



For Immediate Release:
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Contact:
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**Delaware Riverkeeper Network Petitions DRBC on PennEast Pipeline:
*Regulate Entire Project & Prohibit Tree Clearing, Petition Demands***

West Trenton, NJ / Bristol, PA – The Delaware Riverkeeper Network has learned that the Delaware River Basin Commission (DRBC) has urged the Federal Energy Regulatory Commission (FERC) to prohibit tree felling for pipeline projects like PennEast within the boundaries of the Delaware River Watershed. Despite the letter having gone out April 3, 2018, the Delaware Riverkeeper Network only recently secured the document as a result of a Freedom of Information Act request filed with the DRBC. The document does not appear to have been placed on the FERC docket for the PennEast Pipeline, nor does a response from FERC appear on the FERC PennEast docket or in the DRBC files.

“Importantly, this demonstrated development continues to show the importance of public engagement in the PennEast battle and that ideas and information being advanced by the public are resulting in substantive and meaningful outcomes that could dictate whether or not the PennEast pipeline is ever allowed to proceed. We have been urging for months that the Delaware River Basin Commission take this important stance through the filing of petitions and letter requests. We are pleased to see the DRBC defending its authority, our water resources and our communities so firmly, as is reflected in this letter,” **said Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network.**

February 15, 2018, the Delaware Riverkeeper Network submitted a petition to the DRBC executive director and commissioners urging, amongst other things:

“The Commission Must Ensure That No Construction Activities, Including Tree Clearing or Felling, Take Place Prior to Issuance of a DRBC Docket.”

Among the reasons cited in the petition for why this action was so important:

⇒ “Construction activities associated with PennEast will inflict adverse impacts on water quality in the basin.”

- ⇒ “Tree felling removes forest and forest cover, resulting in increased runoff and pollution to adjacent waterbodies, including streams and rivers.”
- ⇒ “[T]ree felling activities involve permanently converting forested wetlands into nonforested emergent wetlands, forever degrading the functions and values that those wetlands are capable of providing. Such tree felling necessarily results in discharges to and from these wetlands in at least two ways.”
- ⇒ “Because tree felling necessarily results in measurable and significant discharges to waterbodies and degrades their quality and health, the Commission must prohibit any such activities until a docket is ruled upon by the Commission.”

A second petition was submitted on March 1, 2018. This time the Delaware Riverkeeper Network’s request was joined by 28 organizations and 484 members of the public.

As the result of a Freedom of Information Act request, the Delaware Riverkeeper Network has learned that the DRBC wrote to the Federal Energy Regulatory Commission on April 3, 2018 asking FERC to modify the PennEast Certificate to prohibit tree felling within the boundaries of the Delaware River Basin until such time as DRBC has granted approval for the project. Specifically the letter states:

“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.”

“...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.”

Our FOIA request did not show that any response from FERC was received. As a result the Delaware Riverkeeper Network is following up to attempt to learn the outcome of this important request by the DRBC to FERC.

In addition, a review of the FERC docket for the PennEast pipeline indicates that FERC never filed this letter on the docket for the public at large to see, nor does there seem to be a response on FERC’s PennEast docket either.

“We know the pipeline company playbook: first they get FERC approval, then they get eminent domain, then they cut the trees, and then they tell the other agencies and the judge that the project is too far along to stop or say no to and urge the granting of all permits and denial of all legal challenges. Now that PennEast has secured FERC approval and is advancing multiple cases of eminent domain in order to collect more data to advance its project, we are anticipating a request to FERC for approval of tree felling. It is critical that the DRBC seems to be advancing a strong position that would prevent this

activity. **The DRBC taking such a strong and principled stance is an important development, we support the DRBC and the four states that are the Commissioners in advancing this request,” said Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network.**

A copy of the original Delaware Riverkeeper Network petition including the two referenced DRBC letters can be found at:

<http://www.delawariverkeeper.org/sites/default/files/DRN%20Petition%20to%20DRBC%20re%20PennEast%20Docket%20%282018-02-15%29.pdf>

A copy of the DRBC letter to FERC can be found at:

<http://cqrcengage.com/delawariverkeeper/file/MPNzPeGd17w/FERCTreeFelling%20Ltr 4.18.pdf>

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Delaware Riverkeeper Network (DRN) is a nonprofit membership organization working throughout the four states of the Delaware River Watershed including Pennsylvania, New Jersey, Delaware and New York. DRN provides effective environmental advocacy, volunteer monitoring programs, stream restoration projects, public education, and legal enforcement of environmental protection laws.



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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". The signature is fluid and cursive, with a large loop at the beginning and a horizontal line at the end.

Steven J. Tambini, P.E.
Executive Director

c: Commissioners