

First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Date: \_\_\_\_\_

Honorable Chairman Norman Bay and Members of the Federal Energy Regulatory Commission  
Federal Energy Regulatory Commission (FERC)  
888 First St., N.E.  
Washington DC, 20426

Dear Chairman Bay and Members of the Federal Energy Regulatory Commission,

I am commenting in regard to the Environmental Assessment (EA) of the Presidio Border Crossing Project (Project) proposed by Trans-Pecos Pipeline, LLC (Trans-Pecos) Docket # CP15-500. The commission should consider the 2014 United States Court of Appeals decision in the case of *Delaware Riverkeeper Network et al v. FERC*, and how it applies to the Trans-Pecos Pipeline / Presidio Crossing application.

In the above referenced case it was alleged and upheld by the court that FERC violated the National Environmental Policy Act ("NEPA"), 42 U.S.C. §§ 4321-4370h, by: (1) segmenting its environmental review of the Northeast Project – *i.e.*, failing to consider the Northeast Project in conjunction with three other connected, contemporaneous, closely related, and interdependent Tennessee Gas pipeline projects – and (2) failing to provide a meaningful analysis of the cumulative impacts of these projects to show that the impacts would be insignificant.

Under applicable NEPA regulations, FERC is required to include "connected actions," "cumulative actions," and "similar actions" in a project EA. 40 C.F.R. § 1508.25(a).

"Connected actions" include actions that are "interdependent parts of a larger action and depend on the larger action for their justification." *Id.* § 1508.25(a)(1)(iii).

In the case of the Trans-Pecos Pipeline / Presidio Crossing project, the FERC staff has concluded that the connected, contemporaneous, closely related, and interdependent segment of pipeline from the International Border to the Waha Hub has the *questionable* status of a intrastate pipeline under the jurisdiction of the Texas Railroad Commission, even though Trans-Pecos has admitted an unstated volume of non-Texas sourced gas will flow through the pipeline via the hub.

Even if the intrastate status is accepted, the pipeline has been arbitrarily and impermissibly segmented by Trans-Pecos. Using the widely accepted *but-for* argument, there is sufficient evidence to federalize the entire privately held Trans-Pecos Pipeline project. *But for* the Presidio Crossing there would be no justification for constructing this connected, contemporaneous, closely related, and interdependent segment of pipeline from the International Border to the Waha Hub through a pristine and fragile ecosystem.

Because the FERC staff has elected to ignore in its conclusion the significant environmental impact of the entire project, it has failed to provide a sufficiently meaningful analysis of the cumulative impacts of this project to show that the impacts would be insignificant. Please examine the several expert comments from the several biologists familiar with this region to determine if this project will have significant impact, not the superficial analysis made by the environmental consultant employed by the applicant.

Please consider *Delaware Riverkeepers et al v. FERC* and its significance to the Trans-Pecos Pipeline / Presidio Crossing application in regard to impermissible segmentation and inadequate environmental review.

Respectfully,

First & Last Name (printed): \_\_\_\_\_

Signature: \_\_\_\_\_