

Congress of the United States

Washington, DC 20510

September 25, 2015

OFFICE OF
EXTERNAL AFFAIRS

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FEDERAL ENERGY
REGULATORY COMMISSION

Chairman Norman C. Bay
Commissioner Philip D. Moeller
Commissioner Tony Clark
Commissioner Cheryl A. LaFleur
Commissioner Colette D. Honorable

Federal Energy Regulatory Commission
888 First Street NE
Washington, DC. 20426

RE: Recent developments re: land rights for LNG Development Company LLC, Oregon Pipeline Company LLC, and Northwest Pipeline Company LLC (Docket Nos. CP09-6-001, CP09-7-001 and CP13-507-000)

Dear Chairman Bay and Commissioners Moeller, Clark, LaFleur and Honorable:

We write to you today to make you aware of recent developments regarding the LNG Development Company LLC, et. al. (Oregon LNG) application. Specifically, we want to bring to your attention a recent judgment in federal court that has raised serious questions about whether Oregon LNG has the land rights necessary to build and operate the proposed facility.

As you may be aware, earlier this month, the United States District Court ruled against Oregon LNG in a dispute with the Army Corps of Engineers. The dispute involves an Army Corps of Engineers easement on the Skipanon Peninsula, where the proposed project would be built. The court found that it lacked jurisdiction to settle the dispute over the Army Corps easement because the statute of limitations had expired. The Army Corps continues to assert its easement rights, and claims that the proposed Oregon LNG project would interfere with those rights.

Without the necessary land rights, or with a pending and ongoing challenge to claimed land rights, it will be difficult for the project to proceed. Accordingly, we are inquiring about how FERC handles situations where the project under review does not or may not have the ability to construct a facility because the applicant lacks an unencumbered right to the land. Specifically we ask:

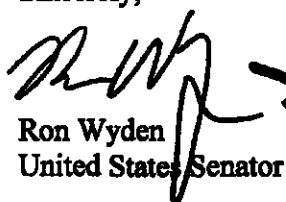
1. Have you encountered similar cases where a proposed project does not have clear right to the land upon which it is to be built?
2. If so, how does FERC address the issue; specifically how do you address a situation where the land may be leased by the project owner, but is encumbered by the rights of another interest holder?
3. Has FERC ever suspended its review of a project until such a question is resolved?

Throughout this process, we have urged FERC to take all possible steps to ensure that the review process is as transparent as possible and that the process incorporates the views of the local

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community. These particular questions have raised serious and legitimate concerns among our constituents, who have rightfully demanded answers to in the aftermath of this judgment. Because of the urgency of this issue, and the recent public hearings, a prompt response would be greatly appreciated.

Sincerely,


Ron Wyden
United States Senator


Jeff Merkley
United States Senator


Suzanne Bonamici
United States Congresswoman

CC:

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