



For Immediate Release

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Delaware Riverkeeper Network Releases Statement on release of Draft Environmental Impact Statement for PennEast Pipeline

On July 22, the Federal Energy Regulatory Commission (FERC) issued a Draft Environmental Impact Statement (EIS) for the PennEast Pipeline, establishing September 5 as the deadline for comments. The draft EIS is a standard part of the NEPA process.

Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network, released the following statement:

The Draft EIS released by FERC today is 1,174 pages long and is designed to advance a project that will inflict immense and irreparable harm on the people, environments, public lands, and communities the project will cut in both Pennsylvania and New Jersey. Setting the deadline for comments at September 5—a mere 45 days from now—is an abuse of power on FERC's part. FERC owes the communities that will be affected by PennEast at least 120 days to gather and submit proper materials including expert reports and data verification. It is a sign of the agency's complete disregard for the public welfare that it considers a robust comment period so expendable.

This Draft EIS, issued as a requirement of the National Environmental Policy Act (NEPA), is an information document designed to ensure fully informed decisionmaking. The comment period is a fundamentally important part of the process. The EIS process is a FERC obligation, and it is doubtful that FERC would undertake such a process voluntarily; it has been shown that FERC is a rubber stamp agency for pipeline projects like PennEast. A mere 45 days to comment verifies FERC's disregard the importance of careful and informed review and the public's right to be heard.

For those who think that the issuance of this document and the FERC finding that mitigation is enough to address the immense and irreparable harms the PennEast Pipeline would inflict, means the project is a done deal, that is not the case. There are other agencies that will be the final arbiter of PennEast's fate, and the Delaware Riverkeeper Network is very focused on those other agencies. Both

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Pennsylvania and New Jersey have to issue Clean Water Act Certifications for the PennEast project and the Delaware River Basin Commission must also approve the project and grant it a docket before the pipeline can advance to construction. In addition the Army Corps of Engineers must review wetland impacts and concerns about threatened and endangered species are of concern to other state and federal agencies.

In addition, the Delaware Riverkeeper Network continues to pursue our constitutional challenge to the PennEast project and FERC's decision-making process. In our case filed on March 3 with the United States District Court for the District of Columbia, the Delaware Riverkeeper Network argues that FERC suffers from a conflict of interest and bias toward approving natural gas pipeline projects that rises to the level of being unconstitutional. The Delaware Riverkeeper Network case is seeking a declaration that FERC engages in a biased process, one which deprives DRN and its members of its aesthetic, recreational, liberty, and/or property interests without Due Process, and one which causes irreparable harm. Additionally, the Delaware Riverkeeper Network seeks a declaration that FERC's reimbursement funding structure is unconstitutional; a declaration that FERC's ability to grant the power of eminent domain is unconstitutional; and/or a declaration that FERC's authority to preempt local and state laws with regards to natural gas pipelines is unconstitutional.

The information in this new Draft EIS is going to provide further evidence that, despite what FERC asserts, the PennEast pipeline cannot be built in compliance with applicable environmental protection laws, that its anticipated use of eminent domain serves no public purpose, and that there is no justified need for the project that would warrant its approval by any state or federal agency or interstate commission.

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