

Bamboo Brook
170 Longview Road
Far Hills, NJ 07931
908-234-1225
908-234-1189 (Fax)
info@njconservation.org
www.njconservation.org



August 31, 2015

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Docket No. PF15-1-000

PennEast Pipeline Project: Resource Report 8 - Pre-Filing Drafts including Revised Resource Report 8 dated July 2015

Dear Ms. Bose:

Attached please find New Jersey Conservation Foundation's comments regarding PennEast's Resource Report 8 pre-filing drafts, FERC Docket No. PF-1-000. New Jersey Conservation Foundation urges that PennEast be required to Resource Report 8 to address significant inaccuracies and missing information.

PennEast's filing dated August 7, 2015 does not address 24 of FERC's 90 comments. PennEast states it will address 26% of FERC's information requests in its September filing. New Jersey Conservation Foundation requests that all of FERC's comments, as well as those of New Jersey Conservation Foundation and other individuals, agencies and elected bodies, be addressed in Revised Resource Reports with an adequate comment period before PennEast submits any applications to FERC and other local, state and Federal agencies.

Thank you for the opportunity to provide comments. You may contact me at 908-234-1225 ext. 303 with any questions or concerns.

Sincerely,

Alix Bacon, Regional Manager
New Jersey Conservation Foundation

cc:

Daniel Saunders, Deputy State Historic Preservation Officer
Ruth Foster, Office of Permit Coordination & Environmental Review
Mehda Kochar, FERC
Bernie Holcomb, Pipeline Environmental Services Manager AECOM
Jeff England, PennEast, LLC

Comments re: Resource Report 8

Land Use, Recreation and Aesthetics.

New Jersey Conservation Foundation has reviewed PennEast's revised Resource Report 8 from July 2015 and finds that it still does not provide sufficient, and in some areas, accurate information. Throughout Resource Report 8 and its monthly updates, PennEast repeatedly states they are working to avoid and minimize the negative impacts the proposed pipeline will cause to the scenic landscapes, natural resources and quality of life for New Jersey residents along their preferred route. However, PennEast has not documented how they will accomplish this, instead promising that their final filing documents will do so. Residents of the communities that would be impacted need to know up front what PennEast will do to avoid such impacts, before any applications are filed.

We request that the Federal Energy Regulatory Commission (FERC) require PennEast to hold additional public hearings, given the numerous route alternatives and proposed changes they have made to the proposed pipeline route. Although an additional scoping period of one month has been added, this is inadequate given the number of recent re-routes. PennEast should not file any applications until this scoping period is complete, they have adequately and accurately responded to the scoping comments, they have corrected their revised resource reports, addressed all of FERC's comments, and the public has had time to respond to these reports.

Within its reports describing the siting of the proposed natural gas pipeline, PennEast uses the phrase "co-locate", which we would understand to mean locating the pipeline within existing rights of way (ROWs). However, the usage of the term is inconsistent and at times "co-locate" seems to mean the proposed pipeline would actually be outside of or in close proximity to existing ROWs. It would be more accurate for PennEast to use the term "overlap" or "abut" than "co-locate".

New Jersey Conservation Foundation strongly urges that the wealth of water, environmental, cultural, recreation, agricultural and aesthetic resources in the proposed pipeline's path be avoided altogether. The unique and sensitive region targeted for a pipeline by PennEast is totally inappropriate for such industrial development. These Resource Reports exhibit no understanding of the sensitive resources at risk from the proposed project.

There are numerous errors in table 8.4-2, regarding ownership interests in public and private conservation lands, despite PennEast claims to have conducted extensive title searches and consulted with federal, state and local agencies. PennEast cannot reasonably claim to be able to avoid impacts to sensitive environmental resources if they cannot even accurately identify preserved lands with information that is readily available to the public.

PennEast should complete the necessary surveys and revise and correct their Resource Reports before filing for permits or approvals from any Federal, state and local agency. Using desktop or remote sensing information for an Environmental Impact Statement, permit or application filing is inadequate.

8.2.1.2 Existing rights of way.

The Revised Resource Report 8 states that the pipeline would be "adjacent to or in proximity of existing ROWs" and that 36%, or 43.1 miles, would be "co-located" under transmission lines. We understand that, for safety reasons, natural gas pipelines cannot pass directly under transmission lines.

In table 8.2-2 "Land Use Acreage Affected by Construction and Operation of Project Pipeline Facilities", PennEast states that 945.9 acres would be in the permanent ROW, and 1,489.8 acres in the temporary ROW (including pipeyards, access roads and worksites near streams and roads), for a project total of 2,435.7 acres. Table 8.2-3, "Co-location of the Pipeline Facilities with Existing Rights-Of-Ways", states that there would be

38.8 acres in the permanent ROW and 58.9 acres in the temporary ROW “inside” existing ROWs. By our calculations, the total project’s temporary and permanent ROWs and acreages impacted by construction and operation would be 2,435.7 acres. Only 97.7 acres - just 4% - of the acreage of the proposed PennEast pipeline would actually be co-located “inside” existing ROWs. Resource Report 1 & 8 and all related appendices, including the alignment drawings in Appendix C, should therefore be revised.

It is also very important to note that co-location is not a panacea. As noted above, even “co-locating” within existing utility ROWs often requires clearing land and widening the ROW, or elevating the pipeline as proposed for Baldpate Mountain Preserve in Mercer County. The latter would be completely unacceptable for this scenic and environmentally sensitive natural area.

PennEast should state by milepost and acreage exactly where the proposed pipeline would run parallel, abut, adjoin or overlap existing ROWs. FERC required that this information be provided in the Revised Resource Report but PennEast has failed to do so. This needs to be provided before filing in order to fully understand the impacts of the proposal. We are also concerned that PennEast still has not completed negotiations with JCP&L regarding overlapping ROWs; these need completion before filing.

It is important that PennEast update the tables in a revised Resource Report 8 to accurately describe the extent of clearing and disturbance that is necessary in existing ROWs, as well as in the newly proposed PennEast ROW where it overlaps and/or abuts existing ROWs, including work spaces, pipeyards and access roads. Without this tabulation it is impossible to determine how many miles of the proposed pipeline would be co-located and the extent of its impact and disturbance.

PennEast should provide a status report on the ROW negotiations. We are very concerned that co-location is even being discussed before we have evidence that the utility companies that own these existing ROWs have agreed to work with PennEast. Impacted residents should have this information in order to comment on the Resource Reports. The tables and alignment drawings in the Resource Report should be accurately revised to reflect the actual areas of disturbance and additional clear cutting before any application is filed.

8.2.1.3 Access Roads.

Table 8.2-4 does not provide information regarding the block and lot and the ownership of areas where they propose access roads and Alternate Temporary Worksites (ATWs). Road widening plans are not provided, while surely there would be occasions where machinery would need to pull off onto the sides of the roads, which could cause damage. PennEast should plan proactively for this, as it has happened in the past.

One access road in Kingwood Township (AR 045) provides a good example of the lack of ground-verified information within the Resource Reports. This road is located off of Horseshoe Bend Road and crosses the Copper Creek. Years ago, a large housing development had been proposed for this area, but the land was eventually purchased for preservation. The Township recognized that Horseshoe Bend Road, with its historic stone arch bridge and steep and curved inclines, could not handle the construction traffic. We have similar concerns regarding the proposed pipeline construction traffic.

PennEast proposes to access its worksite from Horseshoe Bend Road via a dirt farm lane on a property now under contract for preservation. The lane crosses Copper Creek twice on small gauge bridges that cannot withstand the weight of heavy trucks. The lane travels beside Copper Creek through cedar and hemlock groves; construction would disturb woodlands in a very delicate and important habitat for long tailed salamanders, wood turtle and possibly cooper's hawks.

Access Road 057 in Delaware Township would disturb an acre of agricultural land containing two tributaries of the Alexauken Creek, an area known to be the location of Native American archeological sites. PennEast had

promised to avoid impacts on environmental and cultural resources, yet this particular area would be permanently harmed if crossed by an access road.

PennEast states, “All temporary access roads used for construction will be restored in accordance with landowner agreement. Landowner permission will be obtained for all proposed permanent access roads”. No details are given as to how this would be achieved. Would the land be leased and what would PennEast do if a landowner was unwilling? FERC requested that PennEast provide planting and mitigation plans for these areas in its Resource Reports, which PennEast states it will provide in its September filing. This information should be provided in Revised Resource Reports with adequate time for the public and regulating agencies to comment before any applications are filed.

PennEast should ground-verify its plans and revise this Resource Report a second time. Desktop data and remote sensing are inadequate. PennEast is targeting very environmentally sensitive areas such as the Copper Creek, which should be avoided.

8.2.1.4 Pipeyards, Wareyards, ATWS (Alternate Temporary Work Sites) and extra work/staging areas.

The project alignment sheets provided in Appendices A and C of Resource Report 1 contradict claims that areas proposed for pipeyards and alternate work sites would cause “no permanent impacts”. Many pipeyards are proposed for agricultural fields, often with adjoining wetlands. The alignment sheets explain that these areas would be graveled for the storage of heavy equipment. After extensive compaction from heavy equipment, and potential contamination by oil or gas leaks, reversion of these lands to agriculture would be extremely difficult and unlikely. Additionally, some of these areas are located in woodlands, and many contain wetlands and springs.

PennEast proposes 1,000 areas of ATWS totaling 445 acres. The report states, “Upon completion of the project, these areas will be allowed to revert to prior land uses through natural succession processes or will be restored in accordance with landowner agreements. Therefore, no permanent impacts to these areas are anticipated as a result of the project.” This is incorrect: permanent impacts would be caused by the project. Because of deer over population, there is no natural succession process in this part of New Jersey. This is particularly true in areas where the top soil’s biome has been disturbed and the land compacted. There is current evidence of this from the recently built Tennessee Gas pipeline where cleared areas have become deserts of invasive plants despite required mitigation.

A large percentage of the proposed work areas in New Jersey are adjacent to Category 1 streams, within the 300 foot buffers required by NJDEP to protect their extraordinary resource value. PennEast does not provide information on how they propose to address these buffer areas. In revised Resource Reports, PennEast should provide alternatives to avoid permanent damaging impacts posed by access roads, pipeyards and ATWS. PennEast should provide a stream by stream, tributary by tributary, inventory of each stream crossing that includes the attendant ATWS, pipeyards and access roads. PennEast should also provide the blocks and lots and ownership information and state how they plan to obtain access to these areas that have public and private conservation easements.

8.3.4 Existing Agricultural Areas.

In this section of the Revised Resource Report, PennEast states, “...approximately 544.9 acres of agricultural land will be within the temporary ROW and 263.3 acres will be in the permanent ROW.” PennEast claims that only six acres of agricultural land used for above ground facilities and permanent access roads would be permanently impacted in New Jersey. However, all 544.9 acres of agricultural land within the temporary ROW and the 263.3 acres in the permanent ROW would be negatively and permanently impacted.

PennEast claims they can restore these lands to pre-pipeline condition. This assertion is contradicted by evidence from other pipelines where such restoration has failed. After the disturbances caused by soil compaction, erosion, sedimentation and the heat from the pipe, the agricultural lands are not easily recoverable.

8.3.4.2 Specialty Crop Areas.

Resource Report 8 makes no mention of the number of truck farms and farm stands that would be negatively impacted by the proposed pipeline. Farmers' crop yields would be negatively impacted as well as retail sales, which would decrease income and harm the overall farm operation. PennEast claims it will compensate landowners for crop losses due to construction but does not state how long such compensation would last. In addition, it is not clear how or for how long PennEast would continue to monitor these issues and maintain responsibility.

8.3.4.3 Organic Farming.

PennEast's Revised Draft states, "In New Jersey, one USDA certified organic farm (Gravity Hill Farm) was identified adjacent to proposed MP 105.5. PennEast will avoid impacts to this farm by utilizing HDD technology to drill under forested lands located adjacent to the farm, and bore pits will be located greater than 1,500 feet from the property boundary. Therefore, no impacts are anticipated to occur to known or certified organic farms as a result of the Project."

However, the organic Stockton Village Farm on Route 523 is located on the route, as is the Haut-Evans organic farm on Worman Road in Delaware Township. Highland Market in Kingwood on Route 519 raises organic beef cows that graze on land adjoining the proposed route. It is important that PennEast contact the Natural Resources Conservation Service or the Northeast Organic Farming Association of New Jersey to identify all other organic farmland that would be impacted.

PennEast states, "Should organic farms be identified within the Project area, PennEast will specify construction, restoration, and vegetation management techniques to be used on these lands that will address the specific needs and requirements of organic farms in order to maintain certifications in accordance with the Agricultural Impact Minimization Plan to be included in PennEast's application anticipated to be filed in September, 2015." However, given that the organic farms mentioned above are in the path of the proposed line, PennEast should provide documentation on these management techniques so that organic farmers could provide feedback on whether such management is even viable.

8.4 Public Land, Recreation and other Designated Areas.

Please note that in the Revised Resource Report 8 at 8.4.1.4, PennEast identifies New Jersey Conservation Foundation as a state entity. However, we are a private nonprofit, as indicated by the NJ DEP in their July 2, 2015 comments.

PennEast reports that it "performed an extensive title search and consulted with federal, state, county, and local agencies to determine existing easements on properties located within the Project Area."

Table 8.4-2 is labeled "Private Conservation Easements Crossed by the Project Facilities". This table appears to include private and publicly held conservation easements on private land. The table contains extensive inaccuracies and missing information. From our review, it appears that at least 75% of the New Jersey entries on this chart are inaccurate. For example, there are multiple listings under Conservation Biology Institute. We are not familiar with this entity and from a cursory review, we do not believe that this entity owns or manages any land in this area, or ever has. Yet 34 of the 48 total entries in the New Jersey section of the table list the Institute as the Managing Agency/Site Name.

Only one of New Jersey Conservation Foundation's affected properties or easements is included on the table, Block 32, Lot 33, but it is not attributed to us. Rather, the Managing Agency/Site Name is Ducks Unlimited, which is inaccurate. The easement type, listed as "unknown" in the table is a conservation/agricultural easement. There are numerous other entries with "unknown" easements. We note that if our staff had created a table with 75% inaccurate data, they would have to be let go.

Conservation and agricultural easements are legally recorded documents in New Jersey so there is no reason for the easement type or the landowners to be listed as "unknown" if title searches were conducted, as indicated above. The owners of record are also often noted as "unknown" on the chart despite the fact that this ownership information is readily available on various sites online, such as through the NJ Division of Taxation.

Land held by private conservation organizations like New Jersey Conservation Foundation is not listed on the tables in the report. These lands, which are typically preserved with public funds for their important conservation values and open to the public, should be listed in the Resource Report. For example, New Jersey Conservation Foundation owns Block 32, Lot 4 in Delaware Township and Block 12, Lot 31.01 in Kingwood Township, both of which are within the currently proposed route. The latter was the subject of a trespassing complaint we filed with PennEast and the local police when PennEast contractors recently entered that parcel to conduct survey work without permission. PennEast subsequently apologized and clarified that their contractor mistakenly entered our property based on information from an older GIS file that did not indicate the existence of this lot.

The number of errors in this chart raises serious concern about the accuracy of the information presented in the overall report, including Table 8.4.1 listing Federal, State, Municipal Lands and Public Conservation Areas Crossed by the Project Facilities. We urge FERC to require correct identification and information about preserved land in the Resource Report so that FERC can effectively evaluate the extensive impacts of the proposed line. The public needs this information as well in order to comment on the extensive impacts of the proposal to conservation lands preserved with taxpayer dollars.

8.4.2 Natural, Recreational, or Scenic Areas.

Loops of the Delaware River Scenic Byway would be negatively impacted by the PennEast line, including Lower Creek Road and Rosemont-Ringoes Road, which intersect at the Covered Bridge and then pass through the rolling fields of the Rosemont Rural Agricultural District. The Resource Report should be revised to address how these resources would be avoided.

The proposed route would cut through preserved lands including the Milford Bluffs, the Wichecheoke Greenway preserve, Baldpate Mountain, the Sourlands, Gravel Hill, the Alexauken Preserve and Goat Hill Mountain, to name a few. Every single one of these sensitive natural and recreational areas would be negatively impacted.

The Sourland Mountain Preserve is one of the most important preserves that would be negatively impacted by the proposed pipeline. PennEast's stated plan to avoid negative impacts consists of co-location of "the construction ROW adjacent to or in proximity to an existing utility ROW in this area to reduce fragmentation of undisturbed forest". Locating the pipeline "adjacent to or in close proximity to" existing ROWs will further impact forests. The only way to avoid negative impacts is to not build a pipeline through the pristine forests in the Sourlands, one of the most ecologically sensitive areas in Hunterdon and Mercer Counties.

We have attached a brochure entitled the "Last Covered Bridge Ride" that describes the scenic beauty of the area that the proposed pipeline would cross, and maps numerous bike tours in the area. This part of New Jersey is a destination for bike riders because of the country roads and beautiful scenery. There are many annual fund raising rides that the proposed pipeline would impact: the Sourland Spectacular, Tour de Open Space, Covered

Bridge Ride and Farm Ride. There are also a number of fundraising runs and walks that would be impacted. All of these activities attract ecotourism dollars to the region which are critical to the local economy.

The Resource Report should be revised to accurately describe in detail the natural recreational areas that the proposed pipeline would cross, and the environmental, economic and recreational impacts the pipeline would have on these resources as well as the social and economic impacts on a community when the resources are damaged.

8.4.2.2 Historical Areas.

We enumerated our concerns regarding impacts to Historical Areas in our comments to Resource Report 4.

8.5.1 Soils.

New Jersey has very good quality agricultural soils. PennEast should accurately report in a Revised Resource Report exactly how many acres of Prime soils and soils of Statewide Importance would be disturbed.

8.6 Visual Impacts.

PennEast states, “The Project will not have any visual impact on any federal or state listed visually sensitive areas, such as scenic roads, rivers, or natural landmarks as these features are not present in the Project area.” This is inaccurate.

The proposed pipeline would cut through historic and scenic districts consisting of preserved farms, greenways, creek corridors and woodlands that have been protected with public dollars over the past 30 years precisely because of their exceptional scenic values. If the PennEast pipeline were to cut through the historic Rosemont Rural Agricultural District, for example, the scenic and aesthetic values of one of the most undisturbed valleys in New Jersey would be destroyed. This area is listed on both the New Jersey and Federal Registers of Historic Places.

The proposed pipeline route would cut through an area known for its Plein Air painters and many great artists from the Bucks County School have worked here, as have modernist painters including Jackson Pollack and George Bellows. Numerous old trees that play an integral part in this landscape could face removal by the proposed construction.

PennEast should revise its Resource Report to clearly and fully describe how impacts to visual resources would be avoided before filing for any certificate or permit. “Revegetation” and/or “co-location” do not achieve avoidance. The negative visual impacts of the currently proposed route through historic New Jersey scenery would be significant and irreversible.

8.8 Cumulative Impacts.

The proposed pipeline would have serious negative cumulative impacts, contrary to what is stated in Resource Report 8. PennEast attempts to alleviate concerns by stating it would “co-locate” the construction on existing ROWs, but as we have previously noted, this would not eliminate negative impacts, and nor would the proposed revegetation and mitigation restore the lands as they were before construction.

In Resource Report 8, PennEast states, “Impacts to agricultural, open, residential, industrial, and commercial lands, or wetland and waterbody land uses will primarily be temporary during construction only.” However, the report previously noted, “the construction of the Project will result in the conversion of 439 acres of forest or

woodland to open land.” Such conversion would obviously create a large, permanent and lasting negative impact.

We do not agree with PennEast’s findings that, “Taking into account all past, present, and likely future impacts, the cumulative impacts to land use are currently expected to be minimal. Therefore, at this time there are no reasonable and foreseeable future impacts to land use arising from the Project.” This statement has no justification or credibility. Given all the concerns we have outlined above, we urge FERC to require PennEast revise these grossly inadequate and incomplete Resource Reports and produce a detailed and accurate study of the many negative temporary and permanent impacts this proposed pipeline would cause to the region’s rich environmental and cultural resources.