

Delaware Riverkeeper Network

December 1, 2017

Commissioners
Executive Director Steve Tambini
Delaware River Basin Commission
P.O. Box 7360
25 Cosey Road
West Trenton, NJ 08628

Dear Commissioners and Director Tambini,

We, the undersigned organizations, request the public comment period for the Commission's Draft Natural Gas Regulations to be extended to 180 days, and we request the public input process to be broadened.

The proposed regulations are of the utmost importance to the future of the Delaware River Watershed and its water resources. The 15 to 17 million people who rely on the Delaware River for drinking water are dependent on the Commission to protect the quality and quantity of their water supply and have nowhere else to fill this essential need.

The Wild and Scenic Delaware River serves millions of people every year who enjoy, appreciate and are economically dependent on this Congressionally-recognized resource. The watershed is an irreplaceable, nationally treasured asset, whose future hangs in the balance as these regulations are considered. The carefully managed flows of the Delaware River provide complex challenges for all the states in the Basin and the effects of these regulations will have enormous consequences for the future health and habitats tied to the river's flows. The entire region that spans this watershed will be directly impacted by the decisions made regarding these regulations and the activities they may or may not allow.

The public has been deeply involved in natural gas development issues in the Basin since gas drilling emerged as an issue here in the Basin, more than 10 years ago. Highly consequential outcomes, such as the de facto moratorium on drilling and its activities, resulted from public participation in the Commission's decisionmaking on this issue over those years, especially during the last public comment process when more than 69,000 comments were submitted and thousands of people testified regarding the draft gas regulations that were proposed in 2010.

The public has continued to express profound interest and engagement regarding gas drilling, fracking, and its activities submitting information, educational reports, and technical analyses to the Commission during the seven year moratorium. Since the prospect of lifting the moratorium surfaced at the beginning of this year, hundreds of people and organizations representing millions of members have weighed in, calling for the Commission to adopt a complete and permanent ban on gas drilling, fracking, and all of its related activities throughout the entire Delaware River Watershed.

This high level of public input shows the desire and commitment of people to actively participate in the regulatory decision-making process in a substantive way. In order for all those who will be affected to be involved, a robust, open public participation process is needed.

Meaningful comment on the myriad technical and policy issues involved will require expert and well-developed input to the decisionmaking process and that will take time. The commencement of

this process during the holiday season already handicaps many people who otherwise may be able to take part.

We request the following for the Commission's public participation process:

- The public comment period should be a minimum of 180 days to allow for broad and substantive public participation; 90 days is wholly inadequate, especially considering that holidays occurred in the midst of this period.
- Verbal testimony is essential to the input process and, for many, the only practical means of participation available to them. Four hearings, two on each day, at only 2 locations in the Basin are not nearly enough to allow needed input from the affected public. Public hearings should be held at geographically accessible locations; people cannot be expected to travel hours to speak at a hearing. There should be at least one public hearing in each Basin state - Delaware, New Jersey, New York, and Pennsylvania - and at least one public hearing in each of the two largest population centers that rely on Delaware River water supply, New York City as well as Philadelphia. Since Pennsylvania is such a large state with a long spread within the Basin and considering the bad timing of winter travel, one Hearing should be held in the Upper Delaware region, one in the central region and one in the southeastern region of the Watershed. In New Jersey, there should also be more than one Hearing due to distances and time of year that must be traveled; one Hearing in the northwestern part of the state, one in Trenton, and one in South Jersey should be set. In New York State, also due to distance and difficult winter travel, the Upper Delaware region should have a conveniently located Hearing in the Catskills, one in the Port Jervis area, in addition to the one in New York City.
- The electronic comment process only allows for submission through DRBC's website form. This on-line platform, which requires filling out a form and following restrictive guidelines, should be supplemented with an avenue that allows people to submit written comments by email, fax, postal mail service and hand delivery. Email is a convenient way for a person to submit a comment, with few "gateways" and forms to fill out, which makes submitting a written comment quick and easy and increases the number of people who will be able to do so. But not everyone has access to a computer or has an email account. Those who cannot afford to own or cannot gain access to a computer are being unfairly excluded from the written comment process. It appears the Commission is not even allowing regular mail service for the delivery of written comments; this is a perplexing and unfair exclusion of a most available and inexpensive route of delivery. There is an exception request that can be filed but that in itself is a burden and places a hurdle in the path of those who want to have a readily accessible way to submit written comments outside of an on-line form system. We request that written submissions be allowed in the form of email, fax, hand delivery and postal mail service to allow for accessible and ready public submission of written comment that is just and equitable for all who may want to take part.

Thank you for your consideration of our input to the public participation process regarding the Commission's draft natural gas development regulations.

Berks Gas Truth
Catskill Mountainkeeper
Clean Water Action, New Jersey
Delaware Riverkeeper Network
Food and Water Watch
Natural Resources Defense Council
New Jersey Sierra Club

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