

**For Immediate Release:**

November 5, 2021

**Contact:**

Maya van Rossum, the Delaware Riverkeeper, Delaware Riverkeeper Network, 215-801-3043, [keepermaya@delawareriverkeeper.org](mailto:keepermaya@delawareriverkeeper.org)

Anne Marie Garti, Counsel for HALT and Mrs. Bullrich, the defendant in the condemnation case discussed in the opposition papers, 718-601-9618, [annemarie@garti.net](mailto:annemarie@garti.net)

**Delaware Riverkeeper Network and HALT File Opposition to Motion  
to Hold PennEast Case in Abeyance**

*United States Court of Appeals for the District of Columbia* - On November 4, 2021, the Delaware Riverkeeper Network, joined by Homeowners Against Land Taking–PennEast, Inc., filed a response in opposition to an October 29, 2021 motion to hold in abeyance lawsuits challenging FERC’s order issuing Certificates of Public Convenience and Necessity -- i.e. FERC approvals -- for the PennEast Pipeline.

According to the Delaware Riverkeeper Network and HALT legal filing, conflicting statements made by PennEast to the press and in other court proceedings leave open the possibility that PennEast will continue to pursue construction of the Pennsylvania portion of the Project:

- “PennEast has not abandoned its efforts to obtain state and federal authorizations that would allow it to construct the “Phase 1” portion of the Project in Pennsylvania.”
- “Any regulatory hurdles faced in New Jersey cited by Movants are not germane to PennEast’s ability to continue pursuing the Project’s construction in Pennsylvania. PennEast has made recent statements to the press that it is still pursuing the Project in Pennsylvania...”
- “PennEast has not withdrawn its Abbreviated Application for Amendment, ....” of its FERC Certificate to allow construction of Phase 1, the Pennsylvania portion of the project.
- “PennEast still has pending applications for Pennsylvania state permits that have not been denied, terminated, or withdrawn.”
- “PennEast still has pending applications for Department of the Army permits pursuant to Section 10 of the Rivers and Harbors Act....”
- “PennEast also has a pending application for a docket from the Delaware River Basin Commission....”

“PennEast has not withdrawn its project applications before any of the agencies and FERC has not withdrawn its Certification of the PennEast pipeline. Putting this case in abeyance means that PennEast would be free to continue to try to move this project forward through the multiple permitting agencies that still need to provide permits and approvals; and during this time we would be stripped of our ability to challenge the foundational FERC approval that allows this project to remain alive and viable. PennEast isn’t saying the project is dead, FERC isn’t saying this project is dead, why on earth would we voluntarily give away our biggest

opportunity to drive a stake into the heart of this devastating fossil fuel, fracked gas pipeline? That would be just plain stupid,” said **Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network**. “Because PennEast continues to pursue an amendment to its certificate and other state and federal permits, the time is ripe for the D.C. Circuit Court of Appeals to consider the arguments put forth by Delaware Riverkeeper Network and others in this challenge. From a lack of need to its devastating impacts on the environment, to the demonstrated false, misleading and missing information provided by the PennEast companies to FERC, there is no way to support approval of this project.”

The “movants” referred to in the filing who are requesting abeyance of the case by the court are: Federal Energy Regulatory Commission (FERC); New Jersey Department of Environmental Protection; Delaware and Raritan Canal Commission; New Jersey Conservation Foundation; The Watershed Institute; New Jersey Division of Rate Counsel; Township of Hopewell, N.J.; and Consolidated Edison Company of New York, Inc.

Read the November 4, 2021 Response here:

<https://delawariverkeeper.org/sites/default/files/2021.11.04%20DRN%20HALT%20Opposition%20to%20Abeyance.pdf>

###