

Delaware Riverkeeper Network

December 22, 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 Public Hearings should be moved to more accessible and less costly locations. Both are being held in difficult to reach locations, especially considering the winter travel conditions and the lack of accessibility to public transportation. The Wayne County location is hours from most of the population and at a very high elevation that poses even more difficult conditions in cold weather. The Philadelphia location is an Airport Hotel, not even close to downtown and City neighborhoods, and requires a \$10 parking fee.
- To attend or speak at a Public Hearing requires registering on line by December 31, then waiting to be contacted by DRBC with a speaking slot. That means unless you register ahead you cannot speak or even attend the Hearings. The cut-off of December 31 for Hearings to be held January 23 and 25 severely limits the number of testifiers since many people may not learn of the Hearings until after the holidays and closer to the Hearing dates, but it will be too late to register to attend or speak by then. The on-line registration form and the December cut-off date are impediments for the public, putting up roadblocks rather than encouraging participation.
- 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.

314Action
350 Philadelphia
350.Org Bucks County
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350Brooklyn
500 Women Scientists
Alliance for a Green Economy
Already Devalued and Devastated Homeowners of Parsippany
American Littoral Society
Aquashicola/ Pohopoco Watershed Conservancy
Association of New Jersey Environmental Commissions
Berks Gas Truth
Beyond Extreme Energy
Bucks County CCAP
Bucks County Green Party
Bucks County Sierra Club
Bucks Environmental Action
Catskill Citizens for Safe Energy
Catskill Mountainkeeper
Central Jersey Coalition Against Endless War
Citizens For Water
Clean Air Council
Clean Ocean Action
Clean Water Action, New Jersey
Clean Water Action, Pennsylvania
ClimateMama
Coalition Against the Pilgrim Pipeline New Jersey
Compressor Free Franklin
Concerned Burlington Neighbors
Concerned Residents of Oxford
Damascus Citizens for Sustainability
Delaware Interfaith Power & Light
Delaware Nature Society
Delaware Riverkeeper Network
Delaware Sierra Club
Earthworks
Food and Water Watch
Frack Action
Franklin Local

Friends of Sparta Mountain/NJ Forest Watch
Friends of the Upper Delaware River
Gas Free Seneca
Grassroots Environmental Education
Green Justice Philly
Green Party of Delaware
Green Valleys Watershed Association
Guardians of the Brandywine
League of Women Voters of New Jersey
Lehigh Gap Nature Center
Milkweed Poetry Workshop
mj Chojnicki, Architect
National Parks Conservation Association
Natural Resources Defense Council
New Jersey Conservation Foundation
New Jersey Highlands Coalition
New Jersey Sierra Club
New Jersey Tenants Organization
New York Communities for Change (NYCC)
New York Progressive Action Network
NJ Environmental Lobby
NoFrackingBucks.com
North American Climate, Conservation and Environment
North American Climate, Conservation and Environment (NACCE)
Northern NJ Chapter, National Organization for Women
NY Water Project
NYH2o
NYPAN
Omega-Alpha Recycling Systems
Orange Residents Against Pilgrim Pipelines
Organize for Action WNY
PA Forest Coalition PA
PAUSE - People of Albany United for Safe Energy
Pennsylvania Council of Churches
Pennsylvania Federation BMWED-Teamsters
People, Not Pipelines NY
Peoples Climate Movement NY
Philadelphia Physicians for Social Responsibility
Pinelands Preservation Alliance NJ
Plymouth Friends for Clean Water NY
POWA - Protect Our Water & Air PA
Protect Orange County
Ramapo-Catskill Group, Sierra Club
Raritan Headwaters NJ
Red Clay Valley Scenic Byway Alliance
resolution media fund
Safe Energy Rights Group NY
Sane Energy Project

Sanford-Oquaga Area Concerned Citizens (S-OACC)
ShaleshockCNY
Sierra Club
Sierra Club Atlantic Chapter
Sierra Club Niagara Group
Sierra Club, Pennsylvania Chapter
Sludge Free UMBT, Inc.
Stop the Algonquin Pipeline Expansion (SAPE)
Stop the Pipelines
Sullivan Area Citizens for Responsible Energy Development (SACRED)
Sustainable Warwick
Tidewaters Gateway Partnership Inc.
Trout Unlimited
Unitarian Universalist Congregation of the Catskills
Unitarian Universalist PA Legislative Advocacy Network
United for Action
WATERSPIRIT
Wilmington In Transition
zac ventures inc

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350 Philadelphia

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350Brooklyn

500 Women Scientists

Alliance for a Green Economy

Already Devalued and Devastated Homeowners of Parsippany

American Littoral Society

Aquashicola/ Pohopoco Watershed Conservancy

Association of New Jersey Environmental Commissions

Berks Gas Truth

Beyond Extreme Energy

Bucks County CCAP

Bucks County Green Party

Bucks County Sierra Club

Bucks Environmental Action

Catskill Citizens for Safe Energy

Catskill Mountainkeeper

Central Jersey Coalition Against Endless War

Citizens For Water

Clean Air Council

Clean Ocean Action

Clean Water Action, New Jersey

Clean Water Action, Pennsylvania

ClimateMama

Coalition Against the Pilgrim Pipeline New Jersey

Compressor Free Franklin

Concerned Burlington Neighbors

Concerned Residents of Oxford

Damascus Citizens for Sustainability

Delaware Interfaith Power & Light

Delaware Nature Society

Delaware Riverkeeper Network

Delaware Sierra Club

Earthworks

Food and Water Watch

Frack Action

Franklin Local

Friends of Sparta Mountain/NJ Forest Watch

Friends of the Upper Delaware River

Gas Free Seneca

Grassroots Environmental Education

Green Justice Philly

Green Party of Delaware

Green Valleys Watershed Association

Guardians of the Brandywine

League of Women Voters of New Jersey

Lehigh Gap Nature Center

Milkweed Poetry Workshop

mj Chojnicki, Architect

National Parks Conservation Association

Natural Resources Defense Council

New Jersey Conservation Foundation

New Jersey Highlands Coalition

New Jersey Sierra Club

New Jersey Tenants Organization

New York Communities for Change (NYCC)

New York Progressive Action Network

NJ Environmental Lobby

NoFrackingBucks.com

North American Climate, Conservation and Environment

North American Climate, Conservation and Environment (NACCE)

Northern NJ Chapter, National Organization for Women

NY Water Project

NYH2o

NYPAN

Omega-Alpha Recycling Systems

Orange Residents Against Pilgrim Pipelines

Organize for Action WNY

PA Forest Coalition PA

PAUSE - People of Albany United for Safe Energy

Pennsylvania Council of Churches

Pennsylvania Federation BMWED-Teamsters

People, Not Pipelines NY

Peoples Climate Movement NY

Philadelphia Physicians for Social Responsibility

Pinelands Preservation Alliance NJ

Plymouth Friends for Clean Water NY

POWA - Protect Our Water & Air PA

Protect Orange County

Ramapo-Catskill Group, Sierra Club

Raritan Headwaters NJ

Red Clay Valley Scenic Byway Alliance

resolution media fund

Safe Energy Rights Group NY

Sane Energy Project

Sanford-Oquaga Area Concerned Citizens (S-OACC)

ShaleshockCNY

Sierra Club

Sierra Club Atlantic Chapter

Sierra Club Niagara Group

Sierra Club, Pennsylvania Chapter

Sludge Free UMBT, Inc.

Stop the Algonquin Pipeline Expansion (SAPE)

Stop the Pipelines

Sullivan Area Citizens for Responsible Energy Development (SACRED)

Sustainable Warwick

Tidewaters Gateway Partnership Inc.

Trout Unlimited

Unitarian Universalist Congregation of the Catskills

Unitarian Universalist PA Legislative Advocacy Network

United for Action

WATERSPIRIT

Wilmington In Transition

zac ventures inc