



December 5, 2016

Kimberly Bose, Secretary
Nathaniel J. Davis, Sr., Deputy Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

RE: PennEast Pipeline Company, LLC; FERC Docket No. CP15-558-000 regarding proposed route modifications issued for public comment – request for formal extension of comment period

Dear Secretary Bose:

Delaware Riverkeeper Network is submitting comment based on the review of supplemental information provided by PennEast per agency request on Nov 7, 2016 and submitted by PennEast to the FERC docket Nov 28, 2016. Overall, information provided by PennEast is still grossly inadequate, incomplete, and missing critical natural resource information to provide the agencies and the public with a full picture for analysis for each of the alternatives suggested. As requested prior, the EIS and supplemental information posted subsequently should be denied or withdrawn and resubmitted with complete and accurate information and another adequate and open comment period for the public. In the absence of this action, Delaware Riverkeeper Network requests a longer formal comment period to review all information provided by PennEast just days ago. At least 60 days should be provided for the public to review the information supplied that includes over 1,500 pages of new information and data. And again, it appears still even with this supplemental filing, much data is missing for the public to adequately analyze what PennEast is proposing. Furthermore, PennEast is not providing GIS data layers/kmz files of the alignments so the public can analyze these impacts thoroughly and adequately using modern mapping tools. There is no reason to not provide this electronic information as part of the docket as landowner names and information would not have to be included. This request has been put on the docket multiple times by DRN and experts with no acknowledgement from PennEast or FERC or sharing of these files that would allow the public to see the information behind PennEast's numbers and analysis. The following comments identify other discrepancies and areas that need further clarification and data within the supplemental information filed and again we request a formal extension period or open-ended formal extension period to begin when all information is

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fully supplied. DRN would also like to raise the issue of new landowners along alternate routes now being contacted long after some of the processes of public input have been closed or considered including scoping and the first draft EIS. This process would appear to prejudice those landowners now being faced with a pipeline on their properties.

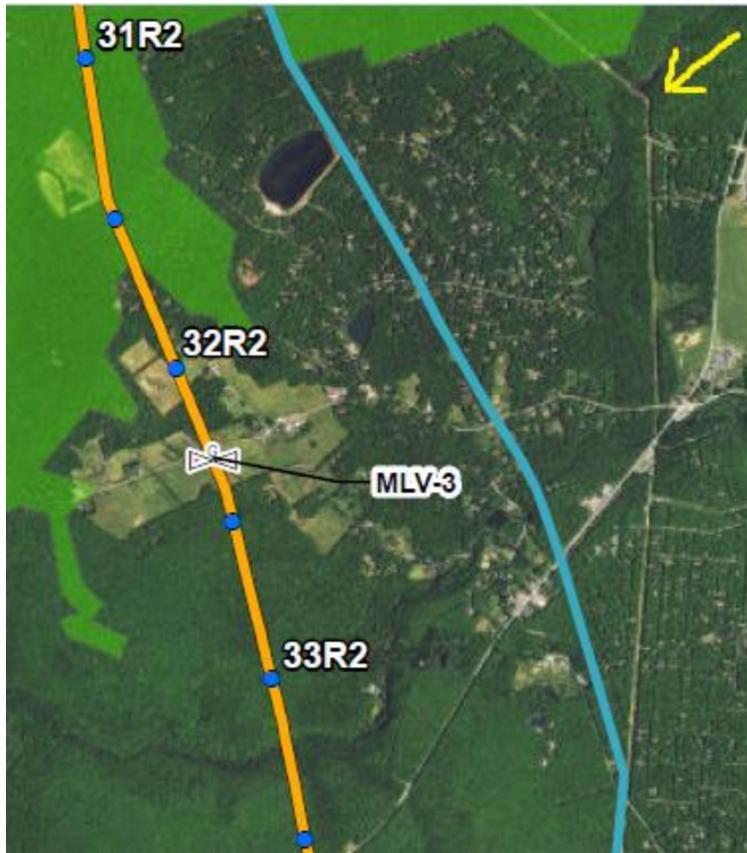
1. Vernal Pools Still Missing – Delaware River Basin Drought Watch Conditions

In Data Request 1, PennEast includes a table of discrepancies that need correction, including numerous wetlands and waterbodies crossed. They acknowledge that this is not an exhaustive list but it is unclear if vernal pools are taken into account. DRN would like verification that the missing vernal pools we highlighted in our DEIS comments are included in these corrections as they are not mentioned in the table. We would also like to state that much of the region has been suffering from drought conditions <http://www.state.nj.us/drbc/hydrological/drought/index.html> and on November 23, the Delaware River Basin Commission formally declared the Delaware Basin in “drought watch” status. If hydrologic surveys including wetland, intermittent headwater streams, and vernal pool surveys are conducted during these sensitive drought conditions, resources may not be mapped adequately or completely.

2. Flaws and Inadequate information with the IBA Alternatives

PennEast Statement: (Regarding the Hickory Run IBA) *“This route alternative would result in increased temporary and permanent ROW due to the route length increase, would add 15 road crossings, traverse several residential subdivisions, and impact a substantial number of landowners. Private home development has encroached upon the existing utility corridor in numerous areas making collocation difficult.”*

DRN Response: The IBA Avoidance alternative for Hickory Run State Park routes the pipeline going through a highly residential area before joining an existing ROW further east. Did PennEast consider collocation within the footprint of that existing ROW for the entire route to reduce fragmentation by including the pipeline in an already cleared ROW? Did PennEast consider long horizontal directional drilling (HDD) thru and under forests and sensitive habitats to reduce all the long term harms and fragmentation that comes with open cuts? For collocation it is critical the pipe be within the cleared ROW and not another swath of clear cut adjacent the ROW as that leads to more harm and more clear cuts and an expansion along an already stressed and impacted ecosystem with the existing ROW. PennEast includes acreage and length of the pipeline between the proposed route and the alternative but does not include the number of trees cut/forest inventory and whether new wetlands will be crossed or if there would be any additional impacts to natural resources. A full analysis that includes this information and data per each route should be provided for thorough public and agency review.



Aerial (above) of the Hickory Run State Park IBA. The yellow line is the proposed route through the IBA. The blue line is the IBA Avoidance alternative to avoid this area. The yellow arrow points to an existing open ROW outside of the residential area that the alternative eventually joins to the south.

PennEast Statement: (Regarding the Musconetcong Gorge IBA) *“This alternative would be approximately one (1) mile shorter than the proposed route, would result in greater collocation with existing ROWs, and would avoid the Musconetcong Gorge IBA with the exception of a lateral and an additional crossing of the Delaware River would be required to reach the Elizabethtown and Gilbert Lateral Interconnects. Due to the additional crossing of the Delaware River and the additional temporary and permanent ROW required by a new lateral, the proposed route is preferable to this alternative.”*

DRN Response: The Musconetcong Gorge IBA alternative is one mile shorter and results in greater collocation with existing ROWs than the proposed route, but no acreage or number of trees to be cut/forest inventory is provided for either. PennEast infers that the alternative would result in greater impacts due to the new lateral and additional crossing of the Delaware River, but this is impossible to know without specific calculations of acreage and number of trees cut, waterbodies crossed, etc. How do the impacts, when offset after the new lateral is taken into account, measure up to the overall impacts of the original proposed route that goes through the IBA? With the collocation options, will the pipeline be completely within the footprint of the cleared and existing ROW or will more trees be cut adjacent the ROW leading to more stormwater impacts, increased width of the ROW and more open streams cuts? As with other alternatives, no comparison of acreages, a complete picture of stream and wetland crossings for each of the alternatives, the number of trees to be cut, etc. is provided by PennEast making it impossible for the public to thoroughly assess each of these options. And again, having no electronic data layers/GIS/kmz files

provided by PennEast as part of the docket makes this analysis by the public even more difficult. The public cannot take PennEast information at face value for thorough independent reviews.

PennEast Statement: (Regarding the Everittstown IBA) *“This alternative route would be approximately the same length as the proposed route, and would reduce the length of the IBA crossing from 0.6 mile to 0.4 mile. It would also be collocated with an existing utility ROW, thus reducing forest fragmentation within the IBA. However, this alternative crossing location would traverse a residential neighborhood that the proposed route avoids.”*

DRN Response: The neighborhood in question is already bisected by an existing ROW. Why does that make the Everittstown IBA alternative unfeasible when this same scenario occurs numerous times throughout the entire route? If following an existing ROW through a neighborhood is suddenly an issue, then the other places throughout the route where the pipeline is proposed to go through a neighborhood need to be addressed as well. Once again, there is not enough detail on the overall numbers, impacts, collocation details, and acreages for each alternative provided for the public to fully review each of these alternatives adequately. The public cannot take PennEast information at face value for thorough independent reviews.

PennEast Statement: *“The Baldplate Mountain IBA and Sourland Mountain Region IBA, located between MP 101.3 and 108.4R2, can only be avoided by routing the proposed pipeline on the southwest side of the Delaware River. The Algonquin Gas Transmission (Algonquin) and Texas Eastern Transmission Company (TETCO) Interconnects are located on the north side of the IBAs, and the Transco Interconnect is located on the south side of the IBAs. In order to reach both interconnects, while also avoiding the IBAs, an alternative route would require an additional lateral and an additional crossing of the Delaware River.”*

DRN Response: The Algonquin and TETCO Interconnects are located outside of the Baldplate and Sourland IBAs, as is the Transco Interconnect. Why must the alternative route go so far west into Pennsylvania and then cross back over the Delaware River? Why can't the IBAs be avoided to the east? It's hard to believe that the illustrated alternative route that goes so far out of the way and has a much larger impact is the one and only alternative. Furthermore, has PennEast with their alternatives analysis considered long horizontal directional drilling (HDD) under forests to reduce fragmentation, trees and forest understory cut, and all the harm that comes with soil disturbance, subsequent erosion and hydrologic disturbances and wetland and stream cuts?

3. Collocation Percentage

PennEast Statement: *“Approximately 16.8 miles of the 36.3 miles in New Jersey are collocated with existing powerline or pipeline ROWs. Approximately 6.8 miles of the 16.5 miles in IBAs are collocated with existing ROWs.”*

DRN Response: It seems like more collocation with existing ROWs could be achieved considering the small percentage of the route that is currently collocated within existing footprints. However, collocation still brings with it impacts and harm and should not be looked at as a non-impact alternative especially if the pipeline is not proposed in the same already cleared ROW area. When this happens there is more clearing adjacent to the ROW, and the open cutting versus HDD through forests means just as many trees are cut along an existing and already impaired area. It may have some reduction of fragmentation benefits but any

streams in the area are also usually still open cut and ditched. Due to these impacts, collocation should not be viewed as a completely harmless mitigation method. PennEast needs to provide analysis of what long HDD under forests and waterbodies would look like in way of the impacts. This HDD method is expensive for the company which could be why its not being thoroughly looked as an alternative for natural areas but our resources are not for sale for the benefit of PennEast and the long term and subsequent slow mitigation and “restoration” takes generations. Forest experts have illustrated and provided comment on the docket of the disturbance of soil conditions and disturbance of layers and soil microbes that leave long term and permanent harm that are irreparable to sensitive forest soils. DRN has also provided comment and examples of compaction analysis in temporary work spaces that ultimately impact the once forest for decades and beyond.

4. Permanent ROW Effects

PennEast Statement: *“Native herbaceous species will be established in areas to be maintained as permanent ROW. This has the potential to benefit grassland bird species where permanent ROW intersects larger grassland tracts.”*

DRN Response: A permanent ROW intersecting large grassland tracts leads to permanent habitat fragmentation. Establishing diverse native plant species (which should be a mandatory requirement of all pipeline corridors) does nothing to mitigate the fragmentation as some grassland bird species will avoid crossing the new open area and nests may be exposed to predation by other species such as cow birds.

5. Missing Bog Turtle Information

PennEast Statement: *“There is currently no formal impact minimization plan for bog turtles at this time, because surveys to identify potential habitat for this species and presence/absence surveys in appropriate locations continue to be conducted.”*

DRN Response: On September 27, 2016, the USFWS issued a comment in response to PennEast’s DEIS. One of their comments acknowledged the third party bog turtle surveyor that identified suitable bog turtle habitat in Carbon County, PA that PennEast missed. The USFWS stated that PennEast needed to conduct Phase 2 surveys at these locations or assume bog turtle presence. This is not mentioned in PennEast’s supplemental information. What does PennEast plan to do at these locations?

6. Hunting Effects

PennEast Statement: *“Hunting could be adversely affected due to construction activities occurring during hunting seasons, primarily due to the displacement of deer from construction and noise disturbance. Once the proposed pipeline is constructed, deer harvest rates could potentially increase after construction because of increased access by hunters using the pipeline ROW to access remote areas.”*

DRN Response: The displacement of deer would likely be permanent as habitat is lost from the construction. A loss of deer habitat is a loss of places for hunters to hunt. Furthermore, PennEast needs to recognize that PA and NJ have large populations of deer which means that any reforestation attempt needs to adequately plan for intense deer pressure via herbivory of planted trees. DRN has documented similar pipeline crossings with planted saplings in the temporary work spaces and many die or suffer from continual

herbivory by deer. Bareroot saplings planted by one pipeline operator in 2011 are still, as of field inspections in November 2016, mostly 1 foot to 18 inches in height as they continually get nibbled by the deer and were planted in poor compacted soils irreparably altered by pipeline construction practices. It is unacceptable that this important stressor is not adequately considered by the pipeline operators and again another reason why HDD under forests would avoid many of these long term problems of soil disturbance and reforestation problems. It is also important to note that a forest is not just the adult canopy trees, but also the mid story and ground cover layers that seem to be forgotten when it comes to pipeline re-planting designs. If the operators were required to actually restore these temporary ROW and work space areas to pre-existing conditions they may realize that HDD is the better method to forest destruction, waterbody and hydrologic changes, and some upper layer soil disturbance from the start.

7. Missing Groundwater Seeps

PennEast Statement: *“Survey locations have been determined through consultation with NJDFW, NJDEP, and New Jersey Natural Heritage Program (NJNHP). This includes the five (5) groundwater seep areas as well as any additional seeps discovered while conducting wetland surveys within the proposed construction work area.”*

DRN Response: In DRN’s comment on the DEIS, we mentioned multiple unmapped springs and seeps. Were these taken into account? This information is not provided for thorough public review.

8. Missing Information for Federally Listed Bats

PennEast Statement: *“According to the list of caves provided in the New Jersey Geological Survey Bulletin 70 (Table I, List of Caves) and on the NJDEP Division of Water Supply and Geology’s Map Archive of New Jersey’s Abandoned Mines (Sept. 2011), there are no caves found within 0.25 mile of the Project, including the September 2016 Route Deviations, in New Jersey.”*

DRN Response: In the USFWS comment on the DEIS, they state that PennEast should not only be avoiding northern long-eared bat hibernacula by 0.25 miles, but avoiding subsurface impacts to known hibernacula, even if the impacts occur outside of the 0.25 mile surface radius. This is not acknowledged by PennEast in the supplemental information. Thorough forest inventories with multi-layer (canopy, mid layer, groundcover) tree species inventories are also not included by PennEast which would help determine reduction of bat habitat long term with the cutting of mature trees, such as shag bark hickory that bats may rely on for roosting and that is an abundant species along areas of Baldpate mountain and other regions.

PennEast Statement: *“There are no additional updates to provide on mist net surveys completed for Indiana and Northern long-eared bats at this time. On October 31, 2016, PennEast requested a determination from the USFWS New Jersey and Pennsylvania Field Offices on whether any supplemental mist net survey sites will be necessary for the current route (including the September 2016 Route Deviations); no decision has been made at this time.”*

DRN Response: Regarding the Indiana bat, the USFWS already stated in their comment that, “the Service is unable to make effects determination conclusions for Indiana bat because information we have is not complete. Without survey information from all sites in Pennsylvania, the Service cannot assess the overall

effects of the Project on the Indiana bat. Therefore, the Company can either assume presence of this species on land parcels they are unable to access and implement avoidance measures, or complete surveys to provide further information about these parcels.”

Regarding the northern long-eared bat, the USFWS stated that, “Similar to the Indiana bat, no specific details on the survey results are provided in the DEIS and additional information is still being sought about summer and winter habitat for this species.”

It is puzzling why PennEast says there are no additional updates to provide on mist net surveys when the USFWS was clear that more information is required.

PennEast Statement: *“Based on bat surveys completed to date, summer roost trees were identified using radio-telemetry for northern long-eared bat in a wooded patch located 0.18 mile away from the Lambertville Lateral MP 1.3, from which four (4) bats were documented emerging. No other maternity colonies have been identified at this time.”*

DRN Response: What about winter habitat? Northern long-eared bats are clearly documented as present in the route of the pipeline. In the USFWS comment, the agency states that they are unaware if PennEast is planning to rely upon the findings of the Section 7 programmatic biological opinion for the NLEB 4(d) rule. Is PennEast planning on following this rule? Why was this not clear in communication with the USFWS? This rule provides a framework for take prohibitions and exceptions - <https://www.fws.gov/Midwest/endangered/mammals/nleb/pdf/BOnlebFinal4d.pdf>

9. Missing T&E Mussel Information

PennEast Statement: *“Nevertheless, pursuant to the request of the NJDEP, surveys have been completed for freshwater mussels in the Delaware River. The survey plan was submitted to the NJDEP and to PFBC in August 2016. The targeted state-listed species of concern was yellow lampmussel. However, in accordance with survey protocol, the qualified mussel surveys looked for any and all species of mussel, not just the target species. No dwarf wedgemussels were identified during these surveys.”*

DRN Response: No dwarf wedgemussels were identified during these surveys, but was the yellow lampmussel? This was apparently the targeted species but no results are given. The qualified mussel surveyor looked for any and all species of mussel but it is unclear which species were found. In DRN’s comment of the DEIS, we mentioned that 8 species of NJ state threatened and endangered mussels that potentially occur throughout the route were left out of the DEIS. Were any of these species found? We also request the names/experience of the mussel surveyors as these surveys take a well trained eye as indicated by USGS mussel experts. We would also like to know the survey methods used, how long surveys were conducted per transect or survey area, etc. To our knowledge this information has yet to be provided by PennEast.

These are just some of the inadequacies we found in our expedited review of the deviations filing and Nov 27 filing by PennEast. To date, DRN has not had time to monitor any of these deviations being considered to verify information provided by PennEast.

As requested prior and above, the EIS and supplemental information posted subsequently should be denied or withdrawn and resubmitted with complete and accurate information and another adequate and open comment period for the public. New landowners now being faced with a deviation route should have significantly more time to engage in the regulatory process. In the absence of this action, Delaware Riverkeeper Network requests a longer formal comment period to review all information provided by PennEast just days ago. At least 60 days should be provided for the public to review the information supplied or better yet an open-ended timeline for comment that ensures that the public information is fully considered by FERC. Reviewing over 1,500 pages of new information in 5 working days is an unacceptable and unnecessary hurdle for the public. Finally, it would be prudent and a good business practice, that PennEast make plans to push back their shipper deadlines that are often used by the operators as an excuse to expedite, cut corners or cause harm before all permits are secured. It would be evident from this rigorous public concern that this is clearly necessary for the operator.

Thank you for your time and consideration.

Regards,

A handwritten signature in blue ink that reads "Maya K. van Rossum". The signature is written in a cursive style and is positioned above the typed name.

Maya K. van Rossum
the Delaware Riverkeeper