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*By Docket Room at 4:28 pm, Feb 09, 2015*

## **Protecting the future of the Catskills**

February 9, 2015

UNITED STATES OF AMERICA

BEFORE THE

DEPARTMENT OF ENERGY

OFFICE OF FOSSIL ENERGY

Pieridae Energy (USA) Ltd. ) FE Docket No. 14-179-LNG

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MOTION FOR LEAVE TO INTERVENE AND PROTEST OF

Docket 14-179-LNG

Pursuant to 10 C.F.R. 590.303, Catskill Mountainkeeper (CMK) herein file this motion to intervene in the above-captioned docket. In opposition, CMK states as follows:

### I. COMMUNICATIONS

Any communications regarding this proceeding should be addressed to:

NAME: Wes Gillingham, Program Director

Catskill Mountainkeeper

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## II. BACKGROUND

On October 24, 2014, Pieridae Energy (USA) Ltd. (“Pieridae”) filed an application with the Department of Energy’s Office of Fossil Energy (“DOE/FE”) seeking a long-term multi-contract authorization to export domestically produced liquefied natural gas (“LNG”) up to the equivalent of 292 billion cubic feet (“Bcf”) of natural gas per year to non-Free Trade Agreement (“nonFTA”) countries, via export into Canada via pipeline and re-exporting some or all of that gas as LNG from a proposed terminal in Goldboro, Nova Scotia.

## III. PROTEST AND INTERVENTION

Catskill Mountainkeeper (CMK) is a leading non-profit, membership-based organization in New York State dedicated to the protection of the environment and quality of life of local communities throughout the six county Catskills region, including Delaware County. Formed in 2006, CMK is a 501(c)(3) public charity, with approximately 30,000 supporters. It has two offices in the Catskills – Youngsville and Woodstock – and employs a full-time professional staff working on environmental and sustainable economic development issues.

Over the last several years, CMK has played a key role in the regional and statewide policy debates surrounding proposed natural gas drilling and transmission, including the potential adverse environmental, health, and infrastructure impacts on localities if New York State had approved the proposed hydraulic fracturing plan. Among other activities, CMK has organized public meetings, educated public officials, published detailed newsletters on the natural gas drilling controversy in towns across the Catskills region and, in cooperation with other non-profit organizations, including Natural Resources Defense Council, has prepared and submitted detailed comments on the Draft Supplemental Generic Environmental Impact Statement issued by the New York State Department of Environmental Conservation in connection with its development of fracking regulations.

CMK also works on other issues directly affecting towns and municipalities in the Catskills, including protection of drinking water, lakes and streams; traffic congestion; farmland preservation; air quality; and the safeguarding of the overall natural beauty and rural character of the region.

Our constituents include impacted landowners and residents living near either a) extraction wells or b) near the northeast network of interstate transmission corridors that would feed into the pipeline used by Pieridae to export the gas. Some of these pipeline projects include but are not limited to the AIM, Constitution, NED, and Atlantic Bridge Pipelines, all of which are identified by Pieridae as potential sources of transportation capacity to serve this project.

Our constituents are impacted citizens who will be affected by the regional environmental degradation, impact on gas/electric rates, and impact on grid reliability, that will result as a consequence of this project. In addition, the Pieridae export permit application is only part of a large number of gas extraction and gas transmission facilities that are or will be proposed in, or will pass through, the Catskill region. These facilities, taken together, have the potential to severely damage the natural and rural beauty of the Catskills through the industrialization of the landscape. They could also do severe damage to the critical water resources that the rivers and streams of the Catskill region provide. For this reason, CMK believes that a comprehensive analysis of the proposed facilities, looking at cumulative impacts, among other things, is essential before any further such facilities should be licensed or permitted. That process could and should begin with this docket.

CMK’s participation in this proceeding would also be in the public interest, because it will represent conservation and sustainable development interests in the Catskill region, bring its expertise to bear on issues of safety, health and environmental impact, represent a broad constituency of individuals who cannot themselves participate in the proceedings, and help develop a record on which the Commission can make an informed decision in this matter.

Our constituents are impacted residents and/or citizen, and will be adversely affected by the climate change impacts of this project. For the last several months our group has been working to raise awareness of the Kinder Morgan Northeast Energy Direct (“NED”) pipeline project and that project's potential to harm the local environment, increase the long term use of fossil fuels, assess ratepayers for the costs of pipeline construction, and send natural gas overseas instead of using it for domestic purposes. It is clear upon reading the Pieridae

application (page 20 & Appendix E) that its export plans would likely depend on the completion of the Kinder Morgan project and/or an alternative plan [Access Northeast and Atlantic Bridge] by Spectra Energy.

Pieridae's application must acknowledge the fact that pipeline capacity from the Marcellus shale to Goldboro sufficient for its plan does not currently exist. Under the National Environmental Policy Act ("NEPA") the environmental impact of a new pipeline construction must be considered. In particular, NED is not the expansion of an existing pipeline on an existing right of way; it is a greenfield project with a proposed capacity of up to 2.2 billion cubic feet per day. The new route for this project announced on December 8, 2014 would create a brand new pipeline right of way that would impinge upon the rights of thousands of homeowners and landowners to enjoy their properties. It would cross conservation lands and forests, the water supplies of several towns in this area, and it would endanger the safety of residents due to the proximity of the route for this high-pressure pipeline to highly developed neighborhoods, other utility easements, active quarries, and sewer lines that often undergo maintenance and construction.

Approval of the Pieridae export plan would not only drive the development of large pipelines, but it could result in the depletion of natural gas winter storage and peak supply that are critical to all of New England. In 2014, natural gas "inventories fell 1,000 Bcf below the five-year average in mid-April," according to EIA (<http://www.eia.gov/forecasts/steo/report/natgas.cfm>, accessed 2/8/15). That reduction in inventory was largely responsible for high spot prices for gas in January through October of 2014. Exporting 292 billion cubic feet of natural gas from this region would result in lower inventories of gas and thus, would contribute to higher New England gas prices than if these exports are not allowed.

Because CMK represents natural gas consumers now served by M&NE, and because we represent individuals who are located in the towns along the proposed route of the Constitution pipeline, referenced in the Pieridae application (Appendix E-3, E-4) as a possible source for gas, CMK thus has a direct and immediate interest in this docket which cannot be adequately protected by any other party. Accordingly, CMK should be permitted to intervene in this docket with full rights as a party.

For the reasons stated above, Catskill Mountainkeeper respectfully requests that DOE/FE grant this timely motion to intervene and that we be accorded full party status in any proceedings held by DOE/FE in this docket.

Respectfully Submitted,

Wes Gillingham

Program Director

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