas facility on the place, on			
4	the coast, directly on the eroding coast of Louisiana is			
5	idiocy.			
6	To not look at the flood impacts, the Coastal			
7	Protection and Restoration Authority has said that that			
8	exact area is susceptible to 16 plus foot floods. And to			
9	say that we can just cut all that off, put a wall around it			
10	and let the people who live here just deal with the			
11	consequences of continuing to try to live here. God, I'm			
12	sorry. I get worked up.			
13	It's just -- I just love this place, and I just			
14	cannot stand to see the short term 30 years exporting energy			
15	for the profit of a few while you're decimating, absolutely			
16	decimating a community that's already suffering climate			
17	change-related disaster after disaster after disaster. The			
18	only people who live here still are people who have to live			
19	here, because they work here.			
20	Everybody else moved north, and to turn this			
21	into an industrial wasteland and not try to allow people to			
22	-- people to find their way back is ridiculous. Greenhouse			
23	gas emissions matter; low income environmental justice			
24	communities matter, and you're just railroading them and			
25	painting over all of that. That's enough time but --			

PM21-3

PM21-4

PM21-5

PM21-4: Geologic hazards, including impacts and mitigation measures associated with flooding, are described in the EIS at sections 4.2.3 and 4.13.1.5. Additionally, see the response to comment PM6-6.

PM21-5: Comment noted. See also the climate change discussion in section 4.14.2.13.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	26
1	MALE PARTICIPANT:	Actually a little over.		
2	MR. HIATT:	Okay.		
3	MALE PARTICIPANT:	I just didn't want to cut you		
4		off.		
5	MR. HIATT:	I appreciate y'all. Thank y'all.		
6	MALE PARTICIPANT:	Thank you for coming.		
7		(Pause.)		
8	COURT REPORTER:	Would you say your full name		
9		and spell it?		
10	MR. VASUDEVAN:	Yeah, S-R-R-E-Y-A-S. Last name		
11		V as in Victor, A-S-J-D as in David, E-V as in Victor, A and		
12		then N as in Nancy. So I guess there's multiple concerns		
13		that I have with this facility, the first one being that it		
14		is detrimental to the environment, it's detrimental to the		
15		climate, and it's a place, it's placed in an area which is		
16		one of the most vulnerable areas in our country to climate		
17		change, rising sea levels.		
18		So it's extremely ironic, and I would like to		
19		get on the record that it's idiotic as well. But there's a		
20		lot of technical concerns. First of all, I'd also like to		
21		submit this letter from the Louisiana Shrimp Task Force.		
22	MALE PARTICIPANT:	You can't submit any		
23		documents. It's verbal only.		
24	MR. VASUDEVAN:	Okay, all right.		
25	MALE PARTICIPANT:	You're welcome, there are		

PM22-1

PM22-1: Climate change is discussed in section 4.14.2.13.

PM22-2

PM22-2: Comment noted.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	27
1	brochures outside that tell you how to submit a document			
2	online.			
3	K.S. VASUDEVAN: Okay, all right. Then I'll do			
4	so. So it's -- so this, this will essentially kill			
5	commercial fishing in Cameron Parish. In 2005, NOAA			
6	Fisheries, they did a study identifying communities			
7	associated with the fishing industry in Louisiana. In 2005,			
8	they did such a study in every state with a large fishing			
9	community.			
10	And for Cameron Parish, it describes it as an			
11	ideal location for commercial fishing, due to the			
12	surrounding wetlands, biodiversity and popular landmarks for			
13	outdoor recreation. And today, all of these aspects that			
14	made Cameron an ideal location for commercial fishing are			
15	now, because of the state of the commercial fishing industry			
16	there, they're extremely vulnerable.			
17	The placement of not just this one facility but			
18	keep in mind cumulative impacts of all of these facilities			
19	combined will absolutely make it impossible for shrimpers			
20	and oystermen to continue their livelihoods in this parish.			
21	The report highlights that the parish has depended on			
22	fisheries for much of its history, and fishing is a			
23	prominent part of local culture, the same of which cannot be			
24	said for LNG or anything of the sort.			
25	The town of Cameron was noted as one of the			

PM22-3

PM22-3: See revised section 4.10.4 of the EIS for discussion of impacts on commercial fisheries; see also response to comment CO4-68.

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	28
1 largest seafood producers in the state. These days, well 2 oystering has been banned in Cameron because of pollution, 3 dioxin specifically. But those are still something that can 4 be -- oysters are extremely resilient. 5 However, they're not resilient when you're 6 building on top of their spawning grounds, and if you're 7 building on top of their spawning grounds, there's not going 8 to be oysters whether they're in polluted water or not. 9 There's just not going to be oysters.	PM22-4	PM22-4: Section 4.7.3 of the EIS discusses Project impacts and mitigation on essential fish habitat, including oyster reefs.
10 Similarly, the most active shrimping grounds are 11 along the Calcasieu Ship Channel, specifically in the spots 12 where Calcasieu Pass currently exists, and Commonwealth is 13 proposed to be existing. In the EIS, y'all constantly state 14 how fish that are able to be -- are able to move will not 15 face that much damage. 16 But if you take up every single spot that they 17 could possibly move to along the ship channel, there won't 18 be any biodiversity in the ship channel. There won't be any 19 shrimp, there won't be any oysters, there won't be any life. 20 I mean I'm sure many other people have made the migratory 21 bird comments, so I'll keep that to a minimum. 22 I mean I don't know if FERC is going to accept 23 any comments about other facilities that they've approved 24 of, but this is a Venture Global facility right next to 25 where the CP2 is to be located, and I think it's important	PM22-5	PM22-5: See revised sections 4.10.4 and 4.7.3 of the EIS for discussion of impacts on commercial fisheries and essential fish habitat, respectively; see also response to comment CO4-68.
	PM22-6	PM22-6: See revised discussion on flaring in section 4.12.4.4.

1 to highlight how Venture Global has already contradicted the
2 commitments made in the EIS for CP Calcasieu Pass.

3 They say that there won't be flaring. They will
4 keep flaring to a minimum, but they won't flare at night,
5 that they will flare on average an estimated 12 days a year.
6 We've noted what is this, this was from March 2022 to May
7 10th, 2022. So we've noted 91 days of flaring between that
8 period, and that flaring has since continued and reduced
9 whenever they weren't in whatever mode they were in, where
10 they're allowed to flare a little bit.

PM22-6

11 It reduced some since they've ended that, but
12 it's still continuous, it's still almost daily and it still
13 happens at night, which they don't -- it doesn't seem to
14 have been minimized whatsoever. So FERC should carefully
15 consider the operating facility that exists right next to
16 this proposed site, operated by the same company for them to
17 ideally -- for them to adequately understand if the
18 predictions or the commitments made in the current EIS will
19 actually be made. Ten seconds remaining. Oh man. Thank
20 you.

21 KALE PARTICIPANT: Thank you for commenting.

22 KR. GRAY: I just want to ask some questions? I
23 don't get to ask no questions?

24 KALE PARTICIPANT: No sir. This is leaving

25 comments only. The questions would be answered by the folks

1 outside in the lobby and PERC staff in the auditorium.

2 KX. GRAY: Okay. What I want to know is --

3 COURT REPORTER: Would you say your full name

4 and spell it out for me before you say anything?

5 KX. GRAY: Monroe Gray. M-O-N-R-O-E, G-R-A-Y.

6 COURT REPORTER: Would you spell it again? I

7 have M-O-N --

8 KX. GRAY: M-O-N-R-O-E.

9 COURT REPORTER: R-O-E. Your last name?

10 KX. GRAY: G-R-A-Y.

11 COURT REPORTER: Okay.

12 KX. GRAY: Okay. I just want to know if there's

13 going to be any restrictions on shrimping, and I want to

14 know how far from this plant can you -- before you are

15 forced to leave? If you're -- how close can you be to the

16 plant and still be there, without them forcing you to leave?

17 I want to know how close I can be if they just want me to

18 leave.

19 But I want to know how far if I'm -- how far I'm

20 from the plant when I could be forced to move. That's what

21 I want to know. How about you? And I would like to know it

22 pretty quick, because if I don't know, then I don't know

23 what I can do as far doing whatever I do at the house. I

24 got a business at the house too.

25 So I want to know if I invest anything in my

PM23-1

PM23-1: A revised discussion of impacts on commercial fisheries is presented in section 4.10.4.1; see also our response to comment CO4-68.

1 business, however little it is, then they come in there and
 2 say you're going to have to go. I want to know. That's all
 3 I wanted to say.

4 FEMALE PARTICIPANT: That's about all.

5 K3. GRAY: And the restrictions on the shrimping
 6 in the ship channel, if any. That's what I want to know.

7 MALE PARTICIPANT: Thank you for commenting.

8 FEMALE PARTICIPANT: All right. When she's

9 ready, she'll let you know to go ahead and start speaking.

10 We'll try to give everybody three to five minutes. I'll let
 11 you know at the 30 minute (sic) warning. I'll hold up the
 12 sign. So please make sure to --

13 K3. PALMER: 30 minute warning or 30 second

14 warning.

15 FEMALE PARTICIPANT: I'm sorry, 30 seconds.

16 K3. PALMER: 30 minutes?

17 FEMALE PARTICIPANT: I don't think you want to
 18 be here 30 minutes.

19 MR. PALMER: I can talk 30 minutes though.

20 FEMALE PARTICIPANT: Just please be sure when

21 you start, to say and spell your name.

22 COURT REPORTER: Your full name.

23 MR. PALMER: I'm Captain Brett Palmer,

24 B-R-E-T-T, P-A-L-M-E-R.

25 COURT REPORTER: I have B-R-E-T-T.

PM23-1

PM24 – Brett Palmer

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	32
1	MR. PALMER: B-R-E-T-T, P-A-L-M-E-R.			
2	P-A-L-M-E-R.			
3	COURT REPORTER: Last name?			
4	MR. PALMER: That is my last name, Brett Palmer.			
5	COURT REPORTER: Oh, Brett Palmer.			
6	MR. PALMER: Okay, and I'm Captain Brett Palmer.			
7	I represent the Lake Charles pilots that are commissioned			
8	pilots that will be physically handling all of the ships			
9	that come in and out of the Calcasieu waterway. The CP2			
10	terminal will just be one of those terminals, and I've been			
11	involved in the runaway suitability study.			
12	I've been involved in their dock design and the	PM24-1		
13	general layout of the berth, including the complement of			
14	tugs, and we have developed standards of care to physically			
15	handle the ships that will come in and out of the CP2			
16	project. We think it's a very viable project, and that it			
17	will be a great asset to Cameron Parish.			
18	FEMALE PARTICIPANT: Are you finished?			
19	MR. PALMER: I think that's all I needed to say.			
20	FEMALE PARTICIPANT: Okay, thank you.			
21	MR. PALMER: Okay, and those comments about the			
22	waterway suitability study, as making sure that it's			
23	appropriate for the waterway, and that it's been vetted by	PM24-2		
24	other channel users, that we can do the traffic management			
25	of all the traffic that would come in here as well, and			

PM24-1: Comment noted.

PM24-2: Comment noted.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	33
1	traffic management is a big issue for the Calcasieu			
2	waterway, and this will be just another great asset for the			PM24-2
3	waterway to build. Okay. All right, thank you.			
4	FEMALE PARTICIPANT: All right, thank you.			
5	(Pause.)			
6	FEMALE PARTICIPANT: Well, you know the drill,			
7	three to five minutes. I'll give you a 30 minute (sic)			
8	warning. Please speak and spell your name.			
9	MS. YODER: Right, okay. Let me just time			
10	myself too. Okay. My name is Naomi Yoder, N-A-O-M-I,			
11	Y-O-D-E-R, and I wanted to give comments today about,			
12	essentially about ecosystems and the ecosystem's impact of			
13	these facilities, the export terminal, compressor station,			PM25-1
14	the pipelines and the other facilities associated.			
15	So I also wanted to say that in addition to like			
16	those, the CP2 and CP express pipeline, that you know, the			
17	other facilities, just LNG facilities in Cameron and			
18	Calcasieu Parishes are also impacting wildlife and			
19	ecosystems in a huge way.			
20	So we have this kind of -- we can't just look at			PM25-2
21	one of these together, one of these separately. I think			
22	that I would like to see a programmatic EIS for LNG across			
23	the Gulf Coast. Programmatic EIS is warranted for a large			
24	interstate impact project, and so LNG clearly fits that			
25	definition in my view. So anyway, I'd like to make a			

PM25-1: Potential impacts on wildlife habitats are discussed in section 4.7.1.2.

PM25-2: Refer to response to comment CO3-23 and the EIS at section 1.3.1; cumulative impacts are addressed in section 4.14.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	34
1	request for that.			
2	about the ecosystems. I'm particularly			
3	concerned with the habitat and the habitat that will be			
4	impacted by the construction of these facilities, but also I			
5	just spoke with Forey Messer (phonetic) about testing of the			
6	sediments that will be dredged for the dock and the marine			
7	berth areas, and also any excavations on land.			
8	And they said they'll get back to me I hope, but			
9	somebody needs to account for those sediments getting tested			
10	before they are dug up and transported and dumped into -- on			
11	the shores of Calcasieu Lake as a marsh creation project.			
12	Those are not safe sediments. We have that -- while			
13	Calcasieu Lake and Lake Charles both are this kind of			
14	greater Calcasieu River Superfund area, and it's -- it kind			
15	of isn't talked about as a Superfund site but it is.			
16	It's been designated as that in a consent			
17	agreement, consent decree with, what is it, six of the			
18	upstream facilities in Lake Charles and so forth. So we			
19	know that there's a huge amount of toxins in the river, in			
20	the lake, in those sediments, and those things have like			
21	surely made their way to the mouth of Calcasieu Pass and the			
22	area that will be dredged out. So that has to be taken very			
23	seriously. It doesn't seem like a safe idea to excavate			
24	those things, those sediments and then transport them by			
25	pipeline.			

PM25-3

PM25-3: See response to comment PM25-1.

PM25-4

PM25-4: See section 4.3.3.1 and response to comment PM2-3. CP2 LNG would perform characterization analyses of the sediments to be dredged and the nearshore soils to be excavated in the Marine Facilities area to confirm the viability of specific reuse and sediment analyses would be undertaken as necessary to comply with applicable regulations or landowner requirements for dredged material disposal.

1 So anyway, I also want to advocate for a call
2 for a fishing, a fisher's mitigation fund. So something or
3 some kind of mitigation for fisheries and people that rely
4 on fishing grounds in Calcasieu Lake and Calcasieu Ship
5 Channel, and even offshore, you know, nearshore. So that's
6 one of the things that will be impacted, that's already
7 being impacted by Calcasieu Pass LNG, and Cameron LNG.
8 So that should be something -- fisheries is
9 something that should definitely be mitigated in a big way,
10 and people should, you know, not have to worry that their
11 livelihood is going, is drying up because of this. Okay.

PM25-5

12 FEMALE PARTICIPANT: Okay, thank you.
13 MS. YODER: Thanks very much.
14 (Pause.)

15 FEMALE PARTICIPANT: We are trying to limit them
16 to --

17 MS. DARDAR: I know, and I've already done it,
18 but she wanted me to say what I needed to say about this
19 too.

20 COURT REPORTER: Can I get your name again?

21 MS. DARDAR: Okay. Nicole, N-I-C-O-L-E, Dardar,
22 D-A-R-D-A-R. Yeah. All right. My husband, my husband
23 leads his boat in what is called School Boy's Cut. It is
24 north of the ferry, up the river, not far. He parks his
25 boat in that little cut because it's the only spot he can

PM26-1

PM25-5: A revised discussion of the Project's impacts on commercial fisheries is presented in section 4.10.4.1; see also our response to comment CO4-68.

PM26-1: The increase in marine vessel traffic during both Project construction and operation is discussed in the EIS at section 4.10.8.1. See also section 4.9.3 for a discussion of the Jetty Pier Facility, which includes a boat launch and boat slips.

PM26 – Nicole Dardar

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	36
1	get. All the docks are taken over and no one's allowed to			
2	sit there.			
3	In this little channel, the water when a ship			
4	comes through, it comes rushing in and actually it sucks all			
5	the water out, and then it comes rushing back in, and it			
6	does it about four or five times. When it comes in, it			
7	comes in in a big wave, and it knocks my husband's boat up			
8	against the dock and the concrete. Even though he has			
9	bumpers, it still knocks it pretty hard and the rope has			
10	actually busted a few times, because it's so hard.			
11	He has wing stabilizers on the side of his boat	PM26-1		
12	to stabilize his boat from tilting back and forth, you know,			
13	and because of these ships, they have broken them several			
14	times. This is probably about the fifth time we've had to			
15	fix it, and it's costing us a money. You know, I mean they			
16	come through there and they come through there fast. It			
17	doesn't look like they're moving fast, but it really is, and			
18	the waves are just ridiculous. It's just -- and they come			
19	at least two or three a day, you know, when they do come.			
20	It's not every day you seem them. Like every			
21	couple of days you see the ships coming through and they're			
22	huge. But they, they have no remorse at all, you know.			
23	Also another thing too that I didn't mention to			
24	you, when they had the people there dredging the river and			
25	all, they had flags and stuff like that show where the pipe	PM26-2		

PM26-2: See response to comment PM26-1.

1 was that they were, you know, taking the mud and stuff out
 2 with, and it would go underway. Well, these flags are
 3 supposed to stay out of the water so people know that
 4 there's something there.

5 He was pulling into the dock to sell his
 6 oysters, he was done for the day, it was completely under
 7 the water. He did not see it, and he was coming across to
 8 go dock at the dock, and it came up on him, throwing all his
 9 oysters to the side of the boat and nearly flipping him. He
 10 almost sunk right there. The only thing that saved him is
 11 he hurry up and threw that sucker in reverse and got off of
 12 it.

PM26-2

13 But there were several other boats that did not
 14 get off, and one was flipped. When they told the guy that
 15 was operating that, he said "that's not my problem." So I
 16 mean, you know. I know it has nothing to do with CP2, but
 17 this all ties into the plants and, you know, what they're
 18 having to drudge the river and stuff like that for the ships
 19 to be able to come through and it still pertains to them,
 20 you know.

21 That's just not acceptable. I mean we're still
 22 here. We're still fishing, and until we absolutely cannot
 23 fish anymore, you know, something's got to be done about all
 24 this other stuff. Thank you.

25 (Whereupon, at 7:00 p.m., the meeting was

1 concluded.)

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CERTIFICATE OF OFFICIAL REPORTER

This is to certify that the attached proceeding
before the FEDERAL ENERGY REGULATORY COMMISSION in the
Matter of:

Name of Proceeding:
CP2 LNG AND CP EXPRESS

Docket No.: CP22-21 AND CP22-22

Place: Cameron, LA

Date: Thursday, March 2, 2023

was held as herein appears, and that this is the original
transcript thereof for the file of the Federal Energy
Regulatory Commission, and is a full correct transcription
of the proceedings.

Keron Tesafe
Official Reporter

1 UNITED STATES OF AMERICA
2 FEDERAL ENERGY REGULATORY COMMISSION
3 - - - - - x
4 CP2 LNG AND CP EXPRESS: Docket Numbers
5 - - - - - CP22-21 and CP22-22
6

7
8 Cameron Parish Police Jury Room
9 1/8 Smith Circle
10 Cameron, LA 70631
11 Thursday, March 2, 2023
12

13 The public comment meeting, pursuant to notice, convened at
14 5:00 p.m.
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PM27 – Kim Montie

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	41
1	P R O C E E D I N G S			
2	5:00 p.m.			
3	MALE PARTICIPANT: Okay.			
4	MS. MONTIE: Kim Montie, K-I-M, M-O-N-T-I-E. As			
5	a long-time resident of Cameron Parish and a former teacher			
6	at Grand Lake High School, I have observed, somewhat from			
7	afar, the difference that the energy industry has made to			
8	the economy of Cameron Parish as a whole.			
9	As a relatively new Port Director, I've had the			
10	privilege to understand from a much closer view the quality			
11	of life differences that Venture Global has made in the			
12	lives of their employees and in the communities that they			
13	have impacted.			
14	From good stewards of our land and waters and			
15	the bounties they produce, to good-paying jobs with			
16	excellent work environments, Venture Global is a partner for			
17	the long haul. I fully support their ongoing growth and			
18	development.			
19	MALE PARTICIPANT: Okay.			
20	MS. MILLER: Okay. My name is Sheila Miller,			
21	S-I-E-L-L-A, Miller, M-I-L-L-E-R. I'm an elected official			
22	representing District 4 of the Cameron Parish School Board.			
23	It encompasses -- I take in at least two out of the four			
24	schools I represent in the Parish. I'm also a Port			
25	Commissioner of Cameron Parish Port, Harbor and Terminal			

PM27-1: Comment noted.

PM27-1

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	42
1 District serving as secretary. Southwest Louisiana is in 2 the early stages of what is predicted to be the most 3 profitable era in the region's industrial history. We need 4 help to continue to be profitable. Allowing Venture Global 5 to acquire a FERC permit is our hope and our desire. 6 Cameron Parish is the second largest parish in 7 land area in the state. It includes the communities of 8 Hackberry, Big Lake, Cameron, Grand Cheniere, Creole, 9 Johnson Bayou, Klondike, Lowry, Sweet Lake and Holly Beach. 10 We are the so-called hill of the boot. It includes over 600 11 miles of water, making it a natural gateway to the Gulf. 12 As we know it and as it's been reported, for the 13 last five years we are nominated and won the honor of being 14 the healthiest parish in the state of Louisiana. That 15 speaks volumes. Venture Global has done a great job on 16 their last project, and I would think that they're going to 17 do the same here. 18 So let's talk about some of the things they've 19 done. After Rita, we had an LNG that we engaged in a pilot 20 program. It helped with teacher pay, helped build gyms, 21 helped our children. The LNG has helped us with all our 22 schools, eight hundred plus thousand dollars for ten years 23 was given through the pilot program. When it came our turn 24 to pay our debt, because it was a dollar for dollar credit, 25 we were forgiven. Our children have gyms, pavilions,		
PM28-1		PM28-1: Comment noted.
PM28-2		PM28-2: Comment noted.

PM28 – Sheila Miller

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	43
1 scholarships. Our young adults have good-paying jobs, 2 teacher styidends and it's survivor for our schools, our 3 children and our young adults.		
4 Venture Global, as being a retired teacher, had 5 supplied jobs for 50 local ladies not with a good job; it 6 was a janitorial service job. And we did it, and we did it 7 with pride and we did it with respect, and we were gracious 8 that those people provided that for us.		PM28-2
9 Let's talk about the port. They have been our 10 saving grace for our port and our waterways. We're able to 11 support our port without the funding from our local 12 government. We're self-sufficient now in our operations and 13 finance. It's the first time in the history of Cameron 14 Parish that that has happened, and it's all because of 15 Venture Global. We get \$1,500 per ship and that's what is 16 sustaining our port.		PM28-3
17 They've helped with infrastructure. As you came 18 into Cameron today, you saw one of the projects. They're 19 building new sidewalks and repairing roads. They provided a 20 boat launch, built a boat launch, a fishing pier, 21 recreational facility and they're going to give it back to 22 the parish. We have a place to fish. We have a place to 23 park campers. We have all those things that we had before 24 our last Venture Global project.		
25 Let's talk about environmental impact. A lot of		PM28-4

PM28-3: Comment noted.

Document Accession #: 20230316-4000 Filed Date: 03/16/2023 6/1

1 people are opposing this because of the environmental issues
2 that has arisen, or they claim has arisen. But I can assure
3 I've been on the site for Venture Global for three years.
4 They take soil samples, they test it, they bring it back to
5 the environmentalists, they take care of every species that
6 is on the site.

7 I've seen for my own eyes. I've seen it with my
8 own eyes that we've relocated coyotes, poisonous snakes,
9 turtles and alligators. They relocate them in their own
10 habitat that's conducive to that species. They've provided
11 funds for Rabbit Island projects, where the brown pelicans
12 nest. They've restored 87 of the 200 acres of footprint.

13 Survivor for the storms. They set up RV parks,
14 they provided generators, and most important the fuel for
15 the generators for electricity, to keep Cameron Parish
16 supplied with electricity. This is a necessity that
17 continues to be supplied even today. Providing funding that
18 allowed gift cards for food and essentials and that provides
19 stipends for our fishermen.

20 The fishermen said that they had a bad -- that
21 they're ruining their fishing territory. That's not true.
22 They've had the largest catch of shrimp in the last year
23 than they've ever had. So they can't say that it has
24 impacted them negatively. These people -- the people that
25 are opposing, where are they when Cameron Parish people are

PM28-4

PM28-5

PM28-6

PM28-6: Comment noted.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	4/5
1	desperate to survive? I'm 65 years old and I've not seen a			
2	dine provided to sustain human life as we know it in Cameron			PM28-6
3	Parish from any of these entities that are opposing the			
4	acquisition of Venture Global's FERC permit. Thank you.			
5	MALE PARTICIPANT: Thank you. Whoops, watch			
6	out. It's easy to walk away with that thing. Here, I can			
7	help you with that.			
8	MS. MILLER: You might have to because --			
9	(Simultaneous speaking.)			
10	MALE PARTICIPANT: Okay, all right. Fantastic.			
11	Thank you very much.			
12	(Pause.)			
13	MR. ROMERO: Okay. I'm Howard Romero,			
14	H-O-W-A-R-D, R-O-M-E-R-O. I am president of the Cameron			
15	Port and Harbor District here in Cameron, and of course I			
16	want to speak in favor of Venture Global and getting their			
17	permit. I've been around the Parish all of my life. I'm a			
18	Parish life-long resident. I'll be 77 in July, and I've			
19	been through all the storms from Audrey, and Audrey, Carla,			
20	Rita, Ike, Laura, Delta. I've been through all of those			
21	storms, and everybody that knows me here, the day after a			
22	storm, I'm on my airboat heading back to Johnson Bayou.			
23	The people of Cameron Parish needed some help			
24	out of all of these things. The one thing I'll say to you,			
25	nobody else came to help. I hear all these organizations in			PM29-1

PM29-1: Comment noted.

PM29 – Howard Romero

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	6
1 here talking about how they want to save us and what they		
2 want to do for us, but none of them ever showed up after any		
3 hurricane. But I'll tell you who did show up. The first		
4 one that ever showed up was Cheniere.		
5 They called me, I was on my airboat. What did		
6 you need? I needed fuel, equipment and water. They		
7 furnished every piece of equipment they had on their site,		
8 brought me truckloads of fuel, and we cleaned up all the		
9 roads in Johnson Bayou with that, and they had never made a		
10 dollar. They were just building.		
11 So when I look at all of these people		
12 complaining, if you really look at them, none of them are		
13 from Cameron Parish. If you look at the ones that up		
14 talking about it, they're from Cameron Parish, and they've		
15 been here all their life. Guess what happened after Laura?		
16 Venture Global was building their first facility. They		
17 didn't make a dollar yet, but they came to our aid and		
18 helped the people of the parish.		
19 We need infrastructure. We need to bring more		
20 economic development to our parish. That's the only way we		
21 can bring it back and get it like it was before. Used to,		
22 we used to depend on the oil and gas business, the		
23 fisheries. We had the Menhaden (phonetic) business here.		
24 Of course, we had cattle and we had trapping and all of		
25 those things. A lot of those things have run away, and we		

PM29-1

PM29-2

PM29-2: Comment noted.

PM29 – Howard Romero

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	67
1	do know one thing.			
2	I heard somebody say last night that these INGs			
3	are not forever. Well nothing's forever but death. I mean			
4	that's the only thing that's forever, you know. Things			
5	change, and if they change, Cameron Parish will be looking			
6	for something else to replace. But I think that's going to			
7	be a long time in the future.			
8	We need this to furnish jobs for our young			
9	people. I'm a former principal of a school in Johnson			
10	Bayou. Did that for 17 years, and I want to see all of			
11	young people be able to get good jobs here, come back and			
12	live here and be a part of this community. I heard a			
13	statement made last night that oh, you can make your money			
14	on tourism and you can make your money on small businesses.			
15	Well, who in the heck is the small businesses			
16	gonna serve if they don't have any people here? We need to			
17	have industry here to be able to bring those kind of jobs,			
18	pay the taxes to the Parish, and then we'll use that money			
19	to build Cameron Parish back. We're heading in that			
20	direction. We've got some good things going, between the			
21	Port and the police jury to do that. What we need the tax			
22	money from these industries. We need our young people to			
23	get \$100,000 jobs instead of \$20,000 jobs, so they can move			
24	back into the parish and build their homes.			
25	So I hope that FERC, if you're listening to me,			

PM29-3: Comment noted.

PM29 – Howard Romero

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	Page	18
1	look at the people who's making the comments, the ones from				
2	Houston, the ones from New Orleans, the ones from Baton				
3	Rouge, some from Lake Charles. Never lived here a day.				
4	They need to sweep their doors before they start sweeping				
5	ours. They've got a lot more problems in their areas than				
6	we've got in Cameron Parish, and leave the Cameron Parish				
7	people to decide what they need.				
8	I say the Cameron people are dumb as a fox.				
9	They know what to do, and they know what they need. But we				
10	need the industry to bring it in so we can work with it. So				
11	if I can say anything else to you guys, look at who's				
12	complaining. They're a couple of them complaining, but				
13	they're trying to sell their property for a lot of money.				
14	That's not right either. So don't be held up by				
15	what they're saying. I'm telling you listen to all the				
16	politicians, all the people in our parish, the police jury,				
17	the people that work here, they're elected by here, and I'll				
18	say this. 99 percent of the people of Cameron Parish want				
19	all of this to happen. So I thank you for listening to me.				
20	FEMALE PARTICIPANT: Thank you.				
21	MALE PARTICIPANT: Thank you. Thank you for				
22	your comments.				
23	RA. ROMERO: Yes sir.				
24	RA. QUINN: Kirk Quinn, K-I-R-K, Q-U-I-N-N. I'm				
25	here to support the permit for Venture Global CP2. Born and				
PM29-4					
PM29-4: Comment noted.					
PM30-1					

PM30 – Kirk Quinn

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	49
1 raised here. It's been great so far to have them here. 2 They've done everything to my knowledge to keep everything 3 straight, and one of my biggest things is we've got, we're 4 going to hear about some negative comments about them 5 tearing our coastline apart. 6 We have had five hurricanes come through here 7 and ravished us, and without these LNG companies coming in 8 and helping us rebuild, we probably wouldn't have a parish 9 left today. So as far as the ground, they're not going to 10 have issues with birds, animals. All this stuff relocates. 11 When they build a subdivision in any place in this world, 12 they relocate animals. 13 That's what they're out here for. They relocate 14 themselves. There is no impact on the birds, there is no 15 impact on the animals, the shrimpers, the fishermen. Our 16 seafood industry has not changed. We still have it, and 17 it's going to stay here. Our marshes took a beating; 18 they're coming back today. But as far as the LNG company, 19 CP2, there's no issues with that. I don't have a problem 20 with that, and if they've got any spoil, I'd love to take 21 it and put it in my marsh right up the road from here that's 22 eroding away from the storms, to build nourishment to put 23 these animals, have a place for them to go. 24 That's what we have to have. We have to have 25 what they call marsh creation, and this is the best way to	PM30-1	PM30-1: Comment noted.
	PM30-2	PM30-2: Comment noted.
	PM30-3	PM30-3: Comment noted.
	PM30-4	PM30-4: Comment noted.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	50
1	get it, the easiest way. So I strongly support CP2. Thank			PM30-4
2	you.			
3	MALE PARTICIPANT: Yes sir. Thank you.			
4	(Pause.)			
5	MALE PARTICIPANT: All right. Go right ahead			
6	sir.			
7	MR. ALLAIRE: All right. My name is John			
8	Allaire. I live at 621 Gulf Beach Highway, Holly Beach,			
9	Louisiana. I'm located approximately a mile --			
10	MALE PARTICIPANT: John, can you give me the			
11	spelling of your last name?			
12	MR. ALLAIRE: A-L-L-A-I-R-E. Okay. I have			
13	several concerns about the flaring at Venture Global and one			
14	issue. They're depositing, this is their dredged spoils			
15	that they put out on my beachfront. I have 3,200 foot of			
16	beachfront on the Gulf of Mexico there. There's this black			
17	sludge, I brought a sample for FERC. This is supposed to be			
18	a sand beach, and this is this black, knee deep, ankle deep			
19	mud. I have some photographs that I'm going to turn into			
20	FERC.			
21	In the draft EIS, I saw that they're speaking			
22	that -- Venture Global is saying the "Flares are to be used			
23	only for start-up, shutdown, routine maintenance,			
24	non-routine venting of emissions due to excess pressure, and			
25	that non-routine venting of the flares is anticipated to be			

PM31-1: See section 1.4 for a discussion of the BUDM and where CP2 LNG proposes to dispose of dredge spoils. See also the revised discussion of flaring in section 4.12.1.4.

PM31-1

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	51
1	intermittent, limited to approximately one occasion per			
2	year, as further discussed." In addition --			
3	Anyhow, that's 12 times a year. I have an			
4	exhibit to hand in to FERC. This is Venture Global flaring			
5	18 days ago from my patio and my home. They're loading a			
6	tanker. You'll note that the tanker name is Clean Energy.			
7	That's what Clean Energy looks like to Venture Global in			
8	Cameron Parish, Louisiana.			
9	From my patio, that's what the flare and the			
10	facility looks like. There's no lighting, restricted			
11	lighting issues with it. This is me standing on my			
12	beachfront in August, in that muck that lined the entire			
13	3,200 feet of my beachfront and the rest of the beach house.			
14	That's where I tracked through it. I have numerous videos			
15	and stuff for that.			
16	Venture Global says they're going to flare 12			
17	times a year. Here's a photograph 2/12/23, the flaring. I			
18	showed you those. But to show you how this goes on and on,			
19	this is 2/14/22 at 6:25 p.m. This is 2/15/22 at 10:00 a.m.			
20	This is 2/23/22 at six o'clock at night. This is the marine			
21	flare, no ship loading on April 4th '22 at 11:36 a.m. This			
22	is 4/14 and 1:00 a.m. from my patio, no ship loading, both			
23	flares running.			
24	This is 4/15/22 at 7:33 p.m. This is Venture			
25	Global on 4/18 at 6:00 a.m. in the morning. This is Venture			

PM31-1

1 Capital 4/23 at 2040 hours. This is them on the 25th of
2 April at 6:36 in the evening. This is 4/27 at 11:49 a.m.
3 This May 26th of '22 at 8:24 at night. This is 5/29 at 1527
4 hours. This is June 2nd, 2022 at nine o'clock in the
5 morning.

6 This is June 8th at 7:47 p.m. This is June
7 14th, 2022 at 1600 hours. This is Global Venture, flares
8 going at 8/8/22 at 8:18 at night. I have every month they
9 flare, every week they flare, and until they figure out,
10 these must be process upsets because it says in their paper
11 work here they're not going to have routine flaring and
12 venting or venting of the flares.

PM31-1

13 They can't seem to operate -- so these must be
14 some sort of excursions. I've notified the DEQ when the
15 emissions are bad. But they can't be doing that many
16 start-ups, shutdowns, routine maintenance, non-routine
17 venting of emissions due to excess pressure. They must be
18 non-routine venting of emissions due to excess pressure.
19 I've been an environmental engineer for 25 years. I worked
20 for Amoco and BP in this area for 30 years, and I was --
21 this is not routine and this is an issue.

22 So I'd like FERC to delve into this, get in
23 contact with me. I can show them the rest of the videos and
24 all of the other additional photographs I'd be willing to
25 provide to them per their request. Thank you for your time

PM32 – Travis Dardar

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	53
1 Don.		
2 MALE PARTICIPANT: Oh, indeed. Okay. Thank you		
3 sir.		
4 (Pause.)		
5 MALE PARTICIPANT: We'll begin, I'm yanking on		
6 here. All right.		
7 MR. DARDAR: Okay. My problems with the		
8 CP2 --		
9 MALE PARTICIPANT: Sir, your name first if you		
10 would.		
11 MR. DARDAR: I'm Travis Dardar. I'm a		
12 commercial fishermen and Cameron resident.		
13 MALE PARTICIPANT: Travis, let me have the		
14 spelling of your last name.		
15 MR. DARDAR: D-A-R-D-A-R.		
16 MALE PARTICIPANT: D-A-R-D-A-R?		
17 MR. DARDAR: Yes sir. Okay, well the problem I		
18 have with the CP2, I'm opposed to it because this will		
19 destroy fishing, not only of, you know, just CP2. I mean		
20 it's all of them combined. It's like cutting wings off a		
21 bird. If you cut wings off a bird, it can't fly right. Not		
22 only that, CP2, that's going to be built about 350 foot from		
23 my front door, and because of the things that the Parish put		
24 in this permit, they absolutely can build around me.		
25 They don't have to buy me out, and I think that		

PM32-1

PM32-1: See revised section 4.10.4 for discussion of impacts on commercial fisheries and our response to comment CO4-68.

PM32-2

PM32-2: Impacts on residences in the Project are discussed throughout the EIS, primarily in sections 4.9.2, and 4.12.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	54
1	for one, they should be some kind of zoning, you know, to			
2	stop things like this. It says in the Parish permit that no			
3	one lives within 1.6 miles of CE2. I will be living 350 to			
4	400 feet from CE2, so that's a flat out lie in the permit in			
5	black and white. I don't understand how they can get away			
6	with this even, you know.			
7	Another problem with the permit, they built on			
8	top of the drainage. You know how they have the yeas and			
9	the nays where they vote, you know, and then they all sign			
10	it, and the first four pages of the permit. It's blank. I			
11	mean come on now. That's not how you do stuff, you know.			
12	There's many ways to destroy the fishing.			
13	Boats are parking right now where we fit in,			
14	because we have no other choice, and that's just with one			
15	plant, you know. I mean what you gonna do? You're going to			
16	leave the boats out there in the Gulf? You've seen how hard			
17	the wind was blowing today? That will never work. So it			
18	ain't gonna be my opinion; it's going to be facts. It will			
19	destroy commercial fishing, and what they're doing is			
20	trading one industry for another.			
21	Cameron was built from the fishing industry, not			
22	LNG. It was built off of the fishermen, and for that			
23	matter, you think somebody's going to come to the LNG			
24	capital to buy seafood? I mean that sounds really stupid,			
25	you know. That's about all I got for now. I'll save a			

PM32-2

PM32-3

PM32-4

PM32-3: Refer to sections 1.5 and 4.4.2 of the EIS.

PM32-4: See revised section 4.10.4 for discussion of impacts on commercial fisheries and our response to comment CO4-68.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	55
1	little bit for later.			
2	MALE PARTICIPANT: Thank you, yes sir.			
3	(Pause.)			
4	KR. THERIOT: My name's Anthony Theriot,			
5	A-N-T-H-O-N-Y, T-H-E-R-I-O-T. I guess I want to know what's			
6	a safe distance to live from these plants? You know, I live			
7	here in town. I mean the one that's here, we see the flares			
8	go off all the time, you know. We hear noise all the time.			
9	I mean we really and truthfully want to know what is a safe			
10	distance to live near one of these, you know?			
11	I fish for a living, you know. What is a safe			
12	distance to shrimp boating, you know? I mean I shrimp. You			
13	know, we've been shrimping the ship channel my whole life,			
14	you know. What happens if, you know, something does happen			
15	and this stuff spills in the water, you know? How's it			
16	going to affect everything, you know? What about all this			
17	dredging they're going to do?			
18	The last one they dredged, you know, we ain't			
19	knew that they were -- they pumped this straight in the			
20	Gulf, you know. We ran over everything that they pumped out			
21	there with our boats. We want to know where the mud's going			
22	to go. They say it's going to go in the lake. How many			
23	oyster reefs are you going to cover up, you know? I oyster			
24	for a living too, you know. We shrimp in the summer, we			
25	oyster in the winter, you know.			

PM33-1: See the response to comment PM19-3 regarding exclusion zones and PM1-7 regarding emergency response planning areas.

PM33-2: See the response to comment PM4-20.

PM33-3: See our response to comment CO4-68. Additionally, section 4.3.3.1 discusses dredged material disposal placement and section 4.7.2.2 discusses impacts on aquatic resources, including dredging.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	56
1	You're going to cover up, you know, what about			
2	the oysters you cover up? What's going to happen with that,			
3	you know? What if you do this dredging? We're just fixing			
4	to start an oyster park. I mean we just got all the permits			
5	to start it and everything, you know. What's going to			
6	happen with that, you know? This could, you know, you pump			
7	something that shouldn't be pumped and, you know, who knows			
8	what's in the ground or what?			
9	I mean what if it kills the oysters? What's			
10	going to happen then? But I mean mainly it's just like I			
11	say, what is a safe distance, you know, to live you know? I			
12	mean I live right here in town, you know. I'm within a mile			
13	and a half, you know, and you can't get a straight. I mean			
14	oh, it's okay; oh, a buffer zone or whatever. There ain't			
15	no buffer zone. I could see their plant.			
16	I mean you might have a wall up around it, but I			
17	mean, you know, I shrimped here when the first LNG ships			
18	started coming through here, and they were, you know, had a			
19	Coast Guard boat. You had to be two miles from them coming			
20	in -- when they were coming in the channel, you had to be			
21	two miles from it and two miles behind it, you know.			
22	What if it goes to that again? What if we're			
23	under another terrorist attack or whatever, you know, and it			
24	goes to that again? There's four or five of them a day			
25	sometimes we see now, you know. What happens then, you			

PM33-3

PM33-4

PM33-5

PM33-4: See the response to comment PM19-3 regarding exclusion zones, PM1-7 regarding emergency response planning areas, and PM4-19 for corresponding potential impacts from LNG marine vessel hazards that form the emergency response planning areas.

PM33-5: See revised section 4.10.4 for discussion of impacts on commercial fisheries, including shrimp fishery, and our response to comment CO4-68.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	57
1	know? That puts us out of business. I mean I've been	PM33-5		
2	shrinking here my whole life. I can't go shrimp nowhere			
3	else. I know nowhere else. I mean I've shrimped here 30			
4	years. I've lived here 30 years, you know.			
5	I mean there is a lot of good too. You hear			
6	about the taxes and this and that, but that's not helping no	PM33-6		
7	shrimper. I mean, you know, tell me what you're going to			
8	do, you know, if something happens to my living? How are			
9	you going to help us with the problems, because I know this			
10	one is here now. It don't help with nothing. I mean			
11	everybody that tore up their boat in that Gulf or whatever			
12	because of the stuff they dredged out there, they ain't			
13	never said a word about it. Oh, well we've got permits from			
14	the police jury.			
15	You know, that didn't fix our problems though.			
16	I mean these are billion dollar companies or whatever, but			
17	you know, we've been here our whole life shrinking, you			
18	know. If it's so safe, people that work at these plants			
19	would have their families here and living ten minutes from			
20	where they work. I mean the reason why I live here because			
21	I'm ten minutes from my boat, you know.			
22	I go to the boat in ten minutes. I'm leaving			
23	the dock in ten minutes, you know. So I mean I thought			
24	that's what everybody does, you live by where you work. But			
25	I don't see none of these people that work out here live			

PM33-6: See revised section 4.10.4 for discussion of impacts on commercial fisheries, including shrimp fishery, and our response to comment CO4-68.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	58
1	right here. They might come put a camper in an RV park, but			
2	they definitely ain't bringing their family here, you know.			
3	So if it's so safe, you know, why does that not happen?			
4	It just, you know, it don't make sense to a lot			
5	of us. I mean our police juries tell us how good it is but,			
6	you know, you never hear about what's bad. What if			
7	something bad happens, you know? What if something spills,			
8	you know? What if something, you know, catches afire, what			
9	if -- you know. You don't hear that. Why?			
10	FEMALE PARTICIPANT: You're at 4-1/2 minutes.			
11	K3. THERIOT: Ma'am?			
12	FEMALE PARTICIPANT: 4-1/2 minutes.			
13	K3. THERIOT: Okay, I'm good.			
14	MALE PARTICIPANT: All right, sounds good, yes			
15	sir. And we appreciate your opinion and --			
16	(Pause.)			
17	K3. ROLFES: Anne Rolfes, A-N-N-E, R-O-L-F like			
18	Frank E-S like Sam. All right, ready? All right. Thanks			
19	for the time. I appreciate it. I have a couple of points			
20	to make, but before I do that, I just want to make a comment			
21	about this process that FERC has, and maybe you've heard			
22	others say this.			
23	But you know, this is a terrible process that			
24	y'all have, where you're inviting community engagement and			
25	yet then you pull us all alone in a room. I'm sure that			

PM33-6

PM34-1

PM34-1: See response to comment PM4-1.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	59
1	y'all understand that when you move these enormous			
2	destructive projects into a community, it is overwhelming,			
3	it is crushing. You are killing -- the company's killing			
4	people's livelihoods, and then to make people come and talk			
5	to strangers about the most personal things is terrible,			
6	right?			
7	It's a deviation from the usual process, which			
8	was you spoke to the group. It was a public hearing. This			
9	is not a public hearing. I don't know the two people in			
10	front of me right now. There's nothing public about this.			
11	So a terrible, terrible process by FERC. It's shameful. So			
12	and it certainly seems designed to benefit the company and			
13	to make the public wilt in the face of dividing us all.			
14	So that said, two issues. One is Venture Global			
15	doesn't know how to run a gas export terminal. If you look			
16	their operations in two ways, one is the constant flaring			
17	that neighbors are reporting, you know. There have been a			
18	lot of pictures taken by neighbors, John Allaire and Travis			
19	and Nicole Dardar, where you can see the company flaring			
20	black soot, you know, often, right, several days a month, in			
21	direct conflict with its permits.			
22	Also if you look at the company's own reports to			
23	the state, they're acknowledging that they're having a			
24	problem with something to do with their heating oil, and			
25	they're saying that they can't fix it, that it has to go			

PM34-1

PM34-2

PM34-2: See the revised discussion of flaring in section 4.12.1.4.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	50
1	back to the manufacturer. This is in regard to their			
2	Calcasieu Pass facility that they already have up and			
3	running.			
4	So they're having consistent operational			
5	problems with the facility that they already have, and they			
6	clearly don't know how to run it. They certainly shouldn't			
7	be allowed to build another facility. So there's that on			
8	the accidents.			
9	And just the second point is where this place is			
10	quite vulnerable to storms. Even in Venture Global's own			
11	surge analysis, the last page of it says that it's smack in			
12	the line of hurricanes. So why in the world would anybody			
13	build a facility there? What's more, they're going to fill			
14	in hundreds of acres of our fragile coastline. We need that			
15	to protect us from storms.			
16	So we'll be submitting comments, you know, more			
17	explicit comments through our lawyers. But this is -- this			
18	hearing shouldn't even be happening, it's such a bad idea.			
19	It's distressing and, you know, I guess a final word about			
20	FERC is we're really disgusted with the Commissioners, some			
21	of whom came here on a tour, and then turned around a month			
22	later and voted unanimously to approve Commonwealth.			
23	You know, it feels like this is just fake. This			
24	so-called public engagement feels awfully fake, and this			
25	whole process of coming to speak to strangers in a room			

PM34-2

PM34-3

PM34-4

PM34-3: Geologic hazards, including coastal zone hazards and mitigation measures, are described in the EIS at sections 4.2.3 and 4.13.1.5. Also see the response to comment PM4-9.

PM34-4: Comment noted. See response to comment PM4-1.

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	61
1 underscores it. So thank y'all. I know y'all didn't make		
2 this process. We appreciate y'all's time, but FERC has some		
3 problems. So thanks.		
4 KALE PARTICIPANT: Yes indeed. Thanks for your		
5 comments.		
6 MS. ROLFES: Yeah.		
7 (Pause.)		
8 MS. PARFAIT: Okay. My name is Jessica Parfait,		
9 J-E-S-S-I-C-A, last name like the dessert, P-A-R-F-A-I-T.		
10 Okay. CP2 LNG would be one of ten massive LNG export		
11 terminals in the region, and would be located next to		
12 Calcasieu Pass LNG and Commonwealth LNG. Three nearby		
13 terminals are already in operation, having a hugely negative		
14 impact on the people and ecosystems of Southeast Louisiana,		
15 Southwest Louisiana, I apologize.		
16 I know you don't consider combined hazards, but		
17 in this case, in this scenario, I think you absolutely		
18 should. To accommodate the massive LNG tankers, Venture		
19 Global will have to regularly dredge the Calcasieu Ship		
20 Channel and berth sites. They struggle to dispose of dredge		
21 material for Calcasieu Pass LNG and are dumping it in the		
22 Gulf currently, where it is washing up on local beaches like		
23 Holly Beach and Johnson Bayou Beach.		
24 The dredging is bad for tourism as well as local		
25 fishermen and shrimpers, disrupting our local economy. CP2		

PM35-1: Cumulative impacts are presented in section 4.14.

PM35-2: Comment noted. Dredged material disposal is discussed in section 4.3.3.1. Additionally, impacts on socioeconomic conditions in the Project area, including tourism and commercial fisheries/shrimpers, is discussed in section 4.10 of the EIS.

Document Accession #: 20230316-4000	Filed Date: 03/16/2023	62
1 LNG and the accompanying CP Express pipeline will destroy 2 more than 700, 1,700 -- I'm sorry, 1,700, one thousand seven 3 hundred acres of irreplaceable wetlands, marshes and 4 cheniers, our region's best protections from storm surge. I 5 think this needs to be weighted heavily, considering that 6 this project will also contribute massively to climate 7 change, which we know will cause hurricanes to increase in 8 both frequency and intensity. 9 CP2 LNG Terminal will destroy more than 340 10 acres alone. Previously-built LNG export terminals have 11 already destroyed 1,065 acres of coastal wetlands in 12 Southwest Louisiana. Sempier, Cameron LNG impacted 270 acres 13 of wetlands. Venture Global Calcasieu Pass LNG impacted 14 more than 480 acres of wetlands, and Cheniere Sabine Pass 15 LNG destroyed 315 acres of wetlands. 16 CP Express pipeline will consist of 85 miles of 17 pipeline. Venture Global fails to account for the risk of 18 leaks and explosions, and is not mitigating the risk of harm 19 to local populations. As if this wasn't bad enough, 20 Calcasieu Pass LNG already burns enormous flares day and 21 night. 22 The noise and light pollution are overwhelming 23 for people for miles around. We can't handle any more 24 flares. Industry executives have stated openly that LNG 25 storage tanks hold an energy equivalent to 55 atomic bombs,		
PM35-3		
PM35-4		
PM35-5		
PM35-6		

PM35-3: See responses to comments CO3-15 and CO4-27. Cumulative impacts on wetlands are discussed in section 4.14.2.4 of the EIS.

PM35-4: Refer to section 4.13 of the EIS regarding safety and reliability.

PM35-5: Discussions of impacts from light and noise are provided in sections 4.9.5.1 and 4.12.2. See also the revised discussion of flaring in section 4.12.1.4.

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	53
1	similar to that dropped on Hiroshima. If the public is not			
2	allowed access to safety or risk management plans, of which			
3	they absolutely should, considering how volatile this			
4	environment is.			
5	Venture Global states that the proposed site is			
6	1.6 miles from the nearest neighborhood. There are			
7	neighborhoods within one mile of the export terminal			
8	proposed site. Even the town of Cameron itself is not 1.6			
9	miles from the terminal. Thus, the company has			
10	misrepresented itself to the public and to Cameron Parish by			
11	not stating the actual distance of the facility to the			
12	nearest residence.			
13	Thank you.			
14	PALE PARTICIPANT: Indeed, thank you.			
15	(Pause.)			
16	KS. ROBERTSON: I haven't figured out how to use			
17	it yet.			
18	PALE PARTICIPANT: Don't worry. It's not that			
19	complicated I'm sure.			
20	KS. ROBERTSON: I hope not.			
21	PALE PARTICIPANT: It shouldn't be too tough, I			
22	hope. All right. We are up and running so --			
23	KS. ROBERTSON: Cynthia, C-Y-N-T-H-I-A,			
24	Robertson, R-O-B-E-R-T-S-O-N. I was at, you know, we have			
25	the folks here from CP2, and I was at the one in Vinton			

PM35-6: See the responses to comment PM6-3 regarding the energy in the LNG storage tanks and PM1-7 regarding public emergency response planning. Note that certain safety and risk management information is not disclosed as it is considered Critical Energy Infrastructure Information or Sensitive Security Information to prevent disclosure of information that may be used by intentional actors and compromise security and subsequent safety of the facilities.

PM35-7: See response to comment CO10-1.

PM36-1

PM36 – Cynthia Robertson

Document Accession #:	20230316-4000	Filed Date:	03/16/2023	51
1	yesterday and at this one here today, and I wasn't going to			
2	comment. But I have been asking them question after			
3	question after question, and I kind of thought that's what			
4	they were here for, was to give us answers, to respond to			
5	the community, and every question I've asked, they have said			
6	oh, well that's not my area of expertise.			
7	So they brought absolutely no people who can			
8	tell us why we have all this flaring all the time, why the			
9	accident reports, why the change in total emissions from			
10	initial of 43,489 pounds of gas to 529 pounds of gas. It's			
11	like either they don't know what they're doing or they're			
12	lying. I mean it's like they gave an initial report and			
13	then what did they do, say oh, that's too much?			
14	So it's very difficult to trust people and			
15	these, you know, I know it's a corporation, but these are			
16	representatives of the corporation. So it's very difficult			
17	to trust a corporation to do what it says it's going to do,			
18	when you are interacting with them over a period of two days			
19	and they have not answered one question.			
20	I find that, I find it very difficult to place			
21	any faith in the corporation that gives misleading data to			
22	-- I don't know who this is for, EPA or whoever it is that			
23	they report releases to, and that bring people to a			
24	community meeting to answer questions that can't answer any			
25	questions.			

PM36-1

PM36-1: Comment noted.

1 And they mention something about carbon capture
2 being another phase of this. That's very distressing too.
3 I mean there was a -- so I guess that's not part of this,
4 but it's part of the pipeline and if they're going to
5 pipeline out or pipeline in carbon dioxide then -- for
6 carbon capture, and in our sandy environment that would be
7 catastrophe waiting to happen.

8 So I think that's what I wanted to say mostly,
9 was there was no point in having these people here, because
10 they didn't answer any questions. Thank you.

11 KALE PARTICIPANT: Indeed, thank you.

12 MS. ROBERTSON: You're welcome.

13 (Whereupon, at 8:00 p.m., the meeting was
14 concluded.)
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16
17
18
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25

PM36-2

PM36-2: As described in the EIS at sections 1.4 and 2.1.1.6, for purposes of our NEPA analysis, we evaluate the CCS facilities within the footprint of the LNG Terminal as FERC jurisdictional components; however, the CCS system would be permitted under the EPA's Underground Injection Control Class VI program and is not an application with the FERC.

	UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL MARINE FISHERIES SERVICE Southeast Regional Office 303 13th Avenue, Suite 200 St. Petersburg, Florida 33701-5505 https://www.fisheries.noaa.gov/region/southeast
Ms. Kimberly D. Bose, Secretary Federal Energy Regulatory Commission 888 First Street, N.E., Room 1A Washington, D.C. 20426	03/28/2023 F-SER/BR
Re: Venture Global CP2 LNG and CP Express Project (FERC Docket No. CP22-21-000 & CP22-22-000)	
Dear Secretary Bose:	
NOAA's National Marine Fisheries Service (NMFS) Southeast Regional Office, Habitat Conservation Division (HCD) and Protected Resources Division (PRD) have reviewed the Federal Energy Regulatory Commission's (FERC) Draft Environmental Impact Statement (DEIS) and your agency's March 7, 2023, letter pertaining to the Essential Fish Habitat (EFH) consultation for the Venture Global CP2 and CP Express Project. We conducted our review from a unique perspective, given our multiple review roles; as a cooperating agency with special expertise and jurisdiction by law over marine resources in the Gulf of Mexico (GoM), and as a consulting agency under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and Endangered Species Act (ESA).	
Project Description	
The Project would involve the construction of a new LNG terminal in Cameron Parish, Louisiana and associated pipeline facilities from Jasper County, Texas to the LNG terminal, which includes a liquefaction plant consisting of 18 liquefaction blocks (9 per phase) and ancillary support facilities; six pretreatment systems (three per phase), each including an amine gas-sweetening unit to remove carbon dioxide (CO₂) and a molecular sieve dehydration system to remove water; four 200,000 cubic meter (m³) aboveground full containment LNG storage tanks (two per phase) with cryogenic pipeline connections to the liquefaction plant and to the berthing docks; carbon capture and sequestration (CCS) facilities; a combined cycle natural gas turbine power plant; and administration, control, maintenance, and warehouse buildings and related parking lots.	
The Project would also involve the construction of two marine LNG loading docks and turning basins and two cryogenic pipelines for LNG transfer from the storage tanks to the docks (collectively referred to as the Marine Facilities). These facilities are collectively referred to as the Terminal Facilities or Terminal Site. Additionally, the Project includes the construction of 85.4 miles of 48-inch-diameter natural gas pipeline (CP Express Pipeline), 6.0 miles of 24-inch-diameter natural gas lateral pipeline connecting to the CP Express Pipeline near milepost (MP) 26.2 in northwest Calcasieu Parish (Enable Gulf Run Lateral), one 187,000-horsepower natural gas-fired compressor station in Calcasieu Parish (Moss Lake Compressor Station), six meter stations (five at interconnects with existing pipelines and one at the terminus of the CP Express Pipeline within the Terminal Site), and other appurtenant facilities (collectively referred to as the Pipeline System).	
	

The Project would be constructed in two phases. Phase 1 would include the construction of all proposed facilities, except for nine liquefaction blocks, three pretreatment systems, and two full containment LNG storage tanks, which would be constructed during Phase 2. CP2 LNG and CP Express propose to begin construction of Phase 1 upon receipt of all required permits and authorizations. This Phase is anticipated to take three years to complete. Construction of the Phase 2 facilities is expected to follow the start of Phase 1 construction by 12 months; therefore, all construction activities (Phase 1 and Phase 2 combined) are anticipated to take a total of 4 years to complete. CP2 LNG and CP Express anticipate construction would start in the fourth quarter of 2023. Once fully completed, the Pipeline System would be capable of transporting up to approximately 4 billion cubic feet per day (Bcf/d) of natural gas (with about 50 percent capacity upon completion of Phase 1) to provide feed gas to the Terminal Facilities from points of interconnection with existing pipelines in east Texas and southwest Louisiana.

Endangered Species Act

We continue to engage in informal ESA consultation with the applicants, and at this point, we expect to reach a final conclusion of "Not Likely to Adversely Affect" for all ESA-listed species and critical habitat under NMFS's jurisdiction. This is based primarily on the fact that the applicant has agreed to install and operate double bubble curtains around all of the larger steel piles (144-in and 120-in) during impact pile driving operations. Based on this and other conservation measures described in the DEIS, we would recommend changing your conclusions for giant mania rays and sea turtles (in Table 4.8-1, and on pages 4-131 & 4-137) from "may affect, likely to adversely affect" to "may affect, not likely to adversely affect".

Magnuson-Stevens Fishery Conservation and Management Act

The Project is in an area designated as EFH for various life stages of federally managed species, and we concur with the species list and habitat characterizations described in the EFH assessment for the project. The primary categories of EFH which would be affected by project implementation are estuarine water column, water bottoms, submerged aquatic vegetation, and emergent wetlands, including fresh, intermediate, and brackish marshes. The EFH assessment describes both permanent and temporary adverse impacts that would result from the Project. Specifically, the permanent conversion of 39.4 acres of EFH from the excavation of the Marine Facilities and development of the Terminal Site, as well as temporarily impacts to 381.6 acres of EFH for the pipeline construction, including 14.7 acres of brackish marsh and 247.5 acres of intermediate marsh.

As previously communicated, a pipeline route through Calcasieu Lake would avoid a significant portion of estuarine emergent wetlands and thus have less direct impacts to EFH. While we disagree with the determination that the preferred pipeline route is less environmentally damaging, we also acknowledge that the preliminary compensatory mitigation plan and beneficial use of dredged materials plan would offset most of these impacts. The DEIS describes a plan to use 893,000 cubic yards of dredged material from Monkey Island to be placed in a contained area in the Cameron Prairie National Wildlife Refuge to create 178 acres of brackish marsh, with the remaining 5,505,000 cubic yards placed adjacent to the contained area in a semi-confined manner across approximately 1,760 acres of primarily open water at an elevation conducive to wetland vegetation.

FA3-1

FA3-1: Comment noted. Section 4.7.2.2 has been revised to incorporate additional mitigation measures CP2 LNG has committed to implementing during in-water pile driving activities; discussions and determinations have been revised in section 4.8 as appropriate.

The following conservation recommendations are specific to the pipeline construction portion of the Project; however, since the disposition of the dredged materials is not yet finalized, we reserve the right to provide additional conservation recommendations, if needed, once the final dredged material plan is submitted. Section 305(b)(4)(A) of the Magnuson-Stevens Act requires NMFS to provide EFH conservation recommendations for any federal action or permit which may result in adverse impacts to EFH. Therefore, NMFS recommends the following to ensure the conservation of EFH and associated marine fishery resources:

EFH Conservation Recommendations

1. At a minimum, the applicant should be required to develop and implement a pre and post construction monitoring plan which would be sufficient to identify portions of the pipeline right-of-way not restored to pre-project elevations. The monitoring plan should include elevations surveyed every 500 feet along the pipeline route crossing marsh. Each survey site should be documented using global positioning service capabilities and on-the-ground photographs should be taken in both directions at each survey point to document pre-project conditions and vegetative recovery. The survey and photographs should be taken prior to dredging of the pipeline remediation locations, immediately after backfilling, and after one complete growing season. Copies of all monitoring results should be provided to the regulatory and natural resource agencies.
2. Mitigation for all permanent (greater than five years) impacts to wetlands from the pipeline construction right-of-way should be required if warranted by the results of the monitoring effort.

We appreciate your invitation to provide comments on this project. For questions pertaining to the MSA or ESA, please direct correspondences to Mr. Craig Gothreaux (craig.gothreaux@noaa.gov) or Mr. Michael Tucker (mitchael.tucker@noaa.gov), respectively.

Sincerely,

STRELCHECK AND
REW JAMES 13658
65192

Andrew J. Strelcheck
Regional Administrator

cc: F. Chabot, Youngkin,
F/SER, Strelcheck, Amendola, Blough, Silverman, Rosegger
F/SER3, Bernhart, Shiots, Tucker
F/SER4, Fay, Swafford, Gothreaux

FA3-2

FA3-2: See section 4.5.2.2. of the EIS for a discussion on wetland restoration and section 4.7.3.4 for a revised discussion on restoration in essential fish habitat. COE and LDNR permit conditions would establish the specific timeframe(s) for post-construction mitigation and CP2 LNG and CP Express assume the COE would also consider this monitoring and mitigation recommendation when developing permit conditions, which may or may not incorporate the recommendations. In response to these permit conditions, CP2 LNG and CP Express would develop a monitoring plan that provides the level of detail and information necessary to ensure post-construction conditions meet agency requirements. In addition, the Project-specific Procedures require that CP Express restore contours and hydrology to preconstruction conditions following the completion of construction within wetlands. In accordance with the Project-specific Procedures (Section VLD.5-6), CP Express would also monitor the impacted areas following the completion of construction and would file a report with FERC identifying the status of wetland restoration efforts (i.e., revegetation). For any wetland where revegetation is not complete after three years, CP Express would develop and implement a remedial revegetation plan in consultation with a professional wetland ecologist. CP Express would continue to provide reports annually documenting the progress on the wetlands until revegetation is successful.

FA3-3: See responses to comment FA3-2 and CO3-15.

Document Accession #: 20230710-5025

Filed Date: 07/10/2023

RESTORE

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07/07/2023

Kimberly D. Bose

Secretary

Federal Energy Regulatory Commission

888 First Street NE Room 1A

Washington, D.C. 20426

Re: Comments on Docket No. 22-21-000 filing by Venture Global CP2 Express

Dear Secretary Bose

Today's filing by Venture Global CP2 Express reveals a continued avoidance of a serious problem that I have brought to FERC's attention previously, in both the VG CP2 Express and Sempra Cameron proceedings.

Both of those companies are conducting activities, allowed by FERC, on an area that was once a Superfund candidate site. In the latest analytical data its groundwater continues to show very significant levels of synthetic halocarbon toxins. The dirt is poisoned.

The digging of the VG CP2 Express Pipeline will go right through the old Ellender Bridge burn pit site, also known as Carlyss Pit #2.

That will remobilize poisons that are in the soil.

The diagrams in today's filing, PDF Page 27, Sheets 1901-100-PLDWG-7153 and 7154 at Milepost 50 clearly overlay the contaminated area as can be seen in comparing Louisiana Department of Environmental Quality EDMS documents at Agency Interest (AI) 4373. Despite the company's filing today, PDF Pages 125-130 in which it says that its measures would prevent any runoff into adjacent surface waters, the fact that neither the company nor FERC has acknowledged the presence of the hazardous wastes at that location is a very disturbing development.

FERC MUST pay attention to this critical detail. After having tried to alert you to the situation repeatedly I am beginning to think that you are intentionally pretending that the problem cannot be real. It is real and ignoring it will lead to a renewed injection of bioaccumulative, non-biodegradable toxins into the Calcasieu ecosystem, exacerbating the reasons for the still-in-existence seafood consumption advisories.

Sincerely,

Michael Trilco, Biologist and President of RESTORE

Restore Explicit Symmetry To Our Ravaged Earth

CO11-1

CO11-1: See response to comment CO3-11.