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My comments are as follows:

1) Administrative Staff decision-making cuts out the public and its valuable input. 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 decisions include: the power to decide whether or not a change to a project is "material" (if it is "material" 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; and the extension for some permits for as many as 5 additional years.

2) Key Permits are given a pass. Extension of Permits without an expiration date are given favored status, such as the Gibbstown LNG Export terminal docket. 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.

3) The proposed rules set too low a bar for the extension of Existing Projects that have not been built. \$1 Million is set as a "minimum" amount expended to decide if a project has been sufficiently invested in, and even that value can be disregarded under certain circumstances. No foundation is provided for this amount and no substantive explanation of what "substantial funds in relation to a project" really means.

And, the Executive Director has the power to decide if the amount expended is substantial.

4) The proposed rules intimidate the public so they will not litigate a project. The proposed rules allow the sponsors of a project to claim that litigation by opposing parties is an excuse that can be used to explain why they have not built or spent sufficient funds on a project that they want extended.

5) The proposed rules exploit a Loophole Word--"Material." The subjective and value-loaded terms "Material Change" and "Materially" are used throughout the proposed rulemaking--yet no clear definition is available, only a bureaucratic explanation. This terminology is not easily understandable and clouds objectivity in decision-making. It allows for varying interpretations for different projects, which is unfair, including unjust for the public who must live every day with the resulting decisions that are made.

6) The Public Requires Freedom of Information! The DRBC is attempting to remove all references to the Federal Freedom of Information Act from its rules and is setting up an alternative DRBC-centric system that leaves many aspects unaddressed or in the hands of the Executive Director, such as forms, reason for denial, and how costs will be assessed fairly, including if a waiver of fees can be requested like other agencies allow. 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 upon. And it is proposed that the Executive Director determines whether or not to disclose requested information, deciding unilaterally if a

disclosure is in the public interest! This proposal 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 cannot do that effectively. Information is power and we have a right to it!