



Township of Holland
IN
HUNTERDON COUNTY

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September 9, 2016

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

Ms. Grace Ziesing, Senior Archaeologist
URS Corporation
625 West Ridge Pike, Ste E-100
Conshohocken, PA 19428

RE: Response to PennEast Pipeline Company, LLC's,
FERC Process Participation Request
Dated March 11, 2016

Dear Ms. Bose and Ms. Ziesing:

We have received URS Corporation's December 9, 2015, letter requesting Holland Township's participation in the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) process for the PennEast project as an "interested party." That letter ignores the law. As mandated by the National Historic Preservation Act (16 U.S.C. § 470, et seq.), the township has the right to participate as a "consulting party" for the PennEast project.

The Township responded to that letter on December 18, 2015, confirming the Township's wishes to participate. An additional letter dated January 29, 2016, identified our cultural and historic resources on or near the pipeline route.

Under NHPA regulations, "the representative of a local government with jurisdiction over the area in which the effects of undertaking may occur is entitled to participate as a consulting party." 36 C.F.R. § 800.2 [emphasis added]. Holland Township is a local government as defined by the regulations and the Township is the representative for NHPA consultation purposes. Therefore, the Township has a right to consulting party status and does not accept the legally insufficient "interested party" status.

As a mandatory consulting party, the Township has the right to review and consult on PennEast's factual findings during the NEPA process. This includes findings related to the identification of impacted historic sites, the calculation of the level of adverse impacts, and the

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determination that impacts can be mitigated. 36 C.F.R. § 800.8. The township is aware that PennEast has already conducted some archaeological field surveys, yet the reports documenting these surveys were not provided to the Township. As a mandatory consulting party, the Township has a right to review and comment on these reports. The Township requests PennEast provide a copy of all previous reports and that PennEast continue providing future reports as soon as they are prepared.

The Township asks that FERC and PennEast immediately recognize its status as a consulting party and provide all relevant documentation for the Township's review. Failure to do so would violate NHPA's requirements. Under the regulations, a consulting party must be involved beginning "at the early stages of the project planning" so the party can fully consult on all stages from identifying historic sites, conducting surveys of those sites, and mitigating impacts. 36 C.F.R. § 800.1, et seq. FERC has already substantially delayed recognition of the Township as a "consulting party" until very late in the NEPA process, in direct contradiction to the NHPA regulations' mandate.

Because FERC and PennEast failed to involve the township at the early stages, and the latest archaeological survey report was provided to the NJHPO but not the Township six months ago, we have been deprived of involvement in important NHPA stages, in violation of our rights as a consulting party. If we had been involved at the beginning of the NHPA process, we would have had more than a year to review and consult on PennEast's findings as they were released. Since our involvement has been needlessly delayed until nearly two years after the NJHPO began its consultation, we insist that we be given at least six months to review and comment on any reports that have been completed before any DEIS is issued that evaluates potential effects on historic properties. No lesser amount of time would meet FERC's mandate under the Section 106 process: to "ensure that the section 106 process is initiated early in the undertaking's planning, so that a broad range of alternatives may be considered during the planning process for the undertaking." And even this length of time is less than we would have received if we had been properly consulted "at the early stages of planning." 36 C.F.R. § 800.1. Failure to grant us adequate time to review and comment would prevent both FERC and us from fully meeting the purposes and requirements of NHPA consultation.

Sincerely,

HOLLAND TOWNSHIP COMMITTEE

Ray Krov

By: _____

RAYMOND KROV, Mayor

/pmh

cc: Jeff England, UGI
Bernard Holcomb, URS
Katherine Marcopul, NJHPO
John Eddins, ACHP