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Honorable Norman Bay,
Chair, The Federal Energy Regulatory Commission
888 First Street, NE Washington, DC 20426

RE: Docket CP15-558 PennEast Pipeline Project

Dear Chairman Bay:

Hopewell Township Citizens Against PennEast Pipeline, Inc. has received a copy of the draft environmental impact statement (DEIS) in the above referenced docket. I am writing to you on behalf of my client Hopewell Township Citizens Against

PennEast Pipeline, Inc. to strongly urge you to withdraw the Penn East Pipeline DEIS.

The reasons why this DEIS must be withdrawn immediately are as follows:

The DEIS violates the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, et seq. because it is not based upon complete data needed for evaluating environmental impacts. To date the applicant has failed to submit all of the required data based upon wetlands and threatened and endangered species surveys. NEPA specifically requires a:

systematic, interdisciplinary approach which will insure the integrated use of natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment. See 42 U.S.C. §4332.

NEPA requires the FERC to apply the *hard look* standard at all impacts *after* the FERC

has received *all* of the required environmental information under NEPA. The United State Supreme Court clearly stated in the case of *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989) that the standard of review under NEPA is “a hard look.” Before it is even possible for the FERC to take a hard look, the FERC must have received all of the information required for the NEPA review. If the agency has not been able to get all of the information required for the NEPA mandated evaluation of environmental impacts, obviously the review is premature and invalid. A DEIS based upon incomplete environmental information is obviously premature and invalid.

The CEQ regulations concerning a DEIS based upon incomplete, unavailable information are clear. *If the information is obtainable and relevant to the project, the agency must wait and take steps to obtain the incomplete, missing information.* 40 C.F.R. 1502.22.

In sum, if, as here, the FERC does not have all of the required information the DEIS is incomplete and invalid. *Public Employees for Environmental Responsibility v. Hopper*, USCA CASE #14-5301 (D.C. Circuit 2016). This ruling is not complicated - it is crystal clear. Therefore, with all due respect, Hopewell Township Citizens Against PennEast Pipeline, Inc. is frankly baffled as to how the FERC could have issued this DEIS in such a premature manner when the record is clear that the FERC knew the applicant had failed to provide the FERC with highly relevant data.

Significantly, the applicant PennEast Pipeline Company, LLC., has publicly admitted that the information required for this proposed project is missing and its application incomplete. PennEast has further stated that the missing information is obtainable by continuing to conduct wetlands and threatened and endangered species surveys. On June 8, 2016 the applicant stated:

PennEast will continue to conduct surveys for rare, threatened, and endangered species during appropriate seasonal survey windows as specified by the applicable agency and as access becomes available. In the case of the New Jersey State endangered long-tailed salamander, the NJDEP has recommended that detailed habitat assessments be conducted in areas mapped by the NJDEP Landscape Project (V. 3.1) and/or in adjacent unmapped areas.... At Page 17.

Additionally, the applicant's Environmental Survey Status report submitted to FERC in April 2016 provides documentation regarding a significant number of wetlands surveying that needs to be done. Only 28.1% of project area in the state of New Jersey has been field surveyed for wetlands. Moreover, an additional 25% of the project area in the state of Pennsylvania still requires wetlands surveys.

The applicant has also failed to provide the FERC with an updated status report indicating that these areas have been surveyed. Clearly information regarding wetlands and threatened and endangered species is required under NEPA before the FERC can consider impacts and prepare the DEIS. Obviously this missing information is highly relevant to the FERC's assessment of environmental impacts.

The bottom line here, which is undisputable, is that the applicant itself has acknowledged there is information missing from its proposal and that it is continuing to collect the information. As the information is obtainable and is clearly relevant, it is inappropriate and inconsistent with NEPA for a DEIS to be released.

The overarching goal of NEPA is to:

insure that environmental information is available to public officials and citizens *before* decisions are made. . . [and] [t]he *information must be of high quality*.

40 C.F.R. 1500.1(b).

The record here is clear that the FERC has moved forward prematurely to make decisions based on incomplete information: the FERC has violated its legal duties to the public.

Hopewell Township Citizens Against PennEast Pipeline, Inc. therefore respectfully requests the FERC to withdraw the DEIS at this time and comply with the law set forth above which requires the FERC to wait for the applicant to submit all of the required information before the FERC evaluates impacts and finalizes the DEIS.

Respectfully submitted,

/s/Katherine V. Dresdner

KATHERINE V. DRESDNER

General Counsel

Hopewell Township Citizens Against PennEast Pipeline, Inc.

CC: Patty Cronheim