

1 FEDERAL ENERGY REGULATORY COMMISSION

2

3 DELTA LNG & DELTA EXPRESS PIPELINE PROJECT

4 DOCKET NO: PF19-4-000

5 SCOPING MEETING

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9 Belle Chasse High School

10 8346 Highway 23

11 Belle Chasse, LA 70037

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13 Monday, August 12, 2019

14 4:30 p.m.

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1                   P R O C E E D I N G S

2                   (4:30 p.m.)

3                   MR. GUEY: I've watched this process for, well,  
4 since the beginning, watched it since the beginning and I've  
5 seen a very high degree of professionalism from all the  
6 representatives of Venture Global and we have questioned  
7 them in many areas, particularly the environmental area.  
8 I've been very satisfied with all of their comments and the  
9 process that they're -- that is taking place. I'm impressed  
10 with the potential for employment and the return of tax  
11 dollars to the parish which are beyond what I had expected  
12 when this first started.

13                   So, I'm glad -- I'm pleased. I think it's a  
14 well-run operation. They cover their bases and we're very  
15 fortunate that they chose us. Good.

16                   MR. EUSTIS: I'm here tonight on behalf of the  
17 Healthy Gulf Organization. We have thousands of members  
18 across the Gulf Coast from Brownsville/Corpus to Tampa and  
19 Sarasota. We're seeing an incredible amount of these  
20 developments on our wetland coasts -- the wetland coasts of  
21 the United States. We know it's the oil and gas coasts of  
22 the United States, but this is an unprecedented industrial  
23 build-out in some very sensitive areas. We know that FERC's  
24 gonna defer to the Corps on wetlands issues. That's  
25 disappointing because of, you know, we're -- you know the

1 state of Louisiana is in litigation over the lack of  
2 compliance with wetlands restoration -- you know, wetlands  
3 law: Coastal Wetlands Law 404.

4           These pipelines and other developments that  
5 were originally part of the upstream development have cost  
6 the state of Louisiana and the nation over 400 square miles  
7 of the nation's wetlands and some of the most productive  
8 fishing areas of the nation. We've lost that -- that's a  
9 hurricane protection, especially -- it's hurricane  
10 protection in Houston. It's also greatly important for  
11 hurricane protection in Louisiana. So, we look at this new  
12 industrial build-out for export in the places that have  
13 already been destroyed. Those of us that live on the Gulf  
14 Coast need the last bit that's left and, you know, we're  
15 seeing tens of thousands of acres -- both -- you know,  
16 supposedly behind levee systems.

17           Although we know the maintenance money for  
18 those levees is speculative, things like Wet Meadow Wetlands  
19 that don't rate for wildlife but are very just unstable  
20 places to build heavy industry and also, these pipelines --  
21 pipelines are the number one reason for direct impact to  
22 wetlands across the Gulf Coast and especially in New Orleans  
23 district in Louisiana.

24           So, it pertains to the Corps, and the Corps  
25 doesn't respond to the need to protect wetlands that we have

1 in the state. I think FERC must consider though that the  
2 fact that we have a project that's going to be dismantling a  
3 lot of wetlands will change the risk profile of the  
4 facility. That levee in Point Celeste is not there right  
5 now. If this project, supposedly -- if it's a 50-year  
6 project, you know, what year -- how long does this project  
7 last?

8                   You know, it needs to be around a certain  
9 amount to provide any benefits to the mainstream. The longer  
10 it's around, the longer it would accrue benefits. The longer  
11 it's around, the riskier it gets, especially after 2040.  
12 That's when we see everything disappear from this place. You  
13 know, sea level rise is already leading to a loss of  
14 wetlands before 2040. Sea level rise from climate change is  
15 probably -- it is the primary driver of wetlands loss  
16 outside the Burford Delta so probably here at Point  
17 Celeste, north.

18                   So, you know, we do need FERC to consider  
19 that -- you know, we want FERC to do a climate analysis and  
20 have a quantitative estimate on "What is the added CO2  
21 tonnage per year to the atmosphere?" "What is this doing to  
22 the sea level rise numbers if we permit -- especially what,  
23 60 facilities?" I mean, I don't know how many. This would be  
24 a programmatic EIS for all of this because there's so many  
25 facilities from Brownsville all the way into Alabama and I

1 think there's even one in Florida, right? We need a  
2 quantitative climate assessment. There's no market for all  
3 of those. That's the other problem. That's the other reason  
4 you need a programmatic EIS.

5                   It's kind of absurd. What we see is that, you  
6 have 60 facilities, there's a race to the bottom. It's not:  
7 who can build the most secure facility to provide benefit  
8 for the nation. It's: who gets the permit fastest? Who can  
9 grease the wheel? Who paid -- the most, you know? It's that  
10 kind of stuff. It's -- God, nowadays it's: who got what girl  
11 and how good the drugs was? Decisions are not being made on  
12 what's the greatest benefit to the nation, unless we look at  
13 these things programmatically.

14                   We don't see that having three of these things  
15 in -- we just evacuated for less than a Category 1, like a  
16 tropical storm, Barry. It made up to one. We had river  
17 flood warnings all the way up to St. James' Parish. The city  
18 could have gone again if not for a gust of dry air. It was  
19 close. So, we need some kind of assessment. And this area in  
20 particular, Point Celeste, the west bank, the river levee is  
21 lower than the other side. When it comes -- push comes to  
22 shove and you're in the shit it's always about: is it your  
23 neighbor higher than you? And I'm telling you, locally, in  
24 the river, the east bank is higher than the west bank. So,  
25 if the river floods, it's not going to go to the east bank,

1 it's going to come to this property first. Both of them.  
2 They're both in that same old pastureland.

3                   So, look at the levee elevations, and then  
4 look at the levee elevations on the gulf side as well. I  
5 mean, that levee's not built yet. This property flooded in  
6 Barry; it wasn't a big deal. Because it was pastureland it  
7 wasn't a big deal, 'cause we're not finished building that  
8 levee. But it was hardly anything and we have water on this  
9 site. So, what that means is, your risk profiles are  
10 changing so, if there's a standard, that's say 1-in-500 year  
11 hurricane flood we're going to build big wall around the  
12 facilities, it's to the 1-in-500 year flood realize that  
13 should not take into account -- it shouldn't assume that  
14 there're any -- the problem is the levee is built, assuming  
15 that there's land in front of it and we know the land is not  
16 going to be there.

17                   This company could make a different decision.  
18 It could mitigate. It could do permitting responsible. It  
19 could maintain these wetlands, let's say 30 years. I think  
20 that's fair. (Laughs). You know, I think, 30 years out,  
21 we're going look at islands in this area. You know, it's  
22 going to be sand mixed because the ocean's going to be  
23 pushing up right up into it. So, it's not a simple question,  
24 I know. But, I mean, we really -- to maintain the  
25 assumptions of their risk profile, to maintain those

1 engineering assumptions when they go and say, "Well, how big  
2 do we know -- how deep do we need to put the pylons? How big  
3 is the wall around the facility?" Realize all those  
4 assumptions are quicksand and, literally, the earth is  
5 moving underneath them.

6                   So, we don't trust -- the last one, the last  
7 Venture Global said we got a 1-in-500 year hurricane levee  
8 around our facility. That's -- we don't, you know, believe  
9 in that. You should, as FERC, get at least the 20-year  
10 projections of a future without action for the wetlands  
11 outside of Point Celeste. It's a tragedy. It's -- they have  
12 those red maps -- they call it The Red Maps. Those Red Maps  
13 are planning level. Even if they're planning level, I don't  
14 care, get them because, I mean, it'll show you that (laughs)  
15 there's red all in front of the levee that isn't even there  
16 right now -- in front of Point Celeste. And that changes the  
17 engineering assumptions for whether or not this facility can  
18 withstand a hurricane. There's an evacuation route.

19                   We just had, again, this mini mini thing, this  
20 teeny little thing, but it was a teeny little thing in a new  
21 climate. Where we had a teeny little storm come up with a  
22 big river and, you know, it's that thing, it's like The Big  
23 One. It's the thing they said, "Oh, it's never gonna  
24 happen." And it happened this year.

25                   Now, we got saved at the last minute but, we

1 have to understand that this is a new normal. We're gonna  
2 have hurricanes with the river flood, going forward, and we  
3 need some kind of evaluation of that risk to this property  
4 and Point Celeste which, again, it's on the wrong bank  
5 locally when you look at the river levee, and it's not a  
6 great area when you consider coastal flooding. What is that  
7 risk? I don't know. Maybe that just means, "Hey, we'll build  
8 the wall, I don't know, five feet." Fine. But, I fly over  
9 these areas after a storm, everything's a mess. It's all  
10 over the place.

11                   We know federal case law's based on the 20 --  
12 they only have to build to a 25-year rainfall. That happens  
13 multiple times a year. We know the federal law is messed up  
14 where you have it in case law that a 25-year rain is the  
15 rain that only happens once every 25 years. That's not good,  
16 because we're building this facilities -- they're  
17 chronically under-built because we don't take the fact that  
18 everything's disappearing into account.

19                   So, I mean, we want all of this evaluation  
20 because we want a good analysis of alternative sites because  
21 we think, you know, there's better places to build this if  
22 you really want to provide benefit to the nation as opposed  
23 to just some casino thing where some investors make some  
24 money because they sold a lemon to the next guy. A  
25 programmatic Environmental Impact Statement, you know,



1 really gets at that alternative analysis for how much -- you  
2 don't have a market for 60 of these things. What's the real  
3 market? What's a place where you can build it that's gonna  
4 be the most secure, is not going to get destroyed?

5                   You know, we think the investors should be  
6 able to recoup their costs if you build in a place like  
7 Plaquemines Parish that just had an emergency evacuation for  
8 a river flood. I mean, it's just kind of silly.

9                   I know it's probably not your jurisdiction,  
10 but the investors should be able to recoup their money.  
11 Sasol lost six billion dollars because they didn't take any  
12 of this into account. There's parts of that project that  
13 didn't go forward because they didn't they'd get 50 inches  
14 of rain in Westlake, and that's just nuts. I mean, we know  
15 this is happening.

16                   We need a quantitative risk assessment. Also  
17 according to the fire risk because this is a evacuation area  
18 and, especially, you know, we ran into -- in Isaac we  
19 evacuated on the river levee. This year, we could not  
20 evacuate on the river levee. People just had to stick it  
21 out. And if the water came, they're dead. So, you know, to  
22 add to the decision matrix that, hey, don't try to evacuate  
23 'cause there's a levee risk. It just seems unacceptable. So,  
24 we at least -- we want a quantitative risk assessment  
25 according to an updated -- what is it, the Fire Protection

1 Association. Yeah, there's that.

2                   There's environmental justice: let's just  
3 switch from the east bank to the west bank. That's white  
4 people to black people, white people to Native American  
5 areas. For these pipelines in rural areas, the standard  
6 guidance is comparing block group percentages to the parish.  
7 Like, you know, we don't wanna hear that we have to go  
8 through black areas because there's no other areas. That's  
9 silly. Always, with some of these land development projects  
10 we see they go into -- the block group to parish comparison  
11 really shows you where environmental justice communities are  
12 even if you have parishes or countries that are, you know,  
13 60% non-white. I think that block group to -- we saw that  
14 with Standing Rock. The Corps knows how to do it (laughs).  
15 We need FERC to do it because you all are doing a lot of  
16 pipelines. We feel that's very appropriate analysis of who  
17 is being risked.

18                   Of course, when you do that you look at this  
19 area, it's not a coincidence. This is the land of Judge  
20 Perez, you know, we got Venture Global Delta, Venture Global  
21 Gator. We got tall grass, methanol IGP. We got -- the  
22 Alliance Refinery exists. We have grain terminals that give  
23 people adult-onset asthma already. We have the two largest  
24 coal terminals. These are all in the African-American areas.  
25 All in hist -- these are some of the oldest settlements in

1 the parish, which puts them -- pretty old for the state and  
2 pretty old for the nation. You know, places like Ironton.  
3 Places like Burris. You have places like -- and you have  
4 Native places like the Grand Bayou community. And if you're  
5 going to the west bank with your pipeline, you're getting  
6 away from the white folks in Denham Springs and you're going  
7 into Houma Nation territories.

8                   So, you know, we know that there's not a  
9 condition for the resonating the Felipe and the Grand Bayou  
10 people. We'd like to see, you know, at least an outreach to  
11 them about this. Same with the Houma Nation or the  
12 Pointeauxchene tribe. The folks that do have the life way  
13 that's the basis --it's the basis for our culture in  
14 Louisiana, which is a very big economic thing.

15                   So, the environmental justice block group to  
16 parish or block group to county analysis can get at, you  
17 know, are the people who are responsible for our cultural  
18 economy, are they being disproportionately targeted and can  
19 we alter that? Can we mitigate that so, you know. I think  
20 we've seen it where, you know, especially the past three  
21 years it's 100% in African American areas. So, at the very  
22 least, put it on paper that this is happening so those of us  
23 who can crack open the sociology textbook don't feel crazy  
24 (laughs), off track.

25                   But that's important to your compliance with

1 SHPO. We need to look at all the sites that are not gonna be  
2 on the state SHPO, especially when you go to the west bank  
3 and you go through gains, you know. We've had all these  
4 Phase One analyses and then, that's it. It's like, you know,  
5 we need to keep doing -- we need to move to Phase Two  
6 through some of these areas. You need to consider that these  
7 historical sites contain information on, say, the original  
8 corn growth in the country. Some of the places were --  
9 that's historically important and scientifically important,  
10 I think.

11                   What's more relevant to me, as a New  
12 Orleanian, a white dude, is that these are people who have  
13 lived with the fluctuations in the sea level and hurricanes  
14 for the longest and it's their culture's why -- and these  
15 archeological sites are important to why they give you the  
16 fishbones, they give you indices of fisheries production  
17 that we could have, and I know that's only a two billion  
18 asset to the Louisiana economy every year but it's an  
19 important thing for being able to project potential  
20 fisheries productivity into the future when we deal with --  
21 when we're all going to be under water.

22                   So, we do need environmental justice  
23 compliance. When you look at your construction right away --  
24    yeah, I'm giving the whole con if this isn't scoping, huh?  
25 You look at your construction right away of course we want

1 to minimize -- there's so many five foot standards for the  
2 coastal zone of Louisiana, we think the basin deserves that  
3 as well 'cause what we see is out of kind, out of -- what do  
4 you call it? -- out of place compliance. We think you should  
5 look at permitting responsible options. You're going into  
6 areas that are already torn up with spoil banks. Look at  
7 degrading spoil banks as a potential wetland mitigation. We  
8 think it's valid. We want a quantitative carbon output  
9 analysis of things like this. Garrett Gray says, and it's  
10 beneficial. Well, let's get to numbers on that 'cause we  
11 know that climate is -- it's the number one thing that's  
12 affecting the wetlands and the wetlands are everything here  
13 and the wetlands are what's underneath the engineering  
14 assumptions for building on this property. We'd like all of  
15 these things to be part of the alternatives analysis.

16                   Let's see if I've left anything out (laughs).  
17 Thank you. Yeah, I think you really want -- you want, for  
18 anything of these projects, we want a project lifespan that  
19 drives the engineering assumptions, that drives the risk  
20 profiles. We think, if you do a simple way, that's profile  
21 before and after 2040, right? 2040 is the year where  
22 everything's going crazy. Don't take my word for it. Get the  
23 CPRA modeling of what wetland's gonna be left in this huck  
24 12, huck 16, along the pipeline. They have projections out  
25 to 2067. You can just do pre-2040, post-2040, I think. Give

1 us a risk profile.

2                   Last comment is: we've been told the  
3 pipeline's move over time. We've been told they don't move,  
4 just now. I think the pipeline's move (laughs). We need some  
5 kind of quantification, you know. Don't tell me that they  
6 don't move because we got other agencies telling me they do  
7 move. Tell me it's only gonna move this much (laughs),  
8 right. We need some kinda quantification of how this  
9 infrastructure that's the pipeline stuff, it moves. So, we  
10 need some kind of devaluation that it's only gonna move  
11 within threshold, why, right? Because we keep -- and this,  
12 especially when you go into this area in the coastal zone  
13 around here, there's a tone of abandoned pipelines. A lot of  
14 it has not been documented and some of it -- some of it was  
15 never documented and some of it was moved. So, you got guys  
16 out there doing surveys now. They should do -- I don't know  
17 if you can do ground penetrating to find these little three  
18 inch things but, you should look for these abandoned pipes  
19 that are in the old areas and be careful and think about,  
20 you know, how much the pipeline's gonna move underneath,  
21 after it's buried. That's enough (laughs). We can talk about  
22 oysters, you know.

23                   (Whereupon the meeting was adjourned at 7:15  
24 p.m.)

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## 1 CERTIFICATE OF OFFICIAL REPORTER

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3 This is to certify that the attached proceeding  
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the  
5 Matter of:

6 Name of Proceeding:

7 DELTA LNG & DELTA EXPRESS PIPELINE PROJECT

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16 Docket No.: PF19-4-000

17 Place: Belle Chasse, LA

18 Date: Monday, August 12, 2019

19 were held as herein appears, and that this is the original  
20 transcript thereof for the file of the Federal Energy  
21 Regulatory Commission, and is a full correct transcription  
22 of the proceedings.

23

24 Gaynell Catherine

25 Official Reporter