

## PennEast Chapter 102 and 105 Water Permits

### Sample Text and Bullet Points

#### **Sample Letter:**

I am writing to urge Governor Tom Wolf and his DEP to deny the Chapter 102 and 105 applications submitted by the PennEast pipeline now. If a denial is not granted, I urge that DEP announce as soon as possible an extension of the formal public comment period to a minimum of 90 days in order to provide the public sufficient time to review the extensive information and volumes of paper copies that are on the [DEP Pipeline portal](#). I urge that the clock for 90-day extension of public review start ticking when the pipeline portal has all the data necessary for a complete application review. Currently, despite many extensions and concessions by the DEP, PennEast is still missing important information in its application. Electronic layers to fully and adequately assess the hundreds of wetland and waterbody impacts are not even shared at this time on the pipeline portal. Starting the public comment clock, as was done on Feb 16<sup>th</sup> by the DEP, before all information is complete to the agencies and the public is not protective of our public trust and rights afforded to us under the Environmental Rights Amendment of the PA Constitution. We do not need another rushed review for another fracked gas pipeline we do not need. I also request that several public hearings be held in convenient locations for the public along the proposed 78-mile pipeline route as well as in downstream communities in the Delaware River Basin. I look forward to hearing of a public extension soon so the public can plan accordingly.

#### **In the meantime, from the DEP pipeline portal and PennEast application, I already see major gaps and deficiencies with the permit application that warrants a denial:**

- DEP is currently undergoing an 8 month stakeholder process of its Chapter 105 program, largely due to gross water pollution impacts from other pipelines being constructed in the Commonwealth that were permitted under current regulations (and resulting from *Clean Air Council, The Delaware Riverkeeper Network, and Mountain Watershed Association, Inc v. Commonwealth Department of Environmental Protection and Sunoco Pipeline L.P*) – for DEP to permit the PennEast pipeline before that process and the public have time to weigh in would be premature and reckless to protection of our freshwater.
- NJDEP has not acted on its state permits due to deficiencies and large concerns with this pipeline project. These deficiencies also exist in PennEast’s PA materials, with even more gaps now due to the latest proposed route changes – and so PA should not be in a rush to act now. Last time DEP permitted a multi-state pipeline (Constitution pipeline) prematurely - mature forests, small businesses, and unnecessary harm was caused for no reason. As our neighbors in NY and NJ begin to question the pipeline frenzy and frack booms, it is time that Governor Wolf does the same. The science is clear and the climate

cannot wait. Pennsylvanians deserve protection of the freshwater and wetlands that remain here.

- PennEast has submitted alternative routes due to extreme harm and resistance to date, and in fact, FERC has issued a notice for an amendment – meaning that new landowners in the Commonwealth – in Monroe County – may now be directly harmed. At the same time, the information on these new routes is not complete nor adequate, and gaps are already noticeable since the announcement on Feb 16<sup>th</sup>.
- Pennsylvania and Governor Wolf have the power to not rubber stamp this pipeline. We urge them to finally stand up and say no and deny the 102 and 105 permits. Speaking out to harms caused on the Mariner East pipeline after the fact are not acceptable nor protective – the harm is already done there – hindsight promises are not in our best interest.
- Streams, riparian native forested buffers, wetlands, soils, and forests adjacent to streams would not only be directly cut and destroyed by this pipeline, but they would also be indirectly harmed by the exacerbated climate change impacts this pipeline would cause. At the same time, these habitats are essential, if preserved, in limiting climate harms and serving ecosystem functions that must be fully accounted for in the pipeline review process. These calculations must be part of the review of this project instead of putting resources in boxes – we live in an ecosystem – it is all connected.
- PennEast has not completed the process of identifying the locations of water wells and springs that were not previously crossed by the Certificated FERC Route.
- The Revised PA Route would cross 13 additional Wild Trout Waters compared to the Certificated PA Route.
- The Appalachian Trail PPL Crossing Realignment extends approximately 3.3 miles from the Certificated PA Route, which exceeds the Cumulative Impact Assessment Area for several types of resources.
- It would take more than 30 years, and likely hundreds of years, for some forested areas to be restored to preconstruction conditions and many of these forests are adjacent to wetland and waterbodies. Clear Cut trees = hotter water = less trout = less macroinvertebrates = poorer water quality.
- The Pennsylvania Game Commission asked PennEast to reduce the Right of Way in areas of suitable forested wetlands to less than 45 feet in order to allow the state endangered northern flying squirrel to cross. However, PennEast is asserting it is unable to reduce the width due to “constructability constraints” and requires the full 75-foot corridor to build their pipeline in this area; too wide for flying squirrels to glide across. This is unacceptable. HDD of these precious forests and wetlands needs to be considered but again despite resistance PennEast is still only proposing 16 HDD through important habitats.

- The Appalachian Trail PPL Crossing Realignment crosses into Eldred Township, Monroe County, a township and county that were not previously affected by the Project. During wetland delineation surveys, PennEast biologists observed one dead timber rattlesnake within the Project study area in Monroe County that was crushed by a vehicle.
- Phase 2 bog turtle surveys have been completed on 31 of the 33 wetlands (93.9%) on the PA side with potential bog turtle habitat but are still incomplete. All bog turtle wetlands should be considered Exceptional Value (EV) wetlands, but this is never mentioned by PennEast.
- The Appalachian Trail PPL Crossing Realignment crosses through more suitable bog turtle habitat than the Certificated Route did.

For these vast reasons that are far from complete at this time, I urge you to allow more time for the public to find errors and omissions and I hope Governor Tom Wolf does the right thing before another pipeline is built and harms are inflicted yet again. We cannot keep repeating the same mistakes again and again as has been the status quo in PA.

Sincerely,