

UNITED STATES OF AMERICA

BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

PennEast Pipeline Company, LLC) **Docket No. CP15-558-000**
PennEast Pipeline Project)

MOTION FOR LEAVE TO INTERVENE

Pursuant to Rules 212 and 214 of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice and Procedure, 18 C.F.R. § 385.212 and 385.214 (2007), the Cooks Creek Watershed Association ("CCWA") files this motion to intervene in this proceeding.

On September 24, 2015, the PennEast Pipeline Company, LLC ("PennEast") filed its application under § 7 of the Natural Gas Act, 15 U.S.C. § 717f, and § 157 of FERC's regulations, 18 C.F.R. § 157.1 *et seq.*, for the proposed PennEast Project ("Project"), FERC Docket No. CP15-558-000. PennEast states that the proposed Project consists of several components, the largest of which is a new, 114-mile 36-inch diameter transmission pipeline.

I. COMMUNICATIONS AND SERVICE

All communications, pleadings, and orders with respect to this proceeding should be sent to the following individual:

Jordan B. Yeager, Esq.
Lauren M. Williams, Esq.
Curtin & Heefner LLP
2005 S. Easton Rd., Suite 100
Doylestown, PA 18901
Tel: 267-898-0570
Fax: 215-340-3929
jby@curtinheefner.com
lmw@curtinheefner.com

II. INTEREST OF PETITIONER

In support of its motion to intervene, CCWA states that it is an all-volunteer, non-profit organization established in 1974 to protect, preserve, and improve the quality of water, land and life in the Cooks Creek watershed. CCWA seeks to intervene on its own behalf and on behalf of its members and its board.

The Cooks Creek watershed is located primarily in northern Bucks County, Pennsylvania, with portions of the watershed extending into southern Northampton County. The watershed consists of an approximately 30-square-mile limestone valley that ultimately feeds the Delaware River. The Cooks Creek watershed is unique in the Delaware Valley because of the exposed limestone and karst topography, making it home to a number of rare and endangered species. This limestone valley is capped north and south by granite ridges, creating a seam of springs that feed numerous headwater streams and wetlands and keep the water in Cooks Creek unusually clear, clean, and cold.

The Cooks Creek Watershed has been designated as an Exceptional Value Cold Water Fishery under the Pennsylvania Chapter 93 Water Quality Standards and is home to the only Class A wild brown trout and native brook trout fishery in Bucks County. Cooks Creek Watershed is home to numerous rare and endangered species, including several rare reptiles and amphibians. The Cooks Creek Watershed was rated Priority 1 in the 1999 Bucks County Natural Areas Inventory, is part of Heritage Conservancy's Lasting Landscapes® program, and has been designated as an area of special concern by the Highlands Coalition. Several recent studies conducted by the Durham Township Environmental

Advisory Council (DTEAC) have indicated that the biological communities within Cooks Creek Watershed are sensitive to changes in water quality and quantity. The underlying geology is mostly limestone, and contains a high quality drinking water aquifer that is the sole source of drinking water for the majority of the residents.

Land use in the watershed is mostly agricultural and rural residential. Water usage in the watershed is mostly residential, with a small water authority in Springfield Township that obtains its water from the springs that abound along the limestone/granite interface that surrounds the watershed.

CCWA members live, work, and recreate in the watershed, and have invested significant time and energy into protecting and improving the watershed and the communities that depend on it. CCWA is currently involved in regional planning efforts that will ensure the long-term protection of the creek. Members are currently active in local government in Durham, Springfield and Lower Saucon townships. CCWA members spearheaded the effort to found Environmental Advisory Councils (EACs) in all three townships and hold positions as members of Planning Commissions and on the Board of Supervisors. In 2002, the Cooks Creek Watershed Protection Plan was approved by the Pennsylvania Department of Conservation and Natural Resources (PA DCNR). This award-winning plan was the culmination of over three years of study and more than 1000 hours of volunteer effort, mostly on the part of CCWA members. In addition to the plan, the project involved the creation of a Geographical Information System (GIS) mapping system.

The Project's current proposed route crosses part of the Cooks Creek watershed. Further route adjustments may bring the Project even further into the watershed. CCWA seeks to participate to *inter alia* address its concerns and its members' concerns about the Project.

Among other concerns, the Project will negatively impact the significant investments that CCWA and its members have made in protecting and improving water quality in the watershed. The Project will also negatively impact the recreational, aesthetic, and commercial interests of its members. For example, erosion from pipeline development and associated vegetation removal are serious threats to the watershed's integrity. Erosion and vegetation removal will also negatively impact the native brook and wild brown trout species that rely on clean, cold water for their habitat as sedimentation and vegetation removal cause the water to warm up and to become more turbid. As a limestone watershed with karst topography, pipeline development poses a more significant risk of harm to groundwater quality in the area, and most residents rely on groundwater for household use.

Other interests of CCWA that will be impacted by the proposed Project, and further description of CCWA's concerns about the Project, are further detailed in the attached resolution, which was filed with the Commission in January 2015 during the pre-filing process.

It is in the public's interest that CCWA takes part in this proceeding as a full participant.

III. CONCLUSION

Wherefore, the Cooks Creek Watershed Association respectfully requests that the Commission grant its Motion to Intervene as a party with full rights to participate in all further proceedings.

Date: October 21, 2015

Respectfully submitted,

/s/ Lauren M. Williams
Jordan B. Yeager, Esq.
PA ID No. 72947
Lauren M. Williams, Esq.
PA ID. No. 311369
Curtin & Heefner LLP
2005 S. Easton Road, Suite 100
Doylestown, PA 18901
Tel.: 267-898-0570
Fax: 215-340-3929
jby@curtinheefner.com
lmw@curtinheefner.com

COOKS CREEK WATERSHED RESOLUTION ON PENNEAST PIPELINE PROPOSAL

The Board of Directors of the Cooks Creek Watershed Association, in keeping with its mission of stewardship for the resources and quality of life in the Cooks Creek Watershed, has reviewed the PennEast Pipeline proposal.

Whereas, The Cooks Creek Watershed, located in Springfield, Durham, Williams, Lower Saucon, Upper Saucon and Haycock Townships of Bucks, Lehigh and Northampton Counties, is an Exceptional Value Watershed as defined by Section 92 of the Code of the Commonwealth of Pennsylvania, and

Whereas, the Cooks Creek Watershed is managed under an approved and award-winning Watershed Protection Plan, endorsed by Durham and Springfield Townships in 2002, and

Whereas, the Cooks Creek Watershed Association is a registered 501(c)(3) non-profit corporation, governed by a Board of Directors elected from the 125 family membership since 1973, and

Whereas, the mission of the Cooks Creek Watershed Association is to educate and advocate for the conservation and protection of natural and scenic resources of the Watershed and quality of life for its environs, for its members, and therefore

Find the proposed PennEast Pipeline to be in conflict with its mission for the following reasons:

1. The Cooks Creek Watershed Protection Plan, approved by the Commonwealth of Pennsylvania and signed by the Supervisors of both Springfield and Durham Townships in 2002, clearly demonstrates the sensitive nature of the abundant natural resources in the Watershed and a local commitment for their long term protection.
2. The Cooks Creek Watershed is a protected and highly valued Exceptional Value Cold Water Fishery of the Commonwealth of Pennsylvania. As such, it is required by Commonwealth Law that no degradation in quality of the surface water (and associated groundwater) of the Cooks Creek be allowed by any development project. Maintenance of the right-of-way of the pipeline will require the removal of vegetation and application of pesticides, both of which have been shown to impact both surface and groundwater resources. Heavy equipment, and associated storage of petroleum products, is another potential threat in sensitive areas. It is incumbent on the developer to prove that this project will not alter surface or groundwater quality during construction and throughout its lifetime.
3. As determined by the Commonwealth of Pennsylvania and the Environmental Protection Agency, healthy headwater areas are critical to the overall health of watersheds. While it is understood that the final route of the pipeline is not yet determined, all of the proposed routes either cross or abut headwater areas of the Cooks Creek Watershed. Construction and maintenance of pipeline rights of way are detrimental to surface and groundwater resources, particularly in sensitive headwater and wetland areas. Any final pipeline route must avoid these areas.

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4. Erosion resulting from development is one of the critical threats to the health of the surface water system of the Cooks Creek. The construction of the pipeline would result in the removal of vegetation, including forests, resulting in the disruption of friable alkaline soils that are prone to erosion. Maintenance of pipeline rights of way frequently involves controlling the re-establishment of natural vegetative cover that is essential for the prevention of erosion.
5. Limestone geology, and the associated soils, is an important feature of the Cooks Creek Watershed. This geology buffers the surface waters of the Creek, provides fertile soils that promote agriculture and forests, and filters drinking water. A limestone valley runs from Lower Saucon Township to Riegelsville along the Route 212/412 corridor. The significant construction activities proposed could adversely affect underlying groundwater quality as pollutants travel quickly through porous limestone. Karst formations in the limestone are particularly sensitive to heavy construction activities and the removal of vegetation. The proposed routes either abut or cross properties that are underlain by limestone and karst formations.
6. Standard management practices of pipeline rights of way often encourage the growth and spread of noxious invasive plants. In keeping with the Exceptional Value status of the Watershed, we require that an invasive species management plan be produced for the pipeline right of way that actively controls invasive plants and encourages native plants with a minimal use of pesticides or other chemicals. The responsibility for the development and implementation of this plan should not rely upon local volunteer labor as has been suggested in other projects.
7. The Cooks Creek Watershed is a documented home to numerous rare and endangered species of both plants and animals. Many of our protected natural areas were chosen specifically because they provide habitat for these species. Any pipeline route must be carefully chosen to avoid critically sensitive wetlands, headwaters, forests and other lands that provide a home for populations of state or federally listed threatened, rare or endangered species.
8. Habitat fragmentation is a well-documented threat to natural ecosystems. Pipeline rights of way inherently fragment habitat. The proponents for the pipeline must demonstrate that their development has avoided fragmentation of habitat.
9. The Cooks Creek is one of the last, if not the last, native brook trout fisheries remaining in southeastern Pennsylvania. If permitted, construction of the pipeline must be performed in such a manner as to avoid runoff, erosion or any other hydrologic impact to the surface waters of the Cooks Creek, so as to protect this unique native brook and wild brown trout Exceptional Value cold water fishery.
10. Taxpayers have provided millions of dollars to purchase, lien and otherwise protect open space in the Cooks Creek Watershed and surrounding lands. The Open Space program is designed to preserve our natural scenic beauty, provide wildlife habitat, protect agriculture, and otherwise ensure the perpetuation of our quality of life - not to provide a convenient

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route for energy rights of way. We consider energy rights of way to be inconsistent with the intent and spirit of the program. Any final route of the pipeline must not cross lands that have been preserved as open space, particularly those preserved with the expenditure of public funds.

11. Prime agricultural land and associated soils are a protected critical resource in Pennsylvania. The agricultural heritage of the townships in and surrounding the Cooks Creek Watershed is widely acknowledged and valued. Prime agricultural soils are critical to a viable agrarian economy and are a finite resource; consequently many townships in and surrounding the watershed have enacted ordinances that protect these resources. Any final route of the pipeline must avoid disturbance of prime agricultural soils.

12. The groundwater aquifer that underlies the Cooks Creek Watershed and surrounding lands is an integral part of the surface water of the Cooks Creek, and provides unusually pure drinking water for the residents of the area. Several municipalities, including Riegelsville and Springtown, have public water supply wells that draw from the aquifer that underlies the proposed route. Disruption of overlying soils, compaction by heavy equipment, removal and prevention of re-establishment of native vegetation and heavy use of pesticides are all inconsistent with both the use of this aquifer as a drinking water source and with the Exceptional Value status of the watershed.

The Cooks Creek Watershed Board of Directors, representing its members as citizens of Williams, Durham, Springfield and Lower Saucon Townships, finds the proposed PennEast Pipeline to be a potential threat to the Cooks Creek Watershed and environs and resolves that:

1. The lands, surface waters and aquifer of the Cooks Creek are sensitive resources that are inconsistent with this proposed land use. We strongly discourage the approval of any route for the PennEast Pipeline which crosses or impacts the Cooks Creek Watershed.
2. If the PennEast Pipeline Project is permitted by federal agencies:
 - a. The proponents of the PennEast Pipeline must develop and present to the public a plan to avoid and/or fully mitigate, if necessary, any impacts to our sensitive resources; and that
 - b. All plans and strategies for the construction and maintenance of the PennEast Pipeline must be produced and coordinated in a forthright and transparent manner that allows and encourages full participation of the citizens, municipalities and organizations in the impacted area; and that
 - c. The developers, contractors, owners and shareholders of the PennEast Pipeline must remain responsible for the short and long-term impacts to the lands, waters and resources of the Cooks Creek Watershed and its environs in perpetuity; and that

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d. All costs for the prevention, mitigation, repair or implementation of any plans for same must be the responsibility of the owners and operators of the PennEast Pipeline, its subsidiaries and assigns. Reliance upon volunteer labor to implement mitigation strategies is wholly unacceptable.

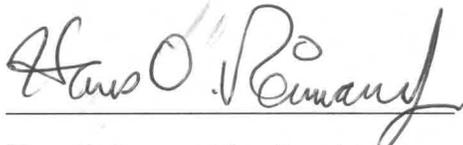
Signed this 5 day of January, 2015



W. Scott Douglas, President



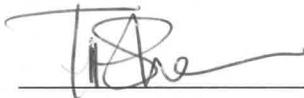
Stephen Smith, MD



Hans Reimann, Vice President



Ellie Scheitrum



Timothy Shannon, Treasurer



Rose Strong



Lois Oleksa, Communications



James Orben

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Date: October 21, 2015

/s/ Lauren M. Williams
Lauren M. Williams, Esq.
PA ID. No. 311369
Curtin & Heefner LLP
2005 S. Easton Road, Suite 100
Doylestown, PA 18901
Tel.: 267-898-0570
Fax: 215-340-3929
lmw@curtinheefner.com