



# FSEEE

Forest Service Employees  
for Environmental Ethics

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*Citizens working together to save our forests*

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July 5, 2019

Federal Energy Regulatory Commission

In Re: OEP/DG2E/Gas Branch 3

Jordan Cove Energy Project, L.P. Docket No. CP17-495-000

Pacific Connector Gas Pipeline, LP Docket No. CP17-494-000 FERC/EIS-0292D

To Whom It May Concern:

These comments are submitted by Forest Service Employees for Environmental Ethics, a 501(c)(3) non-profit corporation, on behalf of its thousands of members, including people whose interests will be adversely affected if the Pacific Connector Gas Pipeline (PCGP) is constructed.

I: The National Forest Management Act bars the PCGP from being located on national forest system land.

Congress directs that national forests be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes. See 16 U.S.C. § 528 (Multiple-Use Sustained-Yield Act). Other uses may be permitted only if “the proposed use cannot reasonably be accommodated on non-National Forest System lands,” and not “because [the permit] affords the applicant a lower cost or less restrictive location when compared with non-National Forest System lands.” See Forest Service Manual 2703.2. Land and resource management plans (“forest plans”) implement this Forest Service policy by barring uses that can reasonably be accommodated on private land. See Appendix F at 1-2 (“National forest land will not be made available for private development when suitable private land is available to support needs”). Violations of the forest plan run afoul of the National Forest Management Act. See 16 U.S.C. 1604(i) (“Resource plans and permits, contracts, and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans”). NFMA’s forest plan consistency requirement applies regardless of which federal agency issues the permit, i.e., BLM must comply with NFMA, too, when it issues a permit to occupy national forest land.

It is self-evident that the PCGP can be accommodated on private land; in fact, about 150 miles of the 229-mile PCGP is proposed to be located on private land. The 30.6 miles of pipeline proposed to cross national forest land could be located on private and/or BLM land. For example, between MPs 153 and 179, the pipeline could be routed south of the Winema and Rogue River national forests. Similarly, between MPs 96 and 116, the pipeline could be located south and west of the Umpqua national forest. These locations would not add significantly to the overall pipeline mileage.

II. The DEIS’s failure to consider a “no national forest land” alternative violates the National Environmental Policy Act.

The DEIS fails to consider alternate routes that do not cross national forest land. This failure violates the National Environmental Policy Act’s duty to consider a full range of alternatives.

Inexplicably, the DEIS considers a “no federal land” alternative, but dismisses that option as geographically impossible. See DEIS at 3-4. However, unlike national forest plans, BLM land use plans do not bar uses that can reasonably be accommodated on private land. Thus, the DEIS’s “no federal land” alternative appears to be a strawman to avoid considering a “no national forest land” (“NNFL”) alternative. Unlike the “no federal land” alternative, a NNFL alternative is geographically feasible.

### III. An NNFL alternative is environmental preferable.

The NNFL alternative would not require amending the forest plans. Thus, the NNFL alternative avoids impacts to national forest late-successional reserves, survey and manage sensitive species, riparian reserves, and national forest visual quality and soil compaction. See DEIS at 2.1.3.2. The NNFL alternative also would not require compensatory mitigation actions for impacts to national forest lands, as there would be none. See DEIS at 2.1.5.

### IV. Conclusion

FSEEE opposes the proposed action because it violates the National Forest Management Act. In addition, the DEIS violates NEPA by failing to consider an environmentally preferable pipeline route that avoids crossing national forest system land.

Sincerely,

A handwritten signature in black ink that reads "Andy Stahl". The signature is written in a cursive, slightly slanted style.

Andy Stahl  
Executive Director