



TOWNSHIP OF HOPEWELL

MERCER COUNTY

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August 16, 2016

Honorable Norman C. Bay, Chair
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

**Re: Docket CP15-558-000
Proposed Gas Pipeline
PennEast Pipeline Company LLC
Hopewell Township, Mercer County**

Dear Mr. Bay:

The draft environmental impact statement (DEIS) in the above referenced matter has been issued. The issuance of this draft DEIS contradicts National Environmental Policy Act (NEPA), 42 U.S.C. 4321, et seq. The overarching goal of NEPA is to “insure that environmental information is available to public officials and citizens before decisions are made. . . [and] [t]he information must be of high quality.” 40 C.F.R. 1500.1(b):

- NEPA requires a “systematic, interdisciplinary approach which will insure the integrated use of natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man’s environment.” 42 U.S.C. §4332.
- NEPA requires FERC to take a “hard look” at the impacts. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989). A “hard look” includes information necessary to evaluate environmental impacts and incorporates that information into the DEIS.

Council on Environmental Quality (CEQ) regulations on unavailable information are clear. If the information is obtainable and relevant to the project the agency must wait and obtain the information. 40 C.F.R. 1502.22. Without having all of the available information the DEIS is incomplete and invalid. *Public Employees for Environmental Responsibility v. Hopper*, USCA CASE #14-5301 (D.C. Circuit 2016).

PennEast has acknowledged that information on the project is incomplete in its filings with FERC:

- Response 12 in PennEast's June 8, 2016 letter states:
"PennEast will continue to conduct surveys for rare, threatened, and endangered species during appropriate seasonal survey windows as specified by the applicable agency and as access becomes available."
- Footnotes for Table 6-1 of PennEast's June 8, 2016 letter state:
"Cultural resource surveys will be conducted if route variation is agreed to be preferred".
- Supplemental Response 15 in PennEast's August 5, 2016 PennEast states:
"PennEast has initiated CP and AC mitigation design efforts with a focus on performing field studies."
- Supplemental Response 67 in PennEast's August 5, 2016 states:
"PennEast has identified and continues to evaluate potential risks and mitigation measures associated with slopes with landslide potential in the Project Terrain Mapping and Geohazard Risk Evaluation Report (Report).

Paragraph 3 of this response states "The final portion of the evaluation (Phase 3), which will include field investigation and recommended mitigation measures, if required, is anticipated by the end of the first quarter of 2017.

PennEast has **not** completed all evaluations necessary to support its application.

Issuing the draft DEIS without information obtainable and relevant is inappropriate and inconsistent with NEPA. Hopewell Township, therefore, requests FERC withdraw the DEIS and await the completion of all obtainable and relevant evaluations prior to republishing the DEIS.

Thank you.

Sincerely,



Kevin D. Kuchinski, Mayor

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C: Hopewell Township Committee
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Senator Shirley Turner
Congresswoman Bonnie Watson Coleman
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