

UNITED STATES OF AMERICA

BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

PennEast Pipeline Company, LLC) **Docket No. CP15-558-000**
Garden State Expansion Project)

MOTION FOR LEAVE TO INTERVENE

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice and Procedure, 18 C.F.R. § 385.212 and 385.214 (2007), the Ramapough Lenape Indian Nation ("Nation") and Thomas Sommo ("Sommo") file this motion to intervene in this proceeding.

On September 24, 2015, the PennEast Pipeline Company, LLC ("PennEast") filed its application under §7 of the Natural Gas Act, 15 U.S.C. §717f, and §157 of FERC's regulations, 18 C.F.R. §157.1 *et seq.*, for the proposed PennEast Project ("Project"), FERC Docket No. CP15-558-000. PennEast states that the proposed Project is a new greenfield 118 mile long pipeline project.

I. COMMUNICATIONS AND SERVICE

All communications, pleadings, and orders with respect to this proceeding should be sent to the following individual:

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II. INTEREST OF PETITIONERS

In support of its motion to intervene, the Nation states that it is a state recognized tribe of Native Americans with important Lenape sites resident in the proposed Project Area. The Nation is also a consulting party with respect to several other natural gas pipeline projects in New Jersey under the National Historic Preservation Act. The Nation formally participated in the permitting process for the Kinder Morgan line project in New Jersey (CP-11-56 and CP-11-161) and in the Spectra Energy permitting process for its nearby line in New Jersey (PF-13-16 and PF-14-96) as well. The Nation was able to gain substantial mitigation for sites in and near access roads and in ROWs, as well as monitor construction on site, a template we have not seen duplicated either before or after these experiences in the last three years and which template we view as desirable for purposes of including America's native peoples in such applications before FERC. The Nation has discovered twenty three (23) new archaeological sites as a result of their work on recent FERC regulated pipeline projects in New Jersey.

In its efforts to protect and restore the cultural and historic significance of Native Americans, the Nation organizes and implements cultural and religious restorations and events, volunteer programs partnering with local charities, educational programs (typically language classes, or entire academic seminars working with local colleges), environmental advocacy initiatives, recreational activities, and environmental citizen law enforcement efforts. The Nation is a membership organization headquartered in Mahwah, New Jersey, with more than 5,000 tribal members. With the services of pre-eminent archaeologist Edward Lenik, and highly regarded geologist Alec Gates, Ramapough is uniquely qualified to comment on and provide relevant information concerning associated impacts to historic and cultural resources, and the

environmental justice impacts of this Project.

Sommo is a landowner of some 50 plus acres directly in the proposed right of way of the Project. Sommo maintains there is a Native American site of great historic importance on his property and that he plans on donating his property to the Nation in order for the site to be preserved and protected forever.

Among many other concerns, the Nation is particularly troubled by the fact that the Project pre-notices did not include them, and that the Project will negatively impact the historic and cultural interests of the Nation's tribal members. The Nation is also concerned that PennEast and FERC have already, and will in the future, avoid their responsibilities under NEPA with regard to reviewing the Project's cumulative impacts, with particular attention to the growing number of pipelines throughout the state which eviscerate and destroy unmapped, unstudied Native American sites.

Additionally, we agree with the Delaware Riverkeeper's Motion for Intervention filed within that over the last several years "the pipeline industry has developed a pattern of improperly segmenting pipeline upgrade projects to meet a perceived need of higher pipeline capacity for natural gas without conducting the proper environmental reviews. For example, the Tennessee Gas and Pipeline Company initiated four projects that effectively close loops along portions of its existing line in Pennsylvania and New Jersey (i.e. the 300 Line Extension, Northeast Upgrade, Northeast Diversification Project, 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. In June of 2014 the Court of Appeals for the D.C. Circuit agreed with certain

New Jersey based petitioning parties that FERC unlawfully segmented its review of the projects. *See Delaware Riverkeeper Network et al. v. FERC*, 753 F.3d 1304 (D.C. Cir. 2014).” Currently, there is only an embarrassing handful of Native American sites registered for New Jersey on the National Register of Historic Places, largely due to the oppression and discrimination suffered by Native Americans at the hands of “immigrants”. Allowing pipelines to traverse through our country’s historic resources and the Nation’s cultural resources is not in the best interest of the Ramapough nor our entire community in New Jersey.

It is in the public’s interest that the Nation and Sommo take part in this proceeding as full participants.

III. CONCLUSION

Wherefore, the Ramapough Lenape Indian Nation and Thomas Sommo respectfully request the Commission grant their Motion to Intervene as a party with full rights to participate in all further proceedings. (This Motion to Intervene supplements the Motion Thomas Sommo filed in the within matter.)

Respectfully submitted,

/s/ Judith Sullivan

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