

American Rivers ♦ Aquashicola/Pohopoco Watershed Conservancy
Blue Mountain Preservation Association
Catskill Citizens for Safe Energy ♦ Catskill Mountainkeeper
Clean Water Action ♦ Conserve Wildlife Foundation of New Jersey
Cooper River Watershed Association ♦ Damascus Citizens for Sustainability
Delaware Chapter, Sierra Club ♦ Delaware River Greenway Partnership
Delaware Riverkeeper Network ♦ Delaware River Shad Fishermen's
Association Earthjustice ♦ Earthworks Oil & Gas Accountability Project
Environment New Jersey ♦ Food & Water Watch
Friends of the Upper Delaware River ♦ Genesis Farm
NJ Environmental Federation ♦ New Jersey Highlands Coalition
NJ Sierra Club ♦ NorthJersey Pipeline Walkers
NYH2O ♦ Pike-Wayne Trout Unlimited ♦ Pipeline Safety Coalition
Protecting Our Waters ♦ Raymond Proffitt Foundation ♦ Riverkeeper, Inc.
Sierra Club, Atlantic Chapter ♦ Theodore Gordon Flyfishers, Inc.
Twin and Walker Creeks Watershed Conservancy

June 27, 2011

Carol Collier, Executive Director
Delaware River Basin Commission
5 State Police Drive
P.O. Box 7360
West Trenton, NJ 08628-0360

Dear Ms. Collier,

We, the undersigned, would like to ask that the Delaware River Basin Commission (DRBC) not take action on the proposed water withdrawal applications submitted for the Tennessee Gas Pipeline Company's Northeast Upgrade Project. We also urge the DRBC to exercise its full authority in reviewing this proposed pipeline project under the DRBC's rules of Practice and Procedure, Article 3, section 2.3.5 which grants DRBC authority to regulate pipeline construction activities "that pass in, on, under, or across recreation project areas as designated in the Comprehensive Plan" or "incur significant disturbance of ground cover" affecting water resources within the Delaware River basin.

Every option of the TGP Northeast Upgrade Project would directly impact the Delaware Water Gap National Recreation Area – some of the alternatives under consideration would pass through the park, others would impact

waterways and natural resources, including Mashipacong Island, Raymondskill Creek, Conashaugh Creek, Sawkill Creek and other natural resources. In addition, every option of the NEUP has will incur significant disturbance of ground cover, as well as wetlands and waterways of the Delaware River Basin and as a result would significantly affect the quality and health of the water resources of the Delaware River and tributaries within the basin.

There are a number of major pipelines where either the preferred option and/or alternative options for the path of construction of the pipeline would cross within the boundaries of the Delaware River watershed and should be subject to DRBC review.

Each pipeline, individually and collectively, will have significant impacts on the Delaware River and tributary streams. It is important that the DRBC consider the cumulative as well as the individual impacts of each proposed pipeline project. It is also important that the DRBC review each individual project in total, in terms of the activities taking place within the Basin – including the land disturbance associated with construction, operation and maintenance; the impacts of constructing, operating and maintaining any associated and needed infrastructure such as compressors and rights of way; and the impacts of any water withdrawals and proposed pollution discharges. Looking only piecemeal at proposed pipeline projects, and failing to consider the cumulative affects of multiple pipeline projects, will not allow informed or protective decisionmaking.

Therefore, in the first instance, we urge you to not put the TGP Northeast Upgrade Project Water Withdrawal Application on the agenda for consideration July 11, 2012; and that you instead notify TGP that you will be exercising your authority to review this project in total, including its construction, installation, operation and maintenance, and that you request them to submit all appropriate application materials and information, and that DRBC, at some future meeting, review and decide upon this project in total.

TGP has been a known bad actor with regards to pipeline construction, operation and maintenance within our watershed. In Pike County, during construction of the 300-Line Upgrade, the PCCD documented no fewer than 45 violations of TGP's Erosion and Sediment Control permit, including but not limited to: 17 instances of dirt and sediment being discharged into water bodies, 7 violations for worksite conditions, and 21 instances of failure to properly institute Best Management Practices for erosion and sediment control. In Wayne County, out of 16 inspections conducted by the Wayne County Conservation District during the 300-Line Upgrade Project's construction, the Conservation District documented 15 violations.

More recently the Pike County Conservation District, after reviewing permit application materials for the project, wrote an 11 page letter with 62 points

(dated April 20, 2012) in which they document where TGP failed to fulfill the requirements of the law, failed to provide accurate information to decisionmakers, failed to provide required documentation, and failed to take all steps reasonable and available to minimize the environmental harms of the NEUP project.

Some of the highlights of the Pike County Conservation District findings include:

- TGP claims they will use non-discharge alternatives to avoid harm to Pennsylvania's highest quality streams, but their plans do not support this claim says the Pike County Conservation District.
- There are ways that TGP could significantly reduce the wetlands impacts its proposed project will have with "minor realignments" and yet TGP chooses not to do so.
- TGP's proposals for minimizing environmental harms include things like laying their pipeline directly in stream channels for over 700 feet, replacing trees with grass in order to address thermal impacts (which rather than improving thermal impacts will actually cause them), choosing and developing a Right of Way where 23% of the right of way will be through wetlands.

In addition to choosing such a damaging path for much of the proposed project, the Pike County Conservation District notes that a 100 ft. permanent right of way is proposed by TGP. And yet, the Conservation District also notes that 50 foot is a typical width for a permanent ROW. This leads us to ask, why is TGP seeking to double the level of permanent disturbance, stormwater runoff etc. with a ROW twice what is normal?

In its application materials reviewed by the Pike County Conservation District TGP proposes that stream crossing decisions shall be made on site by the environmental inspector and the contractor present – this totally cuts the agencies out of the process and fails to provide the level of review, planning and oversight necessary to ensure harms are avoided or minimized to the greatest degree possible and that needed environmental protection is not simply set aside in the interests of expediency, time and/or cost.

The Delaware River provides drinking water, jobs, recreation, education and unparalleled ecological communities. The pipeline projects being proposed for within this Basin will adversely affect the Delaware River, stream habitats, ecosystems and water quality of Delaware River Basin water and natural resources. It is essential that the DRBC provide a watershed-based level of analysis and oversight.

Sincerely,

Laura Craig, Ph.D., Associate Director for
River Restoration
American Rivers

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Earthworks Oil & Gas Accountability Project

Jim Walsh, Eastern Region Director
Food & Water Watch

Doug O'Malley, Interim Director
Environment New Jersey

Daniel Plummer, Chairman of the Board
Friends of the Upper Delaware River

Miriam MacGillis
Genesis Farm

Jeff Tittel, Director
NJ Sierra Club

Dave Pringle
NJ Environmental Federation

Julia Somers, Executive Director
New Jersey Highlands Coalition

Diane Wexler
NorthJersey Pipeline Walkers

Joe Levine, Chair
NYH2O

Matt Wishneski, President
Pike-Wayne Trout Unlimited

Lynda Farrell, Executive Director
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Iris Bloom, Executive Director
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Ralph Cioppa, Secretary
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