



c/o Delaware River Greenway Partnership, PO Box 15, Stockton, NJ 08559  
[www.lowerdelawarewildandscenic.org](http://www.lowerdelawarewildandscenic.org)  
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March 30, 2020

Chairman Chatterjee  
Commissioner Glick  
Commissioner McNamee  
Federal Energy Regulatory Commission  
88 First Street, NE  
Washington, DC 20426

Dear Commissioners,

*RE: PennEast Docket #: CP20-47-000 (Previous Docket #s: CP19-78-000, CP15-558-000)*

The National Wild and Scenic Rivers System was created by Congress in 1968 to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Lower Delaware Wild & Scenic River Management Council, a part of the National Wild and Scenic Rivers System, is an active participant in the Partnership Wild and Scenic Rivers program supported by the National Park Service. Our corridor focuses on the area of the Delaware River south of the Delaware Water Gap and north of Trenton.

Our Management Plan requires the evaluation of projects that may impact the river corridor. Refer to <https://lowerdelawarewildandscenic.org/index.php/resources/documents/lower-delaware-wild-and-scenic-management-plan>.

We submit this letter in continued opposition to the construction and future operation of the PennEast project. Irreversible environmental impacts affecting the health of the Delaware River and surrounding communities in Pennsylvania and New Jersey must be examined for all phases and elements of the project in its entirety.

#### **Surface and Ground Waters**

Since first proposed, PennEast has failed to guarantee or demonstrate impacts to surface groundwater will not occur as a result of the construction, operation, and maintenance of the pipeline. The examination of any impact to surface and ground waters should be the highest priority including public and private wells and public water systems.

#### **Surveys & Data**

Due to lack of surveys and submitted data, PennEast cannot substantiate that “it is unlikely that they will find additional impacts from those identified on the Certificated Route.” Please require a true analysis based on actual surveys and science. It is not yet known whether areas along the Certified Route will ‘have potentially contaminated groundwater’, since PennEast is still “continuing to identify the locations of water wells and springs that will be crossed by the Certified Route.” Please also require that future surveys include the identification of all seasonal wetlands, wetlands, and streams.

**Construction Limitations**

By regulation, PennEast is barred from constructing any portion of its Certificated Route while permits are outstanding. Federal Regulation "18 CFR § 157.206 - Standard conditions" prohibits construction under a blanket certificate without meeting all standard conditions first. Therefore, please guarantee that PennEast will not put any section of its Certificated Route into service until all standard permits including the 401 Clean Water Act Permit and the 404 Wetlands permit from the NJDEP are issued.

**Phase 1 and the Adelpia Pipeline**

Please consider the cumulative impacts of the entire PennEast Project and the Adelpia Gateway Project. They are connected and must be considered together. Examine them as part of the same project. Review the environmental impacts for each route.

**Delaware River Basin Commission (DRBC) Review**

DRBC's authority and obligation under the Delaware River Basin Compact, Rules of Practice and Procedure require that PennEast Pipeline obtain DRBC docket approval due to the significant disturbance of ground cover affecting water resources, among other matters. The 2020 PennEast application to FERC includes no reference to the DRBC docket required prior to any construction on the project, including Phase 1. PennEast also recently withdrew its application pending before DRBC. Do not allow PennEast to proceed with construction, including Phase 1, without DRBC approval.

**The Comment Period**

The 30 days provided for scoping comments is not enough for the public to review and meaningfully comment on this proposal and the associated documents covering 392 pages. It is unclear from FERC's notice whether there will be further opportunity to comment. Please provide the public additional time to intervene and comment by assigning a full 90 day comment period.

Finally, we also request that public hearings be scheduled in the local communities to be impacted by PennEast.

Sincerely,

*Richard Dodds*

Chairman