



pipeline was justified to begin with, not whether Spire can attempt to justify it retroactively.

It is still Spire's original 2017 application that the Commission is considering. Spire may offer evidence of a web of new supplier contracts and other changed circumstances as an argument for current need. Such consequences of Spire's own wrongdoing should not be considered.

### **Alternatives**

The Notice of Intent of Dec. 15, 2021 ("NOI"), at page 5, directs consideration of several new alternatives: a no-action alternative, which appears to be identical to the alternative of abandonment in place; abandonment by removal; and system alternatives.

The Commission should of course give great weight to the opinions of the affected landowners. As an environmental matter, removal could be more damaging than abandonment in place; on the other hand, leaving the pipeline in place would make it available for future use, which should be avoided.

As a system alternative, the Commission should consider, among others, the use of the MRT (Enable Mississippi River Transmission) pipeline, which is the one Spire was using for the service now assigned to the Spire STL pipeline. In a "Motion to Answer and Answer" to the Protest of EDF (filed in subdocket CP17-40-007 on Aug. 20, 2021) Spire said on page 3 that the MRT does not reach Spire's western Missouri service territory (which is irrelevant; neither does the Spire STL) and "Spire Missouri would be returned to a situation in which it is largely reliant on MRT and Gulf Coast and Mid-continent gas supplies, rather than diverse and lower-cost sources of gas from Appalachia." This is the

same old justification of switching supply in the absence of need for new supply; in that sense nothing has changed. Spire wants to saddle ratepayers with the cost of unnecessary infrastructure.

In support of its application for an emergency certificate, Spire offered evidence concerning its contention that unmitigated disaster would ensue if the Spire STL did not operate in the winter of 2021–22. Speculation to that effect is irrelevant to the Commission’s consideration of the original application on remand from the Court of Appeals. Furthermore, it fails to establish that any alternative pipeline(s) would not do the same job.

Continued operation of the Spire STL pipeline should not be considered as an alternative and should be rejected if it is considered.

### **Impacts on the Climate**

The NOI, page 4, in listing impacts that should be considered in the SEIS, makes no specific mention of the adverse effects of natural gas on the climate. The Sierra Club is sure that this was not meant to exclude the topic. In the *Certificate Order for Northern Natural Gas Co.*, 174 FERC ¶ 61,189, P 36, the Commission announced that it would in future consider greenhouse gas emissions, and in its Notice of Inquiry of February 18, 2021, in *Certificate of New Interstate Natural Gas Facilities*, 174 FERC ¶ 61,125 (2021), the Commission solicited information and perspectives on the possibility of revising its Certificate Policy Statement to address this subject.

The Commission has in the past refused to consider “upstream” (production) or “downstream” (end use) impacts in pipeline certificate cases. This makes sense insofar as

it prevents double- or triple-counting of the impacts of the same gas. However, a pipeline must be considered as an essential part of the infrastructure just as much as production and end use. Furthermore, pipelines leak, and direct emission of methane into the atmosphere has far greater climate impact than the burning of gas by the end user.

The EA assigned methane a global warming potential (GWP) of only 25.<sup>1</sup> This was the figure used in the Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report in 2007. This was updated in the Fifth Assessment Report (2013), which gives two GWPs for methane: a 100-year GWP of 36 and a 20-year GWP of 87. The EA could have used 36 as the 100-year GWP, but it would be more accurate to use the 20-year GWP of 87. This is because methane, while it is a far more potent greenhouse gas (GHG) than CO<sub>2</sub> as shown by its GWP, does not last as long in the atmosphere; only about 12 years. However, this is the more significant timeframe since humanity must begin a downward trajectory in the emission of GHGs immediately, cutting emissions in half by 2030, to avoid reaching the danger zone of a 2°C increase in global average surface temperature above the level of pre-industrial times.<sup>2</sup>

Reducing greenhouse gas emissions should have begun decades ago; instead, they are still rising. The broadest network of climate scientists, the UN's Intergovernmental Panel on Climate Change, now counsels that not only must the world cease greenhouse gas emissions but it will have to remove some of the heat-trapping gases that are already

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<sup>1</sup> Carbon-dioxide (CO<sub>2</sub>) has a GWP of one; a GWP of 25 means that methane has 25 times as much global warming potential as CO<sub>2</sub>.

<sup>2</sup> [Climate change: IPCC report warns rapid changes needed to stem catastrophic global warming | CNN](#)

in the atmosphere.<sup>3</sup> The implications for natural gas are clear — the public convenience and necessity demand that there be no further investment in infrastructure, including pipelines, that would result in emissions continuing over decades into the future. The Commission should reject applications for new pipelines, including this one, on climate grounds.

### **Cumulative effects**

The obvious objection to rejecting pipeline applications over climate impacts is that any one pipeline is insignificant to a global phenomenon like climate change. But this response would directly violate NEPA’s requirement to consider cumulative impacts.

“*Cumulative impact* is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.” This extends to “other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.” 40 CFR § 1508.7.

This definition seems custom-made for climate change, to which even the largest individual contribution seems minor but collectively a myriad of actions takes on crisis proportion.

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<sup>3</sup> [The IPCC report is a call to action on carbon removal — Quartz \(qz.com\)](#)

The intensity or severity of impact is judged in part by “Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.” 40 CFR § 1508.27(b)(7).

The U.S. is the primary historical source of greenhouse gases and the second largest current source; but this second-place status fails to account for the fact that much of the production by the number one source, China, is done to supply American markets. The cumulative effect of U.S. emissions past and present is globally significant beyond that of any other nation, and climate change is already adversely affecting our country in the forms of droughts, wildfires, hurricanes, floods, and rising sea levels. The inevitable conclusion is that the application in this case must be denied.

### **Environmental Justice**

Section B.6.7 of the Environmental Assessment acknowledged that consideration of the entire length of the Project over several rural counties obscures the fact that the portion of the Project in St. Louis County, and particularly in Spanish Lake Township, occurs in a predominately minority and low-income community. Using FERC’s own data gathered from EPA’s EJSCREEN tool, 75% of the population within 0.25 miles of the project in St. Louis County is minority and low-income. Yet despite the conclusion that the Project will occur within an environmental justice community, the EA failed to analyze appropriately the disproportionate impacts of the Project on minority and low-income communities and instead discussed impacts of the project as a whole.

The SEIS must consider alternatives that would avoid or minimize disproportionate impacts to minority and low-income communities. None of these impacts or alternatives was considered in the EA. Instead, the EA contains one paragraph of cursory analysis of environmental justice impacts, which relied on the presumption that such impacts were discussed in other subsections of Section B. However, a review of the entirety of Section B demonstrates that impacts to minority and low-income communities were not addressed in these sections.

### **Conclusion**

The Sierra Club, Missouri Chapter, respectfully submits that the issues raised above are within the scope of the action, defined as the continued operation of the Spire STL pipeline based on the original application for a CPCN (NOI, p. 1), and should be considered in the SEIS.