

TOWNSHIP OF KINGWOOD

Environmental Commission Meeting:
Fourth Tuesday of Each Month – 7:30pm
Municipal Building:
Corner of Rt. 519 & Oak Grove Rd.
Fax: (908) 996-7753



Address Reply To:
Cynthia Keller, EC Secretary
P.O. Box 199
Baptistown, NJ 08803-0199
Phone: (908) 996-4276

Ruth W. Foster, PhD
NJDEP Office of Permit Coordination and Environmental Review
401 East State Street
PO Box 420
Trenton, NJ 08625

September 24, 2015

Dear Ms. Foster,

We are writing to you in reference to the proposed PennEast Pipeline (FERC Docket PF15-1-000 and HOP Project # 14-4462). Specifically, there is a 60 acre NJDEP property in Kingwood Township (Block 24 Lot 8, located on County Route 519) that PennEast proposes to cut across. We realize that NJDEP has responsibility for the protection and management of many properties throughout the state, so we wanted to share our recent observations of violations on this site.

The proposed pipeline route (7/22/2015 version) would cut through the center of the property for a length of approximately 0.36 miles, through two wetlands, three intermittent streams, three hedgerows, and fields with a good diversity of species desirable to pollinators, including monarch butterflies. A 1917 report titled "Archaeology of Warren and Hunterdon Counties" shows the location of a Native American village on the neighboring property. The 400 foot pipeline corridor comes within 150 feet of the Lockatong Creek, which is a C1 stream (although the centerline is outside of the 300 foot C1 stream buffer, PennEast says they could move the pipe anywhere within the 400 foot corridor). When an Environmental Commission member visited the property on 8/14/2015, many test holes were noted and the condition of the ground showed that the areas were not restored to the condition prior to soil tests.

What are NJDEP's best practices standards for private entities that are recovering and documenting survey objects on public lands? What oversight does NJDEP require to ensure that prehistoric cultural artifacts and/or vertebrate paleontological specimens are recognized as such, reliably identified, contextual data recorded, and the objects themselves correctly handled and labeled? IF any artifacts, fossils, rocks and/or soil samples were collected by permit on public lands, those objects and associated documentation should be placed in a repository designated by NJDEP, preferably an accredited museum or research institution where they will be professionally maintained in perpetuity as a cultural and scientific resource for the people of the State of New Jersey.

We note that the activity is also in violation of Kingwood Township Ordinance 153-10C, which states, "Once a soil test has been completed, soil material shall be replaced in the excavation in the reverse

order that it was removed, restoring the original soil layers, after which the soil material shall be compacted and the area returned to the preexisting natural ground surface to the greatest extent practicable.”¹ PennEast’s project manager, Jeffrey D. England, in reference to the cultural resources survey activities states that, “Any area that is excavated for this type of survey will be restored by PennEast to a condition consistent with its condition prior to the excavation.”²

On 9/4/2015, photos and GPS points (\pm 3 meter accuracy) were taken to document some of the test holes. The attached map shows the location of 76 soil tests, although it is likely that this is only a representative sample of the tests performed by PennEast, as the individual did not have the time to check the entire site. A number of photos are attached that are illustrative of what PennEast apparently considers “restored to the condition prior to soil tests.” Not only are we concerned about the damage that has occurred on this particular property, but we are troubled if this is indicative of PennEast’s level of commitment to restoration. We are asking for your assistance in assuring that PennEast abides by State requirements, local ordinances and their own stated practices, and in remediating the damage on this site and during any other activities.

Thank you for your support in protecting the state’s sensitive and precious natural and cultural resources. Please feel free to contact us through the Environmental Commission secretary at 908-996-4276 if we can be of further assistance.

Sincerely,



Deborah J. Kratzer
Chair, Kingwood Environmental Commission

cc:

John Gray, Acting Director, NJDEP Office of Permit Coordination and Environmental Review
Judeth Yeaney, NJDEP Green Acres
Marcedius T. Jameson, Director, NJDEP Water & Land Use Enforcement
Daniel D. Saunders, Deputy State Historic Preservation Officer, NJHPO
Grace H Ziesing, Senior Archaeologist, AECOM
Frank J. Cianfrani, Chief Regulatory Branch, U.S. Army Corps of Engineers
Steve Tambini, Executive Director, Delaware River Basin Commission
Barbara Rudnick, P.G. NEPA Team Leader, EPA Region III
Cheryl A. LaFleur, Chairman, FERC
Medha Kochhar, Project Manager, FERC
Sean Sparks, Tetra Tech EC, Inc.
Anthony C. Cox, PennEast Pipeline Company, LLC
Kingwood Township Committee
Kingwood Planning Board
Kingwood Board of Health
Sal DeSapio, Kingwood Township Historian
John Barczyk, Kingwood Township General Code Enforcement Officer
Congressman Leonard Lance

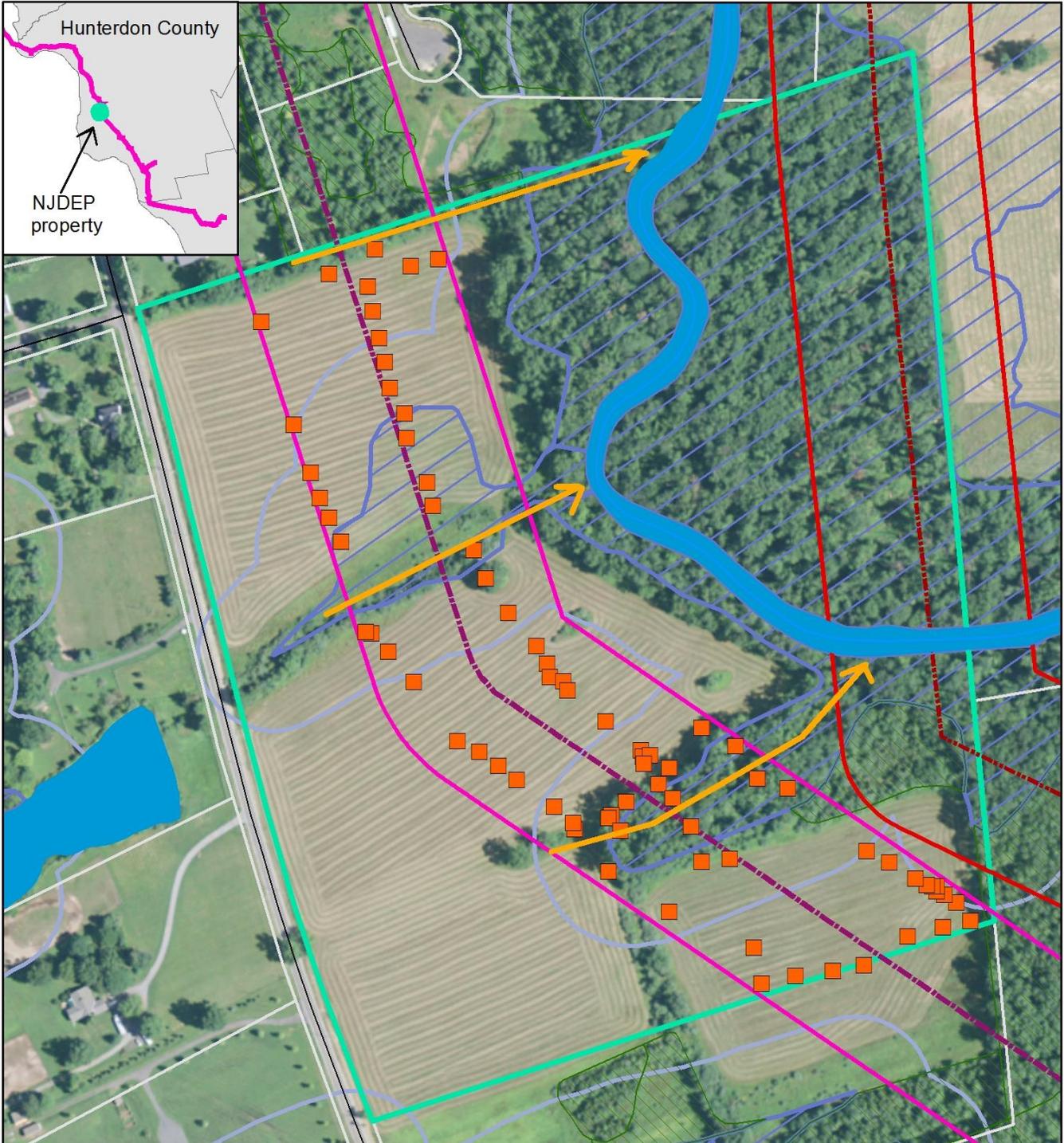
¹ <http://ecode360.com/10106827#10106827> (accessed 9/22/2014).

² Jeffrey D. England, PennEast Project Manager, letter to New Jersey Conservation Foundation, 8/11/2015. Re: NOTICE OF INTENT TO ENTER LAND TO SURVEY. <http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=13960189>.

Senator Robert Menendez
Senator Cory Booker
Assemblyman John DiMaio
Assemblyman Erik Peterson
Senator Michael J. Doherty
Hunterdon County Freeholders
Maya K. van Rossum, Delaware RiverKeeper
Jeff Tittel, Chapter Director, NJ Sierra Club
Patricia Ruby, Executive Director, Hunterdon Land Trust

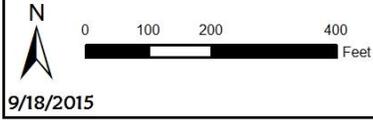
Photos of NJDEP Property located in Kingwood Township Block (24 Lot 8, located on County Route 519) were taken 9/4/2015. Photos were not altered except to reduce the file size. The ruler in the photos is 6" length.





Legend

Test Holes	Roads	PennEast Centerline - 07/22/2015 version	Forest (2012)
NJDEP Property	Water	PennEast Centerline - 03/26/2015 version	Wetlands (2012)
Parcels (2014)	PennEast 400' Corridor - 03/26/2015	PennEast 400' Corridor - 07/22/2015	Wetlands Buffer 150' (2012)
Approximate location of intermittent streams			



Data Sources: NJDEP, Hunterdon County and PennEast.
Disclaimer required for NJDEP and Hunterdon County Data:
 This map was developed using NJDEP and Hunterdon County GIS digital data, but this secondary product has not been verified by NJDEP or Hunterdon County and is not NJDEP or county authorized.

**PennEast Pipeline
 NJDEP Property
 Kingwood Block 24 Lot 8**