

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**SIERRA CLUB, and
NATIONAL WILDLIFE FEDERATION,**

Plaintiffs,

vs.

**LIEUTENANT GENERAL THOMAS P.
BOSTICK** (in his official capacity as
Commanding General and Chief of Engineers of
the U.S. Army Corps of Engineers), *et al.*,

Defendants,

ENBRIDGE PIPELINES (FSP) L.L.C.,

Intervenor.

Case No. 1:13-cv-1239 KBJ

**PLAINTIFFS' NOTICE OF
SUPPLEMENTAL AUTHORITY**

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On June 6, 2014, the D.C. Circuit issued an opinion in *Delaware Riverkeeper Network v. FERC*, Case No. 13-1015 (attached as Exhibit A) that supports Plaintiffs' arguments in this case. There, the court held that the Federal Energy Regulatory Commission ("FERC") violated the National Environmental Policy Act ("NEPA") by improperly segmenting its analysis of a natural gas pipeline into four separate parts without considering the overall pipeline project in a single NEPA analysis. The court held that FERC's Environmental Assessment / Finding of No Significant Impact for a 40-mile section of the pipeline failed to consider the three other "connected" sections as required by 40 C.F.R. § 1508.25; that the project could not be segmented because none of the four sections would have independent utility; and that FERC failed to analyze the cumulative impacts of the overall pipeline project.

DATED: June 6, 2014

Respectfully submitted,

/s/ Joshua Stebbins

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