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II. INTEREST OF PETITIONER

In support of its motion to intervene, DRN states that it is a non-profit organization established in 1988 to protect and restore the Delaware River, its associated watershed, tributaries, and habitats. This area includes 13,539 square miles, draining parts of New Jersey, New York, Pennsylvania and Delaware, and it is within this region that a portion of the Project's construction activity will take place.

The Upper Delaware River is a federally designated "Scenic and Recreational River" administered by the National Park Service. The National Wild and Scenic Rivers System also includes parts of the Lower Delaware and the Delaware Water Gap. The Basin and River are home to a number of federal and state listed endangered or threatened species including the dwarf wedgemussel, Indiana bat, bog turtle, shortnose sturgeon, loggerhead and Kemm's ridley sea turtles, and Northeastern bulrush. Over 200 species of migratory birds have been identified within the drainage area of the Upper Delaware River within the Basin, including the largest wintering population of bald eagles within the Northeastern United States. Migratory birds breed in or migrate through the high quality riparian corridors of the Basin. The Delaware River and Delaware Bay are also home to dozens of species of commercially and recreationally important fish and shellfish species.

In its efforts to protect and restore the watershed, DRN organizes and implements stream-bank restorations, a volunteer monitoring program, educational programs, environmental advocacy initiatives, recreational activities, and environmental law

enforcement efforts throughout the entire Delaware River Basin. DRN is a membership organization headquartered in Bristol, Pennsylvania, with more than 19,000 members with interests in the health and welfare of the Delaware River and its watershed. DRN is uniquely qualified to comment on and provide relevant information concerning associated impacts to human health and the environment as a result of this Project. DRN brings this action on its own behalf and on behalf of its members, board, and staff.

DRN is particularly concerned about the portion of the proposed Project that would traverse several Pennsylvania communities and watercourses. As proposed, the Project could adversely affect numerous sensitive freshwater wetlands, riparian vegetation, freshwater fisheries, and watercourses within the Delaware River Basin. In addition, the Project may negatively impact the recreational, aesthetic, and commercial interests of DRN's members.

DRN is concerned not only about the impact of the immediately proposed construction activity, but also that DTE may be improperly segmenting its expansion projects in order to avoid its responsibilities under NEPA, and to avoid having to do more rigorous environmental studies. Over the last several years there has developed a pattern of potentially improper segmentation of pipeline upgrade projects to meet a perceived need of higher pipeline capacity for natural gas. For example, the Tennessee Gas and Pipeline Company has initiated three projects that effectively close loops along portions of its existing line in Pennsylvania and New Jersey (i.e. the 300 Line Extension, Northeast Upgrade, and MPP Project). Each of these projects was brought individually before FERC, rather than as a unified project, despite the fact that they were constructed within a short time period and perform the functional equivalent to one large upgrade project. It is DRN's concern that a similar strategy may be employed by DTE

for their pipeline upgrade projects, and that this Project is merely the first of several. It is in the public's interest that DRN takes part in this proceeding as a full participant.

III. GRANT OF LATE INTERVENTION

Pursuant to section 385.214(d), *Grant of late intervention*, DRN's motion to intervene out-of-time should be granted. This section indicates that "(1) In acting on any motion to intervene filed after the period prescribed under Rule 210, the decisional authority may consider whether:

- (i) The movant had good cause for failing to file the motion within the time prescribed;
- (ii) Any disruption of the proceeding might result from permitting intervention;
- (iii) The movant's interest is not adequately represented by other parties in the proceeding;
- (iv) Any prejudice to, or additional burdens upon, the existing parties might result from permitting the intervention; and
- (v) The motion conforms to the requirements of paragraph (b) of this section."

DRN filed its motion to intervene the day it became aware that an application had been submitted to the Federal Energy Regulatory Commission. The filing deadline for intervention and comments ended on May 30, 2017. Considering that only a little over a month has passed, it is still very early in the process. Indeed, FERC has yet to issue a notice of its schedule for release of an Environmental Assessment, let alone the Environmental Assessment itself. Therefore any disruption of adding DRN as an intervenor at this time is *de minimus*. Furthermore, to avoid any disruption DRN is willing to accept the what has been established in the record as it now stands.

Additionally, DRN's specifically focuses on issues related to the water quality of the Delaware River Basin, which is not currently being adequately represented by any other parties. The only other intervenors on the docket appear to be private citizens.

Lastly, DRN has not waited for an adverse result before intervening; rather, as soon as DRN learned that the project concerned a portion of its watershed, and that no group or organization was focusing on this aspect of the proposed project, DRN decided to file the instant motion. Granting DRN's motion will not prejudice any other party in this proceeding.

On the basis of the foregoing, DRN has a direct and substantial interest in this proceeding, and requests that the Commission find that it has fulfilled the requirements of late intervention.

IV. CONCLUSION

Wherefore, the Delaware Riverkeeper Network respectfully requests that the Commission to grant its Motion to Intervene Out-of-Time as a party with full rights to participate in all further proceedings.

Respectfully submitted,

s/ Aaron Stemplewicz

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