



DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP21-197-000]

Kern River Gas Transmission Company; Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Delta Lateral Project, Request for Comments on Environmental Issues, and Schedule for Environmental Review

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the Delta Lateral Project (Project) involving construction and operation of facilities by Kern River Gas Transmission Company (Kern River) in Millard County, Utah. The Commission will use the EIS in its decision-making process to determine whether Kern River's proposed Project is in the public convenience and necessity. The schedule for preparation of the EIS is discussed in the Schedule for Environmental Review section of this notice.

As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as "scoping." By notice issued on January 4, 2021 in Docket No. PF20-4-000, the Commission opened a scoping period during Kern River's planning process for the Project and prior to filing a formal application with the Commission, a process referred to as "pre-filing." Kern River has now filed an application with the Commission, and staff intends to prepare an EIS that will address the concerns raised during the pre-filing

scoping process and comments received in response to this notice. Therefore, the Commission requests comments on potential alternatives and impacts, and any relevant information, studies, or analyses of any kind concerning impacts affecting the quality of the human environment. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC on or before 5:00 pm Eastern Time on September 27, 2021. Further details on how to submit comments are provided in the Public Participation section of this notice.

As mentioned above, during the pre-filing process, the Commission opened a scoping period which expired on February 3, 2021; however, Commission staff continued to accept comments during the entire pre-filing process. All substantive written and oral comments provided during pre-filing will be addressed in the EIS. Therefore, if you submitted comments on this Project to the Commission **during the pre-filing process** in Docket No. PF20-4-000 you **do not need** to file those comments again.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the Project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not grant, exercise, or oversee the exercise of eminent

domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

Kern River provided landowners with a fact sheet prepared by the FERC entitled “An Interstate Natural Gas Facility On My Land? What Do I Need To Know?” which addresses typically asked questions, including the use of eminent domain and how to participate in the Commission’s proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (www.ferc.gov) under the Natural Gas Questions or Landowner Topics link.

Public Participation

There are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208-3676 or FercOnlineSupport@ferc.gov. Please carefully follow these instructions so that your comments are properly recorded.

- 1) You can file your comments electronically using the eComment feature, which is located on the Commission’s website (www.ferc.gov) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;
- 2) You can file your comments electronically by using the eFiling feature, which is located on the Commission’s website (www.ferc.gov) under the link to FERC Online. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on “eRegister.” You will be asked to select the type of filing you are making; a comment on a particular project is considered a “Comment on a Filing”; or

- 3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (CP21-197-000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Additionally, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

Summary of the Proposed Project

Kern River requests authorization to construct, own, operate, and maintain 35.84 miles of 24-inch-diameter pipeline, a new delivery meter station, and related appurtenances in Millard County, Utah. The Project will provide natural gas to Intermountain Power Agency's (IPA) Intermountain Power Project (IPP), which is being converted from coal-fired electrical generation to natural gas-fired electrical generation.

The Project would include construction of the following facilities in Millard County, Utah:

- a 35.84-mile, 24-inch-diameter natural gas pipeline;
- two mainline taps with automated lateral inlet valve assemblies;
- one in-line inspection device launcher;
- one in-line inspection device receiver;

- one automated lateral block valve assembly;
- one delivery meter station; and
- ancillary facilities.

The general location of the project facilities is shown in appendix 1.¹

Based on environmental information provided by the Company, construction of the proposed facilities would disturb about 543.5 acres of land for the pipeline and the aboveground facilities. Following construction, Kern River would maintain about 222.7 acres for permanent operation of the project's facilities; the remaining acreage would be restored and revert to former uses.

Based on an initial review of Kern River's proposal and public comments received during the pre-filing process, Commission staff have identified several expected impacts that deserve attention in the EIS. These include: impacts on public lands managed by the Bureau of Land Management and the Utah School and Institutional Trust Lands Administration; procedures for reclamation and restoration of lands disturbed during construction; effects of construction on mule deer and its habitat, protected bird species, and plants; impacts on grazing allotments and recreation, and greenhouse gas emissions.

The NEPA Process and the EIS

The EIS issued by the Commission will discuss impacts that are available for the construction and the link of the proposed project instructions on connecting to eLibrary, refer to the last page of this notice. At this time, the Commission has suspended access to the Commission's Public Reference Room due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact FERC at FERCOOnlineSupport@ferc.gov or call toll free, (886) 208-3676 or TTY (202) 502-8659.

resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- greenhouse gas and climate;
- air quality and noise; and
- reliability and safety.

Commission staff will also make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff focus its analysis on the issues that may have a significant effect on the human environment.

The EIS will present Commission staff's independent analysis of the issues. The Bureau of Land Management is a cooperating agency in the preparation of the EIS.² Staff will prepare a draft EIS which will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS and revise the document, as necessary, before issuing a final EIS. Any draft and final EIS will be available in electronic format in the public record through eLibrary³ and the Commission's natural gas environmental documents webpage

(<https://www.ferc.gov/industries-data/natural-gas/environment/environmental->

² The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40 Code of Federal Regulations, Section 1501.8.

³ For instructions on connecting to eLibrary, refer to the last page of this notice.

documents). If eSubscribed, you will receive instant email notification when the environmental document is issued.

Alternatives Under Consideration

The EIS will evaluate reasonable alternatives that are technically and economically feasible and meet the purpose and need for the proposed action.⁴

Alternatives currently under consideration include:

- the no-action alternative, meaning the Project is not implemented; and
- a system alternative evaluating whether the Project purpose could be met by use of an existing pipeline system.

With this notice, the Commission requests specific comments regarding any additional potential alternatives to the proposed action or segments of the proposed action. Please focus your comments on reasonable alternatives (including alternative facility sites and pipeline routes) that meet the Project objectives, are technically and economically feasible, and avoid or lessen environmental impact.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission initiated section 106 consultation for the Project in the notice issued on January 4, 2021, with the Utah State Historic Preservation Office, and other government agencies, interested Indian tribes, and the public to solicit their views and concerns regarding the

project's potential effects on historic properties.⁵ This notice is a continuation of section

⁵ The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

106 consultation for the Project. The Project EIS will document findings on the impacts on historic properties and summarize the status of consultations under section 106.

Schedule for Environmental Review

On May 5, 2021, the Commission issued its Notice of Application for the Project. Among other things, that notice alerted other agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on the request for a federal authorization within 90 days of the date of issuance of the Commission staff's final EIS for the Project. This notice identifies the Commission staff's planned schedule for completion of a final EIS for the Project, which is based on an issuance of the draft EIS in November 2021.

Issuance of Notice of Availability of the final EIS	February 23, 2022
90-day Federal Authorization Decision Deadline ⁶	May 24, 2022

If a schedule change becomes necessary for the final EIS, an additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Permits and Authorizations

The table below lists the anticipated permits and authorizations for the Project required under federal law. This list may not be all-inclusive and does not preclude any permit or authorization if it is not listed here. Agencies with jurisdiction by law and/or special expertise may formally cooperate in the preparation of the Commission's EIS and

may adopt the EIS to satisfy its NEPA responsibilities related to this Project. Agencies and state agencies acting under federally delegated authority, that are responsible for federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR § 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by federal law.

that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Permit	Agency
Right-of-Way Grant	Bureau of Land
Temporary Use Permit	Management
CWA Section 404 Discharges to Waters of the United States	U.S. Army Corps of Engineers
CWA Section 402 Stormwater and Construction Dewatering Permits	Utah Department of Environmental Quality

Environmental Mailing List

This notice is being sent to the Commission's current environmental mailing list for the Project which includes the Bureau of Land Management, U. S. Environmental Protection Agency, Utah School and Institutional Trust Lands Administration, federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project and includes a mailing address with their comments. Commission staff will update the

environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed Project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

- 1) Send an email to GasProjectAddressChange@ferc.gov stating your request. You must include the docket number CP21-197-000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This e-mail address is unable to accept comments.**

OR

- 2) Return the attached “Mailing List Update Form” (appendix 2).**

Additional Information

Additional information about the Project is available from the Commission’s Office of External Affairs, at (866) 208-FERC, or on the FERC website at www.ferc.gov

using the eLibrary link. Click on the eLibrary link, click on “General Search” and enter the docket number in the “Docket Number” field, excluding the last three digits (i.e., CP21-197). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at FercOnlineSupport@ferc.gov or (866) 208-3676, or for TTY, contact (202) 502-8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission’s calendar located at <https://www.ferc.gov/news-events/events> along with other related information.

Dated: August 26, 2021.

Debbie-Anne A. Reese,

Deputy Secretary.

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