



July 15, 2015

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Committee  
888 First Street, NE, Room 1A  
Washington, DC 20426

Re: Penneast Pipeline Project  
Docket No. PF15-1-000

Dear Ms. Bose,

On February 27, 2015 NJ Conservation Foundation submitted scoping comments to the Federal Energy Regulatory Commission (FERC) regarding the proposed PennEast Pipeline, Docket no. PF15-1-000. These comments were edited and refiled on March 17, 2015. On June 7, 2015 NJ Conservation Foundation posted additional scoping comments in response to PennEast's Resource Report #2 Water dated April 2015. This posting to the docket included research reports written over a 10 year period from 2005-2015 by the New Jersey Water Supply Authority and NRCS. These studies address water quality and quantity issues in the Lockatong and Wickecheoke Creeks, and contain extensive monitoring data. The Lockatong and the Wickecheoke flow into the Delaware and Raritan Canal, which provides drinking water for 1.5 million New Jersey Residents. These creeks are Category 1 streams, and each will be crossed 5 times by the proposed pipeline route.

Attached please find NJ Conservation's additional scoping comments and supporting documentation in response to PennEast's Resource Report 4: Cultural Resources, FERC Docket No. PF-1-000 dated April 2015. We recommend that PennEast revise Resource Report 4 to reflect our comments as well as the substantive comments previously submitted by FERC. It is our hope that the Environmental Impact Statement will reflect these comments as well. Please contact me at 908-997-0734 with any questions.

Sincerely,

Alix Bacon, Regional Manager

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

## **New Jersey Conservation Foundation's Comments on Resource Report 4: Cultural Resources**

The PennEast pipeline, as currently proposed, will traverse an area of New Jersey rich with historic and archeological resources. The western part of Hunterdon County is bordered by the Delaware River. Many spring fed tributaries flow through rocky, sheltered ravines to the river. The majority of the bedrock is Lockatong argillite, favored by pre-contact habitants for toolmaking. Glaciers never covered this part of New Jersey. The area is rich with evidence of prehistoric and pre contact inhabitants, and much of this evidence is currently undisturbed. This route must be carefully surveyed for cultural resources to make sure these resources are not negatively impacted by the pipeline, and PennEast must address in detail how it will avoid known resources, and what protocols it will follow when it discovers new resources. As a local archeologist described the proposed pipeline route to me, "...there are areas with cultural resources all over the place, mostly landscape modification but artifacts too. From simple 17th, 18th, 19th century former fields now woods, rock walls, old roads that are part of our heritage to ancient terraces and landscapes with super pre-historic potential...not much work has been done professionally in a long time so the area is ripe for discovery. ”

PennEast's Sensitivity Model Methods dated March 2015 states that 75% of the study corridor has a moderate or high sensitivity model for pre contact and historic period resources. Therefore, we recommend that the testing model be reduced from the 15 meters proposed in areas of higher sensitivity.

According to Appendix 4B "Archeological Survey Coverage PennEast Pipeline Project", less than 10% of the preferred alternate route in New Jersey has been surveyed. Given that 75% of the route is sensitive, and only 10% has been surveyed, the vast majority of the research needed to comply with Section 106 is as yet undone. We propose that PennEast be required to complete 100% of its cultural survey and research work before any approvals are granted. In order to comply with Section 106, all Cultural Resource survey and research work must be finished and approved by NJ State Historic Preservation Office before any certificates of public necessity and convenience are issued. No certificates, permits or approvals should be issued conditionally upon this work being completed at a later date, as it is critical to assure that these resources are avoided at all costs and the pipeline's route made need to be altered in order to avoid newly discovered sites.

There have been no further postings on the FERC docket by the New Jersey State Historic Preservation Office (NJSHPO) regarding the acceptability of PennEast's revised Archeological Sensitivity Model. We propose that PennEast be required to submit a final Cultural Resources Report before application that reflects NJ SHPO's comments on the revised Archeological Sensitivity Model and the comments contained herein.

### **Section 4.3 Agency Consultation**

PennEast has yet to meet with the Delaware Township Historic Society, as was directed by FERC. Many local historians and archeologists have posted comments on the Docket. PennEast needs to address these comments in their resource reports. PennEast's Resource Report 4 does not address any of the well-researched scoping comments made by Marilyn Cummings, Delaware Township Historic Advisory Committee, on February 21, 2015. Given the important cultural resources detailed and mapped in her comments, the archeologic and historic sites she documents should be avoided altogether. Thomas Sommo's letter to William McGuire, Tribal liaison to Elders Council, The Nanicoke Leni-Lenape Tribal Nation, dated 6/27/15 and copied to FERC, details a KNOWN, well documented archeological site of some 7 acres near the Lockatong in Kingwood Township. PennEast's Resource Report 4 makes no mention if this proposed pipeline will avoid this site.

### **Section 4.4 Area of Potential Effects for Architectural Resources**

PennEast states "The indirect APE includes historic architectural resources within the line-of -sight of the direct APE. Because the majority of the project will be below ground surface, the impact on historic architectural resources is expected to be minimal".

PennEast does not seem to understand the relationship between historic sites, districts and their context. Recently, historic preservation efforts have sought to emphasize this importance. If the visitor to the Gettysburg National Historic Site must drive through a stretch of fast food restaurants, motels and Walmarts, their experience of this historic site is greatly diminished. Many of the areas PennEast proposes to traverse with its pipeline were designated as historic districts because the historic architectural resources depend upon the landscape resources. This landscape is in and of itself a cultural resource, which tells the story of agricultural practices over the past 250 years, and is officially designated as such on the State and National Registers of Historic Sites and Districts in a number of areas.

The pipeline will be underground, but its permanent right-of-way will plow through historic fields, hedgerows and stone walls, clearing away the evidence of the historic shaping of this landscape and marring it with yellow valve pipes every few feet and historically inappropriate signage.

#### **Section 4.5.2 Archeology Survey Results**

There are a number of **known** archeological sites along the proposed PennEast route in New Jersey. Resource Report 4 does not include avoidance plans. In instances where landowners are denying survey access to PennEast, there is significant historic research already available that can be referenced.

#### **Section 4.5.2.1 Research Methods**

This research methods section goes into depth regarding methodologies used in the field, creating the impression that significant field work has been done in New Jersey. Yet appendix 4B demonstrates that at a maximum only 10% of the proposed route has been surveyed.

#### **Appendix 4A Native American Coordination**

Letters were sent to numerous federally recognized Native American Tribes. In many instances, the contact person at these tribes had retired or moved on. According to PennEast's spreadsheets, it seems as though one or two attempts are made to contact the appropriate cultural or historic resources person at the tribe. After 3 tries they seem to determine that no further effort to make contact is necessary. This is inadequate. Given current technology it should not be onerous to research and update tribal contacts.

The Delaware Tribe, the Oneida and the Stockbridge Munsee Band of the Mohicans all indicated that they were interested in consulting with PennEast. The Record shows no follow up communications to coordinate consultation with these tribes.

#### **Section 4.5.3 Architectural History Survey Results**

The resource report should contain a special section devoted to Revolutionary War era landscapes and sites. The areas that the proposed PennEast pipeline traverses are particularly rich in such resources. Cumulatively, they tell a fascinating and important story of the birth of our nation. If one of these sites or landscapes, including presently undiscovered sites, is negatively impacted by the pipeline, the story of the founding of our nation will be compromised. PennEast should be required to submit as part of its resource reports a detailed study of the importance of the landscape it proposes to cross to the history of revolutionary America, and to address how it will avoid direct and indirect impacts to known and yet to be discovered cultural resources. There are many revolutionary era roads, campsites and battle sites that have yet to be discovered. What are PennEast's plans to handle such unanticipated discoveries?

There are many large historic districts that the line proposes to cross. The Rosemont District is nearly 2,000 acres. This district was created specifically to preserve and protect an historic landscape. This landscape is a living cultural resource. The PennEast pipeline would have direct and indirect effects on this district. It will breach stone walls and hedgerows that have not been significantly disturbed for over 200 years. This valley is visible from many different points in the Township, and there are many viewpoints in the valley where one can see the significance of the historic patchwork of its agricultural landscape in its entirety. All of these viewsheds

will be negatively impacted by the pipeline. PennEast should specifically address these impacts in its revised resource report, and explain how they will avoid disturbing these important viewsheds.

The preferred alternate route cuts diagonally across the most scenic farm in the valley, the Fisher Farm. It will cut in front of the most scenic feature of this farm, a historic barn with a steeple that can be seen from all directions, thus destroying the scenic view from the road which traverses the valley, the Rosemont-Ringoes Road, as well as the viewshed from other highpoints in the town, such as Sanford, Covered Bridge and Reading Roads. There is a network of trails used by horseback riders associated with the Covered Bridge Trail Association and on lands preserved by New Jersey Conservation Foundation that was developed specifically so that riders and hikers could enjoy the viewsheds of this historic scenic valley off the road, while actually walking in these historic fields. The Proposed PennEast Pipeline will permanently mar these viewsheds. How is PennEast proposing to avoid these impacts to this historic district?

The viewsheds of many historic districts will be negatively affected by the pipeline, and there is no way to mitigate these impacts. Instead, these historic districts should be avoided at all costs. These landscapes in and of themselves are in fact cultural resources. When a pipeline cuts through woods, fields, hedgerows and stone walls it is negatively impacting these resources. There are no landscape studies in this report, though many historic landscapes will be traversed.

The resource report does not address how PennEast will avoid and minimize its impacts on Cultural Resources. The resource report dismisses such impacts and does not recognize them as significant. Nor does it address the cumulative impacts of so many Cultural Resources being impacted by this one pipeline, as well as other approved and proposed pipelines. The report does not provide adequate landscape studies, nor address how these cultural sites can be avoided.

The Cultural Resource Report should be revised to address these comments before PennEast's application to FERC is submitted. The route should be altered so as to avoid these important cultural resources.