

Bretton Little

Recently, the DRBC Executive Director unilaterally approved the extension of the approval for the Gibbstown LNG Export Terminal Project last year without any public input and even without a vote or public discussion by the DRBC Commissioners – the Governors of the four watershed states (New York New Jersey, Pennsylvanian, and Delaware) and the Army Corps of Engineers, representing the federal government (President Biden). Only because the community cried "FOUL!" when Delaware Riverkeeper Network discovered the clandestine approval through a Freedom of Information Act request was the secret decision to extend the permit discussed at a public meeting and voted on by the Commissioners. This kind of back room decision-making should be overthrown, not memorialized into regulations.

First of all, the DRBC must provide a prescribed public access system that is clear, user-friendly, and affordable to assure public access to public records. The public needs something concrete to rely on. And it's proposed that the Executive Director determines whether or not to disclose requested information, deciding unilaterally if a disclosure is in the public interest. This invests unfair control over the information in an administrator who may not even be qualified to make such legally important decisions. The public needs to take part in DRBC decisions but without access to information, we can't do that effectively.

Secondly, the subjective and value-loaded term "Material Change" and "Materially" are used throughout the proposed rule-making, yet no clear definition is available, only a bureaucratic explanation. This terminology is not easily understandable and clouds objectivity in decisionmaking. It allows for varying interpretations for different projects, which is unfair, including unjust for the public who must live every day with the decisions that are made.

Additionally, the Executive Director is given far too much authority over many crucial decisions and these are made behind closed doors, without the public and without a vote by the DRBC Commissioners. These include: the power to decide whether or not a change to a project is "material" (if it is "materials" it would open up for more robust review); and decisions about the submission of applications for projects, what is required in an application and when an application is complete; the extension for some permits for as many as 5 additional years.

Finally, the Executive Director is being invested with exclusive authority regarding extension of permits that removes public input completely and relieves the Commissioners of their responsibility to review and approve extensions. This legitimizes the behind-the-scenes decision making that undermines government accountability and public trust.

These critical decisions directly affect the quality of our environment, our drinking water, our air quality, the diversity and health of the Delaware River, its species, habitats, ecosystems, tributaries and communities throughout the entire magnificent Delaware River Watershed. We cannot effectively take part and influence outcomes if the decision-making process is not open and interactive, with all important decisions and the underlying information about them fully disclosed and available for review and comment. The DRBC Commissioners need to be hands-on involved and engaged with the decisions that are made as these representatives of our elected government are accessible to us, as members of the public, and they are required to respect our rights and protect

the environment for the public good. That is not what this rulemaking proposes to do. In fact, it does the opposite in almost all of its proposed sections.