



Urgent – Submitted Via Fax, Email and First Class Mail

January 31, 2013

Carol Collier, Executive Director
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Dear Ms. Collier,

I thank you for your communication dated January 30, 2013 in which you inform me that the DRBC will be subjecting the Tennessee Gas Pipeline 300 Line Extension Project and the Columbia 1278 Replacement Project to DRBC docket review. DRBC has reversed its previous position regarding DRBC review of these projects on the basis that portions of each pass through areas incorporated into the Commission's Comprehensive Plan (i.e. the Delaware State Forest).

While we plan a more full and substantive response to your communication, as well as participating fully in the public process the docket review will provide, I wanted to immediately alert you to the fact that the Tennessee Gas Pipeline Company's Northeast Upgrade Project (TGP NEUP) also passes through areas incorporated into the Commission's Comprehensive Plan and therefore should also be, by your own analysis, subject to DRBC docket requirements and review.

The TGP NEUP passes through portions of the Delaware State Forest in Pennsylvania, as well as High Point State Park and Stokes State Forest in New Jersey. Pursuant to Resolution No. 91-19 adopted October 23, 1991 High Point State Park located in Sussex County, NJ and Stokes State Forest also in Sussex County, NJ are incorporated into the Commission's Comprehensive Plan. Pursuant to Resolution No. 2000-22 Adopted November 15, 2000 Delaware State Forest is incorporated into the Commission's Comprehensive Plan.

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Therefore the TGP NEUP must be subject to Commission review in accordance with Section 3.8 of the Delaware River Basin Compact and Article 3 of the Rules of Practice and Procedure.

While we believe, as per our previous communications on the matter, that there are other reasons why the TGP NEUP should be subject to DRBC review, it seems clear from your January 30, 2013 letter and accompanying memo that you too are now in concurrence with the need for DRBC review and docket because of the project's incursion into multiple areas incorporated into the Commission's Comprehensive Plan. The water withdrawal docket previously considered and issued does not and did not address the impacts to Comprehensive Plan areas as contemplated by DRBC Rules of Practice and Procedure and so does not displace the need for a docket to address the multiple incursions into Comprehensive Plan areas. That docket only considered the water withdrawal and hydrostatic testing requests/requirements of the project and so was too limited in scope to be said to fulfill the DRBC's obligation to review the project pursuant to Rules of Practice and Procedure section 2.3.5.A.12.

Because the implementation of the TGP NEUP within our watershed is imminent, I ask you to immediately alert TGP that **before** it can proceed it must come to the DRBC for review and a docket because of the incursions into areas incorporated into the Commission's Comprehensive Plan.

Respectfully,



Maya K. van Rossum
the Delaware Riverkeeper

Attached:

- January 30, 2013 letter and accompanying memorandum from Carol Collier, Executive Director of the DRBC, to Maya K. van Rossum, the Delaware Riverkeeper.
- Resolution No. 91-19 and appropriate pages regarding High Point State Park and Stokes State Forest
- Resolution No. 2000-22 and appropriate Page regarding Delaware State Forest