



FERC PennEast DEIS Comments

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In the height of the dog days of August, the Federal Energy Regulatory Commission (FERC) kicked off a whirlwind road show of sequestered hearings on the beleaguered proposed PennEast pipeline that would stretch 118 miles across Pennsylvania before bisecting Hunterdon and Mercer Counties on the New Jersey side of the Delaware River watershed. The hearings, in a response to the overwhelming show of public opposition to the PennEast pipeline during the scoping hearings, are intentionally designed to sequester off the public one by one and deprive the public of hearing the statements of their neighbors – as well as the arguments of PennEast company officials.

The flawed public hearing process is symbiotic of an attempt to quell public input. The current Draft Environmental Impact Statement (DEIS) clocks in more than 1,150 pages, but FERC has only allowed 45 days for public comment and the public hearings were all scheduled in the dead of August. The current DEIS indicates 79 areas where there is incomplete or missing information and there's no acknowledgment that the refusal of 70% of New Jersey landowners for land surveying has harmed the study.

FERC's Draft Environmental Impact Statement is clearly a disaster. It is a rush job which deliberately excludes environmental impacts all across the Delaware River watershed and it was released to minimize public input. PennEast is intentionally sabotaging environmental protections and papering over violations of the Clean Water Act.

PennEast would tear an ecological scar through the heart of the Delaware River valley, slicing through more than 30 high quality waterways in New Jersey and cutting through 220 additional waterways, including the Delaware. The pipeline intentionally targets preserved open space and farmlands, and would destroy thousands of acres of open space, as well as vernal pools, wetlands, threatened and endangered species and threaten homeowners on both sides of the Delaware.

FERC should not be aiding and abetting the applicant. This is a Pollyannish report that dodges the real environmental impacts of the proposed pipeline and is Exhibit A on why the FERC process demands reforms. We need the public to call out FERC for their complicity and to call on the NJDEP and the DRBC to act independently to deny PennEast from ever desecrating our Delaware River watershed, using the force of the Clean Water Act and the 401 water quality permits.

The process of sequestering the public for public comment is unprecedented and undemocratic. The public hearing process is designed to let public officials to hear directly from the public in real time in front of an audience of concerned citizens, who likely hold divergent views. The sequestered video comment is an Orwellian replacement. You should not be forced to be called into a room to express your opinions. Public hearings shouldn't be like visits to the principal's office, and FERC's new format is clearly undemocratic.

FERC DEIS report concludes that the proposed PennEast pipeline would have a “less than significant” impact on the environment. But the report clearly dodges the elephant in the pipeline – climate change. Even if the PennEast Pipeline was proposed to transport chocolate syrup, it would be an environmental disaster. But the pipeline only doubles down on the bridge-to-nowhere fossil fuel, making spurious claims of need when the New Jersey market has already been labeled by the Union of Concerned Scientists as “over reliant” on natural gas. The PennEast pipeline is part of a regional strategy by the gas industry to expand their infrastructure while prices are historically low so they can expand their customer base, and then reap the profits when the cost of natural gas inevitably rises. The public and the environment is left holding the bag as part of PennEast’s ‘rope a dope’ strategy.

Most egregiously, FERC’s DEIS categorically ignores the recent guidance from the Obama Administration’s Council on Environmental Quality (CEQ) which was finalized earlier this month after a six year process. The guidance requires federal agencies, including FERC, to consider the impacts of their actions on climate change in their NEPA reviews. Specifically, the guidance requires agencies to quantify projected carbon emissions from proposed projects. FERC has continued to deny the capability to quantify upstream and downstream carbon emissions, even when those models currently exist. FERC effectively is bucking the Obama Administration’s legacy on climate by sticking their heads in the sand.

These FERC hearings are a sham and there should be administrative repercussions for FERC, both for their attempt to dodge real public input and their rush environmental impact report, which was clearly designed to rubberstamp the PennEast pipeline project. FERC still needs to feel the heat, but the independent actions and reviews of the NJ Department of Environmental Protection and the Delaware River Basin Commission, especially regarding the integrity of the Clean Water Act, and the needed 401 water quality permits, can’t be sequestered behind closed doors.

This entire process is a reminder for PennEast – and for FERC – to listen (perhaps for the first time) to lyrics of Woody Guthrie’s immortal song, “This Land is Your Land.” Guthrie, an Oklahoma native, spent the last years of his life in New Jersey’s Greystone Hospital. Let us only hope that his guitar also kills pipelines.

This Land Is Your Land
Words and Music by Woody Guthrie

This land is your land This land is my land
From California to the New York island;
From the red wood forest to the Gulf Stream waters
This land was made for you and Me.

As I was walking that ribbon of highway,
I saw above me that endless skyway:
I saw below me that golden valley:
This land was made for you and me.

I’ve roamed and rambled and I followed my footsteps
To the sparkling sands of her diamond deserts;
And all around me a voice was sounding:
This land was made for you and me.

When the sun came shining, and I was strolling,

And the wheat fields waving and the dust clouds rolling,
As the fog was lifting a voice was chanting:
This land was made for you and me.

As I went walking I saw a sign there
And on the sign it said "No Trespassing."
But on the other side it didn't say nothing,
That side was made for you and me.

In the shadow of the steeple I saw my people,
By the relief office I seen my people;
As they stood there hungry, I stood there asking
Is this land made for you and me?

Nobody living can ever stop me,
As I go walking that freedom highway;
Nobody living can ever make me turn back
This land was made for you and me.

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