

DRBC Community Comment on PennEast - December 11, 2019

Many of us are here today representing individuals, organizations and businesses across our watershed concerned about the PennEast pipeline and the irreparable harm its construction would inflict on our watershed, our communities and our world. There are many steps the DRBC has taken with regards to the PennEast pipeline that are important, precedent-setting and demonstrate important leadership. But we are concerned that DRBC has continued to leave the PennEast application open for almost four years despite evidence on the record and recent events that make clear it is time for DRBC to reject the project and close the file.

And so we come before you today, as a community, to ask you to formally, officially, and immediately REJECT the PennEast pipeline project and thereby CLOSE the file on this wrong-headed project and proposal.

We will go through our comments point by point so our community comment is easy for all to follow.

Point 1: DRBC, we thank you for your leadership in urging FERC to amend its approval of the PennEast Pipeline Project to prohibit any tree felling for FERC approved pipelines, including PennEast, within the boundaries of the Delaware River basin in the absence of DRBC or needed state approvals. The “premature felling of trees before all federal and state approvals are issued” for fracked gas pipelines, like PennEast, “could result in water resource impacts that could go unmitigated unless and until such projects are actually built.” Your leadership and persistence on this issue is vitally important, not just for the PennEast pipeline, but for all future pipeline proposals in the watershed. As far as we are aware, FERC has failed to respond to your requests on this front. If that is correct we urge you to press them again on this matter.

Point 2: We thank you again for separating your review and comment process from that of the Federal Energy Regulatory Commission. Your process, priorities, regulations and goals are entirely different and so separation is not just appropriate, but is critical.

Point 3: We thank you for confirming that DRBC intends to subject the entire PennEast pipeline, including the mainline route, compressor station, additional mainline valves and

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appurtenances to its review; and that you have made clear to PennEast and the public that this means you will be exercising review, jurisdiction and the mandate for a DRBC docket that applies to the entire right of way and footprint of each of these elements of the project, and that you will not limit your review, jurisdiction or authority simply to segments of the project.

Point 4: We are here today to ask you to REJECT the PennEast pipeline project and CLOSE the file on this fracked gas pipeline project and proposal. In light of the overwhelming demonstration of irreparable harm; the deficient, misleading and false information that PennEast has provided to regulators and the public; the ever-changing route and its impossible-to-know impacts; the recent court ruling effectively blocking PennEast from much of the land targeted by their route and requiring a major overhaul of the project yet again; and the DRBC's own requirements under the Delaware River Basin Compact and its implementing regulations, it is no longer legally appropriate for the DRBC to do anything but Deny A Docket to the PennEast Pipeline.

Point 5: In addition to our joint community testimony that we are reading today, we are also delivering a letter signed by over 95 organizations and a petition with over 2,500 signatures calling for the Commissioners to REJECT the PennEast pipeline project and CLOSE the file.

Point 6: The actions you take and the decisions you make regarding the PennEast pipeline – including, but not limited to, the extent of your jurisdictional authority and how you exercise that authority; how you interpret and apply the DRBC Compact and regulations; the public engagement process you follow; your willingness to endlessly keep open an obviously flawed, deficient and false permit application -- are setting precedent for every other pipeline to follow. It is important that you set strong precedent that shows that the DRBC will stand with the people and with their member states (particularly New Jersey and New York) who care about protecting our communities and future generations from the devastating water, forest, air, economic and climate impacts of fracked gas pipelines and the fracking industry they serve. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 7: It has been 3 years and 10 months since the PennEast Pipeline Company filed its application with the DRBC in February 2016. Since that time PennEast has made significant route alterations. In addition, the state of New Jersey has denied PennEast access to over 40

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parcels that are part of its proposed route. As a result, the proposed route before the DRBC is no longer accurate, and given New Jersey's denial of access to properties in which it has a property right, and the ruling of the courts upholding New Jersey's right to deny PennEast access to these parcels, the proposal in the DRBC application materials is no longer viable. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 8: Forty-two of the 131 New Jersey properties that PennEast planned to condemn and cross are owned, at least in part, by the state of New Jersey or by various arms of the state. PennEast chose to target state-owned lands when determining the route it would follow, and PennEast chose to maintain its identified route despite being told by the state of New Jersey that it would not grant the company authority to cut through the lands in which it had ownership interests. The 3rd Circuit decided in September that PennEast, as a private company, cannot, in fact, exercise eminent domain authority over state owned land because of the state's sovereign immunity under the Eleventh Amendment of the Constitution. This means that PennEast will now need to reroute much if not all of the 40 miles it planned to cut through New Jersey farmland, forests, wetlands, and waterways. As such, the DRBC application materials are not representative of a viable project. DRBC must support the right and decision of its member state New Jersey to say "no" to the PennEast pipeline. Leaving the door open to an already dead and New Jersey-rejected project undermines the authority of the state of New Jersey and leaves the impacted people of our watershed hanging in an unnecessary limbo. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 9: After the 3rd Circuit vacated PennEast's orders of condemnation impacting New Jersey's property interests for the project, the NJDEP responded to PennEast's most recent application, stating that PennEast no longer has the legal authority to perform activities on properties along the proposed pipeline alignment, and that PennEast's Application cannot be deemed "administratively complete," because the applicant has not demonstrated that it has the authority to submit the application. NJDEP called this a "fundamental deficiency" and went on to inform PennEast that it "hereby rejects and administratively closes the Application. PennEast's Application is denied without prejudice, and as a result, no application for a Freshwater Wetlands Individual Permit and Water Quality Certificate is currently pending in any form before NJDEP." If PennEast does not have the authority to apply for approval from the state of New Jersey, the DRBC should not continue to entertain the application before

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them and should finally make a clear determination on the project. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 10: At this point, the state of New Jersey has now rejected PennEast's applications to the state three times. On April 26, 2017, New Jersey issued a determination that the PennEast application materials submitted to the state were significantly deficient and incomplete. On June 28, 2017, NJDEP determined the PennEast Pipeline Company's application for state approval of its project to be "administratively closed" due to the company's failure to remedy significant identified deficiencies and its failure to provide full information in a timely fashion for Clean Water Act decisionmaking. On October 8, 2019 New Jersey wrote PennEast to say that based on a number of identified factors "NJDEP hereby rejects and administratively closes the Application. PennEast's Application is denied without prejudice" DRBC must support the right and decision of its member state New Jersey to say "no" to the PennEast pipeline. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 11: The DRBC's role in fracked gas pipeline review and its responsibility in protecting the water quality of the basin from rogue agencies like FERC is more important than ever. It is clear that FERC, the primary agency reviewing and approving interstate fracked gas pipelines, acts as a rubber stamp for the pipeline industry. New York has made clear that it won't permit pipelines that don't meet its water quality standards, and New Jersey has also shown that it is unwilling to make decisions based on deficient information. However, both FERC and the Trump administration are working hard to chip away at the right of states to protect their own water resources under Section 401 of the Clean Water Act, which allows them to ultimately say "no" to a pipeline project. With the EPA currently considering devastating rollbacks to the rights of states through the Clean Water Act Section 401 regulations and FERC acting recklessly as a rubber stamp, the importance of, and need for, the Delaware River Basin Commission's diligence in pipeline review and decisionmaking is greater than ever. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 12: On November 21st, FERC Commissioner Richard Glick criticized FERC for its approval of a pipeline in Illinois and Missouri. He said the decision justifies criticism that the agency acts as a 'rubber stamp' for gas projects. With FERC's own Commissioners calling the agency a rubber stamp, there is no question of the need for DRBC's leadership on PennEast and on

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other fracked gas pipeline proposals within the watershed. The record is clear, PennEast will inflict devastating harm on the water resources of the basin, the application materials provided by PennEast to DRBC are neither complete nor accurate, the proposed PennEast pipeline is no longer viable, and the state of New Jersey has already rejected the pipeline multiple times including for reasons that cannot be remedied. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 13: The PennEast pipeline will induce the drilling of 3,000 new wells in Northeast Pennsylvania. This will have serious and irreparable implications for climate change effects within and outside the basin. This increased drilling could help advance and increase the discharges of toxic frack wastewater within the Delaware River watershed and the export of vast volumes of Delaware River basin waters if DRBC's Commissioners chose to advance their foolish proposed fracking regulations that would allow for the treatment, storage and disposal of frack waste in the watershed and water exports to support out of basin fracking operations. These harms, as well as the inevitable construction of additional new pipelines, is notably absent from any consideration of foreseeable impacts due to construction of a PennEast pipeline. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 14: Organizations, communities and experts have demonstrated the irreparable harm that the PennEast pipeline would inflict on the water resources of the basin if constructed. The Project's original estimated impact would include

- 1,613.5 acres of land for pipeline facilities, access roads, pipe and contractor ware yards, and other above ground facilities;
- cutting through 255 waterbodies, 633 acres of forest, 91 acres of wetlands, impact to vernal pools, and
- damage to habitat for threatened and endangered species of bat, sturgeon, snake, turtle, mussels and more.

This footprint and the harmful impacts have grown as the project has been modified by PennEast. And with each step communities and experts have offered more evidence of the pipeline's harmful impacts to the water resources and communities of the basin.

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Point 15: Since DRBC received the original permit application all those years ago, organizations, communities, and experts, have documented false and misleading information contained in the PennEast application materials, along with significant data gaps. The significant gaps and misrepresentations in PennEast’s application materials to regulatory agencies, including DRBC, continues and grows. In this comment we will identify numerous areas where PennEast has provided false and misleading information, and we will describe the many harms PennEast will inflict. And all of this to prove our point: It’s Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 16: On August 8, 2019, PennEast applied again to NJDEP for a Freshwater Wetlands Individual Permit, Flood Hazard Area Individual Permit, and a Water Quality Certificate for the portion of its proposed pipeline in New Jersey. PennEast’s application to NJ was once again filled with deficiencies. For example, PennEast repeatedly ignores the state rules and “assumes” a 50-foot protective buffer area is sufficient at regulated wetland and stream crossings which clearly require a 150-foot buffer. These crossings cut through documented and suitable habitat for threatened and endangered species that are already at peril. The difference between a 50-foot buffer and a 150-foot buffer is significant for water quality protection as well as the survival of these species—particularly aquatic species such as long-tailed salamanders, which are sensitive to water quality changes. This 50-foot buffer area “mistake” (or perhaps intentional oversight given how often it is repeated) is repeated multiple times throughout the application for additional species. It’s Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 17: In the most recent information provided to FERC about a recent set of PennEast route modifications:

- PennEast violated state regulation by failing to identify as Exceptional Value Wetlands those occupied by Bog Turtles;

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- PennEast failed to include an analysis of impacts to all wetlands along the full length of the proposed route and the route modifications, including exceptional value wetlands specifically protected under PA Regulations;
- PennEast failed to account for the impacts the Project will have on climate change and greenhouse gas emissions; and
- PennEast failed to adequately analyze the public health and safety impacts and risks for communities along the route.

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Point 18: The impacts on water quality from the construction and operation of PennEast would also result in impacts to our own health and safety. Arsenic, which exists in the bedrock along the proposed pipeline route in Hunterdon and Mercer Counties, would likely end up in groundwater, streams, rivers and, ultimately, our drinking water. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 19: There are proposed route modifications that have not been studied under previous PennEast surveys that could have significant impacts on the water resources of the basin and for which DRBC does not have information regarding water resource impacts. For example, the Appalachian Trail PPL Crossing Realignment crosses into Eldred Township, Monroe County, a township and county that were not previously affected by the Project. PennEast has had ample time to provide DRBC with full and accurate information on the impacts of these modifications of the water resources of the basin and they have chosen not to do so. It is irresponsible for DRBC to keep the application open indefinitely when there is so much missing information necessary for informed decisionmaking. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 20: Continued and irreversible impacts to wetlands from pipeline crossings is well documented, especially in the context of forested wetlands where tree regrowth can take decades to recover. PennEast has not addressed these demonstrated ongoing impacts that are documented in the PennEast record. PennEast assertions that no permanent fill or loss of wetland area would result from construction and operation of the PennEast pipeline is not defensible. This sort of blatant misrepresentation of the facts is not the exception in PennEast's materials, it is the norm. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

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Point 21: FERC's environmental assessment for recent project modifications speaks to other unassessed impacts to water and environmental resources. FERC recently admitted that PennEast is just now in the process of identifying the locations of water wells and springs that were not previously crossed by the Certificated Route in both Pennsylvania and New Jersey. Until these new wells and springs are identified, neither PennEast nor DRBC has the necessary understanding of potential harmful impacts. This is yet another example of the vital information missing in the DRBC file. It's Time for DRBC to Deny a Docket to the PennEast Pipeline.

Point 22: Yet another example of how the PennEast application on file with the DRBC is no longer representative of the current pipeline project can also be found in newly proposed route changes on the Pennsylvania portion of the PennEast Pipeline. These proposed changes would have the pipeline cross 13 additional Wild Trout Waters. These are water resources not impacted by the original FERC approved route. These harms and impacts are missing from the DRBC application materials. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 23: Streams recently categorized as "exceptional value" in Pennsylvania need to be updated in the PennEast application materials. PennEast has had plenty of time to provide this information but has chosen not to do so. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 24: PennEast documents at least 131 Wild Trout Waters in Pennsylvania to be cut through by the PennEast pipeline. Recent updates to the Fish and Boat Commission Class A lists could alter this figure. PennEast has yet to update this list and ensure all designations are accurate. PennEast has chosen not to provide the DRBC with this full and accurate information. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 25: PennEast information fails to comprehensively evaluate each stream crossing with regards to conditions such as existing water quality, erosive soils, existing land use and forested areas, existing slopes, riparian buffers, and the potential need for in-stream blasting -- but all of these conditions can significantly impact water quality. Without this information DRBC cannot possibly make an informed decision. PennEast has had plenty of time to provide

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the information but has chosen not to do so. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 26: The cumulative impacts of the PennEast Pipeline continue to be misrepresented by PennEast, by FERC and by the materials in the DRBC file. For example, the Appalachian Trail PPL Crossing Realignment would expand the existing Right of Way by approximately 20 feet, further increasing the negative impacts associated with the harmful footprint of the PennEast pipeline. The Project as a whole would already affect 220.6 acres of interior forest during construction and 63.6 acres during operation. The proposed changes will expand that footprint of harm. Nowhere is there an assessment of how this Right of Way expansion will magnify impacts to the natural resources and the waterways of the Basin. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 27: PennEast's information does not include a thorough mapping of all vernal pools and wetlands that will be impacted. PennEast has asserted that approximately 0.13 acres of vernal pool habitats would be impacted by construction of the PennEast pipeline, with 0.11 acres permanently impacted during operation. Groundtruthing in sections of already surveyed areas of the route make clear that significant numbers of vernal pools and wetlands have been missed and not accurately depicted by field surveys on the record. For example, Groundtruthing identified at least 12 vernal pool complexes or groundwater seeps on a half mile section of the route in Blue Mountain State Game land 168 in Pennsylvania, where PennEast tables documented the presence of only 2 vernal pool habitats and no groundwater seeps. There has been a clear misrepresentation of water resources that will be impacted in this area. PennEast has had years to provide full, accurate and honest information about the project's impacts and yet it has chosen not to do so. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 28: PennEast acknowledges that perennial and intermittent waters in Pennsylvania Exceptional Value and High Quality ("Special Protection") watersheds have 150-foot wide riparian buffers regulated in accordance with Pa. Code Chapter 1028. Yet PennEast project drawings do not identify any existing or proposed riparian buffers around any Exceptional Value or High Quality waters. PennEast is not looking to minimize harm or provide full and accurate information. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

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Point 29: The synergistic implications of climate change and the PennEast pipeline on stream flows, quality, temperatures, health, and aquatic life are not assessed anywhere in PennEast documents. And yet this is vitally important information for DRBC decisionmaking. Climate change will magnify the harmful impacts of the PennEast Pipeline. Increased rainfall and/or drought conditions associated with climate change will be exacerbated by PennEast. At the same time, increased rainfall and drought conditions will increase the harmful impacts of PennEast. This growing cycle of harm will be advanced by PennEast. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 30: Many of the same sub-watersheds subject to development as a result of PennEast were recently, or could be in the future, impacted by construction activity from other pipelines. The cumulative impacts of these cuts are not considered or anticipated by PennEast but provide ample basis for DRBC to reject this devastating project. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 31: PennEast claims it was not possible to protect, convert, or establish a riparian buffer or riparian forest buffer to satisfy the anti-degradation requirements for the proposed earth disturbances because it does not own the land on which the pipeline will be constructed, and because the existing landowners would not accept deed restrictions, conservation easements, or other mechanisms to protect the buffers into the future. No support for these claims is provided, and they appear to be gross generalizations that are unlikely to apply to every landowner along the 79.5-mile route in Pennsylvania. PennEast is not interested in avoiding or minimizing harm to waterways. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 32: PennEast asserts it will maintain flow rates adequate for downstream uses including aquatic life, water body designated use or withdrawals. However, documents on the record do not indicate any standard for determining the adequate amount of water to accomplish these critical protections. Therefore there is no way for the DRBC or the public to determine whether PennEast will in fact ensure protective flows. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

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Point 33: Erosion control measures along the right-of-way usually require lime and fertilizer to be applied so that seed mixes grow rapidly. The addition of lime and fertilizer are like poison to what were once forest soils of low pH and low nutrients. Native herbaceous plants and shrubs almost never outcompete weeds in these altered, nutrient-enriched, high pH soils, and stormwater runoff will pollute local waterways with these added nutrients. These implications and impacts are not discussed or addressed by PennEast, nor are alternatives considered for avoiding these impacts altogether. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 34: PennEast has failed to assess or address comments and experience that shows that the use of standard construction practices will result in environmental violations and degradation such as erosion issues and sediment pollution. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 35: Many of the wetlands in the Project area are not appropriately classified pursuant to the Pennsylvania Code and the requirements therein. Some wetlands which should be classified as "exceptional value" pursuant to Pennsylvania law were incorrectly identified by PennEast as "other". PennEast continues to provide false information in order to obscure the level of harm it will inflict on water resources. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 36: No "existing use" analysis of affected streams has been done, leading to a likely undercount of the number and extent of Exceptional Value Wetlands. PennEast has had more than enough time to provide this information to DRBC, the states, and FERC. Without knowing the number and extent of Exceptional Value Wetlands, it is hugely irresponsible for the DRBC to do anything but reject the project before them. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

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Point 37: PennEast has failed to identify the impacts to the functions and values of each wetland it proposes to cut through. Without this information, there is no appropriate mitigation plan for impacted wetlands. This means that there is no way for the DRBC to assess the damage this project will inflict on our delicate wetlands and their important ecological functions and values, or ensure any meaningful mitigation. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 38: PennEast has failed to consider upland habitat impacts 1000 feet surrounding vernal pools and wetland habitats in its materials. This deficiency exemplifies the incomplete assessments that have been provided for wetland and vernal pool features, even when they are located in areas as sensitive and accessible as Pennsylvania State Gamelands. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 39: PennEast's information on the record does not include the thermal and likely hydrological impacts that will change vernal pools and compromise water temperature and flow for breeding amphibians. Nor does it include the temperature changes, dry compacted soil conditions and changes to vegetation of a right of way that will make it near impossible for migrating amphibians to return to their breeding pool post pipeline construction. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 40: The discussion of blasting provided by PennEast concerns worker safety, not environmental impacts. But there are significant environmental ramifications that result from blasting, among them is that blasting leaves nitrogen which can run off with stormflow and enter streams as nitrate or ammonia. The environmental ramifications of any and all proposed or potential blasting is obviously absent from project information critical to informed decisionmaking. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 41: PennEast's Bog turtle searches did not encompass the entire area requested by US Fish and Wildlife Service. In the limited and inadequate area that they did survey, PennEast blatantly avoided any acknowledgement of certain areas of suitable bog turtle habitat. These omissions could be devastating to the endangered bog turtles in the path of the water quality impacts that would result from the pipeline. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

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Point 42: The PennEast Pipeline would have devastating environmental impacts on New Jersey's Sourlands. The pipeline would require extensive tree cutting and blasting, further fragmenting the Sourland forest and destroying habitat for native plants and animals. The fragile headwaters of Sourland streams that flow to the Delaware River would have to be crossed and disrupted, along with protected wetlands and other natural habitats. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 43: PennEast will be a significant source of sediment pollution to the water resources of the Basin. We know this because pipelines of this kind, size and magnitude have proven themselves, across the Basin and nation, to be serious sources of sediment pollution. The mitigation strategies used by pipeline companies are known to commonly and frequently fail. The DRBC cannot accept level of known sediment pollution for the watershed. It's Time for DRBC to Deny a Docket to the PennEast Pipeline.

Point 44: Erosion and sediment control measures such as silt fences, compost socks, mulching, hay bales, sand bags, fiber rolls, and gravel berms are known to fail when it comes to pipeline construction and cannot be relied upon as providing effective protection for waterways. There are countless documented occasions during pipeline construction projects where sediment control structures were damaged, insufficient, overwhelmed, not functioning correctly, or where sediment was directly discharging offsite into adjacent lands, nearby streams, wetlands, or storm drains that connect to a body of water. We know this is what will happen throughout our watershed if DRBC allows PennEast to be built. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 45: Increased sedimentation from pipelines like PennEast causes well-known negative impacts to fish. Fish are an important part of our watershed streams and river ecosystems. Increased turbidity has significant impacts on fish, including reducing their growth rate, lessening their resistance to disease, preventing successful development of eggs and larvae, modifying their natural movements and migrations, reducing the amount of food available to them, and even direct mortality. It's Time for DRBC to Deny a Docket to the PennEast Pipeline.

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Point 46: The construction and operation of the PennEast Pipeline will result in sediment pollution that will impact water quality as well as critical aquatic plantlife. Turbidity affects the growth rate of algae and other aquatic plants in streams and lakes because increased turbidity causes a decrease in the amount of sunlight for photosynthesis. Without enough sunlight, aquatic plants cannot grow properly and will eventually die. This loss of aquatic plantlife would greatly disrupt the health of our watershed streams and lakes. It's Time for DRBC to Deny a Docket to the PennEast Pipeline.

Point 47: The construction and operation of PennEast will inevitably result in increased turbidity in our waterways. Turbidity can increase water temperature because suspended particles absorb more heat. Increased water temperature may cause stress to fish and other aquatic benthic organisms, particularly in the summer months. These factors may lead to a decrease in dissolved oxygen, creating stagnant water conditions detrimental to aquatic life and potentially a change in structure to benthic diversity. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 48: In addition to impacting water quality and stream ecosystems, sediment pollution from pipelines like PennEast also fills in wetlands. The inevitable sedimentation from PennEast will impact the quality and health of wetlands, and impact their ability to carry out their ecological functions including filtering pollution, restoring groundwater, and supporting the watershed's wildlife. It's Time for DRBC to Deny a Docket to the PennEast Pipeline.

Point 49: There are numerous environmental risks associated with the open trench burial of gas pipelines that PennEast proposes at numerous crossings. Open trench burial involves the excavation of sediments and the removal of riparian vegetation, resulting in harm to well-established ecosystems. Disruption of the stream channel and banks caused by open trench crossings can cause destabilization of the stream's natural flows, causing channel migration and erosion that are harmful to the stream. The open trench cut of streams results in sedimentation, impacts to benthic habitat, and changes to stream morphology that can further affect downstream habitats. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

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Point 50: If PennEast is allowed to be constructed, it will create a new preferred pathway for ATVers through preferred timber rattlesnake habitat, which will result in ongoing deaths of this iconic watershed species. PennEast will also create new preferred ATV pathways through the waterways and wetlands of the Basin, causing ongoing and repeated water resource pollution and degradation. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 51: The rollback of the states' Clean Water Act rights and authority over their water resources has all been happening against the backdrop of a rapidly worsening climate crisis that is exacerbated by continued shale gas development and the willful disregard by the Federal Energy Regulatory Commission of court mandates calling for consideration of climate impacts as part of the pipeline review process. The need for DRBC's action in this time of existential climate threats is clear. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 52: Methane is the main component of the natural gas that PennEast proposes to transport. Methane has powerful short-term effects on climate change — by some estimates, 80 times the heating effects of carbon dioxide in its first 20 years in the atmosphere. Methane's global warming potential is about 30 times that of carbon dioxide over a 100-year period. Methane regularly escapes into the atmosphere not only during the drilling and hydraulic fracturing process used to obtain the gas; but it is also regularly emitted or leaked at large quantities from pipelines and compressor stations like the PennEast Pipeline. Our climate and our watershed cannot afford the added and unnecessary addition to greenhouse gas emissions that PennEast would provide. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 53: The International Energy Agency announced this year that electricity generation from renewable sources has overtaken natural gas to become the second largest source of electricity worldwide. We should be investing in the areas of energy efficiency and renewables instead of in an extensive network of new pipelines, cutting through our watershed and our country, that will become obsolete in the near future. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 54: Every municipality, and all affected preservation groups, along the route in New Jersey have submitted resolutions or letters opposing the PennEast pipeline, as have many townships in Pennsylvania. Concerned residents and advocacy groups have submitted

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thousands of comments on FERC's docket in opposition to the project. But municipalities, organizations, and individuals facing the PennEast's devastating impacts have no authority to stop the project. The DRBC has the authority to reject PennEast and close its file once and for all. It's Time For DRBC To Deny A Docket to the PennEast Pipeline.

Point 55: As our comments today have made clear, it is no longer legally appropriate, nor morally defensible, for you to continue to keep the application file open and leave communities and natural resources across the basin threatened with harm from the ever-present PennEast-axe hanging over our heads. After 3 years and 10 months of a failing application for a pipeline that cannot demonstrate it will meet the legal requirements of the DRBC's Compact, its Water Code and its Rules of Practice and Procedure, It's Time For DRBC To Deny A Docket to the PennEast Pipeline.