



COUNTY OF MERCER

DEPARTMENT OF PLANNING

McDade Administration Building, Room 412
640 South Broad Street, PO Box 8068
Trenton, NJ 08650-0068
Phone 609-989-6545 Fax 609-989-6546

BRIAN M. HUGHES
County Executive

KELVIN S. GANGES
Chief of Staff
LESLIE R. FLOYD
Planning Director

ANDREW MAIR
County Administrator

September 12, 2016

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

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

Dear Secretary Bose:

Mercer County, as an intervener in this process, would like to take this opportunity to reiterate our concerns about the Draft EIS for the proposed PennEast Pipeline. As stated in our letter dated August 17, 2016, attached, we find that the DEIS has been issued prematurely as it is woefully incomplete and lacks substantive information for public review and comment.

Mercer County is the owner of several properties, of which some are located within national register historic districts, that will be directly affected by the proposed route of the pipeline. Among these are Baldpate Mountain, located within the Sourlands Mountain planning district, and the adjacent Howell Farm. Baldpate Mountain is home to settlements dating to the 17th century and archaeological resources have been identified and there is potential for these resources to be uncovered, documented, and interpreted in the future. The earthwork necessary for the installation of the pipeline has the potential to harm potential resource sites including the landscape in which they are located.

Howell Living History Farm is located within the Pleasant Valley Historic District and serves as the primary interpretive anchor. Over the last 30 years Mercer County has actively acquired adjacent lands and buildings to ensure the preservation of the historic landscape and to enhance the experience for the thousands of school children across the region and other visitors from across the nation who visit the farm each year. The introduction of the PennEast Pipeline has the potential to impact this historic landscape and significantly detract from and diminish the visitor experience. Although recent historic studies prepared by PennEast's consultant identify properties specifically within the 400 foot buffer, for properties with historic districts that are directly impacted by the pipeline, and especially for contributing properties within those districts, we urge PennEast to expand their study beyond the 400 foot buffer and consider visual impacts to these properties due to changes that will take place in the landscape.

Furthermore, we acknowledge the role that Hopewell Township must play as a "consulting party" under NEPA and NHPA as it relates to the historic resources of the impacted lands and we strenuously object to proceeding with the DEIS until Hopewell Township and their Historic Preservation Commission become full participants in the review process as provided under the law and governing regulations. In addition, we note that PennEast will be required to perform archeological work for every access road that is

constructed in connection with construction of the pipeline. It is imperative that there be appropriate oversight from all interested parties including the NJ State Historic Preservation Office and/or a qualified representative from local government including Mercer County and Hopewell Township when this work is performed.

The Mercer County Agricultural Development Board has reviewed the FERC Draft EIS for the PennEast Pipeline for its effect on agricultural lands in Mercer County. The Board strongly objects to the not less than 24-hour notice statement found in DEIS section "**2.3.1.2 Special Construction Procedures**" that reads: "Prior to construction, PennEast would provide landowners and tenant farmers of active agricultural lands with advanced notice of construction activities. The advanced notice would not be less than 24 hours." Instead, Board members contend that advance notice of construction activities must include the following: 1) a minimum 30-day notice to an agricultural land owner/operator; 2) a thorough delineation of the area to be impacted; and, 3) an estimate for the length of time that work will be conducted on the property. While these steps will not relieve the farmer from the significant impact of the pipeline intrusion, they will permit the farmer to plan appropriately for the disruption to their agricultural enterprise. In addition, PennEast must ascertain the soil profile prior to disturbance on agriculture lands in order to restore the soil back to pre-construction conditions.

Mercer County shares the concerns of Hopewell Township related to the proposed pipeline including those related to the impact on well water and waterbodies, local and County roads and the impact of blasting.

As evidenced by Hopewell Township's Environmental Resource Report and a NJDEP map of water purveyors, Hopewell Township "primarily relies on private well(s)." We encourage PennEast to obtain records from local health agencies and water watch groups and analyze existing well data. PennEast should have conducted a search of the records at the various townships for records of well drilling permits. Under New Jersey law all new wells require the driller to submit an "as built description" and report any decommissioned wells to the NJDEP. In addition, private, potable well data is available from NJDEP that includes wellhead or residential front-door coordinates. The DEIS does not contain the location of many of these private wells. In accordance with NEPA requirements, specifically that this information is readily available, we expect that this information ought to have been part of the DEIS.

Furthermore, PennEast should be required to collect and provide baseline data for groundwater and drinking water contaminants especially for arsenic. The pipeline's 400 foot buffer intersects at least 93 parcels and 44 structures. It is recommended that local health departments be present to witness well water monitoring and sampling, samples should go to an agreed-upon certified laboratory, and local agencies should review and be stakeholders in the Well Monitoring Plan prepared by PennEast. The risk of arsenic in groundwater at levels above baseline during and after pipeline construction exists. Therefore, it is good public health procedure to include the Hopewell Health Officer at the beginning of PennEast's planning for potential contamination scenarios and procedures to remove arsenic from individual wells should contamination become a problem.

Mercer County is concerned about the impact of the proposed pipeline on all waterbodies including those of ecological and recreational importance. In particular, PennEast has not submitted proposed crossing methods for waterbodies with contaminated sediments. PennEast proposes to obtain their permit and then address sampling and related issues if and when necessary. This approach is inadequate and contrary to the dictates of NEPA. The DEIS relies on PennEast to determine the method for crossing waterbodies of ecological or recreational importance. Without detailed information it is not possible to understand the impacts or evaluate the environmental implications of the methods or to consider alternatives. In addition, despite the number of mitigation plans that are proposed, there is no discussion of cross-contamination of invasive species during hydrostatic testing. Even if this is not a possibility, such a

situation should be addressed. This can also occur during pumping for dam construction across waterbodies. We are interested in knowing the source of alternative water sources for hydrostatic testing if streams are dry.

PennEast's Traffic Management Plan is scheduled for completion after final approval of the DEIS and prior to construction of the pipeline. Many of the roads that will be affected by construction, including those from which access roads will be added, are two-lane rural roads. PennEast should be required to list the number of existing road miles that will be impacted by construction vehicles and delivery trucks and further to repair any damage done to these roads at their own expense. It is essential that Hopewell Township and Mercer County be involved in the development of the traffic management plan now to begin to address circulation, detour and safety concerns. A clearly articulated schedule for construction and related activities is needed by local governments.

The DEIS states that excess rock will be hauled to the nearest quarry. Mercer County owns the quarry in Hopewell Township. The quarry is operated by Trap Rock under a lease with the County that runs until April 2023. Mercer County must be included in all planning prior to construction, and as an owner of the quarry land, during construction must be consulted if and when excess rock must be stored as a result of blasting operations.

The proposed project threatens to fragment the forest which will result in additional edge habitat. This undermines years of preservation effort to create a contiguous forest habitat. Therefore, FERC should require PennEast to conduct a long-term study of edge habitats in the Sourlands. In the event of injuries to wildlife, PennEast is directed to work with the Mercer County Wildlife Center, a state and federally licensed facility that cares for injured, ill, and displaced native wildlife.

Should this project proceed, there will be a need for close communication and coordination. Mercer County requests the implementation of the following: a mechanism that communicates the timely issuance of permits by state and federal agencies to local governments; provision of all plans, surveys, and studies that are not part of the EIS to all local agencies; the creation of a website by State and Federal agencies that displays weekly status reports provided by PennEast from implementation planning to end of restoration activities.

The DEIS references that the pipeline will directly impact the County's Pole Farm property. The Pole Farm is not impacted by the Pipeline. The pipeline crosses no public lands at MP 113.5 as stated in the DEIS. The correct name of the parcel, as referenced in the DEIS is the Blackwell Farm. The Blackwell Farm, according to current tax records, is owned by PennEast.

Notwithstanding the foregoing, the County believes that the DEIS is premature and incomplete and the comment period was, and remains, inadequate. We urge FERC to require PennEast to complete the necessary reports and studies and reissue a revised DEIS for public review and comment.

Sincerely,



Leslie R. Floyd
Planning Director



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August 17, 2016

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

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

Dear Secretary Bose:

Mercer County is a major land owner along the proposed route of the PennEast pipeline and an intervener in this proceeding. Mercer County Executive Brian Hughes opposes construction of the pipeline and has barred access to County-owned lands.

The PennEast pipeline is a large and complex project with profound implications for our community and its natural resources. Despite the length of the DEIS, the document itself is incomplete and inadequate. The DEIS is lacking in specific information and numerous plans are referenced but are not included. The DEIS does not include specific mitigation plans for Noise, Blasting, Traffic and dozens of other items that need to be filed either before approval of the EIS or prior to construction.

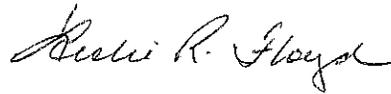
Notwithstanding the lack of specificity, FERC concluded that the effects of the development can be appropriately mitigated. I believe that finding is premature and a violation of both FERC's own Guidance Manual for Environmental Report Preparation and the National Environmental Policy Act (NEPA). The fact that FERC concluded all the impacts would be at "less-than-significant levels" and could be adequately addressed through "mitigation measures" even in the absence of any substantive mitigation plans suggests that FERC has not undertaken a critical review of the potential effects of this project.

While Mercer County opposes construction of the PennEast pipeline, it is our responsibility to review and comment upon a project with the potential to change our landscape. FERC's website contains an EIS Pre-Filing Environmental Review Process flowchart which indicates that public comment is only sought at the DEIS stage. The majority of the mitigation measures that are not currently part of the DEIS, once submitted by PennEast, will become conditions of the Certificate without further review or comment. I urge FERC to withdraw the DEIS at this time. The DEIS should not be reissued until PennEast provides complete and adequate information consistent with the requirements of FERC guidance and NEPA and the revised document should once again be published for public comment. Further, it is unclear when or if the mitigation documents will be submitted to public agencies for review and whether there will be ongoing discussion of issues as they arise should construction occur.

The timing of the release of the DEIS and the extraordinarily short comment period reflect an indifference towards receiving thorough public scrutiny and comment. If the DEIS is not withdrawn and revised, I urge FERC to extend the comment period to permit local officials, affected landowners and the public at large to comment once all missing information is made available by PennEast.

On behalf of Mercer County and the County Executive, I respectfully request the withdrawal of the DEIS and the completion of the work by PennEast so that a revised DEIS could receive adequate public review and comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Leslie R. Floyd".

Leslie R. Floyd
Planning Director