

May 25, 2017



WWALS Watershed Coalition, Inc.



the WATERKEEPER® Alliance
Member for the Suwannee,
Withlacoochee and Alapaha Rivers



- ◆ Upper Suwannee River HUC 03110201
- ◆ Withlacoochee River HUC 03110203
- ◆ Alapaha River HUC 03110202
- ◆ Little River HUC 03110204
- ◆ Lower Suwannee River HUC 03110205
- ◆ Suwannee River Estuary

WWALS Watershed Coalition advocates for conservation and stewardship of the Withlacoochee, Willacoochee, Alapaha, Little, and Suwannee River watersheds in south Georgia and north Florida through education, awareness, environmental monitoring, and citizen activities.



Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426
Via e-filing and electronic service

Re: Southeast Market Pipelines Project
FERC Docket Nos. CP14-554-000, CP15-16-000, and CP15-17-000

Dear Secretary Bose,

Intervenor WWALS Watershed Coalition respectfully requests that FERC stay, stop, or deny any requests to place Southeast Market Pipelines Project (“SMPP”) facilities into service until FERC considers or reconsiders:

1. The alleged need for this pipeline project, which has been refuted by its funding organization in FPL’s 2016 Ten Year Plan and by other evidence; and
2. FERC has taken jurisdiction of at least one LNG export chain from Sabal Trail, despite FERC’s own assertion in its February 2016 Certificate; and
3. Failure to assess risks to Floridan Aquifer, the primary water supply for the region; and
4. Numerous permit violations during construction; and
5. Failure to address especially egregious violations such as the destruction of Randy Dowdy’s world-record soybean fields; and
6. The legal challenges recited in [the Sierra Club letter of May 18, 2017, FERC Accession Number 20170519-5018](#), are all completely litigated.

Details of these six objections are included in the six attachments to this letter. Any one of them should be sufficient to stay, stop, or deny putting any SMPP facilities into service.

WWALS therefore respectfully requests that FERC stay, stop, or deny all requests to place any project facilities into service, including Sabal Trail’s pending request, until FERC addresses all these arguments and evidence. Quite the opposite: WWALS as an intervenor formally requests FERC to revoke its Certificate of Convenience and Necessity for SMPP.

Sincerely,
John S. Quarterman
President
WWALS Watershed Coalition
PO Box 88, Hahira, GA 31632
229-242-0102
wwalswatershed@gmail.com

Cc: Terry Turpin, Director, Office of Energy Projects
John Peconom, Environmental Project Manager

Attachment 1: FPL has refuted its own basis for need for SMPP

FERC wrote in its February 2, 2016 Order granting the three constituents of SMPP a Certificate of Convenience and Necessity:¹

"85. We also have no reason to contest Florida Power & Light's purported demand for natural gas. The Florida Public Service Commission issued an order finding that Florida Power & Light had demonstrated a need for additional firm capacity."

FPL itself has since provided reason to contest that "purported demand for natural gas".

FPL's 2013 [Ten Year Plan](#) filed April 2013 with the Florida Public Service Commission projected 13% growth in electricity demand for Florida.

FPL's July 26th, 2013 [announcement that Spectra Energy of Houston, Texas had won the bidding for the Sabal Trail natural gas pipeline](#), it claimed a third natural gas pipeline was

"necessary to meet the growing electricity needs of the state's residents and businesses"

The Florida Public Service Commission announced on October 24th 2013 ["PSC Approves Prudence for Florida's Third Natural Gas Pipeline"](#), including:

'The Commission had already determined that additional gas capacity was necessary to meet the growing electricity needs of Floridians,' said PSC Chairman Ronald A. Brisé.'

Yet these assertions by FPL and the FL PSC were refuted by FPL itself in boldface in the Executive Summary of its [Ten Year Power Plant Site Plan 2016-2025](#) filed with FL PSC in April 2016:

"Difference: FPL does not project a significant long-term additional resource need until the years 2024 and 2025."

The actual [FL PSC Order of October 28th 2013](#) further said this "need" was based on coal plant "modernization":

"In its petition, FPL states that 400 MMcf/day of additional firm natural gas transportation capacity is required beginning in 2017. The primary factors driving this increased need are the three modernization projects currently in progress at FPL's Cape Canaveral, Riviera Beach, and Port Everglades natural gas plants to upgrade older, 1960's-era steam combustion turbine generating units to modern, and more efficient combined cycle technology. FPL proposes to meet this need by implementing two new contracts for firm pipeline capacity within the northern and southern portions of the state.

"The Northern Pipeline project consists of a joint venture between a subsidiary of Spectra Energy Corporation, called Sabal Trail Transmission, LLC (Sabal Trail)...."

Yet FPL's 2016 Ten Year Plan says on page 59 that all three of those plants have already been modernized without Sabal Trail:

"In regard to using natural gas more efficiently, FPL received approvals in 2008 from the FPSC to modernize the existing Cape Canaveral and Riviera Beach plant sites with new, highly efficient CC units to replace the former steam generating units on each of those sites. The Cape Canaveral modernization went into service in April 2013 and the Riviera Beach modernization went into service in April 2014. On April 9, 2012, FPL received FPSC approval to proceed with a similar modernization project at the Port Everglades site. The project has been completed and the new generating unit went into service on April 1, 2016."

FPL's July 2013 announcement of Sabal Trail included a third purported need, of independent routing:

¹ FERC [Accession Number 20160202-3056](#), February 2, 2016, "Order issuing certificates and approving abandonment re Florida Southeast Connection, LLC et al under CP14-554 et al."

"To continue meeting the growing needs of our customers efficiently and reliably in the years ahead, we will need more natural gas than the two existing major pipelines can deliver, which makes a third, independently routed pipeline system absolutely essential," said FPL President Eric Silagy.

Yet no pipeline can be as geographically independent and distributed as solar power, which has also far more competing suppliers than any new pipeline.

Thus in 2013 FPL asserted three alleged reasons for its "purported need" for a new pipeline, all since refuted:

1. alleged increased electricity need by Florida, refuted by FPL's 2016 Ten Year Plan
2. coal plant "modernization", already done without Sabal Trail, and
3. diversity and competition or "independently routed", in which no pipeline can compete with solar power.

FERC in its February 2016 Order further alleged "market need":

87. As discussed above, 93 percent of the total design capacity of the Sabal Trail project is subscribed under precedent agreements with initial terms of 25 years. This is persuasive evidence of market need for this project. Even though the market, in its consideration of alternative means for addressing energy needs, could have selected renewable energy alternatives and energy efficiency gains, we find that the precedent agreements sufficiently demonstrate the need for the project.⁶⁶

⁶⁶ Final EIS at 4-1 to 4-2.

A unilateral decision by one company, FPL, is not "the market". And even FPL has changed its tune remarkably in its 2016 Ten Year Plan on page 117:

FPL is also the largest producer of solar energy in Florida. By the end of 2016, FPL will have tripled its solar energy-based generating capacity from 110 MW to approximately 333 MW (nameplate, AC). FPL is also projecting to increase that value to approximately 633 MW (nameplate, AC) by 2021. (A 2020 in-service date is assumed for planning purposes).

Sierra Club pointed out in March 2017 that FPL had acknowledged solar power could compete with natural gas pipelines:²

"Moreover, FPL has also retreated from its earlier assertions that solar power is no substitute for pipeline capacity. In sworn testimony before the Florida Commission last year FPL acknowledged that non-gas alternatives, such as solar photovoltaics and energy storage, are capable of satisfying peak demand for electricity and outperforming conventional gas plants by 2020.²⁸ FPL executives explained that the next three years are crucial because they "expect energy storage prices to experience a similar cost plunge to that of solar costs over the last seven years." It is their own judgment that energy storage will be competitive with gas peaker plants. They add that FPL can leverage the learnings of its sister company which is the world leader in solar development, and has several large-scale battery projects underway. Thus, FPL has conceded that large scale solar and battery can produce large fuel savings for FPL's existing gas plant fleet, thereby diminishing the case for expanded gas pipeline capacity."

²⁸ See exhibit B: excerpts of Sierra Club's Post-Hearing Brief and Statement of Issue and Position, In re: Petition for Rate Increase by Florida Power & Light Co., FPSC Docket No. 160021-EI (Nov. 10, 2016) [hereinafter, "Post-Hearing Brief"] at 1-2 (citing testimony of FPL witness); exhibit C transcript excerpts referenced therein.

The actual market has also spoken, with U.S. solar power capacity deployments doubling every two years by FERC's own figures, far outpacing growth of every other power source, even wind. In 2016, adding in rooftop and community solar power, more new U.S. electricity came from solar power than any other source.³ Solar power now employs more people in energy production than coal, oil, and natural gas combined.⁴

² Sierra Club, FERC Accession Number 20170324-5009, March 24, 2017, "Request for Supplemental Environmental Impact Statement; Correction of Misinformation in FERC's Decisional Record for the Southeast Market Pipeline Project, FERC Docket Nos. CP14-554-000, CP15-16-000, and CP15-17-000; and Stay of Construction and Operation", https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14551119

³ Chris Martin, Bloomberg Markets, 15 February 2017, [U.S. Solar Surged 95% to Become Largest Source of New Energy](https://www.bloomberg.com/news/articles/2017-02-15/us-solar-surged-95-to-become-largest-source-of-new-energy).

⁴ [Second annual U.S. Energy and Employment Report](https://www.energy.gov/eere/energy-employment), U.S. Department of Energy, January 2017.

FERC's February 2016 Order included this sentence:

44. ... Although the Commission's Rules of Practice and Procedure generally do not permit answers to protests, 1 we will accept Sabal Trail's answers because they clarify the concerns raised and provide information that has assisted in our decision making.

Sabal Trail's and FPL's assertions of "purported demand for natural gas" have been refuted by FPL. FERC's erroneous conflation of FPL's unilateral choice of energy supply with "the market" has since been soundly refuted by the actual market.

Sabal Trail in its response⁵ to Sierra Club's May request for FERC to deny any Sabal Trail facilities being turned on wrote:

*As discussed more fully below, Sierra Club's May 19 Filing should be rejected. Sierra Club does not address the applicable environmental conditions or requirements of the February 2 Order for placing the Project facilities into service, which Sabal Trail has satisfied.*⁴

The problems with FERC's February Order go well beyond its environmental conditions. As described in this Attachment, the very basis for even considering the project, its alleged need, has now been disproven by the company that requested it.

Therefore FERC should retract its issuance of a Certificate of Convenience and Necessity, or at the very least do its own independent investigation of need instead of accepting Sabal Trail or FPL's answers.

⁵ Sabal Trail Transmission, LLC, FERC Accession Number 20170523-5182, "Response of Sabal Trail Transmission, LLC to Sierra Club's May 19, 2017 Request", https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14573689

Attachment 2: FERC has taken jurisdiction of a Sabal Trail LNG export chain

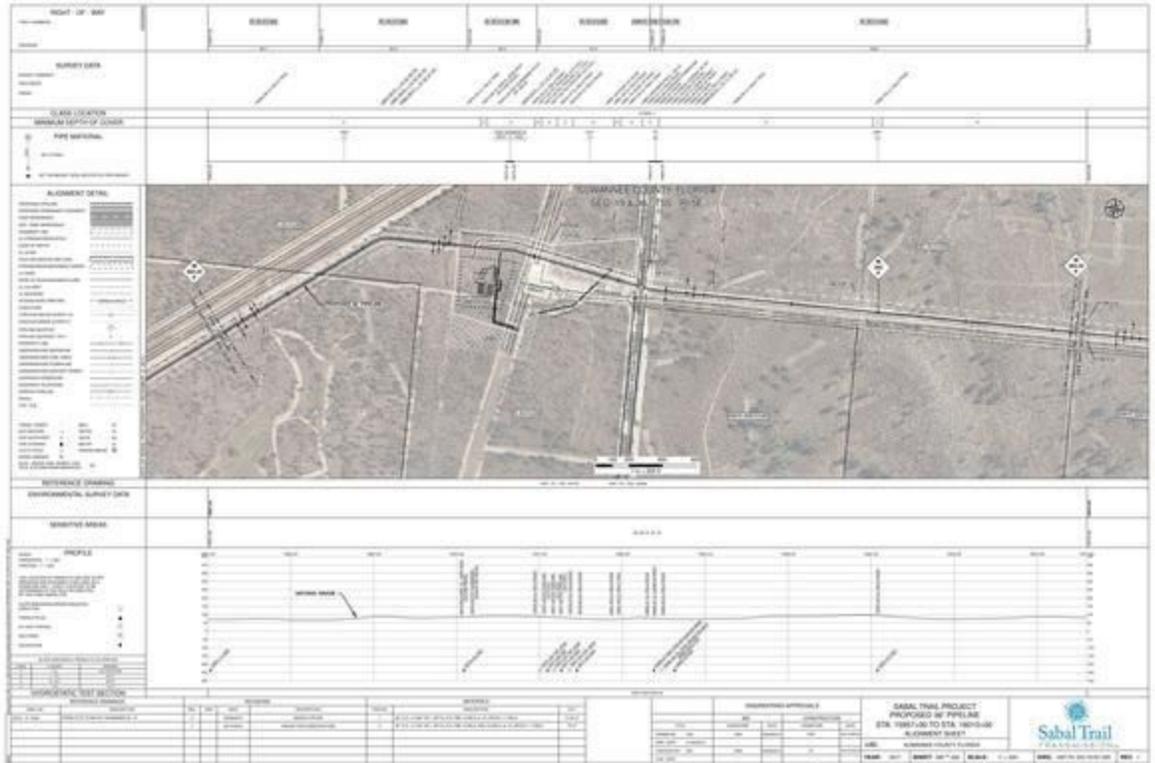
FERC wrote in its February 2, 2016 Order granting the three constituents of SMPP a Certificate of Convenience and Necessity:⁶

86. Allegations that the projects will be used to export gas also do not persuade us to find that the applicants have not demonstrated project need. Neither Sabal Trail nor Florida Southeast has proposed to connect to any LNG export facilities. In addition, Florida Power & Light stated that it lacks legal authority to export natural gas, and that it is contracting for capacity to serve its natural gas plants. Florida Power & Light adds that it is not an owner of the Floridian LNG project in Martin County, Florida, nor is any of its affiliates.⁶⁴ Moreover, the Commission does not have jurisdiction over the exportation and importation of natural gas. Such jurisdiction resides with the U.S. Department of Energy (DOE), which must act on any applications for natural gas export and import authority.⁶⁵

⁶⁴ Florida Power & Light December 23, 2014 Motion to Intervene and Comments in Docket No. CP15-17-000 at 6.

⁶⁵ *Id.* at 4, 6.

Yet Sabal Trail has all along had in its permit application to FERC a metering and regulation (M&R) station in Suwannee County, Florida, to connect to the Florida Gas Transmission (FGT) pipeline, now owned by Kinder Morgan (KMI). That M&R station is shown for example as FGT SUWANNEE M&R STATION” on [Sabal Trail’s April 4, 2016 alignment map](#)



[1657-PL-DG-70197-305](#), at about MP 303.5, [30.031196](#), [-82.852614](#).

At the end of March 2015, KMI applied to FERC to expand FGT to Jacksonville:⁷

“In the event Sabal Trail Transmission LLC (“Sabal”) requests and constructs an interconnection with Transporter relating to the Sabal Trail Transmission, LLC project, Transporter shall provide access to such delivery point to Shipper, in accordance with the Commission’s open access policies as reflected in Section 21 of the GT&C of Transporter’s Tariff in the quantity identified in Attachment 1, Section II as “Service Effective with In-Service Date of Sabal Trail Transmission LLCI” The provision of the Sahel interconnection is

⁶ FERC [Accession Number 20160202-3056](#), February 2, 2016, “Order issuing certificates and approving abandonment re Florida Southeast Connection, LLC et al under CP14-554 et al.”

⁷ FERC [Accession Number 20150331-5692](#), March 31, 2015, “Florida Gas Transmission Company, LLC submits its its Certificate Application re the Jacksonville Expansion Project, under CP15-144,” second document, Exhibit I, Market Data, Precedent Agreement, pages 8 and 9.

conditioned upon all open access and other Tariff requirements and upon all approvals, including appropriate certificate authorization by FERC, and shall be effectuated in the future by either an amendment to the exhibits to the Initial Service agreement or Expansion Service (depending on the completion date of the interconnect) or separate agreement. The parties understand that Sabal, as requester of the interconnect, will be responsible for the cost of the interconnection and the installation thereof and that neither Transporter nor Shipper will have responsibility for these costs.”

Sabal Trail in February 2016 further indicated its intent to interconnect with FGT in Suwannee County when [Sabal Trail applied to FDEP](#) and was later granted an air quality permit for that M&R station.⁸

More recently, on January 31, 2017, Eagle LNG of Jacksonville, Florida, applied to FERC⁹ “requesting authorization to site, construct, modify, and operate a natural gas liquefaction, storage and liquefied natural gas export facilities etc under CP17-41 et al.”¹⁰ Far from disclaiming jurisdiction over that project, FERC staff demanded revisions in April, which Eagle LNG answered in May.

FERC did not finish processing CP17-41 before they lost a quorum in March 2017 due to the resignation of Commissioner Norman Bay, but the point remains that FERC accepted Eagle LNG’s application, which was to get gas for liquefaction from KMI’s FGT Jacksonville Expansion Project, which FERC approved getting its gas from Sabal Trail, while Sabal Trail all along had an M&R station to connect to FGT. Sabal Trail further indicated its intent to connect by getting an air quality permit from FDEP for that Suwannee County M&R station.

Without waiting on FERC, Eagle LNG got authorization to export LNG from the U.S. Department of Energy Office of Fossil Energy,¹¹ which states:

“According to Eagle LNG, the Facility will receive natural gas transported by a local gas distribution utility (Peoples Gas, a TECO Energy Company) through existing pipeline facilities located adjacent to the Jacksonville Project site.”

According to the map Eagle LNG supplied FERC, the existing adjacent pipeline facility is the FGT pipeline.

That DoE FE Order also says:

“Eagle LNG states that two interstate pipelines—owned by Florida Gas Transmission Company, LLC and Southern Natural Gas Company, LLC, respectively—currently deliver natural gas to Jacksonville and the Peoples Gas system. Eagle LNG states that this interstate pipeline supply will provide the Jacksonville Project with access to both onshore and offshore natural gas resources, from multiple fields. Eagle LNG further states that these interstate pipelines will provide the Jacksonville Project with indirect access to additional sources of natural gas supply, including sources located in the mid-continent region and in the Appalachian region, such as the prolific Marcellus and Utica shales.”

KMI’s FGT Jacksonville Expansion Project would supply Eagle LNG with gas from Sabal Trail, which in turn would get it from the Marcellus shale. Gas intended for export. FERC cannot claim not to know about Eagle LNG’s Jacksonville export project, since FERC accepted Eagle LNG’s export application, FERC permitted KMI’s JEP, FERC permitted Sabal Trail and Williams

⁸ AIR CONSTRUCTION PERMIT APPLICATION, Sabal Trail Transmission, LLC, > Suwannee M&R Station, February 2016.

<http://www.wwals.net/wp-content/themes/pianoblack/img/2016/03/Suwannee-Construction-Permit-Application-20160202-final-updated-reduced-size.pdf>

⁹ Eagle LNG Partners Jacksonville LLC, FERC Accession Number 20170131-5314 , Application of Eagle LNG Partners Jacksonville LLC for Authorization Under Section 3 of the Natural Gas Act under CP17-41. https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14534780

¹⁰ Secretary of the Commission, FERC, in FERC Accession Number 20170213-4004, February 13, 2017, Notice of Eagle LNG Partners Jacksonville, LLC's application requesting authorization to site, construct, modify, and operate a natural gas liquefaction, storage and liquefied natural gas export facilities etc under CP17-41 et al. https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14538960

¹¹ ORDER GRANTING LONG-TERM, MULTI-CONTRACT AUTHORIZATION TO EXPORT LIQUEFIED NATURAL GAS BY VESSEL FROM, OR IN ISO CONTAINERS LOADED AT, THE PROPOSED EAGLE LNG FACILITY IN JACKSONVILLE, FLORIDA, TO FREE TRADE AGREEMENT NATIONS, DOE/FE ORDER NO. 3867, JULY 21, 2016, <https://energy.gov/sites/prod/files/2016/07/f33/ord3867.pdf>

Company's Transco Hillabee Expansion Project in SMPP, and in February 2017 FERC approved¹² Williams Company's Atlantic Sunrise pipeline in Pennsylvania to feed Marcellus Shale fracked gas through Transco as far south as Alabama and Sabal Trail.

This Transco connection between Atlantic Sunrise and Sabal Trail was spelled out in an industry publication in 2014,¹³ which also depicted the connection on a map, which further showed Atlantic Sunrise gas going to LNG export operations at Cove Point, Maryland and Elba Island, Georgia. It is inconceivable that FERC did not know about this plan to ship Marcellus Shale fracked methane through Sabal Trail for export.

And if FERC did know, it would appear that FERC may have participated in segmentation of pipeline permitting, which is illegal according to a 2014 ruling by a federal court against FERC.¹⁴

FERC should retract and revoke its February 2016 Certificate of Convenience and Necessity because according to FERC's own permitting documents Sabal Trail is intended at least partly for exporting natural gas, and therefore the applicants Williams Transco and Sabal Trail have not demonstrated project need.

¹² SECRETARY OF THE COMMISSION, FERC COMMISSIONERS & IMMEDIATE STAFF (THE COMMISSION), FERC Accession Number 20170203-3047, February 3, 2017, Order Issuing Certificate re Transcontinental Gas Pipe Line Company, LLC under CP15-138, https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14536668, Transcontinental Gas Pipe Line Company, LLC, FERC Accession Number 20170206-5159, February 6, 2017, Transcontinental Gas Pipe Line Company, LLC accepts the certificate of public convenience and necessity issued in the Commission's February 3, 2017 Order for the Atlantic Sunrise Project under CP15-138. (Supplemental Information / Request), https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14536989

¹³ Housely Carr, Miami 2017 - Marcellus gas heading to Florida, Oil & Gas Intelligence, January 17, 2014, <http://www.ogfi.com/articles/2014/01/miami-2017-marcellus-gas-heading-to-florida.html>

¹⁴ *Delaware Riverkeeper Network, et al. v. FERC*, D.C. Cir. No. 13-1015 (June 6, 2014).

Attachment 3: Failure to assess risks to Floridan Aquifer

Despite assurances by Sabal Trail and the Florida Department of Environmental Protection (FDEP) in *WWALS vs. Sabal Trail & FDEP* (October 2015), numerous sinkholes and a frac-out at the Withlacoochee River in Georgia did happen.¹⁵ Thus Sabal Trail, FDEP, and FERC failed to assess risks to the Floridan Aquifer.

More sinkholes continue to occur, some of them even acknowledged by Sabal Trail.¹⁶ There is no reason to expect that sinkholes will stop even if construction is completed, since they occur frequently in Florida and Georgia in the fragile karst limestone above the Floridan Aquifer even without an intrusive 36-inch pipeline.

Sabal Trail has not even “remediated” all the sinkholes, admitting in its request for permission to go in service that it has not done anything about the sinkholes at the Flint River near Albany, Georgia.¹⁷

Sabal Trail in at least one response to WWALS and to U.S. Representative Sanford Bishop has made an implausible and reckless geological claim:¹⁸

“The City of Valdosta’s 2014 Water Quality Report states that the travel time of groundwater from a sinkhole on the Withlacoochee River to the City’s wellfield, a distance of 3 miles, is approximately 75 years. This extremely slow travel time combined with the fact that groundwater in the aquifer at the Withlacoochee HDD crossing moves to the west, away from Valdosta, makes it impossible that contaminated water entering the Floridan aquifer as a result of the HDD crossing, could contaminate Valdosta’s wellfield. As mentioned above, Sabal Trail’s Karst Mitigation Plan and Characterization Study anticipate the potential for such issues and provide proactive avoidance measures as well as appropriate, industry standard mitigation protocols.”

First of all, the point of the City of Valdosta’s statement was that river water did in fact reach the city’s water wells, no matter that it took 75 years, so contaminants from Sabal Trail’s later frac-out at its Withlacoochee River crossing could, as well, whether those contaminants be drilling mud or other materials injected by Sabal Trail, or river water, or other materials leaking into that or other cracks opened up by Sabal Trail’s drilling, for example at the sinkhole at the HDD site in Lowndes County.

Secondly, west and south of Sabal Trail’s drilling site is the city of Madison, Florida, which wrote to the U.S. Army Corps of Engineers (USACE) requesting a Supplemental Environmental Impact Statement (SEIS):¹⁹

“Madison County is to the west and downstream of Sabal Trail’s proposed HDD crossing of the Withlacoochee River in Georgia. In addition, since the Falmouth Dye Trace established water can move underground and under a river three miles in only a few days, it is puzzling how Sabal Trail could use the word “impossible” in this context. Since Madison County will be here in two days or in 75 years, we would like to see a more comprehensive study of the cumulative evidence, especially before the Corps issues any permit.”

USACE responded hastily, neglecting even to fill in the year in the date,²⁰ and refusing to conduct site visits or to compile a SEIS. USACE similarly responded to or ignored similar requests from three other Florida Counties: Hamilton, Suwannee, and Marion.

¹⁵ FERC [Accession Number: 20161128-5230](https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14515366), 28 November 2016, “WWALS Watershed Coalition, Inc. comments on the Sabal Trail violations FDEP assured us would not happen are happening under CP15-17.” https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14515366

¹⁶ FERC Accession Number 20170505-5043, May 5, 2017, “Sabal Trail Transmission, LLC submits its biweekly status report for the Sabal Trail Project under CP15-17,” https://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20170505-5043

¹⁷ FERC [Accession Number: 20170517-5098](https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14572122), “Request for Authorization to Place Project Facilities into Service of Sabal Trail Transmission, LLC under CP15-17.” https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14572122

¹⁸ FERC [Accession Number: 20160607-5134](https://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20160607-5134), June 7, 2016, “Sabal Trail Transmission, LLC submits its Response to Letter from U.S. Representative Sanford D. Bishop, Jr. under CP15-17.” https://elibrary.ferc.gov/idmws/file_list.asp?accession_num=20160607-5134

¹⁹ Board of County Commissioners, Madison County, Florida, to USACE, July 18, 2017, “Geological studies to the north and to the south show that water travels many miles underground in the same fragile karst limestone that contains the Floridan Aquifer in Madison County,” <http://www.wwals.net/?p=21627>

²⁰ Mark R. Evans, USACE, to Madison Board of County Commissioners, July 29, 2016, “the Corps has determined that the information within the project file (information submitted by the applicants and other individuals and organizations, which the Corps augmented through the use of remote tools such as... is sufficient to accurately evaluate the project corridor.” <http://www.wwals.net/?p=21639>

Many other dye tests by Suwannee River Water Management District (SRWMD) and others have since also established that water can travel miles underground in only a few days. A cursory examination of the geological evidence by Sabal Trail, USACE, FDEP, or FERC would have revealed that.

On a larger scale, water moves underground so much in, below, and above the Floridan Aquifer that we already have [salt water coming up from Apalachicola through Thomas and Brooks County to Lowndes County in the Apalachicola Salinity Feature](#).²¹ It is much farther than fifteen miles from the Gulf of Mexico at Apalachicola to Valdosta in Lowndes County, Georgia.

Even without karst, methane leaks, such as from Sabal Trail's pipeline, moves underground great distances, according to a recent Canadian study.²²

Thirdly, there is nothing in Sabal Trail's *Karst Mitigation Plan and Characterization Study* about how to remediate a sinkhole if it occurs under a river, nor about how to remediate contaminants that have traveled miles underground to a drinking water source.

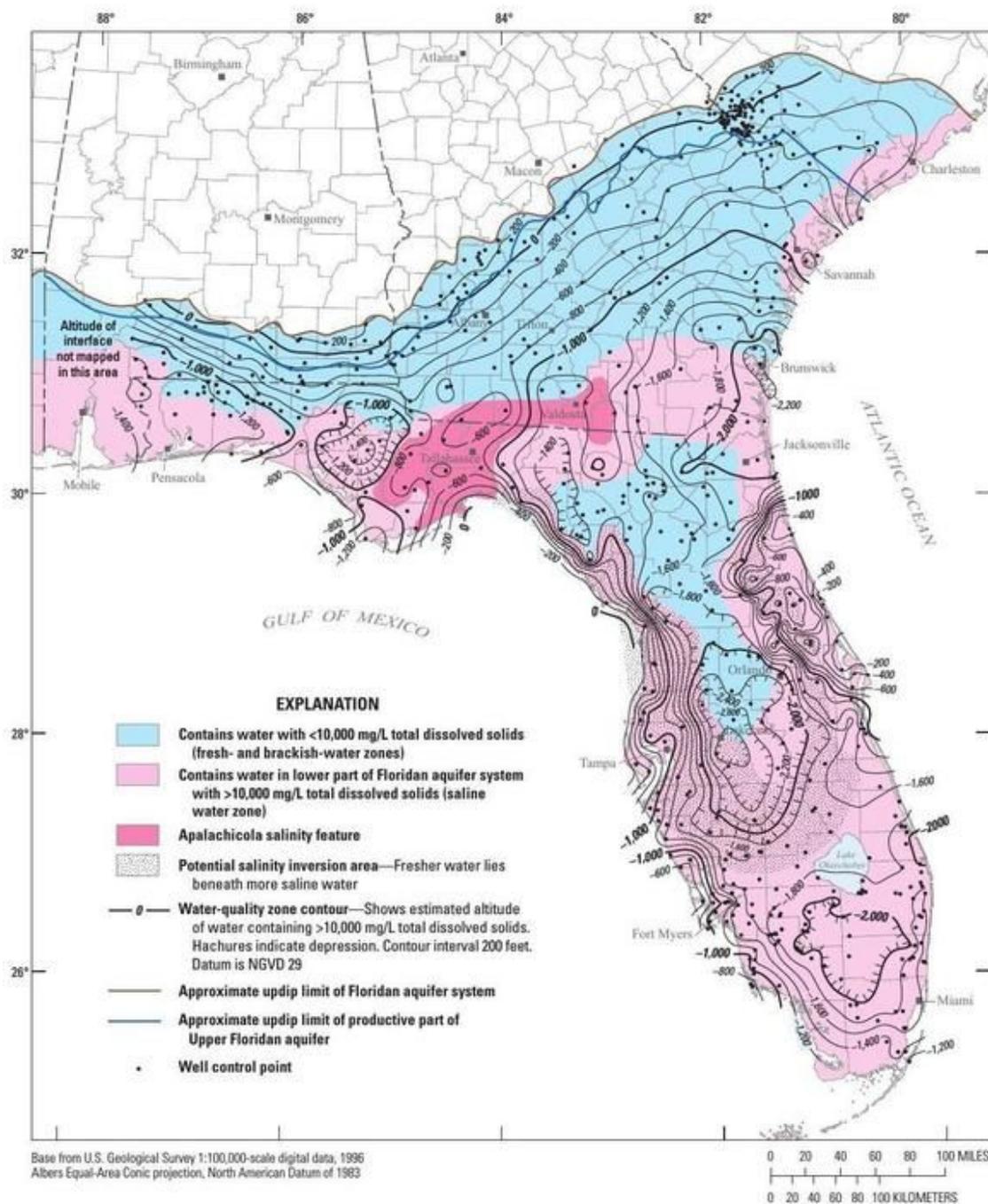


Figure 53. Estimated altitude of the 10,000-milligrams-per-liter (mg/L) total dissolved solids boundary, southeastern United States.

²¹ Lester J. Williams and Eve L. Kuniandy, [Revised Hydrogeologic Framework of the Floridan Aquifer System in Florida and Parts of Georgia, Alabama, and South Carolina](#), Professional Paper 1807, First release: April 2015, Revised March 2016 (ver. 1.1), Groundwater Resources Program, U.S. Department of the Interior, U.S. Geological Survey, Reston, Virginia: 2015., <https://pubs.usgs.gov/pp/1807/pdf/pp1807.pdf>

²² [Methane Leaks from Energy Wells Affects Groundwater, Travels Great Distances, Study Confirms](#), by Andrew Nikiforuk 11 Apr 2017, TheTye.ca. Mobility and persistence of methane in groundwater in a controlled-release field experiment, by Aaron G. Cahill, Colby M. Steelman, Olenka Forde, Olukayode Kuloyo, S. Emil Ruff, Bernhard Mayer, K. Ulrich Mayer, Marc Strous, M. Cathryn Ryan, John A. Cherry, & Beth L. Parker, *Nature Geoscience*, 10, 289–294 (2017) [doi:10.1038/ngeo2919](https://doi.org/10.1038/ngeo2919), 27 March 2017

Sierra Club (with the assistance of other organizations including WWALS) is negotiating with the U.S. Environmental Protection Agency (EPA) about declaring the Florida Aquifer a sole source aquifer (SSA)²³ because of its importance to the region:

“Water is Florida’s most abundant and important natural resource. Underlying the entire state of Florida is the Floridan Aquifer System (FAS), one of the most economically significant, extensive, deepest and most productive artesian aquifer systems in the world. The FAS underlies all of Florida, southern Georgia, southern South Carolina, far-southern Alabama and far-southern Mississippi....

SSA designation will provide limited federal protection for the Floridan Aquifer System, increase public awareness of its vulnerability and is a critical first step towards creating new management plans by federal, state and local officials.

Twenty million Floridians depend on safe, pure water from the Floridan aquifer. Agriculture and industry require clean, abundant water. Florida’s waters attract and sustain 100 million visitors to our state each year. Yet, we continue to deplete, pollute and waste our water as if it is an inexhaustible and indestructible resource. It is neither inexhaustible nor indestructible.”

Sabal Trail has evidenced little understanding of the geology of the Floridan Aquifer, instead showing a cavalier disregard for the consequences of its actions on the source of all our agriculture, wildlife, industry, and our very lives: the underground waters of Florida and south Georgia.

FERC should not stay, stop, or deny putting any Sabal Trail facilities in service until at the very least it performs a Supplemental Environmental Impact Statement, now that Sabal Trail has provided copious evidence that it did not adequately understand the Floridan Aquifer nor the fragile karst limestone containing it.

²³ Sierra Club Florida News, May 5, 2015, "More Floridan Aquifer Protection Called for by Sierra Club Petition to EPA," <http://www.sierraclubfloridanews.org/2015/05/more-floridan-aquifer-protection-called.html?m=1>

Attachment 4: Numerous permit violations during construction

Numerous permit violations were listed by Sierra Club, Flint Riverkeeper, and Chattahoochee Riverkeeper in their pending lawsuit against FERC.²⁴

Permit violations did not cease when that lawsuit was filed. On March 8, 2017, a WWALS member caught Sabal Trail contractor Troy Construction illegally burning material at its construction yard south of Quitman, Georgia.²⁵ Bringing materials from another site to burn is illegal in Georgia, as is burning modified logs, even if they had a permit, which they didn't. Georgia Forestry Commission and the Georgia



Environmental Protection

Division confirmed that is what Troy Construction was doing, that they did not have a permit, and that a permit would not have covered what they were doing. Neither FERC nor the U.S. Army Corps of Engineers responded.

The entire Troy yard is right next to a wetland, with three drainage ditches crossing the site, so this is a water quality violation as well as an air quality violation.

Sabal Trail in its response²⁶ to Sierra Club's May request to FERC to stop any Sabal Trail facilities from going in service claims:

Sierra Club does not address the applicable environmental conditions or requirements of the February 2 Order for placing the Project facilities into service, which Sabal Trail has satisfied⁴

Actually, many of the violations cited by Sierra Club do address the environmental requirements of FERC's February Order, and this illegal burning is another example of a violation of that Order.

Therefore FERC should stay, stop, or deny any Sabal Trail facilities going into service, due to violations of the requirements of FERC's February Order,²⁷ as well as for the other reasons in other Attachments to this letter.

²⁴ Sierra Club, FERC Accession No. 20170519-5018, "Request of Sierra Club that FERC deny all requests to place any project facilities into service until March 23, 2017 letter (acc. number 20170324-5009) is addressed and DC Circuit completes consideration in this matter under CP14-554, et. al." https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14572724

²⁵ John S. Quarterman, WWALS.net, March 9, 2017, "Sabal Trail burning, water, and pipe in Brooks and Lowndes Counties, GA 2017-03-08", <http://www.wwals.net/?p=31411>

²⁶ Sabal Trail Transmission, LLC, FERC Accession Number 20170523-5182, "Response of Sabal Trail Transmission, LLC to Sierra Club's May 19, 2017 Request", https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14573689

²⁷ FERC [Accession Number 20160202-3056](https://www.ferc.gov/AccessionNumber/20160202-3056), February 2, 2016, "Order issuing certificates and approving abandonment re Florida Southeast Connection, LLC et al under CP14-554 et al."

Attachment 5: Failure to address especially egregious violations

Sabal Trail destroyed the world-record soybean fields of Brooks County, Georgia farmer Randy Dowdy, by tearing holes in his terraces and not repairing them, despite his warnings, before January rains caused massive erosion²⁸ of his soil that took him a dozen years to build up, washing it into nearby wetlands.



As Dowdy said:²⁹

“We’ve got loss of production for the future that will take not my lifetime, not my kids’ lifetime, but my kids’ kids’ lifetime to recover from.”

Sabal Trail has made no attempt to repair the damage, leaving the farmer to spend hundreds of thousands of dollars to haul in new topsoil, which cannot approach the quality of what was lost. Sabal Trail has not compensated Mr. Dowdy.

Yet in Sabal Trail’s request to FERC for authorization to send gas through that pipeline, Sabal Trail claims to have “resolved” 271 of 279 landowner issues, offering only this ongoing:

Sabal Trail is committed to working with landowners to address concerns that are currently outstanding or that may arise following in-service. Sabal Trail representatives and the toll free hotline will continue to be available to address any landowner questions or concerns regarding restoration and rehabilitation, and any other project related items. Following in-service, landowners will also be provided via letter with contact information for Sabal Trail operations staff, who will be available to address any future questions or concerns about the

²⁸ Kevin Dowdy, SOWEGALIVE.com, March 14, 2017, S.W Georgia Farm Devastated From Pipeline Construction, <http://sowegalive.com/2017/03/14/s-w-georgia-farm-devastated-from-pipeline-construction/>

²⁹ Daniel DeMersseman, Valdosta Daily Times, 5 May 2017, Farmer: Sabal Trail devastated farm, http://www.valdostadailytimes.com/news/local_news/farmer-sabal-trail-devastated-farm/article_dd59a159-13d1-5d64-886f-143a1a3865e9.html

pipeline facilities. Further, Sabal Trail's webpage will continue to be available to all stakeholders to access Sabal Trail representatives.

Nowhere does Sabal Trail say it will adequately compensate landowners for construction damage. Mr. Dowdy and other landowners also report, in addition to erosion, that Sabal Trail mixed surface soil and subsoil, which has deleterious effects on agriculture.

Sabal Trail in its response³⁰ to Sierra Club's request to FERC to block Sabal Trail's in-service request wrote:

Sierra Club states that a single potential karst area has not yet been fully mitigated but fails to acknowledge that Sabal Trail explained the status of such mitigation in Sabal Trail's In-service Request. Sierra Club's statements regarding landowner issues and dry conditions merely reiterate issues that Sabal Trail specifically addressed in the In-Service Request, including Sabal Trail's ongoing landowner outreach and continuing monitoring and restoration activities. As required in the February 2 Order, Sabal Trail provides ample evidence and explanation in the In-Service Request demonstrating that the "restoration of the right-of-way and other areas affected by the project [is] proceeding satisfactorily."⁶

Sabal Trail has provided no evidence that it is doing anything to remediate Randy Dowdy's fields, nor those of his neighbors, nor of any similar cases. FERC should not deem doing nothing about such destruction as "restoration.... proceeding satisfactorily."

It is very unlikely that Randy Dowdy's case is the only one of its kind, but even if it was, FERC should not authorize any Sabal Trail facilities going in service until Dowdy is completely compensated.

Sabal Trail also wrote in its response to Sierra Club's request to FERC:

To the extent the May 19 filing can be understood as requesting a stay, the May 19 Filing does not mention, much less meet, the relevant requirements for such a remedy. In assessing a request for a stay, the Commission considers several factors: (1) whether the party requesting the stay will suffer irreparable injury without a stay; (2) whether a stay may substantially harm other parties; and (3) whether a stay is in the public interest.¹²

Mr. Dowdy's situation meets all three of those factors:

1. Mr. Dowdy and other farmers whose land has been damaged by Sabal Trail will suffer irreparable harm without actual remediation, which Sabal Trail has not done, and will have no incentive to do if a stay is not granted. To expect each farmer to individually file a motion for a stay would be ludicrous.
2. The only harm of a stay Sabal Trail alleges for other parties is temporary financial inconvenience to Sabal Trail's investors, which is not in the same category as multi-generation harm Sabal Trail has inflicted on Mr. Dowdy. Nor is a one-time loss of a few billion dollar by a few companies in the same category as the ongoing damage to entire industries inflicted by Sabal Trail.
3. Agriculture is the largest industry of Georgia, and tourism is the largest industry of Florida. Both are harmed by Sabal Trail, and turning on the gas would increase the harm by making leaks and explosions possible.

Further, FERC should stay, stop, deny, and discard Sabal Trail's in-service application and insist on one that more accurately describes the damages caused by Sabal Trail construction.

³⁰ Sabal Trail Transmission, LLC, FERC Accession Number 20170523-5182, "Response of Sabal Trail Transmission, LLC to Sierra Club's May 19, 2017 Request", https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14573689

Attachment 6: Pending legal challenges

FERC should not authorize any facilities associated with SMPP going in service until the legal challenges recited in [the Sierra Club letter to FERC of May 18, 2017, FERC Accession Number 20170519-5018](#), are all completely litigated.

Sabal Trail wrote in its response³¹ to Sierra Club's May request to FERC to not approve any Sabal Trail facilities going in service:

"The May 19 Filing raises no new arguments or evidence that could place the Commission's and courts' repeated findings on this issue in question."

That would be a decision for the courts, not for the other party to the case, namely Sabal Trail.

And it is a question for the Commission. The present letter from WWALS certainly does raise new arguments and new evidence.

As an intervenor, WWALS considers this letter a formal legal request for a stay by FERC to stop any Sabal Trail facilities from going in service until all the evidence and arguments are fully considered by both FERC and the courts.

³¹ Sabal Trail Transmission, LLC, FERC Accession Number 20170523-5182, "Response of Sabal Trail Transmission, LLC to Sierra Club's May 19, 2017 Request", https://elibrary.ferc.gov/idmws/file_list.asp?document_id=14573689