

Here are some suggested comments to send to the Federal Energy Regulatory Commission (FERC) when objecting to PennEast's draft environmental assessment of the proposed 120-mile pipeline.

Feel free to copy and paste this text into the document you send to FERC:

The Environmental Assessment (EA) issued by FERC in the CP20-47 is inadequate under the National Environmental Policy Act (NEPA). In PennEast's "Amendment Application," it seeks approval to construct the certificated project (CP15-558) in two phases. In Phase I, PennEast proposes the construction of the Church Road Interconnect in Pennsylvania. FERC took this statement and limited its review of the project only to the construction of the Church Road Interconnect. First, this is not allowed under NEPA.

FERC must adequately describe the proposed action. FERC noted in its certificate of public convenience and necessity that the original project was 90% subscribed by customers. Yet, Phase 1, under CP20-47, is not fully subscribed with approximately 50% of the capacity unsubscribed. PennEast also claims that the Phase 1 project has an independent purpose and need from Phase 2. FERC then indicates that Phase 2 of the project would have the same purpose and need as the original certificated project. These statements are inconsistent and fall far short of FERC's obligation to carefully describe the purpose of the project to adequately perform the environmental analysis in the EA. PennEast must demonstrate, and the EA must perform an analysis based upon this independent utility for each Phase of the Project.

The EA's scope is limited to "primarily assessing the impacts associated with the construction and operation of the newly proposed Church Road Interconnects." The EA indicates that "because the facilities associated with Phase 1 and Phase 2 are only a change in timing of the construction and were analyzed in their **entirety** for the Certificated Project." As the certificate in CP15-558 clearly acknowledges, there were significant environmental data missing from the EIS in the original project. The order requires PennEast to submit the missing data so that FERC can confirm that its EIS analysis is still accurate in light of the new information. The EA does not catalog the information that PennEast has collected since the issuance of the certificate. The EA does not explain why this information is not important or could not be obtained for review and analysis. NEPA requires that the environmental analysis examine all relevant information that can be obtained.

The EA also creates an absurd no-action alternative. The no-action alternative is for PennEast to build the original PennEast Project. The original project that PennEast cannot build, at the current time, as the result of legal decisions and would rely on the unlikely case of the U.S. Supreme Court taking PennEast's appeal **and** deciding the case in PennEast's favor. There is no discussion in the EA while this is a reasonable alternative. The no-action alternative analysis does not meet the requirements of NEPA.

Given that FERC and the EA have not examined the information that PennEast has collected since the issuance of the certificate in CP15-558, it is impossible for the EA to conclude the project proposed in CP20-47 will not have a significant impact.

As PennEast's request for an amended certificate is unlawful and the EA is completely inadequate to meet FERC's obligation to take a hard look at the environmental ramifications of a project, FERC must withdraw the EA and the finding of No Significant Impact.