

D&R GREENWAY LAND TRUST



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August 15, 2016

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Honorable Norman Bay, Chair
Federal Energy Regulation Commission
888 1st Street, NE
Washington, DC 20428

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RE: Docket CP15-558, PennEast Pipeline Project

Secretary

Adrian Huns

Dear Chairman Bay,

Assistant Secretary

Margaret T. Harper

D&R Greenway Land Trust is a nonprofit 501(c)(3) land conservancy based in Princeton, Mercer County, New Jersey and a registered intervenor. We have been working to preserve lands for their habitat, natural resource and recreational values for the past 25 years in Central New Jersey and take seriously our legal and ethical responsibility to defend the conservation values of the lands we have placed into permanent preservation.

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We are writing to ask that FERC withdraw the PennEast Pipeline Project Draft Environmental Impact Statement (DEIS) due to a lack of critical information from which to draw conclusions. As you are aware, the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, is our basic national charter for protection of the environment. NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA.

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The DEIS acknowledges that it lacks environmental data and mitigation measures for a multitude of environmental resources including, but not limited to, inventories of working and abandoned mines, water wells, springs, and vernal pools; HDD design and contingency plans; geotechnical investigations of various types; mitigation measures for waterbody flow increases and karst impacts; accurate assessments of wetland impacts; and data, surveys, and analyses regarding endangered and threatened species. However, the DEIS contains conclusions that the project would not have significant impacts on the very same resources that are lacking in data. For example, with respect to water resources, the conclusion is "... *the Project is not expected to significantly impact groundwater, surface water, or wetland quality or quantity during construction or operation with implementation of PennEast's proposed mitigation measures as well as our recommendations.*" However, these very same resources are not adequately identified, inventoried, or even addressed by a mitigation plan in the DEIS.

In Memoriam

Brian H. Breuel
Chair 2014-2016

Charles M. Hartman
Chair 2002-2004

Neil Upmeyer
Chair 1998-2001

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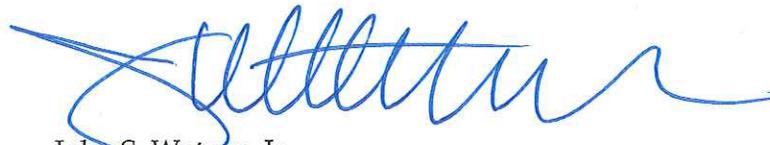
The discussion of threatened and endangered species also exemplifies how conclusions have been drawn without the proper information to make an informed decision. The DEIS states that *"impacts will be reduced to less than significant levels"* while acknowledging that it has not yet completed the Section 7 of the Endangered Species Act consultation process (request for consultation sent to USFWS July 25, 2016) and that data, surveys and analyses are lacking. Also, using the term *"less than significant"* is meaningless since there are no numbers or data tied to it. Given that PennEast has only obtained access to 30% or less of the route in New Jersey, it is impossible to come to any conclusions about impacts to species. Even if PennEast had access to all of the properties, their timeline would not allow adequate surveying given the secretive nature of some species (e.g., the long-tailed salamander that nests and spends most of its time below-ground) while others may shift their nesting locations (e.g., red-headed woodpecker). Therefore, it must be assumed that if the habitat structure is there, then the threatened or endangered species may be there and must be protected.

The cumulative impacts section of the DEIS touches on many issues and acknowledges that *"long-term cumulative impacts would occur on wetland and forested and upland vegetation and associated wildlife habitats."* While we find this completely unacceptable, at least it is acknowledged. However, the major problem with cumulative impacts is that the PennEast proposal is just one of many pipeline proposals in New Jersey. The issue that should be given the utmost consideration is the cumulative impacts of all of the currently proposed pipelines in the state of New Jersey. Looking at this project in isolation is not realistic when it comes to cumulative environmental impacts. With long-term impacts to our forests, wetlands, and wildlife associated with all of these separate projects, our state would be devastated and highly degraded as a result.

In summary, the DEIS is insufficient in the critical data needed to attempt to implement a project with such lasting ramifications. We strongly urge FERC to withdraw the DEIS until it contains sufficient data to fulfill NEPA's mandate of reasoned decision-making. Without having all of the available information, the DEIS is incomplete and invalid. At the very least, a revised DEIS should be issued upon receipt of outstanding critical data and extend the comment period for an additional 45 days after the revised DEIS is released.

Additionally, the DEIS should consider the cumulative impacts of all of the pipeline projects currently proposed in New Jersey.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "John S. Watson, Jr.", written in a cursive style.

John S. Watson, Jr.
Vice President