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Fwd: Extension of Comment Period

Roy Jacobson <rajacobs@gw.dec.state.ny.us> Fri, Mar 28, 2014 at 4:49 PM
To: knutson.lingard@epa.gov, Tim Sullivan <Tim_R_Sullivan@fws.gov>
Cc: Patricia Desnoyers <pjdesnoy@gw.dec.state.ny.us>, Stephen Tomasik <smtomasi@gw.dec.state.ny.us>

FYI - we did not respond to this inquiry

>>> Patricia Desnoyers 3/28/2014 4:04 PM >>>

>>> Steve Gross <highlands144@gmail.com> 3/28/2014 3:55 PM >>>
To all --

I just received a phone call from Kevin Bowman in response to information I asked him about more than a month ago, which he is (finally) sending me. I took the opportunity to ask him about the current thinking regarding the extension of the comment period. He told me that he sent all the requests for such "up the line" to his superiors, and that they are "not inclined" to extend the comment period. I reacted firmly, asking how they could justify that, pointing out that the DEIS is clearly incomplete, and that we want the opportunity to review and comment on all the same information that they have asked for. He responded by assuring me that they will still continue to accept comments after the close of the comment period, but that they wouldn't extend it. Wanting to tear my hair out with that response, I gritted my teeth and calmly asked him, "Then if you're still willing to accept comments, why wouldn't you officially extend it?" He explained that FERC has never done that with any previous applications. I told him that they need to follow proper legal procedures, not just make up their own rules. He started to say that if I could show him where they are violating CEQ regulations... and I cut him off, saying, "We've already done that!" I told him to read the letters that have been written by Carolyn Elefant, myself, and others. It's there. Personally, I'm not terribly surprised if they try to ignore the public, but I find it incredibly arrogant of FERC to ignore the similar requests from the likes of the NYSDEC and the Department of the Interior!

I then asked him who hands the decision was in, and who we should appeal to if necessary. He identified Lauren H. O'Donnell, Director of the Division of Gas Environment and Engineering as the superior he's been communicating with. I think we should take further steps to press this point. We need the time to see this additional information when they get it, review it, and comment on it -- and without being at their whim of whether to accept the comments or not. We need our comments to carry the legal weight of being submitted under NEPA, with the requirement that they must consider them and respond to them. I also think at this point we need to make sure that FERC is taking all of us seriously, and we don't stand up on this point, when it's a clear violation of NEPA, we lose. On the other hand, if we're effective in holding our ground (on what should be a fairly easy legal point), and making them officially extend the comment period, we will strengthen our position to be effective on other points. So my question is... anyone want to weigh in on the best method of doing that? I certainly have no problem simply picking up the phone and calling Lauren

O'Donnell, but I'd rather have a more well-thought-out, coordinated plan of approach. Ideas?

Steve