

## **Conservation Groups Oppose Industry Attempt to Weaken Pipeline Reviews, Allow Aerial Surveying**

### ***FAA Confirms PennEast Aerial Surveying Despite Company's Public Denials***

**February 2, 2016 – Washington, DC** – Today, at a U.S. House of Representatives Subcommittee on Energy and Power legislative hearing, Edward Lloyd, professor of Environmental Law at Columbia Law School, testified on behalf of the New Jersey Conservation Foundation (NJCF) and Stony Brook- Millstone Watershed Association (SBMWA), opposing legislation that would allow aerial survey data to be given equal weight as ground survey data by the Federal Energy Regulatory Commission (FERC) in approving new pipeline projects. The bill would also require other permitting agencies to accept aerial surveys in their permitting processes. Lloyd argued that the legislation would allow for the approval of projects with significant negative environmental impacts based on a survey technique that is unable to catalog much of the data required for an accurate review.

“Aerial surveys can’t possibly capture the data required to identify and evaluate a host of critical natural and cultural resources,” said Lloyd. “Aerial surveys would also undermine the privacy and property-rights of homeowners in the path of proposed pipelines.”

“We have grave concerns about the AIR Survey Act of 2015 in light of what we are experiencing with the PennEast pipeline in New Jersey,” said Tom Gilbert, campaign director – Energy, Climate & Natural Resources for NJCF. “PennEast has failed to provide complete and accurate data on potential impacts to land, water, wildlife and historic resources. Weakening the review process to allow aerial survey data to replace far more accurate ground survey data would be a huge step in the wrong direction.”

“In New Jersey, landowners, environmentalists, municipalities, and legislators have banded together to tell energy companies and regulators that we do not want more pipelines. Local residents who walk our woods, fish our rivers, and love our state know that paper assessments and aerial photographs don’t capture the rich and diverse features that would be damaged and scarred by these pipelines. The AIR Survey Act of 2015 can lead to a situation where critical habitats and wetlands are not being properly protected because the aerial imagery is only one small part of a comprehensive assessment. Aerial surveys cannot, and should not, replace in depth environmental evaluations,” said Jim Waltman, executive director of SBMWA

Homeowners along the path of the proposed pipeline have complained of frequent airplanes and helicopters flying overhead, invading their peace and privacy. In a recent [news article](#), a PennEast Pipeline Company spokesperson, stated, amidst homeowner outcry over multiple sightings of helicopters over properties, that “...PennEast is not using helicopters for surveys”. However, the Federal Aviation Association (FAA) has provided documentation to homeowners that on at least one occasion these helicopters were conducting “a flight on behalf of the PennEast Pipeline Project for the purpose of aerial survey along the proposed pipeline route.”

The impetus behind the proposal for faster, less thorough review is unclear given FERC's relatively quick approval record. According to Lloyd, despite the exponential increase in pipeline applications, there is no indication that FERC's decision-making process has become overly burdened or delayed; recent congressional hearings on this issue revealed that 92% of natural gas pipeline applications are decided within twelve months.

Lloyd also noted that the FERC approval process needs to examine pipeline proposals systematically and/or regionally to determine if new infrastructure is needed. "The current approval process fails to adequately assess whether additional pipelines are required by public necessity. Despite the proliferation in pipeline proposals, FERC continues to evaluate pipelines individually."

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