



Delaware River Basin Commission

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Steven J. Tambini, P.E.
Executive Director

April 3, 2018

Via U.S. Mail

Mr. David Hanobic
Office of Energy Projects
Federal Energy Regulatory Commission (FERC)
888 First Street NE
Washington, DC 20426

Re: Recommendation and Request Concerning Tree-Felling by Sponsors of FERC-Approved Pipeline Projects

Dear Mr. Hanobic:

I am writing you on behalf of the Delaware River Basin Commission (DRBC) to request your assistance in addressing the potential problem of premature tree-felling for the construction of FERC-approved transmission lines that are subject to and/or currently under review by DRBC. The DRBC is concerned that the felling of trees for such projects months or years before essential DRBC and state approvals have been issued can cause unnecessary or long-term and potentially substantial impacts to water resources, particularly in the context of very large projects involving hundreds of river, stream and wetland crossings.

As FERC has recognized, proposals for the construction of interstate electrical and natural gas transmission lines traversing the Delaware River Basin are in many instances required to obtain the approval of the DRBC as well as permits from state and federal agencies. In particular, Section 3.8 of the Delaware River Basin Compact, the DRBC's organic statute, provides in relevant part that:

[n]o project having a substantial effect on the water resources of the basin shall hereafter be undertaken by any person, corporation or governmental authority unless it shall have been first submitted to and approved by the commission.... The commission shall approve a project whenever it finds and determines that such project would not substantially impair or conflict with the comprehensive plan and may modify and approve as modified, or may disapprove any such project whenever it finds and determines that the project would substantially impair or conflict with such plan.

FERC's certificates of public convenience and necessity for interstate transmission projects, including its Order issued on January 19, 2018 for the natural gas transmission line proposed by the PennEast Pipeline Company, LLC ("PennEast"), have been silent on the matter of tree-felling before all federal and state approvals are issued. DRBC anticipates that having obtained its FERC certificates, and in view of the many months required to construct its pipeline, PennEast, like other transmission and pipeline project sponsors, may seek to initiate tree felling for its project as early as possible. The DRBC is concerned that the

premature felling of trees could result in water resource impacts related to streambank stability, soil erosion, and instream sedimentation that could go unmitigated unless and until the pipeline is actually built.

In view of this concern, we respectfully request that FERC amend its PennEast approval and condition future approvals of similar projects by prohibiting the project sponsors from felling trees within the Delaware River Basin, including within delineated wetlands and flood plains, in riparian areas (extending 150 feet from either bank of any stream), and within reservoir and recreation areas that have been designated in the DRBC's Comprehensive Plan, until such time as the DRBC issues an approval for the project or activity.

Please note that this request echoes a similar request submitted jointly by the Pennsylvania Department of Environmental Protection, Pennsylvania Department of Conservation and Natural Resources, and Pennsylvania Fish and Boat Commission. We would be pleased to coordinate a meeting among representatives of FERC and these and other resource agencies with jurisdictions overlapping DRBC's to discuss a mutually agreeable approach to this concern.

Sincerely,

A handwritten signature in black ink, appearing to read "Stambini", with a large, sweeping flourish at the beginning.

Steven J. Tambini, P.E.
Executive Director

c: Commissioners