

August 28, 2020

Federal Energy Regulatory Commission 888 First Street, N.E. Washington, D.C. 20426

Attention: Ms. Kimberly D. Bose, Secretary

Re: El Paso Natural Gas Company, L.L.C.; Docket No. CP20-483-000 Request for Variance Approval

Dear Ms. Bose:

El Paso Natural Gas Company, L.L.C. ("EPNG") is hereby submitting with the Federal Energy Regulatory Commission ("Commission") in Docket No. CP20-483 an alternative measures request consistent with Section IV.A.1 of the Commission's Upland Erosion Control, Revegetation, and Maintenance Plan. As described below, EPNG seeks authorization for a minor route realignment associated with the Carlsbad South Project.

Description of Proceeding

On June 19, 2020, EPNG filed a prior notice request pursuant to Sections 157.205, 157.208(b), and 157.210 of the Commission's regulations under the Natural Gas Act for authorization to construct an approximate 17.1-mile sixteen-inch (16") outside diameter ("O.D.") loop line of its existing sixteen-inch (16") O.D. Line No. 3191 in Eddy County, New Mexico as well as to undertake minor appurtenant facility modifications at an existing compressor station at Lea County, New Mexico. This project is referred to as the Carlsbad South Project.

Request for Variance

EPNG is seeking approval to reroute approximately 1,337 feet of its proposed Line No. 31113. The reroute will involve a minor offset of Line No. 31113, approximately 230 feet to the south and west of its currently proposed location, between Milepost 2+0038 and Milepost 2+1375.¹ The Commission's approval of this request will allow EPNG to construct the pipeline on the property of a landowner who has agreed to the modified

¹ EPNG is providing both a U.S.G.S. topographic map and an aerial map showing the approved loop line alignment along with the proposed reroute under Attachment 1.

route.² The reroute would enable EPNG to avoid a property which has been identified as having a complex, multi-party ownership structure which could lead to unnecessary delays.³

In support of this request, EPNG notes that the revised alignment is located in Section 7, Township 24 South, Range 28 East in Eddy County, New Mexico. The new alignment as well as associated construction workspaces would be located entirely inside the corridor that was originally surveyed for biological and cultural resources. As such, both the U.S. Fish and Wildlife Service and the New Mexico State Historical Preservation Office previously reviewed and determined that no sensitive biological species or cultural resources would be affected in this area. Therefore, no additional surveys or agency consultations were undertaken as part of this request. As noted above, EPNG has already obtained landowner approval for its modified alignment. Accordingly, EPNG respectfully seeks approval of the alternate measures request described herein by September 4, 2020.

Filing Information

EPNG is e-Filing this request for alternative measures with the Commission's Secretary in accordance with the Commission's Order No. 703, Filing Via the Internet, guidelines issued on November 15, 2007 in Docket No. RM07-16-000.

Respectfully submitted,

EL PASO NATURAL GAS COMPANY, L.L.C.

By /s/ Francisco Tarin Director, Regulatory

Enclosures

The landowner affected by this proposed reroute is Ogden Farms and Cattle Company. EPNG successfully negotiated an easement for this portion of its project. The amendment to the easement will be signed by EPNG upon receiving approval for the alternatives measures requested herein. Refer to Attachment 2, highlighted section on page 1 of 12, and the Plat Diagram on page 7 of 12 that reference and illustrate the proposed route realignment. EPNG notes that Ogden Farms and Cattle Company was originally identified as an affected landowner since EPNG's alignment traverses other portions of their property. Accordingly Ogden Farms and Cattle Company has received official project notifications from EPNG as required by Section 157.203(d)(2) of the Commission's regulations.

³ The landowner on whose property Line No. 31113 was originally to be installed did not object to the project or granting the easement but has acknowledged that obtaining signatures on the easement document could be a complex and time consuming process.

Certificate of Service

I hereby certify that I have this day caused a copy of the foregoing documents to be served upon each person designated on the official service list compiled by the Commission's Secretary in this proceeding in accordance with the requirements of Section 385.2010 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure.

Dated at Colorado Springs, Colorado as of this 28th day of August, 2020.

/s/ Francisco Tarin

Two North Nevada Avenue Colorado Springs, Colorado 80903 (719) 667-7517



CARLSBAD SOUTH PROJECT DOCKET NO. CP20-483

ATTACHMENT 1

AERIAL MAP AND U.S.G.S. TOPOGRAPHIC MAP

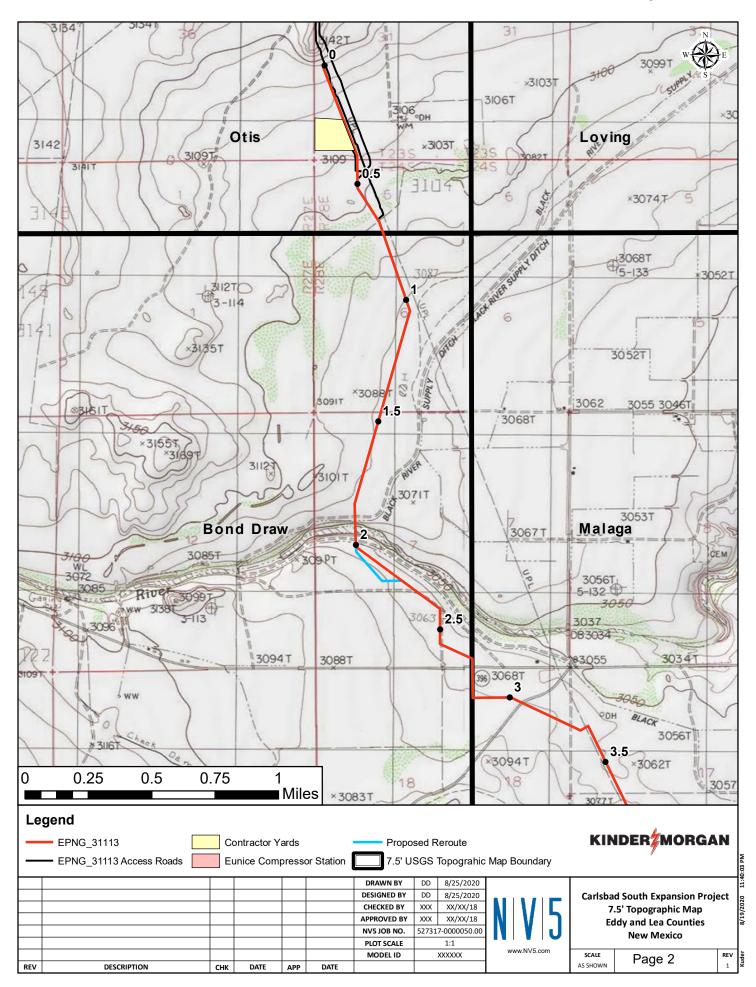
Docket No. CP20-483 Page 1 of 2 Line No. 3191 Milepost 2+0038 Eddy County Milepost 2+1375 LING NO. 37778 NOTICE KINDER MORGAN, INC PRIVILEGED OR CONFIDENTIAL INFORMATION find KINDER MORGAN GIS information specific to this project image is informed oxig/for information use by your business for image in Kindmiker (All States) and the state of the state may or information elimination theraon. Nor does KINDER Site Location Contractions Legend KINDER Line No. 3191 Milepost (\bullet) responsibility for any reliance thereon. Recipient r, distribute or digitize this map without express KINDER MORGAN or its affiliates El Paso Natural Gas Company, L.L.C. Carlsbad South Project ----- Property Boundary Reroute ۲ Reroute in Eddy County, NM Old Route Survey Corridor

ad By: bwr189

Map ID: GISMS-

te: 8/13/20

Docket No. CP20-483 Attachment 1 Page 2 of 2





CARLSBAD SOUTH PROJECT DOCKET NO. CP20-483

ATTACHMENT 2

AMENDMENT TO GRANT OF EASEMENT

Amendment to Grant of Easement

This Agreement is entered into this $21^{\frac{5'}{2}}$ day of $\sqrt{10}$, 2020 by and between Ogden Farms and Cattle Company, a New Mexico corporation, Alisa Ogden, and William Craig Ogden a/k/a Craig William Ogden (hereinafter "Grantor") and **EL PASO NATURAL GAS COMPANY**, L.L.C., a Delaware Limited Liability Company whose address is 1001 Louisiana Street, Suite 1000, Houston, Texas 77002 (hereinafter referred to as "Grantee").

WHEREAS Grantee is the owner in title to that certain Grant of Easement dated the 14th day of March, 2020 and recorded in Book 1136, Page 364, Eddy County Records, of Eddy County, New Mexico;

WHEREAS Grantor is the current owner of the lands described in that certain Special Warranty Deed dated the 15th of February, 2017 and recorded in Volume 1091, Page 1062, Eddy County Records, of Eddy County, New Mexico, in that certain QuitClaim Deed dated the 4th of April, 1999 and recorded in Volume 351, Page 1042, Eddy County Records, of Eddy County, New Mexico, in that certain Warranty Deed dated 30th of March 1999, and recorded in Volume 348, Page 592, Eddy County Records, of Eddy County, New Mexico, in that certain Warranty Deed dated 17th of November, 1997 and recorded in Volume 300, Page 367, Eddy County Records, of Eddy County, New Mexico, in that certain Warranty Deed dated 21st of December, 1972 and recorded in Volume 229, Page 838, Deed Records, of Eddy County, New Mexico.

Said tracts of land being described as follows, to wit:

NE S: 6 T: 24S R: 28E NENE (23), NWSENE (31), SWSENE (32) W2SESENE (983), W2NESENE (984), E2NESENE (985), Quarter: NW S: 6 T: 24S R: 28E SWSENW (26), SESENW (27), NWSWNW (28), SWSWNW (29), NESWNW (30), N2SESWNW (970), S2SESWNW (971), Quarter: SW S: 6 T: 24S R: 28E SWSW, NENESW (33), W2NWNWSW (972), E2NWNWSW (973), W2NENWSW (974), E2NENWSW (975), W2NWNESW (976), E2NWNESW (977), W2SENESW (997), E2SWNESW (998), W2SWNESW (975), E2SENWSW (1000), W2SENWSW (1001), W2NWSESW (1002), E2NWSESW (1003), E2NESESW (999), E2SENWSW (1000), W2SENWSW (1001), W2NWSESW (1002), E2NWSESW (1003), E2NESESW (1005), W2SWSESW (1010), E2SWSESW (1011), W2SESESW (1012) Quarter: SE S: 6 T: 24S R: 28E NWNWSE (34), W2NENWSE (979), W2NWNESE (980), E2NWNESE (981), W2NENESE (982), E2SWNWSE (987), W2SENESE (989), E2SWNESE (990), W2SWNESE (991), E2SENWSE (992), E2SWNWSE (994), W2SWNWSE (995), W2NWSWSE (1006), E2NWSWSE (1007), W2NESWSE (1008), E2NESWSE (1009), W2SWSWSE(1014), E2SWSWSE (1015), W2SESWSE (1016), E2SESWSE (1017), New Mexico.

NE S: 7 T: 24S R: 28E Quarter: NW S: 7 T: 24S R: 28E Quarter: SW S: 7 T: 24S R: 28E NWNE(1059 TO 1066),N2SENE (1039 TO 1042) NENE, NW LESS 10 AC (107 TO 109,1028 TO 1030,1047 TO 1058,1018, 1067,1069 TO 1072, N2SW LESS 25 ACRES (102,103,105)(1024,1025,1026) New Mexico Principal Meridian, Eddy County, New Mexico.

SE S: 7 T: 24S R: 28E SWSE (100,101,1019,1020,) LESS 10 Acres, New Mexico Principal Meridian, Eddy County, New Mexico.

NENE, N2NWNE, and SWNWNE S18, T24S, R 28E, New Mexico Principal Meridian, Eddy County, New Mexico.

WHEREAS Grantor and the Grantee desire to amend the Grant of Easement:

1) As described and depicted on the attached Exhibit "A" attached hereto and made a part hereof

NOW THEREFORE, in consideration of the mutual obligations and covenants herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, Grantor and Grantee hereby agree to amend that certain Grant of Easement dated the 14th of March, 2020 and recorded in Book 1136, Page 364, Eddy County Records, of Eddy County, New Mexico:

Except as specifically herein amended, all terms and conditions of the Grant of Easement remain in full force and effect. This Amendment shall be binding on the heirs, assigns and successors of the respective parties.

IN WITNESS WHEREOF, the said undersigned have hereto set their hands and seals, on this the ______ day of ______ 2020.

GRANTOR(S):

Ogden Farms and Cattle Company, a New Mexico corporation yden BY: TITLE: Secretary Alisa Ogden

AKA Craig Willi raig Ogden aka Craig William Ogden

GRANTEE:

EL PASO NATURAL GAS COMPANY, L.L.C.

BY: _____

Name:

Title:

ACKNOWLEDGEMENT

STATE OF <u>New Mexico</u> § COUNTY OF <u>Eddy</u> §

BEFORE ME, the undersigned authority, on this day personally appeared of the factory of the co. by Alter of the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

July 2020.	TD SEAL OF OFFICE this 21^{st} day of
	Relat
Official Seal RANDALL JOHNSTON Notary Public State of New Mexico My Comm. Expires	Notary Public R. Patrick Johnstern (Print Name of Notary Public Here)

William Craig Ogden

My Commission Expires:

STATE OF New Mexico 50 00 00 COUNTY OF _ Edd BEFORE ME, the undersigned authority, on this day personally appeared known to me to be the appeared $h_{\rm Re}$, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed. GIVEN UNDER MY HAND AND SEAL OF OFFICE this 2^{1} day of 2020. Notary Public Official Seal RANDALL JOHNSTON Notary Public State of New Mexice Comm. Expires (Print Name of Notary Public Here) My Commission Expires: $\frac{11}{9}/23$ STATE OF New Mexico 8 COUNTY OF Elly William Chaig Orden AKA Chaig William Orden AKA Chaig William Orden known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed. GIVEN UNDER MY HAND AND SEAL OF OFFICE this q/s day of 2020. Notary Public Official Seal RANDALL JOHNSTON atri/c Notary Public State of New Mexico Comm. Expires (Print Name of Notary Public Here) My Commission Expires: 11/9/23

 STATE OF
 §

 COUNTY OF
 §

The foregoing instrument was acknowledged before me this _____ day of _____

of **El Paso Natural Gas Company**, L.L.C, a Delaware Limited Liability Company, on behalf of the company.

Notary Public

(Print Name of Notary Public Here)

My Commission Expires:

