

fisheries of the Endless Mountains in Sullivan County. *See* Exhibit A (Sullivan County Planning Commission map). Movants have a substantial interest in ensuring that the Commission takes a hard look at the Project’s impacts on this hitherto unspoiled landscape—both independently and when added to impacts of existing and reasonably foreseeable development, especially gas extraction and its associated infrastructure—and considers whether and to what extent it is possible to mitigate significant adverse impacts, before a decision is made whether to grant a Certificate of Public Convenience and Necessity (“Certificate”) for the Project. In addition, Movants have a substantial interest in making certain that the Commission evaluates the likely effect of the Project on the Indiana bat and insures that the Project is not likely to jeopardize the continued existence of the Indiana bat or result in the destruction or adverse modification of Indiana bat habitat. Movants believe that a rigorous review of environmental impacts, under both NEPA and ESA, will reveal that the route chosen for the Project is environmentally unsustainable and urge the Commission to deny CNYOG’s request for a Certificate.

I. This Motion Is Timely under the Commission’s Rules.

Movants respectfully request that the Commission accept this motion to intervene as timely. Under the Commission’s rules implementing NEPA, “[a]ny person who files a motion to intervene on the basis of a draft environmental impact statement *will be deemed to have filed a timely motion*, in accordance with § 385.214, as long as the motion is filed within the comment period for the draft environmental impact statement.” 18 C.F.R. § 380.10(a)(1)(i) (“Section 380.10”) (emphasis added). This rule plainly contemplates an inclusive approach to interventions relating to environmental matters—an approach that should extend to Movants’ request. Their motion should be deemed

timely because Movants are seeking to participate in this proceeding even before the Commission decides whether to prepare an environmental impact statement (“EIS”), and they seek intervention in part to advocate for preparation of that in-depth study of Project impacts. Because the Commission does not guarantee Movants a right to comment on its environmental assessment (“EA”) of the Project, they cannot wait until the EA is released to ask for an EIS. Having filed their intervention motion even earlier in the regulatory process than the deadline set under Section 380.10, the motion should be deemed timely.

Moreover, unlike other federal agencies, the Commission appears to *require* intervention to raise environmental concerns. *See* 15 U.S.C. § 717r(b) (“No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission in the application for rehearing unless there is reasonable ground for failure so to do.”). Although Movants typically would continue to participate actively in the NEPA process and, if necessary, challenge the agency’s final action in district court under the Administrative Procedure Act, 5 U.S.C. §§ 701-706 (2006), that more limited role appears to be unavailable here. Movants now seek to intervene to preserve their rights and ask that their motion be deemed timely under the policy expressed in Section 380.10.

II. Movants Also Satisfy the Requirements for Late Intervention.

Even if the Commission applies Section 380.10 literally, and refuses to deem intervention motions timely if they are filed *before* the release of a draft EIS (or before the publication of an EA, in the event that the Commission declines to prepare an EIS), Movants’ request for permission to intervene should be granted because Movants satisfy all of the requirements for intervention after the period specified in 18 C.F.R. § 385.210

(“Rule 210”). As they explain below, Movants can show good cause why the time limitation should be waived in this case. The requisite contents of the motion, *see* 18 C.F.R. § 385.214(b), are set forth below in sections A-C.

A. The Movants’ Position and its Basis

Movants seek to intervene to ensure that proper consideration is given to the full environmental impacts, including cumulative environmental impacts and impacts to endangered species, of the Project. In the Movants’ view, CNYOG’s submissions do not provide an adequate basis for the requisite hard look at the Project’s impacts. Movants are particularly concerned that the Applicant is seeking permission to begin construction before its environmental studies are complete.¹ In addition, Movants believe that the Project, as it is currently described, will have significant impacts on a pristine natural landscape that should be considered in a full EIS. Careful consideration of alternatives to the Project is essential to protect Movants’ interests in preserving the natural integrity of the Endless Mountains, and as interveners, they will argue that any Certificate granted to CNYOG must include conditions requiring implementation of reasonable measures to mitigate significant impacts.

Under NEPA and its implementing regulations, 40 C.F.R. Pts. 1500-08, agencies are required to consider a full range of environmental impacts, including “ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, [and] cultural” impacts, “whether

¹ CNYOG has asked the Commission to issue a Certificate no later than April 15, 2011, so that construction may begin that spring. Abbreviated Application of CNYOG for Certificate of Public Convenience and Necessity (MARC I Project), Submittal 20100809-5020, at 34 (Aug. 6, 2010). However, Applicant has not completed an assessment of likely effects on the endangered Indiana bat, for which bat surveys must be conducted between May 15 and August 15. U.S. Fish & Wildlife Serv., Indiana Bat (*Myotis sodalis*) Draft Recovery Plan: First Revision, app. 5 at 252 (Apr. 2007), *available at* <http://www.fws.gov/northeast/nyfo/es/IndianaBatapr07.pdf>.

direct, indirect, or cumulative.” 40 C.F.R. § 1508.8. The Commission’s Notice of Intent to Prepare an Environmental Assessment for the Proposed MARC I Hub Line Project and Request for Comments on Environmental Issues, issued September 22, 2010, did not identify cumulative impacts as one of the issues deserving attention in the EA, and CNYOG has misconstrued the legally applicable standard for cumulative impact review.² Movants are concerned that without a hard look at all of the environmental impacts of the Project, added to the environmental impacts of existing and reasonably foreseeable development in the region, *see* 40 C.F.R. § 1508.7, the Commission will not identify the significant impacts of the Project and will decline to prepare an EIS, 42 U.S.C. § 4332(C).

Movants note that Marcellus Shale gas development and the construction of related infrastructure, including pipelines of all sorts, is proceeding at breakneck speed in Pennsylvania, without any comprehensive environmental impact review. In the absence of a comprehensive EIS for this Project—the first EIS ever prepared to assess impacts of a pipeline and related gas development in that state—the Commission will not have the information it needs to inform its decision in this case. If the Commission grants the Certificate without undertaking a comprehensive environmental analysis and disclosure, Movants will necessarily suffer informational and procedural injuries, and, more fundamentally, there is a great risk that their substantive interests will be harmed irreparably by the failure to account for environmental harms.

Under Section 7 of the ESA, the Commission must prepare a biological assessment to evaluate the potential that the Indiana bat—a federally listed endangered

² *See* Answer of CNYOG to Comments of Earthjustice on Scope of Environmental Assessment, Submittal 20101124-5146, at 2-6 (Nov. 24, 2010).

species—will be affected by the Project. 16 U.S.C. § 1536(c); 50 C.F.R. § 402.12(c). If such assessment indicates that the Project “may affect” the Indiana bat, the Commission must engage in formal consultations with the U.S. Fish & Wildlife Service (“FWS”) and the FWS must issue a biological opinion that discloses how the Project will affect the Indiana bat and its habitat and that specifies measures required to avoid or minimize a “take” of the Indiana bat. 16 U.S.C. § 1536(b); 50 C.F.R. § 402.14(a). The cumulative effects of the Project on the Indiana bat and its habitat must be evaluated as part of a formal consultation with the FWS. 50 C.F.R. § 402.14(g)(3).

B. Movants’ Interests

For two reasons, Movants’ interests in this proceeding support their participation as interveners. First, all of the moving organizations are non-profit public interest organizations with interests “which may be directly affected by the outcome of th[is] proceeding,” 18 C.F.R. § 385.214(b)(2)(ii). The Commission’s intervention rules plainly contemplate participation by persons who have been “submitting comments on the NEPA process and NEPA related documents.” *Id.* at 380.10. Moreover, the participation of these organizations will be in the public interest, *id.* § 385.214(b)(2)(iii).

CRGRC is a non-profit grassroots organization formed in 2007, based in Lycoming County, Pennsylvania, and dedicated to the promotion of responsible growth and the conservation of natural resources in northeastern Pennsylvania. Protection of sensitive locations that are critical to a coherent and healthy environment and the promotion of sound land-use principles are the centerpiece of CRGRC’s mission. CRGRC members have deep attachments to and interests in the rural character and natural beauty of the lands that will be affected by the Project and related gas

development. One member grew up and has lived most of her adult life in the potentially affected area, operates a small business that relies on the undeveloped and peaceful nature of the surroundings, and spends a substantial amount of her time hiking, viewing wildlife, and educating children about the natural resources and watersheds of the local area. *See Exhibit B (Declaration of Andrea Young)*. Another member enjoys a special connection to the Loyalsock Creek, which will be affected directly by Project construction; she hikes and camps along its banks, swims and kayaks in its waters, and has been participating in the protection of its watershed for many years. *See Exhibit C (Declaration of Carol Kafer)*.

DCS is a section 501(c)(3) non-profit grassroots conservation organization formed in 2008 and dedicated to protecting the Upper Delaware Basin from the threats posed by natural gas extraction and its associated infrastructure. Protection of the Upper Delaware Basin, and the wildlife and clean water that the public enjoys because of it, is a centerpiece of DSC's mission, which DSC understands cannot be accomplished without active protection of other areas of New York and Pennsylvania. DCS has more than 4,000 members and supporters, many of whom regularly use and enjoy public and private lands in Sullivan County. DSC members live and own property within close proximity to the Project and have deep interests in protecting uncontaminated water sources, peaceful residential communities, scenic vistas, opportunities for outdoor recreational activities, all of which (not to mention property values) will be harmed irreparably if the proposed Project is constructed and operated without the appropriate consideration of environmental impacts, alternatives, and mitigation. *See Exhibit D (Declaration of Thomas Giunta); Exhibit E (Declaration of John A. Trallo, Sr.)*.

Sierra Club is a national non-profit organization incorporated in the State of California as a Nonprofit Public Benefit Corporation, with approximately 1.4 million members and supporters dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. The Pennsylvania Chapter of the Sierra Club, a subunit of the Club, has 24,000 members, many of whom own, use, enjoy, and recreate on lands that will be affected by the Project and other existing and reasonably foreseeable related development. Sierra Club members permanently reside in homes within a few miles of the proposed pipeline and regularly enjoy, and intend to continue enjoying, hiking, biking, fishing, photographing, cross-country skiing, and snowshoeing on the lands affected by the Project. The interests of Sierra Club members in residing in, using, and enjoying the areas affected by the Project and related gas development will be harmed permanently if the Project is approved without the hard look at environmental impacts required under NEPA. *See* Exhibit F (Declaration of Lorraine Laprade Poore); Exhibit G (Declaration of Richard Walter Liebert).

Clearly, CRGRC, DCS, and Sierra Club have interests that will be harmed if the Project is constructed and operated without a thorough environmental impact analysis under NEPA. *See* 18 C.F.R. § 385.214(b)(2)(ii). Moreover, these organizations represent environmental interests and public concerns about the protection of natural resources, the prevention of air pollution and water contamination, and the conservation of wildlife habitat, such that their participation in this proceeding will be in the public

interest. *See id.* § 385.214(b)(2)(iii). Both of these reasons, independently and in combination, support Movants' request for permission to intervene in this proceeding.

C. Good Cause for Waiving the Time Limitation

The Commission can find good cause “why the time limitation should be waived” for the Movants. *See* 18 C.F.R. § 385.214(b)(3). Specifically, Movants “had good cause for failing to file the motion within the time prescribed,” *id.* § 385.214(d)(1)(i); no disruption of the proceeding would occur if the intervention is permitted, *id.* § 385.214(d)(1)(ii); Movants' interests are not represented by any other party in the proceeding, *id.* § 385.214(d)(1)(iii); no prejudice to existing parties would result from permitting the intervention, *id.* § 385.214(d)(1)(iv); and this motion's content conforms to the requirements set forth in Rule 214 of the Commission's Rules of Practice and Procedure, *id.* § 385.214(d)(1)(v).

Movants have good cause for failing to file this motion on or before September 9, 2010. *See id.* § 385.214(d)(1)(i). Until recently, Movants believed that they could protect their interests by participating actively in the NEPA process—which they have been doing—but without formally intervening in the regulatory proceeding. They learned only lately that, for two reasons, they could not adequately protect their interests exclusively through participation in the public process. First, after consulting with Commission staff, they realized that they might have no opportunity to comment on either a draft EIS (at which point intervention plainly would be timely under the Commission's rules) or even on the EA. Second, they learned that the Commission required intervention, if they wished to preserve their right to assert claims under NEPA.

As soon as Movants fully understood the threat to their interests and the Commission's procedural requirement, they acted expeditiously to file this motion.

No disruption of the proceeding will result from granting the requested intervention. *See id.* § 385.214(d)(1)(ii). At this time, the Commission is in the process of assessing the environmental impacts of the Project, and no substantive decisions have been made. Permitting the requested intervention therefore will not disrupt any ongoing proceedings.

The interests represented by Movants are not represented by other parties in the proceeding. *See id.* § 385.214(d)(1)(iii). The Movants are seeking to safeguard unspoiled natural resources across the whole region that will be affected by this Project and other existing and reasonably foreseeable development, including the wetlands ecosystem, forest services, wildlife, and air quality of northeastern Pennsylvania—interests that are not represented by any of the other parties, including corporations that have intervened for economic and business reasons, and local landowners, who seek to protect discrete parcels of potentially affected land.

Furthermore, Movants' intervention will not prejudice or place "additional burdens upon[] the existing parties." *See* 18 C.F.R. § 385.214(d)(1)(iv). The Commission has a legal duty to take a hard look at the Project's environmental impacts, including cumulative impacts. Therefore, the requested intervention, which seeks to ensure that the Movants' interests are protected through full and proper environmental review, adds no extra burden and imposes no prejudice.

Finally, this motion for intervention conforms to the requirements of Rule 214, 18 C.F.R. § 385.214(b). *See* 18 C.F.R. § 385.214(d)(1)(v). Specifically, the motion states

“the position taken by the [Movants],” *id.* § 385.214(b)(1); adequately describes the Movants’ interests, *id.* § 385.214(b)(2); and demonstrates good cause for “why the time limitation should be waived,” *id.* § 385.214(b)(3). Moreover, there is no previously established procedural schedule with which Movants’ intervention will interfere, *id.* § 385.214(d)(2), and Movants will accept the record of the proceeding as the record has been developed prior to intervention, *id.* § 385.214(d)(3)(ii), preserving, of course, their right to continue active participation in the ongoing NEPA process. For all of these reasons, Movants’ intervention motion should be granted.

III. Communications

Communications and correspondence regarding this proceeding should be addressed to:

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IV. Conclusion

Based on the foregoing, CRGRC, DCS, and Sierra Club have a direct and substantial interest in this proceeding and have demonstrated good cause why their motion to intervene should be granted, whether it is deemed timely or out of time.

WHEREFORE, Movants respectfully request that the Commission grant this motion to intervene and make the Coalition for Responsible Growth and Resource Conservation, Damascus Citizens for Sustainability, and the Sierra Club parties in this proceeding with full rights of participation.

Respectfully submitted,

/s/ Deborah Goldberg

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Counsel for:
Coalition for Responsible Growth and
Resource Conservation
Damascus Citizens for Sustainability
Sierra Club

Dated: December 20, 2010

CERTIFICATE OF SERVICE

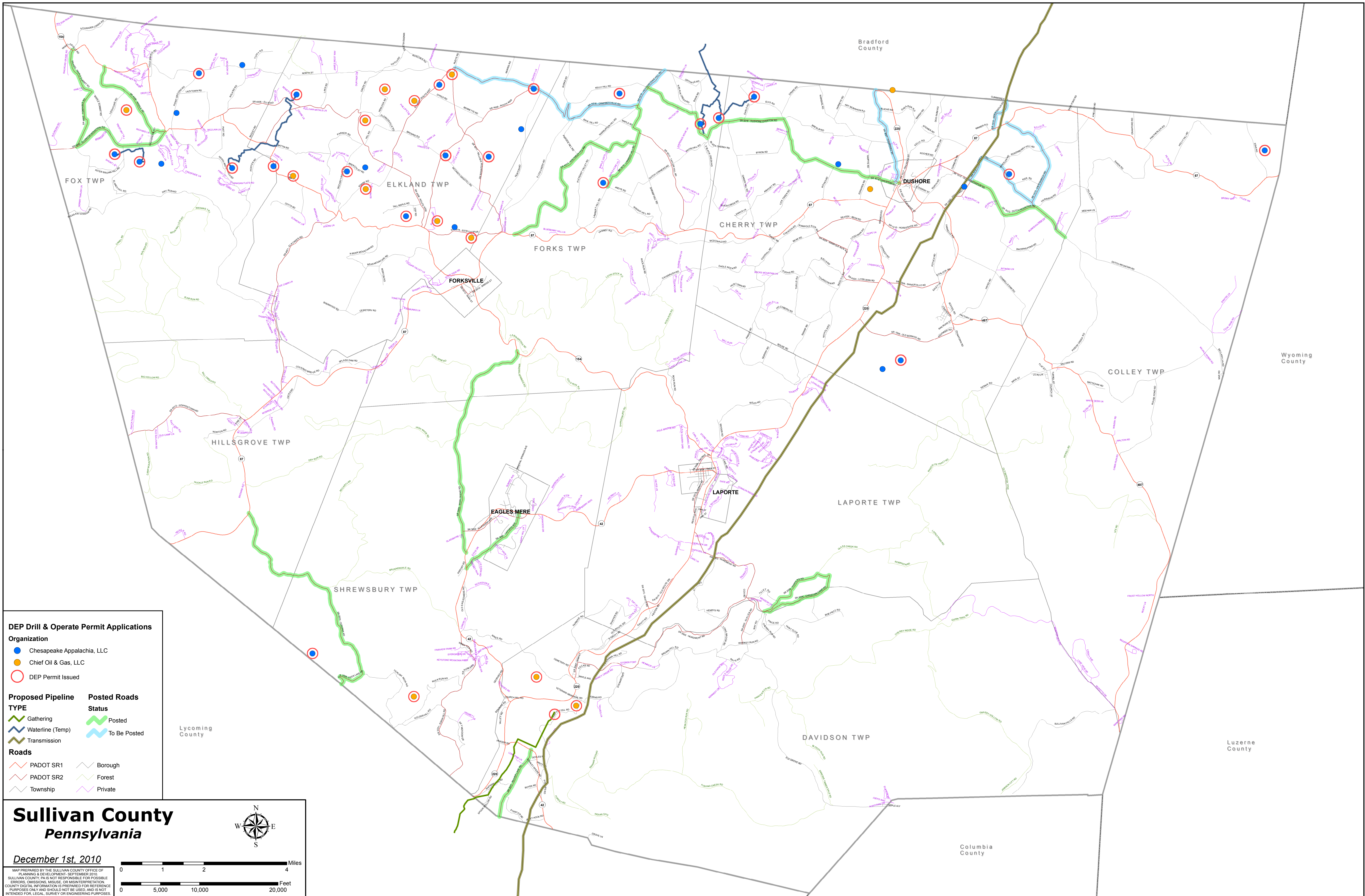
I hereby certify that I have this day served the foregoing document upon the Applicant in this proceeding.

Dated at New York, NY, this 20th day of December 2010.

/s/ Deborah Goldberg

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Exhibit A



DEP Drill & Operate Permit Applications

Organization

- Chesapeake Appalachia, LLC
- Chief Oil & Gas, LLC
- DEP Permit Issued

Proposed Pipeline TYPE

- Gathering
- Waterline (Temp)
- Transmission

Posted Roads Status

- Posted
- To Be Posted

Roads

- PADOT SR1
- PADOT SR2
- Township
- Borough
- Forest
- Private

Sullivan County Pennsylvania

December 1st, 2010

MAP PREPARED BY THE SULLIVAN COUNTY OFFICE OF PLANNING & DEVELOPMENT - SEPTEMBER 2010. SULLIVAN COUNTY, PA IS NOT RESPONSIBLE FOR POSSIBLE ERRORS, OMISSIONS, MISUSE, OR MISINTERPRETATION. COUNTY DIGITAL INFORMATION IS PREPARED FOR REFERENCE PURPOSES ONLY AND SHOULD NOT BE USED AND IS NOT INTENDED FOR LEGAL, SURVEY OR ENGINEERING PURPOSES.

Exhibit B

DECLARATION OF ANDREA YOUNG

I, ANDREA YOUNG, declare as follows:

1. I am a member of the Coalition for Responsible Growth and Resource Conservation (“CRGRC”) and have served on the CRGRC board of directors since the organization’s creation in 2007. CRGRC is a non-profit grassroots organization based in Lycoming County, Pennsylvania and dedicated to the promotion of responsible growth and the conservation of natural resources in northeastern Pennsylvania.

2. Protection of sensitive locations that are critical to a coherent and healthy environment and the promotion of sound land-use principles, are the centerpiece of CRGRC’s mission. CRGRC’s efforts to secure protection of environmentally sensitive areas in Lycoming County and the broader northeast Pennsylvania region include: raising public awareness about smart growth principles and specific development projects that conflict with such principles, for example, the construction of a shopping mall in an environmentally sensitive floodplain; raising public awareness of the adverse environmental impacts of gas extraction activities; participation in public hearings with regard to proposed gas extraction and related activities; supporting the restoration and redevelopment of brownfields; and establishing partnerships and working with regional watershed associations to achieve stream classification upgrades.

3. In addition to the efforts that CRGRC has made in furtherance of the protection of the northeast Pennsylvania environment, I have been involved personally with such protection efforts and have been active in the efforts of the Muncy Creek Watershed Association to preserve this vital resource. In particular, I have served as a member of the association’s board of directors for approximately ten years, have engaged

in various public outreach and education efforts, and have worked to restore various waterways within the watershed by organizing and participating in stream bank stabilization and sediment cleanup projects.

4. I am a resident of Muncy, Pennsylvania, in Lycoming County. I first lived in Muncy as a child at my grandparents' farm and returned at various points in my life. As an adult, I moved back to Muncy, making the family home on Tescier Road my permanent residence. I have lived in Muncy and have enjoyed educational and recreational activities there and in the surrounding region for the past 25 years. I have operated a bed and breakfast on my property for the past four years. After living in different places in the region, I decided to return to Muncy based on the pristine natural landscape, the unique rural character, and the special sense of place I experience knowing that I am surrounded by undisturbed forests, healthy streams, and abundant wildlife.

5. My respect for and fascination with nature has been central to my relationship with the property and surrounding areas and was deepened through my formal education. I studied physical geography at Bucknell University and earned a Master's degree in Environmental Education from Montclair State University.

6. My property straddles Little Muncy Creek, a tributary of Muncy Creek and the place where, as a child, I learned to swim and ice-skate. For the past ten years, I have worked with the Muncy Creek Watershed Association as an environmental educator, teaching students from local elementary schools and Scout groups about the ecology of Muncy Creek and the larger watershed.

7. I enjoy walking on trails along Little Muncy Creek and through the forested areas that surround my house. I greatly appreciate the natural beauty of the area

and enjoy viewing wildflowers, trees, rock outcroppings, and a few small caves. My walks through these areas are especially meaningful to me because I am able to view a variety of wildlife in their natural habitats. I regularly observe deer, wild turkeys, songbirds, and squirrels, and I have, on occasion, seen bears, bobcats, and coyotes. Even when such animals are not immediately visible, living in a region that I know is inhabited by these creatures is one of the most important and special things to me.

8. My property is located within the geographic range the Indiana bat, an endangered species. The fact that this part of Lycoming County supports such a sensitive population speaks to the exceptional value of the natural resources here. Although I have not seen Indiana bats, I take walks during the time of day that bats are known to be foraging in the hopes of observing Indiana bats. My experience of the environment is enriched knowing that I might encounter these creatures and knowing that they might be nearby. I intend to continue to look for Indiana bats this spring and summer when they are known to migrate into Lycoming County from the caves in which they spent the winter hibernating. If a pipeline is built through Indiana bat habitat, cutting down trees that could serve as roosting locations, it will be increasingly difficult or simply impossible for me to observe or experience Indiana bats in this region.

9. Approximately four years ago, I opened a bed and breakfast—called “Creekview Country Cottage Bed and Breakfast”—on my property and have been operating it successfully ever since. My guests are drawn to the natural splendor of the landscape, which sets the tone for a relaxing and rejuvenating stay. Most guests chose to stay here because of the beauty and peacefulness the land offers, and they enjoy engaging in outdoor recreational activities on the property and in the surrounding areas.

10. My ability to walk through this unique natural landscape, to share my fascination with nature with young people through hands-on instruction at Muncy Creek, and to share this beautiful place with the guests at my bed and breakfast are some of the most important and special things about living in this part of Lycoming County. I intend to continue to engage in these activities in this areas in the future for as long as I am able. I intend to participate in educational activities this spring as part of the Muncy Creek Watershed Association's Earth Day celebration.

11. The Central New York Oil and Gas Company, LLC ("CNYOG") has proposed to construct the 39-mile gas transmission line, known as the "MARC I Hub Line," from Bradford County, through Sullivan County, and into Lycoming County. The proposed pipeline will disturb 610 acres of land, and will leave 238 acres of the landscape permanently altered.

12. My property is located approximately five miles from the proposed route for the MARC I Hub Line. I am concerned that the installation of the pipeline will destroy the pristine nature of the landscape that immediately surrounds my home, will harm my and CRGRC's interest in the preservation of the environmentally sensitive areas of Lycoming County, especially the Muncy Creek Watershed, and likely will result in a decrease of the value of my property and negatively affect my bed and breakfast business. This damage will be even worse if the pipeline, which is being designed to receive gas from wells drilled in the Marcellus Shale, induces new gas exploration and production in the area where I live.

13. If a pipeline is constructed through these areas, the experience for which I seek out these areas—the beauty of unbroken natural vistas and the serenity of intact

forests, cold streams, and the wildlife they support—would be permanently and irretrievably lost.

14. A thorough review that considers all of the environmental impacts of the MARC I project, including its impacts added to the impacts of all the other gas development that I observe around me—both near my property with companies such as Chief Oil & Gas and throughout the region—could result in mitigation or a different outcome that would not harm my use and enjoyment of my residence and this area. Without such a hard look and careful consideration of alternatives and mitigation, my right to information about the environmental effects of government action would be infringed. Moreover, the MARC I pipeline will irreparably harm not only my property, but the surrounding natural resources—air, water, forests, and wildlife—that make this area the special place it is to me.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on December 10, 2010 in Muncy, Pennsylvania.


Andrea Young

Exhibit C

DECLARATION OF CAROL KAFER

I, CAROL KAFER, declare as follows:

1. I am a member of the Coalition for Responsible Growth and Resource Conservation (“CRGRC”) and have served on the CRGRC board of directors since the organization’s creation in 2007. CRGRC is a non-profit grassroots organization based in Lycoming County, Pennsylvania and dedicated to the promotion of responsible growth and the conservation of natural resources in northeastern Pennsylvania.

2. Protection of sensitive locations that are critical to a coherent and healthy environment and the promotion of sound land-use principles, are the centerpiece of CRGRC’s mission. CRGRC’s efforts to secure protection of environmentally sensitive areas in Lycoming County and the broader northeast Pennsylvania region include: raising public awareness about smart growth principles and specific development projects that conflict with such principles, for example, the construction of a shopping mall in an environmentally sensitive floodplain; raising public awareness of the adverse environmental impacts of gas extraction activities; participation in public hearings with regard to proposed gas extraction and related activities; supporting the restoration and redevelopment of brownfields; and establishing partnerships and working with regional watershed associations to achieve stream classification upgrades.

3. In addition to the efforts that CRGRC has made in furtherance of the protection of the northeast Pennsylvania environment, I have been involved personally with such protection efforts and have been active in the efforts of the Loyalsock Creek Watershed Association to preserve this vital resource. In particular, I have served as a member of the association’s board of directors for approximately ten years, have engaged

in various public outreach and education efforts relating to the impacts of gas drilling, have testified at public hearings relating to proposed development within the watershed, and have worked to restore various waterways within the watershed by organizing and participating in stream bank stabilization projects.

4. I am a resident of Montoursville, Pennsylvania, in Lycoming County. I have lived in the Loyalsock Creek Watershed for approximately 20 years and have lived in my current residence, along Loyalsock Creek, for ten years. I have enjoyed educational and recreational activities within the Loyalsock Creek Watershed and in the surrounding region for the past 20 years and value living here because of the beautiful natural landscape, the unique rural character, and the special sense of place I experience knowing that I am surrounded by undisturbed forests, healthy streams, and abundant wildlife.

5. I enjoy camping along the banks of Loyalsock Creek and have been doing so since childhood. I enjoy hiking on trails in Loyalsock State Forest, including the Loyalsock Trail. I enjoy visiting Worlds End State Park, located in Loyalsock State Forest, and consider it one of the most beautiful and peaceful places I have ever spent time; I especially value viewing the park's natural splendor and swimming and kayaking in Loyalsock Creek, which runs through the park. These activities are some of the most important and special things about spending time in this part of Pennsylvania. I intend to visit Loyalsock State Forest and Worlds End State Park in the spring and summer to hike, camp, kayak, and swim. I intend to continue to engage in these activities in these areas, as well as to work with the Loyalsock Creek Watershed Association, in the future for as long as I am able. If a pipeline is constructed through these areas, particularly a pipeline

designed to receive gas from newly developed wells, the experience for which I seek out these areas would be permanently and irretrievably lost.

6. The Central New York Oil and Gas Company, LLC (“CNYOG”) has proposed to construct the 39-mile gas transmission line, known as the “MARC I Hub Line,” from Bradford County, through Sullivan County, and into Lycoming County. The proposed pipeline will disturb 610 acres of land, and will leave 238 acres of the landscape permanently altered.

7. Of particular significance to me, the MARC I Hub Line will traverse the headwaters of the Loyalsock Creek. I am concerned that the construction of the pipeline will result in adverse impacts to both the creek and its tributaries, which have been granted an existing usage of “Exceptional Value” by the Pennsylvania Department of Environmental Protection, and the watershed as a whole. In addition, the installation of the pipeline will destroy the pristine nature of the landscape, will fragment acres of intact forestland, and will harm my and CRGRC’s interest in the preservation of the environmentally sensitive areas of Lycoming and Sullivan Counties. This damage will be even worse if the pipeline, which is being designed to receive gas from wells drilled in the Marcellus Shale, induces new gas exploration and production in the area. Indeed, the MARC I Hub Line appears to be the first and only gas pipeline proposed to traverse the highly erodible steep slopes, intact forests, and cold water fisheries of the Endless Mountains in Sullivan County.

8. If a pipeline is constructed through these areas, the experience for which I seek out these areas—the beauty of unbroken natural vistas and the serenity of intact

forests, cold streams, and the wildlife they support—would be permanently and irretrievably lost.

9. A thorough review that considers all of the environmental impacts of the MARC I project, including its impacts added to the impacts of all the other gas development that I observe around me—both near my property and throughout the region—could result in mitigation or a different outcome that would not harm my use and enjoyment of my residence and this area. Without such a hard look and careful consideration of alternatives and mitigation, my right to information about the environmental effects of government action would be infringed. Moreover, the MARC I pipeline will irreparably harm not only my property, but the surrounding natural resources—air, water, forests, and wildlife—that make this area the special place it is to me.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on December 10, 2010 in Montoursville, Pennsylvania.

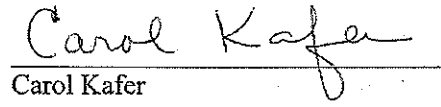

Carol Kafer

Exhibit D

DECLARATION OF THOMAS JIUNTA

I, THOMAS JIUNTA, declare as follows:

1. I am a member of the Damascus Citizens for Sustainability (“DCS”).

DCS is a grassroots conservation organization dedicated to protecting the Upper Delaware Basin from the threats posed by natural gas extraction and its associated infrastructure. Formed in February 2008, DCS is a section 501(c)(3) non-profit organization with more than 4,000 members and supporters, many of whom regularly use and enjoy public and private lands in Sullivan County.

2. Protection of the Upper Delaware Basin, and the wildlife and clean water that we enjoy because of it, is a centerpiece of DCS’s mission. DCS understands that it cannot protect the Upper Delaware Basin without actively protecting other areas of New York and Pennsylvania from the threats posed by gas extraction and related infrastructure development. DCS’s efforts toward that end include: public education campaigns to raise awareness of the adverse environmental impacts of gas extraction activities (including, for example, panels, conferences, and film screenings); participation in hearings before the Delaware River Basin Commission with regard to gas extraction activities in the Delaware River Basin; participation in hearings before the New York City Council with regard to proposed gas drilling in the New York City Watershed; participating in public review processes conducted by federal, state, and multi-state agencies on proposed regulations and environmental review documents related to gas development and pipeline construction; challenging a gas company’s water withdrawal application; challenging of a gas company’s wastewater discharges; and establishing

partnerships and working with local, state, and national environmental advocacy organizations to combat the threats posed by gas extraction and related activities.

3. In addition to the efforts that DCS has made to safeguard the Upper Delaware Basin and other threatened areas, I have been involved personally with such protection efforts and have been active in my opposition to the explosion of Marcellus Shale development in Pennsylvania. In particular, on October 20, 2010, I submitted comments to the Federal Energy Regulatory Commission (“FERC”) expressing my objections to the application of Central New York Oil and Gas Company, LLC (“CNYOG”) for a Certificate of Public Convenience and Necessity for its proposed 39-mile gas transmission line, known as the “MARC I Hub Line,” and on October 13, 2010, I attended FERC’s public scoping meeting for the MARC I Hub Line in Laporte, Pennsylvania. In March 2010, I organized a group of concerned citizens around the issue of gas drilling and formed the Gas Drilling Awareness Coalition.

4. CNYOG has proposed to construct the 39-mile MARC I Hub Line from Bradford County, through Sullivan County, and into Lycoming County. The proposed pipeline will disturb 610 acres of land, and will leave 238 acres of the landscape permanently altered.

5. Over 20 years ago, I purchased land in Sullivan County, Pennsylvania, near Laporte, and built a log cabin on that parcel in order to better enjoy the natural beauty and unique rural character of the area. The cabin does not have a street address, but is located just north of the town of Laporte, approximately one mile east of Lake Road. I have been visiting the cabin and enjoying a variety of recreational activities in Sullivan County several times a year since 1988. My cabin is located approximately one

half mile from the proposed route for the MARC I Hub Line. I am concerned that the installation of the pipeline will destroy the pristine nature of the landscape that immediately surrounds my cabin, will harm my and DCS's interest in the preservation of the undisturbed forests of Sullivan County, and likely will result in a decrease of the value of my property.

6. After searching all over Pennsylvania for the perfect location, I decided to purchase land and build my cabin in Sullivan County based on the pristine natural landscape and the proximity to undisturbed forest lands. I enjoy hiking on trails in Loyalsock State Forest, including the Loyalsock Trail, and, in winter months, cross-country skiing there. I also enjoy fishing and kayaking in the nearby Lake Mokoma. I enjoy visiting Worlds End State Park, located in Loyalsock State Forest, and consider it one of the most beautiful and peaceful places I have ever spent time; I especially value viewing wildlife and the park's natural splendor. My ability to engage in these activities in this special place is the very reason I built the cabin. These activities are some of the most important and special things about spending time in this part of Sullivan County. I intend to visit Loyalsock State Forest and trails around my cabin—near the route of the proposed pipeline—this winter to cross-country ski and in the spring, summer, and fall to hike. I intend to visit Lake Mokoma in the spring and summer to fish, swim, and kayak. I intend to continue to engage in these activities in these areas in the future for as long as I am able. If a pipeline is constructed through these areas, particularly a pipeline designed to receive gas from newly developed wells, the experience for which I seek out these areas would be permanently and irretrievably lost. This damage will be even worse if the pipeline, which is being designed to receive gas from wells drilled in the Marcellus

Shale, induces new gas exploration and production in the area where I live. Indeed, the MARC I Hub Line appears to be the first and only gas pipeline proposed to traverse the highly erodible steep slopes, intact forests, and cold water fisheries of the Endless Mountains in Sullivan County.

7. A thorough review that considers all of the environmental impacts of the MARC I project, including its impacts added to the impacts of all the other gas development that I observe around me—both near my property with companies such as Chief Oil & Gas and throughout the region—could result in mitigation or a different outcome that would not harm my use and enjoyment of my residence and this area. Without such a hard look and careful consideration of alternatives and mitigation, my right to information about the environmental effects of government action would be infringed. Moreover, the MARC I pipeline will irreparably harm not only my property, but the surrounding natural resources—air, water, forests, and wildlife—that make this area the special place it is to me.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on December 10, 2010, in Shavertown, Pennsylvania.

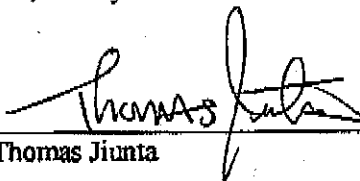

Thomas Junta

Exhibit E

DECLARATION OF JOHN A. TRALLO, SR.

I, JOHN A. TRALLO, SR., declare as follows:

1. I am a member of the Damascus Citizens for Sustainability (“DCS”).

DCS is a grassroots conservation organization dedicated to protecting the Upper Delaware Basin from the threats posed by natural gas extraction and its associated infrastructure. Formed in February 2008, DCS is a section 501(c)(3) non-profit organization with more than 4,000 members and supporters, many of whom regularly use and enjoy public and private lands in Sullivan County.

2. Protection of the Upper Delaware Basin, and the wildlife and clean water that we enjoy because of it, is a centerpiece of DCS’s mission. DCS understands that it cannot protect the Upper Delaware Basin without actively protecting other areas of New York and Pennsylvania from the threats posed by gas extraction and related infrastructure development. DCS’s efforts toward that end include: public education campaigns to raise awareness of the adverse environmental impacts of gas extraction activities (including, for example, panels, conferences, and film screenings); participation in hearings before the Delaware River Basin Commission with regard to gas extraction activities in the Delaware River Basin; participation in hearings before the New York City Council with regard to proposed gas drilling in the New York City Watershed; participating in public review processes conducted by federal, state, and multi-state agencies on proposed regulations and environmental review documents related to gas development and pipeline construction; challenging a gas company’s water withdrawal application; challenging of a gas company’s wastewater discharges; and establishing

partnerships and working with local, state, and national environmental advocacy organizations to combat the threats posed by gas extraction and related activities.

3. In addition to the efforts that DCS has made in furtherance of the protection of the Upper Delaware Basin, I have been involved personally with such protection efforts and have been active in my opposition to the explosion of Marcellus Shale development in Pennsylvania. In particular, on October 19, 2010, I submitted comments to the Federal Energy Regulatory Commission (“FERC”) expressing my objections to the application of Central New York Oil and Gas Company, LLC (“CNYOG”) for a Certificate of Public Convenience and Necessity for its proposed 39-mile gas transmission line, known as the “MARC I Hub Line,” and on October 13, 2010, I attended FERC’s public scoping meeting for the MARC I Hub Line in Laporte, Pennsylvania. I have attended and spoken at various public events and rallies regarding gas drilling, including a public input hearing conducted by the Pennsylvania Public Utilities Commission in connection with the application of Laser Northeast Gathering Co., LLC for a gas pipeline proposed in Susquehanna County, Pennsylvania.

4. CNYOG has proposed to construct the 39-mile MARC I Hub Line from Bradford County, through Sullivan County, and into Lycoming County. The proposed pipeline will disturb 610 acres of land, and will leave 238 acres of the landscape permanently altered.

5. I am a resident of Sonestown, Pennsylvania, in Sullivan County. I have lived in Sonestown and enjoyed recreational activities there and in the surrounding region for the past eight years. I moved to Sonestown from the Philadelphia/southern New Jersey area in order to escape the industrial development and pollution in that region. I

chose to relocate my family to Sonestown because of its unique rural character and pristine landscape.

6. My family's home is located on Main Street in Sonestown and is located approximately one half mile from the proposed route for the MARC I Hub Line. Because Main Street is one of only four streets in Sonestown, I am concerned that pipeline construction activities will induce increased truck traffic and cause congestion, thereby hindering my ability to travel to and from my home along the quiet streets of Sonestown that I have enjoyed for the past eight years. I also am concerned that the installation of the pipeline will destroy the pristine nature of the landscape that immediately surrounds my home, will harm my and DCS's interest in the preservation of the undisturbed forests of Sullivan County, and likely will result in a decrease of the value of my property. This damage will be even worse if the pipeline, which is being designed to receive gas from wells drilled in the Marcellus Shale, induces new gas exploration and production in the area where I live. Indeed, the MARC I Hub Line appears to be the first and only gas pipeline proposed to traverse the highly erodible steep slopes, intact forests, and cold water fisheries of the Endless Mountains in Sullivan County.

7. I enjoy hiking in and around Sonestown and fishing in the nearby Muncy Creek. These activities are some of the most important and special things about living in this part of Sullivan County. I intend to visit Muncy Creek during the spring and summer of 2011 for recreational pursuits and to continue to hike in the areas around Sonestown in the future for as long as I am able. If a pipeline is constructed through these areas, the experience for which I seek out these areas—the beauty of unbroken natural vistas and

the serenity of intact forests, cold streams, and the wildlife they support—would be permanently and irretrievably lost.

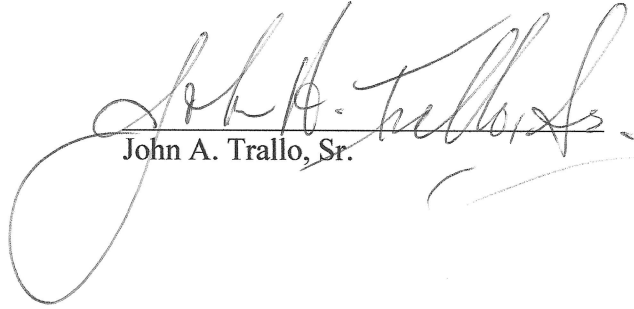
8. I am a musician and music teacher, and I use my home to teach lessons and as a recording studio. The increase in truck traffic that will result from the pipeline construction will have noise impacts that will harm my interest in the quiet solitude of Sonestown as well as the enjoyment I get from teaching and recording music and my ability to earn a living through these pursuits.

9. My home draws water from a private well located on the property. I am concerned that the pipeline construction and the increased development of the Marcellus Shale that will result from the installation of the MARC I Hub Line will jeopardize my water supply by causing contamination of the well.

10. A thorough review that considers all of the environmental impacts of the MARC I project, including its impacts added to the impacts of all the other gas development that I observe around me—both near my property with companies such as Chief Oil & Gas and throughout the region—could result in mitigation or a different outcome that would not harm my use and enjoyment of my residence and this area. Without such a hard look and careful consideration of alternatives and mitigation, my right to information about the environmental effects of government action would be infringed. Moreover, the MARC I pipeline will irreparably harm not only my property, but the surrounding natural resources—air, water, forests, and wildlife—that make this area the special place it is to me.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on December 10, 2010, in Sonestown, Pennsylvania.



John A. Trallo, Sr.

Exhibit F

DECLARATION OF LORRAINE LAPRADE POORE

I, LORRAINE LAPRADE POORE, declare as follows:

1. I am a member of the Pennsylvania Chapter of the Sierra Club. I have been a Sierra Club member for at least 30 years and participate in Sierra Club group outings.

2. The Sierra Club is a national non-profit organization incorporated in the State of California as a Nonprofit Public Benefit Corporation and is composed of approximately 1.4 million members and supporters dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. The Pennsylvania Chapter of the Sierra Club, a subunit of the Club, was organized in the early 1970s and currently has 24,000 members. The members of the Pennsylvania Chapter live, exercise, work, raise children, farm, garden, fish, bird watch, hike, camp, and recreate on a regular basis in areas which are near or border the proposed MARC I Hub Line project. The Chapter's members have an interest in protecting the natural beauty of Pennsylvania and in ensuring that the natural resources of Pennsylvania will be available for future generations and are concerned that development associated with Marcellus Shale gas drilling, production, and related infrastructure will harm both humans and natural resources. The Pennsylvania Chapter has been active in educating the public about the potential benefits and harms of natural gas development.

3. I have lived in and enjoyed the beautiful natural environment of Sullivan County for the past 26 years. I am a resident of Shrewsbury Township in Sullivan County, Pennsylvania. I live at 52 Mayapple Drive, Muncy Valley, Pennsylvania 17758 and have lived at this residence full-time for 18 years. Prior to that, I used this residence part-time as a summer home for six years. I moved to Muncy Valley after retirement so that I could enjoy the unspoiled beauty, natural resources, wildlife, and peacefulness of this area. I intend to spend the rest of my life in my current residence.

4. I am an avid photographer and hiker and being able to hike in peaceful and pristine forests and to photograph wildlife and the natural landscape is one of the most important things to me about living in Sullivan County. I have hiked the entire length of the 59-mile Loyalsock Trail, which originates north of Montoursville, Pennsylvania and ends around Ringdale, Pennsylvania. I also regularly hike in World's End State Park, which is located in a valley by Loyalsock Creek in Sullivan County, and in Ricketts Glen State Park, part of which is also located in Sullivan County. I hike the Pine Creek Trail in Lycoming County once a week and have been doing so for nearly 12 years. Since moving to Muncy Valley 20 years ago, I also have spent time nearly every day walking on the rural roads near my home and enjoying the quiet peacefulness of the natural surroundings. I especially treasure the small creeks and streams that are abundant in this area. Whenever I hike and walk, I always bring my camera to photograph wildlife and the landscape. I intend to continue hiking and photographing in this area as long as I am able.

5. I am a member of the Eagles Mere Conservancy, a community organization that stewards the land and supports environmental and forest management

activities in and around Eagles Mere, Pennsylvania. The Conservancy owns land in and around Eagles Mere, and I frequently hike on their trails and plan to continue doing so routinely as part of my enjoyment and residence in this area.

6. I am a member of the Broad Horizons Lot Owners Association, an association of homeowners that jointly owns about 30 acres of wooded lands and ponds in Muncy Valley, Pennsylvania and whose members individually own an additional 53 acres of land. I supervise the private roads in this community of homes. The entire 83 acres of land managed by the Broad Horizons Lot Owners Association is surrounded on all sides by properties whose owners have negotiated gas rights with Chief Oil & Gas. Out of a fear of potential forced pooling and a desire to protect themselves from such forced pooling, the Broad Horizons Lot Owners Association and landowner members of the Association are currently in negotiation with Chief Oil & Gas over the potential lease of sub-surface rights.

7. The construction and operation of the MARC I Hub Line presents imminent and irreparable harm to my residence and my use and enjoyment of the environment. My home is less than three miles away from the proposed pipeline. The construction and operation of the pipeline and nearby compressor station will increase traffic and noise on the narrow rural roads that I walk daily; create air pollution; disturb and break up the forests in which I hike; disrupt and destroy habitats of the wildlife I photograph; and involve unsightly and potentially unsafe crossings of the fragile streams and creeks I enjoy so much. This damage will be even worse if the pipeline, which is intended to receive gas from wells drilled in the Marcellus Shale, stimulates further gas exploration and extraction in the area where I live.

8. Fourteen of the 18 homes owned by members of the Broad Horizons Lot Owners Association, including my own, are served by a private water system owned by the Association. I am concerned that construction of the proposed MARC I Hub Line and the attendant development of other Marcellus Shale gas exploration and extraction activities in this area will contaminate the water and deprive me of this water supply.

9. A thorough review that considers all of the environmental impacts of the MARC I project, including its impacts added to the impacts of all the other gas development that I observe around me – both near my property with companies such as Chief Oil & Gas and throughout the region – could result in mitigation or a different outcome that would not harm my use and enjoyment of my residence and this area. Without a hard look, the results of which are made public, my right to information about the environmental effects of government action would be infringed. Moreover, without a hard look and careful consideration of alternatives and mitigation, the MARC I pipeline will irreparably harm not only my property, but the surrounding natural resources – air, water, forests, and wildlife – that make this area the special place it is to me.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on December 15, 2010 in Shrewsbury Township, Pennsylvania.


Lorraine Laprade Poore

Exhibit G

DECLARATION OF RICHARD WALTER LIEBERT

I, RICHARD WALTER LIEBERT, declare as follows:

1. My wife and I are members of the Pennsylvania Chapter of the Sierra Club. We joined the Sierra Club because we were impressed with their outreach on Marcellus Shale gas development issues and want to support this work.

2. The Sierra Club is a national non-profit organization incorporated in the State of California as a Nonprofit Public Benefit Corporation and is composed of approximately 1.4 million members and supporters dedicated to exploring, enjoying, and protecting the wild places of the earth; to practicing and promoting the responsible use of the earth's ecosystems and resources; to educating and enlisting humanity to protect and restore the quality of the natural and human environment; and to using all lawful means to carry out these objectives. The Pennsylvania Chapter of the Sierra Club, a subunit of the Club, was organized in the early 1970s and currently has 24,000 members. The members of the Pennsylvania Chapter live, exercise, work, raise children, farm, garden, fish, bird watch, hike, camp, and recreate on a regular basis in areas which are near or border the proposed MARC I Hub Line project. The Chapter's members have an interest in protecting the natural beauty of Pennsylvania and in ensuring that the natural resources of Pennsylvania will be available for future generations and are concerned that development associated with Marcellus Shale gas drilling, production, and related infrastructure will harm both humans and natural resources. The Pennsylvania Chapter has been active in educating the public about the potential benefits and harms of natural gas development.

3. I am actively engaged in our local community on issues involving Marcellus Shale gas extraction and the development of related infrastructure. My wife and I participate in the Protect Eagles Mere Alliance, an association of Eagles Mere residents who organize and educate community members about the effects of natural gas development. As early as July 16, 2010, I helped to organize meetings in Eagles Mere to educate and inform citizens on natural gas development and environmental concerns. I attended the October 13, 2010 public scoping meeting in Laporte, Pennsylvania, held by the Federal Energy Regulatory Commission regarding the MARC I Hub Line. I noticed at the meeting that questions raised by members of the public about the cumulative impacts of the proposed project were not answered.

4. I am a resident of Eagles Mere, Pennsylvania, in Sullivan County. I live at 300 Mountain View Lane, Eagles Mere, Pennsylvania 17731 with my wife. We have lived here for nearly three years. We vacationed regularly in and around Eagles Mere for 12 years before that and loved the area so much that we decided to move here permanently.

5. My recreational time is most often spent outdoors. I am very active and spend at least a day and a half each week, year-round, in and around the forests of Sullivan County. I primarily mountain bike when cycling in the forest. I also enjoy the forests for hiking, cross-country skiing, and snowshoeing. Most often, I enjoy these activities in the wooded area between Eagles Mere and Laporte, Pennsylvania. Additionally, I spend 16 to 24 hours monthly biking on the rural roads and highways of Sullivan County. I also enjoy fishing for trout and bass, primarily in Eagles Mere Lake, Fishing Creek, and the Loyalsock Creek. Whether mountain biking, road biking, hiking,

fishing, cross-country skiing, or snowshoeing, I am rarely alone and am usually accompanied by other residents of the Eagles Mere area, most of whom also are very active in the outdoors.

6. My wife and I have no intention ever to move away from Eagles Mere. We moved here to enjoy the quiet, peaceful beauty of the region and to partake in the bounty of outdoor activities afforded by the undeveloped and uncontaminated natural environment. We value living in a community that is actively engaged in enjoying the outdoor environment and the beauty of our surroundings. I plan on continuing to bike, hike, fish, ski, and snowshoe in this area for as long as I am able. In fact, the time I regularly spend now on outdoor activities will only increase after I retire in the next year or two.

7. My home is less than four miles from the proposed MARC I pipeline. I am very concerned about the potential impacts of the proposed project on the forests, roads, lakes, and streams that I use and enjoy. The roads in Sullivan County are quiet rural byways. I am already noticing increased heavy traffic on these roads from gas-related construction and development and am concerned that the MARC I project will increase traffic and induce development that will bring more traffic, which will eventually make these roads unusable for the road-biking that I enjoy so much.

8. Besides making the roads of Sullivan County unsuitable for recreational road-biking, the proposed project threatens imminent injury to my residence, recreation, and enjoyment of this uniquely rural, beautiful area. The noise and air pollution that will accompany the project's construction and operation, as well as the development of other gas-related activities that will be induced and facilitated by the proposed project, will

harm the peaceful forests through which I mountain bike, hike, ski, and snowshoe and the water bodies in which I fish. A thorough review that considers all of the environmental impacts of the MARC I project, including its impacts added to the impacts of all the other gas development that I observe in the region where I live, could result in mitigation or a different outcome that would not harm my use and enjoyment of my residence and this area. Without a hard look at the full environmental impacts of the proposed project, my right to information about the environmental effects of government action will be infringed and my interest in enjoying the peaceful natural environment of Sullivan County – the very reason I decided to spend the rest of my life in this unique area – will be irreversibly harmed.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on December 16, 2010 in Eagles Mere, Pennsylvania.


Richard Walter Liebert