



August 30, 2016

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

Re: Docket CP15-558-000 – Proposed PennEast Pipeline Project

Dear Ms. Bose:

I am writing this letter on behalf of the Sourland Conservancy, an intervenor in this proceeding. The Sourland Conservancy's mission is to protect, promote and preserve the unique character of the Sourland Mountain region, through which the proposed PennEast Pipeline will cut a devastating path. The Conservancy is located in Hopewell, NJ in Mercer County. The Sourland Mountain region lies, within Somerset, Hunterdon and Mercer Counties.

I urge FERC to reconsider your issuance of this DEIS at this time and **withdraw the DEIS**. FERC has a responsibility to receive all the necessary factual data to evaluate this project before reaching any conclusions about its viability or advisability. We have extensively detailed the massive impacts this project will have in our communities, our water supply, our environment, our economy and our region, through testimony at FERC scoping hearings, FERC Open Houses and thousands of comments to FERC.

Currently, PennEast has failed to provide all the required environmental data for its application. Therefore, the DEIS is premature. In addition to withdrawing the DEIS, I urge you to **extend the public comment period** so the public has ample opportunity to review and comment on the data once it is provided by PennEast.

I am commenting on the PennEast Draft Environmental Impact Statement (DEIS). In particular, I am submitting an analysis of *Section 5.1 Summary* by Sourland Conservancy Emeritus Trustee, Andrea Bonette. Ms. Bonette is also a resident of the Sourland Mountain region. The Sourland Conservancy endorses Ms. Bonette's analysis, which is as follows:

5.1 Summary

Nowhere in the online DEIS is there any mention of TetraTech, the company which presumably researched and prepared this DEIS.

The introductory paragraph is very upbeat: "Most of these impacts would be temporary..." "...long term and potentially permanent environmental impacts on vegetation, wetlands, and individual fish and wildlife species...would occur....However, [using] mitigating measures, most of the adverse impacts would be reduced to less than significant levels." A closer look at the entire document with particular focus on this conclusion section raises questions which are nowhere explained in the document.

What does "significant" mean? What are the "mitigating measures"? How long is 'temporary' or "long term"?

The theme throughout this document is that, aside from Section 5.1.6 in which responsibility is to be shared with State agencies, nothing the PennEast pipeline does will have ANY significant impact, ANYWHERE, ANY TIME. Some variations of the overall “see no evil, do no evil” theme are:

- “Would not have significant impacts”
- “Potential impacts would be avoided or effectively minimized or mitigated”
- “Project is not expected to significantly impact...”
- “Project would not have adverse impacts”
- “Overall impacts would be minimized”
- “Overall impacts would be adequately minimized”
- “Any adverse effects would be appropriately mitigated”

[NOTE: All italics in this review have been added for emphasis.]

5.1.1 Geologic Resources

“Bedrock geology is dominated by sedimentary rock with limited amounts of igneous and metamorphic rocks...PennEast anticipates that some rock removal would be required.” That is a gross understatement given that elsewhere in this DEIS PennEast states that most of the New Jersey part of the route goes through diabase rock.

“Seismic hazard is low...we conclude that this would allow the pipeline to withstand nearly all ground shaking with the possible exception of ground movement associated with ground rupture.” This is what is known as an earthquake, and earthquakes can and do happen in New Jersey.

“Three Trap Rock Quarries are within 2.5 miles of the project.” Many e-comments have been sent to FERC about the inaccuracies of this evaluation. “PennEast continues to complete additional geophysical studies as landowner permissions become available.” This is a poor excuse because most geophysical information can be obtained from the State and does not require any landowner permission.

PennEast has done a “study” on the potential for arsenic contamination. “Based upon the results of this study, we believe that no mitigation measured related to arsenic mobilization are necessary during Project construction and operation. There is no mention of Professor Onscott’s study as reported to FERC January 18, 2015, stating “This belt of rocks forms an arsenic hot spot... the construction phase will generate arsenic and the operational phase will mobilize arsenic”- or any others offering information and conclusions contradicting PennEast’s. “Based on the results of our study we are recommending that PennEast conduct post-construction testing”- how can they know whether post-construction arsenic levels differ from pre-construction unless pre-construction tests have been performed? “In the unlikely event [according to PennEast’s one study] of a problem, PennEast would provide a treatment system or find [sic] an alternative water source.” Would they maintain such as system in perpetuity? There is no promise of continued maintenance.

5.1.2 Soils

“PennEast would take precautions to minimize the mixing of excavated rock with backfill.” How much excavated rock would be acceptable to a landowner/farmer/gardener? And what does “minimize” mean in this context?

“If blasting is required [IF? PennEast has admitted it will have to blast virtually the entire length of the route in Hunterdon County! Miles and miles of the Project route are underlain by solid granite], the minimum explosive charge necessary would be used to fracture bedrock and minimize shot-rock from leaving the construction ROW.” There is no definition of “minimum” but if they anticipate flying rock fragments from going outside of 100-foot wide ROW, a considerably amount of energy is required.

“PennEast would minimize soil compaction and rutting, erosion, impacts on prime farmland...we conclude that potential impacts on soils would be avoided or effectively minimized or mitigated.” How would they un-compact compacted soils? Restore eroded topsoils? Remove ruts pounded in by heavy construction vehicles?

5.1.3.1 Water Resources

5.1.3.1 Groundwater

With respect to public water supply wells in New Jersey, PennEast cites only two within 150 feet of the proposed workspace. “Prior to construction a revised list of wells within 150 feet based on completed surveys...” will be created. They will also get around to providing a list of “groundwater seeps” AFTER they get their permit. If PennEast had acknowledged any of the hundreds of comments from owners of private wells and users of public ones they would be more thorough about their assessment of this issue. They also are quite comfortable describing their proposed “ban on refueling or storage of hazardous materials within a 200-foot radius of private wells and a 400-foot radius from public wells.” Leaks of such substances may be obvious at the surface but seepage into fractures of diabase rocks can travel unknown distances. There can be no granting of a permit for this project until this information is complete; too many families’ lives depend upon getting it right.

[A remarkable August 17, 2016, interview on radio station 101.5 with host Spadea, PennEast official spokeswoman Patricia Kornick engaged in some amusing back-and-forth about “groundwater.” They laughed together about how OF COURSE some water on a small area of the ground would be contaminated during construction, but that no one would ever drink from a puddle in a gas station. It was quite obvious that Ms. Kornick does not know the difference between groundwater and surface water. One wonders whether other PennEast employees share this abysmal ignorance.]

“Fracturing of bedrock would be limited to within several feet of the pipeline trench.” PennEast cannot be serious about this. Any geologist could tell them (and several have done so) that the interconnected fractures and rock structures are such that blasting can have a chain reaction effect that goes for hundreds, perhaps thousands, of feet in all directions. The DEIS also states that “blasting charges would be limited to that needed to fracture rock to the required trench depth, and fracturing of bedrock would therefore be limited to within a few feet of the pipeline trench.”

5.1.3.2 Surface Waters

Describing the HDD method PennEast plans to use for three river crossings and four stream crossings, “additional geotechnical investigations are planned...and PennEast has not indicated what mitigation measures would be implemented to minimize drilling risks.” This is the Delaware River we are talking about- and there is NO PLAN to protect it? How could FERC even consider granting a permit when that crucial information is promised to be provided at some future time?

PennEast plans to withdraw 18 million gallons of surface water for hydrostatic testing. “PennEast has not defined the hydrostatic testing withdrawal locations” so this DEIS recommends documentation of those and their plans to “use an alternate water source during exceptional dry periods.” Given the very real possibility of drought conditions during construction this seems something that should clearly be in place BEFORE any permits are granted. “Accidental spills during construction and operations will be prevented or adequately minimized.” There’s that word “minimized” again- what does it mean and how much is “adequate”?

5.1.3.3 Aquatic Resources

Their blanket assurance that “with the implementation of these measures we conclude that the overall impact on aquatic resources will be minimal.” Aside from the 24/7 heat generated by the pipeline passing through or under bodies of water, it is unreasonable to describe the effect of digging, blasting, and construction will have a “minimal” effect on flora and fauna in the immediate area as well as downstream.

5.1.4 Wetlands

Although PennEast has not conducted surveys of the majority of affected lands in New Jersey, they confidently state that the project will temporarily impact about 30 acres in NJ and about 26 in PA; and that it will permanently impact 18 in NJ and 17 in PA. There is no way of knowing how these measurements were calculated. In emergent wetlands they claim “the impact of construction would be relatively brief because the herbaceous vegetation would regenerate quickly.” In actuality there is no guarantee that this will happen and PennEast provides nothing to back it up; indeed it is much more likely that invasive species will replace the indigenous ones.

In scrub-shrub wetlands “PennEast would maintain a ten-foot wide corridor centered over the pipeline in a herbaceous state [meaning no trees would be ever allowed to regrow] ...and would selectively cut trees within a thirty-foot wide corridor centered over the pipeline. The remainder would be allowed to return to preconstruction conditions.” With this amount of violent disturbance to sensitive areas, it is not sufficient or realistic to believe that “allowing” nature to restore itself is likely or even possible.

5.7 “Final field delineation of wetlands has not been completed”- that’s an understatement. “There will be no permanent wetland loss.” Perhaps the person who wrote this has not read the previous section, 5.1.4. Regarding vernal pools, not all vernal pool habitats have been discovered due to no property access but, evidently, protecting vernal pools is not a high priority with PennEast: “A time of year restriction [March through June] would be observed if vernal habitats cannot be avoided.” Anyone who knows what a vernal pool looks like would know pipeline construction would totally destroy it.

5.1.5 Vegetation and Wildlife

38% of the project area, according to the DEIS, is a forested habitat. “Long term habitat impacts could [sic] result from a permanent shift in vegetative structure, primarily where trees would be prevented from [sic] occupying the permanent pipeline ROW...Wildlife may [sic] respond by shifting activity to habitats that provide better support.” This may be the most egregious instance of Orwellian Goodspeak in the entire document. There can be no doubt, well documented by comments to FERC which apparently have passed unheeded, that the forest fragmentation will be devastating to migratory and native bird species who cannot blithely “shift activity.” It will also provide an enormous increase in forest edge to the benefit, to give just one example, of our already enormous overpopulation of deer.

PennEast claims they are “minimizing the fragmentation of large contiguous forest stands and the associated edge effects by locating the pipeline (26.8 miles in PA and 16.8 miles in NJ) adjacent to existing ROWs.” This is not true either; the pipeline will be parallel to, not within, existing energy ROWs, effectively more than doubling the forest area destroyed, and in fact may pose a danger of static electricity even at a 35-foot distance.

One of 54 promises in the DEIS for reports which need to be done “prior to construction” is this one: “Prior to construction, PennEast shall develop a NJ No-Net-Loss Reforestation Act Plan for the parcels identified in table 4.5 1-2 of the EIS.”

Construction work areas would be cleared of vegetation which PennEast promises to restore, but there is no explanation of how a two-foot thick layer of gravel can be wholly removed, the compacted soil under it un-compacted, and what sorts of vegetation could be successfully reintroduced and maintained.

To allow access for ground and aerial inspections “in upland areas maintenance of the ROW would involve clearing the entire permanent ROW of woody vegetation.” Nowhere in this discussion is there ANY mention of hundreds of comments FERC has received about Baldpate Mountain and the Sourlands, or any other especially sensitive areas. Instead, PennEast claims “We conclude overall impacts on terrestrial resources would be adequately minimized.” What’s “adequate” for PennEast does not come even close for the area residents and the local and county governments who have formally objected to this Project.

5.1.6 TE and Special Status Species

“PennEast has attempted to avoid habitats and known occurrences of ESA listed species” and is in ongoing consultation with the Fish and Wildlife Service which “may develop additional measures beyond those described in this EIS...which would likely avoid or minimize potential impacts that could occur on ESA species.” This attitude of wishful thinking is virtually meaningless in demonstrating any serious attempt to protect wildlife.

5.1.7 Land Use, Recreation and Visual Resources

“Based on field surveys conducted by PennEast where access was available [no mention of information PennEast may have gleaned by its repeated trespassing on private property]...PennEast’s proposed construction work areas are within 50 feet of 462 structures...298 of them within 25 feet...62 of those being residential structures.”

PennEast would require about 104 acres of agricultural land in PA and 100 acres in NJ as new permanent ROW, but “operation of the pipeline would not affect the continuing of activities...Following construction all affected land would be restored to preconstruction conditions to the extent possible.” The authors of this report neglect to mention, although many e-comments have been provided from landowners on this topic, that there will be significant effects, including but not limited to permanent heating of the soil, the at-will intrusion of pipeline maintenance vehicles on access roads, and the future potential for additional pipeline to be laid in the existing ROW.

The DEIS refers to “crossing a number of areas enrolled in a number of conservation programs...there will be temporary impacts and potential disruption during construction...[afterwards] all activities and accesses currently available to the public would be returned to their original use.” Apparently PennEast’s claim here is that crops on preserved farmland will be unaffected and that the migratory birds will happily fly back to their ancient nesting areas such as Baldpate Mountain, oblivious to the disappearance of the deep forest cover they rely on.

The description of the reforestation is staggering in its naiveté: “Generally this would include seeding of the restored areas with grasses and other herbaceous vegetation, after which trees would be allowed to regenerate within the temporary workspaces.” The enormous difficulties of restoring a 100-year-old forest are enormous. Aside from the severely disturbed and compacted soil, new trees emerge from seeds dropped by other trees- this cannot happen if the trees have all been removed. In the unlikely event that a few seeds do remain, seedlings will be quickly devoured by deer long before they reach full growth.

In its discussion of crossing the Appalachian National Scenic Trail the report declares that at some point PennEast needs to file an update on its effects on related recreation and special interest areas.

5.1.8 Socioeconomic

PennEast estimates of its 2400 construction workers “with a maximum of 600 people working on any one spread at any one time...up to 40% of the workforce would consist of local hires and 60% nonlocal hires.” In the long run they would need only 24 permanent employees for the continuing operation of the pipeline and the compressor stations.

The report cites “a minor to moderate effect on local government revenues due to the increase in property taxes collected from PennEast” but nowhere mentions the well-documented tremendous loss of private property values and the resulting decrease in property tax revenue.

“Construction of the Project is not expected to have high and adverse human health or environmental effects on any nearby communities...the Project would not unduly or disproportionately affect environmental justice populations.” What does that mean?

5.1.9 Cultural Resources

“A sizable portion of the Project has not been investigated for cultural resources” due to survey access not being granted. However, there are many available areas and interested groups who have attempted to offer information, most notably the Native American spokesmen. Both PA and NJ SHPOs disagree with some of PennEast’s recommendations. PennEast claims “If NRHP-eligible archeological sites cannot be protected from Project impacts, a treatment plan or mitigation of adverse effects may be developed.”

5.1.10.1 Air Quality

The report refers to “temporary” increases in emissions of some air pollutants due to the use of equipment powered by diesel or gasoline engines along with the generation of “fugitive dust” due to the disturbance of soil. Each “spread” of pipeline construction activity “is estimated to result in 6.5 months of emission-generating activities.” In the lifetime of a child with asthma six months is a VERY long time.

5.1.10.2 Noise

PennEast has not filed a noise mitigation plan for construction noise experienced by local recreation areas, hotels, State parks, etc. They state they would limit “noisy construction or demolition work to 7 AM to 10 PM.”

“The Project would likely require blasting in some areas of the proposed route.”

This assessment differs greatly from their admission that they would have to blast almost the entire New Jersey part of the route.

5.1.11 Reliability and Safety

“PennEast routed the pipeline to minimize risks to local residents and vulnerable populations (e.g. prisons, hospitals, schools, daycare facilities, retirement facilities) and would follow federal safety standards for pipeline class locations based on population density.”

What they neglected to mention is that although New Jersey requires Class 4 pipe, PennEast chooses to use inferior Class 2 materials because that’s all the Federal standards demand.

5.1.12 Cumulative Effects

“The pipeline would be designed and constructed in accordance with or exceedance of the Federal DOT’s Minimum Federal Safety Standards” but there is evidence that PennEast has cherry-picked the cases where either the state or the federal standards are cheaper.

“Water resources could potentially be negatively impacted by arsenic released by blasting activities associated with multiple projects. “ It is not clear what “multiple projects” means. Only one sentence is devoted to this issue and only as related to “multiple projects”- whatever they may be.

“We conclude that the cumulative impacts associated with the Project, when combined with other known or reasonably foreseeable projects, would be effectively limited.”

5.1.13 Alternatives

“While the no-action alternative would eliminate the short- and long-term environmental impacts identified in the EIS, the stated objectives of PennEast’s proposal would not be met. We evaluated the use of alternative energy sources and the potential effects of energy conservation, but these measures similarly would not satisfy the objectives of the Project, provide an equivalent supply of energy, or meet the demands of the project

shippers...90% of the PennEast project has been contracted; therefore, there is customer demand.”

This circular, self-serving argument has been much touted in press releases and radio ads, but there exists voluminous information to the contrary. It is especially dishonest to refer to the energy companies as “customers” as if actual NJ and PA people really need this gas.

5.2 Going Forward

“We do not believe PennEast’s responses to those conditions that are requested prior to the end of the DEIS comment period would change any of the recommendations presented in the DEIS.”

At last, a truly honest claim: of course, as has already been amply demonstrated, neither PennEast nor FERC includes any of the information provided by hundreds of individual and organizational comments in this DEIS. It’s as if none of us exists.

On behalf of the Sourland Conservancy, I respectfully and vehemently ask that FERC withdraw its Draft EIS, demand the actual field survey data in all required areas and actually listen to the many diverse yet unified voices impacted by this destructive project.

Finally, It is clear from the DEIS that thousands of pages of comments already submitted are being ignored. I am expecting a written response to my comments.

Sincerely,

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Executive Director

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