

Green Sergeant's Bridge

New Jersey's Only Remaining Covered Bridge

Delaware Township

Hunterdon County, New Jersey

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July 23, 2018

Federal Energy Regulatory Commission
Secretary of the Commission
888 First Street, N.W.
Washington, D.C. 20426

RE: Docket No. PL18-1-000

In accordance with the Notice of Inquiry, the Township of Delaware, Hunterdon County, New Jersey provides the following comments on the FERC process.

The current FERC process for the review of pipeline applications allows the applicant to create its own need for the pipeline, conduct its own environmental impact statement (EIS), and then review its own EIS. Consequently, the applicant always finds a "need," and the impacts are always categorized as "minimal" or easily mitigated, thus rendering the FERC review process a formality that always results in approval. Residents and concerned citizens believe that the process overwhelming favors the pipeline companies and that their concerns are ignored and easily dismissed. FERC should revise its process to objectively evaluate the need for a project, and weigh that need against the potential impacts to the community targeted by a proposed pipeline. The following changes should be made to the FERC process:

1. While it is the applicant's responsibility to assess the need for a project, "need" should be defined from the perspective of the American public and **not** assessed by the applicant using their own member companies. Currently, a FERC applicant forms a company, all of those affiliated with the company claim a "need" for their natural gas, thereby creating their own "market" which then becomes the justification for the need for the project. This guarantees that every applicant that comes to FERC creates its own "need." The applicant should be required to assess current **public** supply and demand, **within the States that will host the pipeline**, evaluate the gas needs of companies with which they are **not** affiliated, and evaluate the market excluding their own affiliated companies. If there is no **public** need beyond member-companies, FERC should not certify the pipeline nor should FERC grant the right of eminent domain.

2. The applicant to FERC should not be allowed to choose the reviewer of the Environmental Impact Statement. While it is appropriate for the applicant to conduct its own EIS, FERC should revise its process to find a competent reviewing consultant or third-party agency that is not selected by the applicant. The current process automatically creates a conflict of interest for the reviewing consultant. Under the current process, the applicant could easily pay the reviewing consultant not to objectively evaluate the potential impacts of the pipeline, but to make a finding of "no significant impact." This does not serve the public since this is not an impartial evaluation of the project. To avoid a conflict of interest, the applicant should place money into an escrow account for the cost of the review, but FERC should select an independent, third-party review agency or company to evaluate the EIS and to respond to public comments and concerns.
3. When commenters raise concerns, it is not appropriate for FERC to accept a response from the applicant such as "if it becomes a problem we'll mitigate for it." If the applicant does not have a credible and verifiable, publically vetted, knowledge-based response to a comment, FERC should reject that response and the application to which it is attached until an appropriate answer is provided.

We also suggest that FERC acknowledge that there are some impacts that cannot be appropriately mitigated. For example, if an entire community loses its water supply as a result of a pipeline installation, it is unconscionable mitigation to plan to supply bottled water to those property owners. Responses such as these should not be accepted by FERC since this reflects a total disregard for the interests of the public.

4. Pursuant to 18 CFR 157.11, (4), Sec. 1-2 (pg. 585), interstate natural gas pipeline applicants are instructed in detail as to the requirements for making applications and supplemental information, including " voluminous or difficult to reproduce materials," available to the public. The regulations exempt an applicant, " to serve upon request these materials as long as the material is publicly available in an accessible location in each county throughout the project area." The Section goes on to describe the materials be placed in public buildings such as libraries which have evening and weekend business hours. It is clear from the cited regulation that FERC wants all natural gas pipeline application materials made widely available for public inspection and use, and that the requirement stands despite the availability of documents digitally posted to individual dockets.

One example of the need to continue this type of public access to hard copies of application materials are the maps which display a proposed pipeline right -of -way and its boundaries. Given the numerous individual maps that may be needed to fully display a proposed route, FERC should require a consistent scale of maps and alignment of match lines.

The failure of an applicant to place such documents on file strongly suggests FERC's need to effectively monitor an applicant's compliance with this section of the CFR and take appropriate enforcement actions when necessary. This type of violation underscores how desirable transparency can be eroded, the application timing can be disrupted when the public's right to inspect such materials in detail is denied, and therefore can only lessen the predictability of the

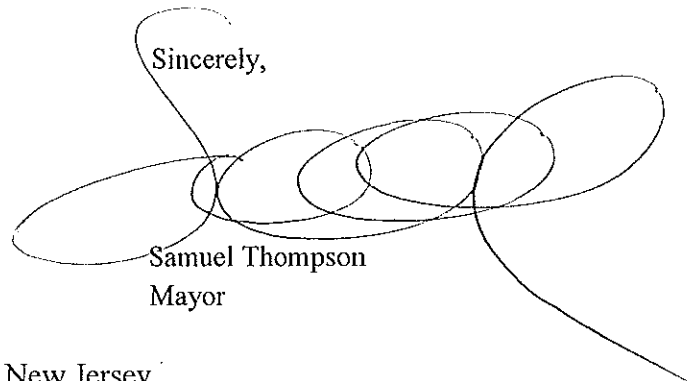
certification outcome. More aggressive oversight and enforcement in the interstate pipeline application process by FERC is required.

5. The public meeting process needs restructuring. The public believes that when a government agency provides the opportunity for a public hearing, that all members of the public will have the opportunity to participate and will be heard in person or by representatives from the appropriate government agencies. The public should have the right to speak and be heard and FERC should ensure that venues are large enough to accommodate public hearings. If the hearings are too long, more hearing opportunities should be provided. It is reasonable for FERC to: (a) ask speakers to sign in; and (b) set a time limit for each speaker. It is inappropriate and counter to the purpose of a public hearing to invite commenters behind closed doors to read or speak their comments into a recording device.

Applicants know that the FERC process is weak and they exploit that weakness. Applicants provide generic draft and final EIS'. They simply recycle an old EIS, because the FERC process does not mandate credible specifics. Further, since the applicants select and contract the consultant to conduct FERC's review, the application cannot fail. When comments are made, they are "dismissed" or answered with vague, generic, or non-responses. FERC has requested from the public input on its review process. If FERC is interested in restoring the faith of the public in an open, thoughtful, review process, we strongly suggest that FERC modify its process so that applicants are required to provide specific information with real analyses so that a **neutral** reviewer can honestly assess the need and potential impacts of these projects before FERC renders its decision.

Thank you for your consideration.

Sincerely,

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long trailing line extending to the right.

Samuel Thompson
Mayor

The Honorable Robert Menendez, US Senator, New Jersey
The Honorable Corey Booker, US Senator, New Jersey
The Honorable Leonard Lance, US Congressman, New Jersey
Christopher "Kip" Bateman, State Senator, New Jersey
Roy Freiman, Assemblyman, New Jersey
Andrew Zwicker, Assemblyman, New Jersey
Commissioner Catherine McCabe, NJDEP
Eric Wachter, Deputy Chief of Staff, NJDEP
Mercer County Freeholders
Hunterdon County Freeholders
Kingwood Township Committee
Hopewell Township Committee

Holland Township Committee
West Amwell Township Committee
Delaware Township Citizens Against the Pipeline