

Suggested comments to FERC regarding National Fuel's request for another 3-year extension to complete the Northern Access Pipeline

First we must object to the short comment period and **request a longer (45 day) comment period**. FERC set a 15 calendar day comment period that ends at 5:00 pm on Nov. 6. We are in the middle of an important election and have already lost one of those days as the website was down last Saturday.

Next, **request that FERC deny an extension of time for National Fuel's construction of the Northern Access Pipeline.**

I'm sure there are more good ideas for comments on why this extension of time should not be granted. Use what seems best to you and remember to focus on why National Fuel should not be given more time. Try to personalize your comment by changing and/or adding wording to make it your own. National Fuel began this process in 2014 and they now are asking for a second three-year extension through 2024. Ten years is far too long. Enough is enough.

State your reasons for denial of the extension. They may include:

- New York State has twice denied the 401 Water Quality Certification. New York's rights to protect our waterways as designated under the Clean Water Act must be upheld. FERC's claim that NYSDEC ruled 36 days late, despite a written agreement between National Fuel and NYSDEC is wrong and being contested in court. The letter of agreement between National Fuel and NYSDEC to extend the decision time by 36 days sat on the FERC docket for 18 months from January 2017 to August 2018 before FERC arbitrarily and capriciously declared it invalid and overturned NY State's carefully considered decision to protect our waterways. New York in August 2019 again issued a denial of the 401 Water Quality Certification and FERC and National Fuel would be in violation of the Clean Water Act to ignore this denial.
- National Fuel claims in their request for another three-year extension, that neither significant new circumstances or information relevant to environmental concerns exists. What is their basis for this statement? Environmental studies that FERC's Environmental Assessment is based on, will be nearly ten years old before completion of this project. Determining whether new environmental concerns exist requires new studies, not just National Fuel stating that they don't exist.
- FERC's Environmental Assessment was conditioned on a 401 Water Quality Certification as is required under the Clean Water Act. Since National Fuel and FERC have claimed that they can move forward without the 401 WQC, new studies and measures need to be taken to address the concerns raised by NYSDEC in their denial of the 401 WQC. This project cannot be allowed to move forward without addressing the significant harm NY State determined would be done to the streams and wetlands by this project.
- The landowners along the route of this project have been put through enough. From the time National Fuel began sending land agents to knock on their doors in 2014, telling them to sign contracts or be taken to court, to the time now requested to finish construction will be 10 long years. Far too long for the stress of not knowing whether they truly have rights to their own land or whether it will be slashed through with a high pressure fracked gas pipeline. Enough is enough.
- It appears that the hundreds of landowners along the route of this project have not even been notified of National Fuel's request for three more years to build this pipeline. The people most

directly impacted must be given the opportunity to express their concerns. This is a violation of their rights.

- In 2019 New York State passed the Climate Leadership and Community Protection Act (CLCPA) This law is designed to drastically cut greenhouse gas emissions and rapidly transition off of fossil fuels. This law calls for 70% Renewable Energy in New York by 2030 and an 85% Reduction in GHG Emissions by 2050. This project runs counter to NY State law. We cannot achieve our goals to avert a global climate crisis if this major fracked gas pipeline is allowed to go forward.
- This project is purely for National Fuel's profit. NY State has denied it to protect our waterways, landowners have been taken to court multiple times, and it runs counter to our new climate law. National Fuel has cost our state, the Town of Pendleton and landowners in dollars, time and stress as we fight to protect our waters, air and property. Exporting gas to Canada for a company's profit, against the will of NY State and its residents is a misguided and egregious use of eminent domain.
- Climate change was never properly assessed by FERC and the climate crisis has escalated since FERC's approval of this project. The increase in greenhouse gas emissions this project would create and the impact of those emissions needs to be evaluated. In Western NY we have experienced more frequent and intense weather events. In particular these include heavy rainfall events that have caused flooding and erosion. This would impact the very streams that NYSDEC sought to protect with their denial. This pipeline would cross 192 water bodies including 25 trout streams and cold-water fisheries. Project construction would require clearing a 75-foot wide swath along the entire route, including 75 acres of State and Federal wetlands. In many areas the pipeline route is through steep hilly terrain. National Fuel's plans would trench through delicate shale beds of streams destabilizing stream banks and causing erosion and turbidity. For these reasons, NYSDEC denied the 401 Water Quality Certification. In light of more extreme weather events due to climate change, erosion, stream turbidity, the possibility of pipeline rupture all need to be reevaluated.
- National Fuel claims they need this extension of time due to regulatory hold ups while they have publicly stated that they were delaying construction due to lack of demand for gas and low prices. National Fuel cannot be allowed to hold landowners rights while they wait for a better profit margin.