

JORDAN COVE LNG EXPORT TERMINAL & PACIFIC CONNECTOR PIPELINE

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BRIEF OF AMICI CURIAE FOR THE PERMANENT PEOPLES' TRIBUNAL SESSION ON HUMAN RIGHTS, FRACKING, and CLIMATE CHANGE

Rogue Climate is a non-profit public interest group that works to empower Southern Oregon communities most impacted by climate change, including low-income, rural, youth, and communities of color, to win climate justice by organizing for clean energy, sustainable jobs, and a healthy environment. This amicus curiae brief is submitted in support of the session on the human rights impacts of fracking and climate change.

Based in Jackson County in southern Oregon, Rogue Climate works in many of the rural communities most impacted by the proposed Pacific Connector fracked gas pipeline and Jordan Cove Liquefied Natural Gas (LNG) Export Terminal.

A Canadian company, Pembina, wants to build the Jordan Cove Energy Project to export fracked liquefied natural gas (LNG) from Canada and the Rockies through southern Oregon to Coos Bay and then to Asia. This would require a 229-mile Pacific Connector pipeline across private and public land, creating a 95-foot wide clearcut through southwest Oregon's forests, farms and rivers.

The pipeline would terminate in an export facility on the North Spit in the Port of Coos Bay. The facility would be located in the tsunami hazard zone, subjecting over 16,000 people to hazardous burns in the case of an accident. This project would pollute 400 waterways and harm salmon populations, impact hundreds of landowners, threaten tribal territories and burial grounds, raise energy prices, and create one of the largest source of climate pollution in Oregon.

Community organizations, tribes, businesses, and concerned residents are standing up for clean energy, rural communities, and our quality of life in southern Oregon and northern California.

The federal government denied the permit for the project in March 2016, and upheld its decision again in December 2016. Under the new administration, the pipeline company is trying again and filed a new application in September 2017.

Rogue Climate has almost 7,000 supporters in rural Southern Oregon. Our supporters have diverse interests regarding these projects, including impacts to their private property, property rights, drinking water, fishing and recreating businesses and activities, reducing and adapting to climate change, avoiding safety risks from catastrophic fire or explosions and other safety risks associated with working in and near locations that will be used for the massive natural gas export project proposed as the Jordan Cove LNG terminal and Pacific Connector Gas Pipeline project.

The Pacific Connector fracked gas Pipeline and Jordan Cove LNG Export Terminal poses the following environmental justice concerns:

1) Indigenous Sovereignty- The Jordan Cove Liquefied Natural Gas (LNG) Export Terminal and Pacific Connector Pipeline is a significant threat to indigenous sovereignty and tribal treaty rights. Cultural resources, traditional tribal territories and burial grounds are threatened by both the pipeline route and the LNG export facility. Additionally, the project would impact waters and wildlife of current, historical, and spiritual importance to the Tribes. The Karuk Tribe, The Yurok Tribe, and The Klamath Tribes have all come out in opposition to opposing the Jordan Cove LNG Export Terminal and the Pacific Connector Pipeline. Three other Sovereign Nations have also filed as intervenors with FERC regarding this project.

2) Environmental Racism- Pembina is proposing to expand a compressor station in Malin, OR in order to pressurize the gas from connecting pipeline infrastructure to the export terminal. The community of Malin is over 70% Latinx, while the rest of Klamath county is only about 13% Latinx. Corporations, like Pembina, subject communities of color vulnerable to hazardous projects like this resulting in permanent health impacts for short term corporate profit.

Compressor stations are large industrial facilities that maintain the flow and pressure of fracked gas by receiving gas from the pipeline, re-pressurizing it, and sending it back into the pipeline system. Each engine has a stack, which is a key source of air pollution. Engines run on diesel, fracked gas, or electricity. Air sampling shows that compressor stations release climate and health-harming pollutants, including:

- carbon monoxide (CO);
- nitrogen oxides (NOx);
- fine and coarse particulate matter (PM2.5 and PM10);
- sulfur dioxides (SOx);
- volatile organic compounds (VOCs);
- hazardous air pollutants (HAPs) (e.g., formaldehyde, benzene, toluene, and xylene); and
- greenhouse gases (methane, carbon dioxide, and nitrous oxide).

Because they run engines and have a variety of equipment that can leak, compressor stations pollute the air whenever they operate. Pollution can be particularly intense during scheduled or accidental “blowdown” events, when pressure builds to the point where gas is vented directly into the air in order to prevent explosions. Compressor stations and other gas development operations can be noisy enough to pose health risks by causing stress, sleep deprivation, and elevated blood pressure. The non-profit Earthworks measured noise near compressor and processing facilities in Pennsylvania, finding that levels were often in the upper 50-70 decibel (dBA) range, which exceeds state and federal standards.¹

¹ https://earthworks.org/issues/compressor_stations/

3) Hazards to Rural Communities- This project creates incredible safety threats to rural and low-income communities in southern Oregon. The working-class community of North Bend will be the site of the export terminal. The terminal would be located in a tsunami zone and an earthquake-prone area, and would place over 16,000 people in the terminal's "Hazardous Blast Zone". Most recently the Sabine Pass LNG export facility in Louisiana, one of two functioning LNG export facilities U.S., was shut down by federal regulators because of a LNG leak that put workers and nearby communities at risk.²

Additionally, those living in or near the proposed path of the 229-mile route face the threat of a gas explosion near their home. The proposed pipeline route also crosses an area of high wildfire intensity. 2017, forest fires in southern Oregon came as close as 8 miles to the proposed route. In 2015 the Stouts Creek Fire directly impacted 17 miles of the proposed pipeline route in the forests south of Tiller, Oregon. The 95ft clear cut surrounding the pipeline could increase the risk of forest-fire spread. Additionally, pipelines in rural communities are subject to lower safety standards than urban areas, and also few emergency response resources to deal with a leak or explosion.

4) Temporary Worker Camps- Temporary worker camps, sometimes referred as "Man Camps", would be built along the pipeline route and at the terminal location to house out-of-state temporary workers. Reports show a direct correlation between these encampments and violence against women. "Camp culture" has been reported to exacerbate isolation, mental illness, drug and alcohol abuse, violence, misogyny, and racism among the workers, primarily men, living there. Away from family, friends, and social supports, these workers face stressful, difficult, and potentially dangerous working conditions, including long hours, shift work, and 'two-week in, two-week out' work schedules. In this environment, and with heightened disposable incomes, increased substance abuse is well documented. Amidst a culture of "hyper-masculinity, sexism, and apathy towards self-care" direct and indirect impacts shift onto women, children, and LGBTQ people. Impacts on women include higher levels of sexual assault and harassment, and family and domestic violence. Increased gender inequality as a result of high wages for resource sector workers that drive up food and housing prices, while straining community services put women and LGBTQ people into even more economically precarious situations where they are increasingly dependent on male partners and family members.³

5) Climate Justice- The Jordan Cove LNG Export Terminal alone would become the largest source of climate pollution in the state of Oregon by 2020, when the Boardman Coal Plant is set to close. According to a 2017 report from Oil Change International, the total in-state annual greenhouse gas emissions, which includes the terminal, compressor station, and leakage along the pipeline route would be equivalent to the emissions of over three Boardman Coal Plants (based on 2015 emissions).⁴ The emissions from this project would undermine the state's action to address climate change. Climate change disproportionately impacts communities of color,

² http://www.nola.com/environment/index.ssf/2018/02/sabine_pass_lng_ordered_to_shu.html

³ <https://www.secwepemculecw.org/no-mans-camps>

⁴ http://priceofoil.org/content/uploads/2018/01/JCEP_GHG_Final-Screen.pdf

indigenous communities, and low income communities in Oregon and around the world. The continued dependence on fossil fuels means a hotter, drier, and more fire-prone Oregon and more frequent severe storms like Hurricane Maria, the devastating impacts of which Puerto Rico is still suffering from months later.

6) Impacts to Water- The pipeline would cross over 400 waterways, including 12 public drinking water sources and even more private drinking water sources (like wells and streams).⁵ At each place where the pipeline crosses a waterway, the construction will degrade fish habitat and water quality. Construction of the pipeline will remove shade from streams, warming water to make it harder for fish to survive. Construction will also increase sediment and turbidity (murkiness) in the stream. At some major river crossings, like under the Rogue River, the pipeline company is proposing to drill under the river, creating a risk of a 'Frack Out' that has the potential to release toxic drilling chemicals into the river. These and other water quality impacts will diminish the quality of drinking-water and habitat for fish that provide significant nutritional, cultural, and economic value to indigenous and rural communities.

7) Higher Energy Bills- According to a 2012 study by the US Department of Energy, LNG exports would raise energy prices by 36%-54%. Utility price increases disproportionately impact low-income ratepayers and can put more pressure on people who are already housing-insecure. Recent examples from Australia have shown that an increase in LNG Exports have led to Australian domestic gas rates more than doubling in some regions.⁶

8) Fracking- Estimates show the project would induce over 1,000 new frack wells over the next 20 years in Colorado and Canada. Fracking is known to cause water contamination, health impacts, and earthquakes in surrounding areas as well as release methane gas, which is a powerful source of climate pollution. Fracking sites are commonly located in low-income rural communities. Proximity to fracking operations are associated with congenital heart defects, increased risk of high-risk pregnancy and premature birth, worsening asthma, and increased rates of hospitalization for cardiac, neurological and cancer-related problems.

⁵ <http://pacificconnectorgp.com/wp-content/uploads/2017/09/2.2.1-PCGP-RR2-Text-App-A.2-F.2.pdf>

⁶ <https://www.eia.gov/todayinenergy/detail.php?id=33412>