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PennEast Pipeline: How to Stop it and Where We Are

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New Jersey Department of Environmental Protection (DEP)

- ▶ The DEP rejected PennEast Pipeline's applications for 401 Water Certificate and other water and wetlands permits for being deficient.
- ▶ Since 65 percent of the route has yet to be surveyed, the DEP said they do not have enough information for any of these approvals.
- ▶ This is a major setback because it delays their application for months, if not longer.
- ▶ They have 30 days to respond and another 60 days to collect more data, which will be difficult for PennEast to do.
 - ▶ They can't get on people's property with FERC not having a quorum

Department of Environmental Protection

- ▶ 401 water quality certificates
- ▶ Stream encroachment
 - ▶ crossings, buffers
- ▶ Wetlands
 - ▶ fill, crossing, and buffers
 - ▶ Section 202 CWA
- ▶ Section 303 Water permit
- ▶ Flood hazards
 - ▶ fill, buffers
- ▶ Stormwater
- ▶ CAFRA Coastal Program
- ▶ Coastal Zone Management Act
- ▶ Green Acres
- ▶ Statehouse Commission
- ▶ Watershed Moratorium Commission
- ▶ Water allocation
- ▶ NJPDES (water discharge)
- ▶ Threatened and Endangered Species
- ▶ SHPO (historic reviews)
- ▶ Replacement trees on public lands
- ▶ Other land use permits

Delaware River Basin Commission (DRBC)

- ▶ We got DRBC to do its own EIS analysis, separate from FERC. They haven't started this processes yet.
- ▶ They committed to having at least six public hearings, none of which have been scheduled yet.
- ▶ FERC can not approve this project unless the DRBC approves it.
- ▶ This can hold them up for up to a year and if the DRBC rejects their permits, they can stop the project.
- ▶ PennEast has also applied for Surface Water Withdrawal and Discharge permits from the DRBC which must be approved.

Federal Energy Regulatory Committee (FERC)

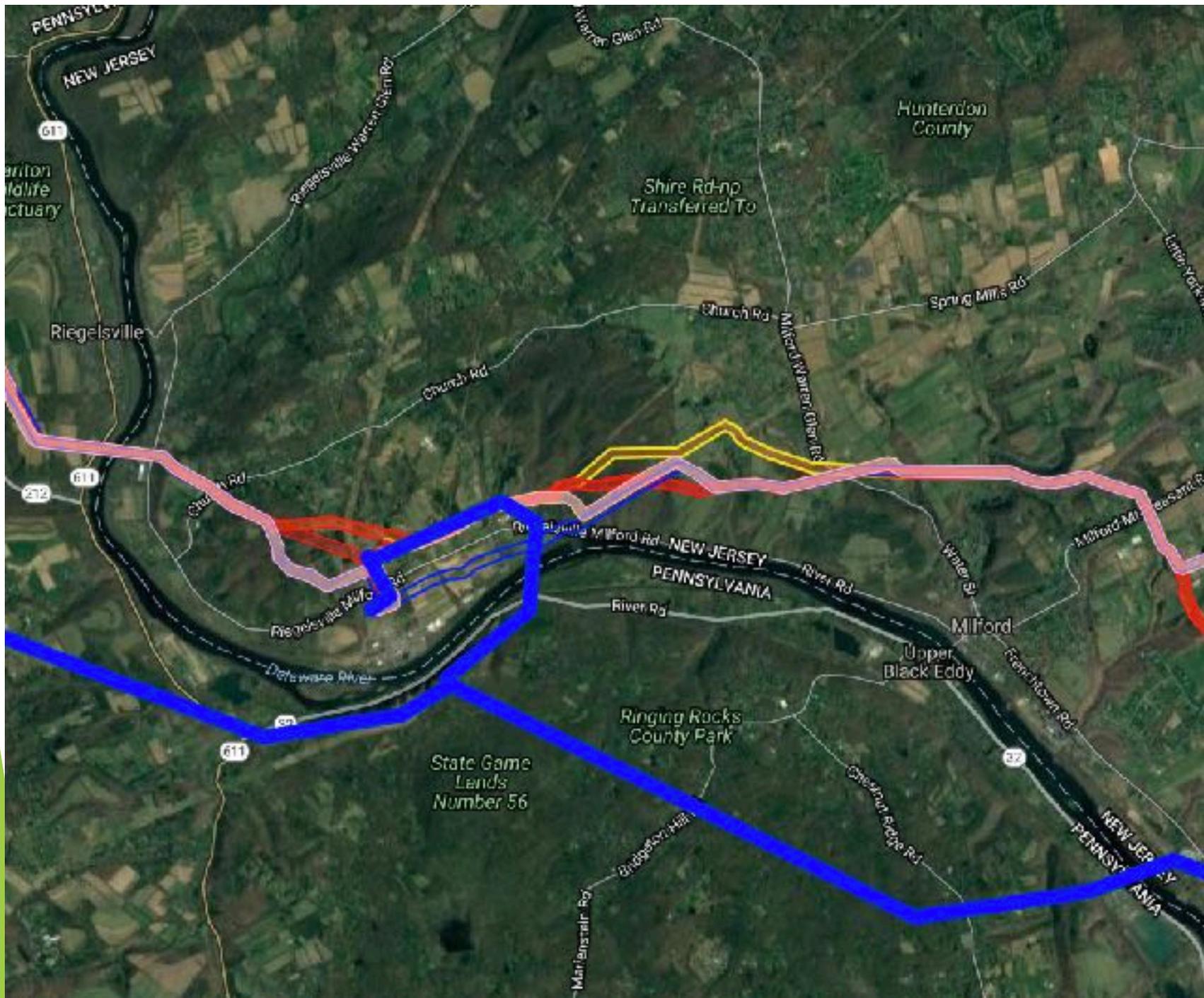
- ▶ Two members of FERC have resigned, meaning that they can not approve any project until the positions are filled and a quorum is reestablished.
- ▶ They also can not grant a “Certificate of Necessity” which would allow PennEast to get on people’s property, further slowing down the DEP process.
- ▶ FERC can not approve the pipeline without the DEP water permits
- ▶ Recently a federal judge criticized FERC for their approach to climate change. The Judge expressed deep concerns regarding FERC's treatment of downstream greenhouse gas emissions.
- ▶ A new report by Oil Change International and Bold Alliance has highlighted the environmental effects of the proposed PennEast Pipeline. According to the report, PennEast would release 49 million metric tons of emissions each year.
- ▶ Three years ago the Sierra Club and Delaware Riverkeeper Network won a court cause against FERC for not looking at secondary and cumulative impacts.

Army Corps of Engineers (ACOE)

- ▶ The U.S. Army Corps of Engineers has told PennEast that they are still not in compliance for permits required for the pipeline.
- ▶ Since PennEast Pipeline did not have permission to enter multiple tracts along the right-of-way for surveys, including delineation of waters and wetlands, the Army Corps has not approved their permit.
- ▶ The Corps cannot issue a permit until coordination with other resource agencies under the Section 106 of the National Historic Preservation Act, Section 7 of the Endangered Species Act, Magnuson-Stevens Fishery Conservation Management Act, Essential Fish Habitat, and Wild and Scenic Rivers Act, and Section 14 of Rivers and Harbors Act.
- ▶ PennEast is not yet in full compliance with these laws and statues, which is another victory in the battle against this pipeline.

Other Federal Agencies and Reviews

- ▶ Environmental Protection Agency has been critical of the project
 - ▶ Sent a deficiency letter on flawed NEPA and EIS
- ▶ US Fish and Wildlife Service also sent a letter criticizing the process of the project.
- ▶ Ratepayer Advocate declared the project would be bad for consumers.
- ▶ Department of the Interior
 - ▶ 319 review if it impacts any historic structure or district on National Registrar of Historic Places



- 2014 original Route
- Jan 2015 MAJOR Route Change
- March 2015 Route Changes
- September 2015 Application Route
- February 2016 Route Changes
- September 2016 Route Changes
- “IBA Avoidance” proposals from PennEast

Why They May Change the Route

- ▶ “When these required surveys are completed by PennEast, and upon review by the DEP, it is possible that the route may need to be additionally altered in order to minimize temporary and permanent environmental impacts, as required by New Jersey laws and regulations.”- New Jersey Department of Environmental Protection
- ▶ DEP permits are required for PennEast to build and it's been difficult for them to get them in New Jersey
- ▶ Over 70% of people along the original route refused survey access to PennEast
- ▶ The IBA Avoidance Route would allow PennEast to get around many of these permits that might be too difficult for them to get

Tracking Fossil Fuel Project Cancellations Across the U.S.

Since the Keystone XL pipeline was rejected by Pres. Obama on climate grounds in Nov. 2015, at least 28 other proposed fossil fuel infrastructure projects in the U.S. have been halted. The reasons are complex, but are mainly a combination of unfavorable economic conditions, environmental concerns and local resistance. In some cases, officials rejected the projects or permits or extended the review process; in others, the companies canceled or delayed their plans.



Progress Against Pipelines

- ▶ The Sierra Club is involved in more than a hundred pipeline fights across the country
- ▶ Despite these being major battles, we have made progress:
 - ▶ Constitution, Island East and Northern Access Pipelines were killed when denied water permits by their states
 - ▶ Northeast Energy Direct withdrew their application due to public outcry
 - ▶ Stopped LNG ports: Port Ambrose, Exxon and BP Greenwich Twp. in New Jersey
 - ▶ We got FERC to deny the Jordan Cove LNG and BLANK Pipeline in Oregon
 - ▶ New Jersey stopped the Independence and Market Link Pipeline, which FERC turned down
 - ▶ In Georgia, SC helped pass legislation stopping oil pipelines from getting eminent domain
 - ▶ Along with the Delaware Riverkeeper Network, we won an important lawsuit against FERC's attempts to segment the Tennessee Gas Pipeline
 - ▶ DEP rejected PennEast's applications for water and wetlands permits for being deficient
- ▶ Currently we are filing with Nebraska Public Utilities Commission to stop Keystone and we are also in court against DAPL

Clean Energy vs Dirty Fracking Infrastructure

- ▶ This a battle between dirty energy of the past and clean energy of the future
- ▶ We are part of a national movement to stop fossil fuels and have had success
- ▶ We're fighting more than 100 pipelines across the country and over a dozen here in New Jersey
- ▶ Pipelines in New Jersey bring dirty fuels from the Marcellus Shale to market
- ▶ We've gone from the Crossroads of the Revolution to the Crossroads of Pipelines; we are at the frontlines of the battle





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