



204 W. State St., 3<sup>rd</sup> Fl. Trenton, NJ 08608 (609) 392 1181  
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July 20, 2015

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room IA  
Washington, D.C. 20426

RE: Docket No. PF15-1-000  
Proposed PennEast Project  
Comments on Draft Resource Report

Dear Ms. Bose:

New Jersey Audubon is one of the oldest and largest conservation membership organizations in the State of New Jersey. For over a century, our organization has been working to foster environmental awareness and a conservation ethic, protect New Jersey's birds, animals and plants, especially endangered and threatened species, and promote preservation of New Jersey's valuable natural habitats. On behalf of New Jersey Audubon, I'm writing to address several issues that have recently come to our attention regarding PennEast's *Draft FERC Resource Report 3: Fisheries, Vegetation, and Wildlife*. This report incorrectly cites, paraphrases, and omits language from the New Jersey Audubon website and publications, reducing the significance of several Important Bird Areas (IBAs) that the proposed pipeline would cross. IBAs represent areas that host birds of conservation concern and birds that tend to concentrate in large numbers. These areas often harbor other significant biodiversity and are part of a global strategy of identifying priority areas for habitat conservation; accordingly activities that cause permanent habitat disturbance, fragmentation, destruction or loss of these areas should be avoided to the greatest extent possible. This letter serves to clarify the record as it relates to our descriptions of IBAs by noting where text from New Jersey Audubon's website and publications was shortened, used selectively, or omitted.

In PennEast's report, Section 3.4.1.2 on Migratory Birds, the last sentence in the description of Baldpate Mountain IBA reads, "*This site supports a **wide variety** of breeding landbirds and **provides stopover habitat** for migratory birds (NJ Audubon, 2014).*" The text from both our website and printed materials actually reads, "*This site supports an **exceptional diversity** of breeding landbirds and **provides significant stopover habitat** for migratory birds.*" This change

of wording by PennEast diminishes the site's significant conservation value in relation to birds and the habitat they depend upon.

In addition to altering language outright, there are several other instances in this section where PennEast has selectively pieced together text from New Jersey Audubon's website, taking it out of context and tempering our account on the significance of these important areas. On our website, the IBA site guide page provides both a site description and information on bird species that use a particular site. In reference to the Pole Farm IBA, PennEast primarily uses text from the site description on our website, leaving out much of the relevant information about birds. In their report, PennEast only states that "*State species of concern norther harriers have been observed to winter here.*" This change to the wording and omission of the remaining description not only leaves out information such as the extent to which Northern Harriers use the Pole Farm, but also ignores relevant information about other species of conservation concern.

New Jersey Audubon's full description (included below), which PennEast altered and shortened, goes on to recognize the site for its use as breeding habitat for state-threatened species including Bobolink, American Kestrel, and Grasshopper Sparrow. Additionally, the site provides habitat for special concern species including Wood Thrush and Sharp-shinned Hawk and non-breeding Short-eared Owl as well as breeding habitat for species of conservation concern including Blue-winged Warbler and Chimney Swift. While many of these species are listed more generally in PennEast's *List of Migratory Species Likely Occurring in the Project Area*, not listing them in the description of the IBAs along with Northern Harrier downplays the significance of the Pole Farm as an important area for these state-listed threatened and special concern species.

New Jersey Audubon's full bird description of the Pole Farm reads:

*"As many as 11 Northern Harriers have been observed wintering at the Pole Farm. Northern Saw-whet Owls, Long-eared Owls and Short-eared Owls also winter at this site. Regional responsibility species regularly breeding in forested habitats at the Pole Farm include Wood Thrush, Eastern Wood-Pewee, Chimney Swift, Gray Catbird, Sharp-shinned Hawk, Northern Flicker and Wild Turkey. Shrub/scrub species include Blue-winged Warbler, Field Sparrow, Eastern Towhee and Wild Turkey. Grasshopper Sparrows, Bobolinks, American Woodcocks and American Kestrels nest within the site's grassland habitats."*

Additionally, in the description of the Musconetcong Gorge IBA, PennEast uses only part of New Jersey Audubon's text, selecting a portion of the site description and skipping forward to the bird description without acknowledgement of an omission. After describing the habitat and

location of the IBA, the published description states *“The Musconetcong River, a National Wild and Scenic River designated by the National Park Service, navigates through the gorge. This site is located within the Highlands Preservation Area, a region of exceptional natural resource value designated by New Jersey Department of Environmental Protection’s Highlands Water Protection and Planning Act (Highlands Act).”* This omitted portion of text provides further context and speaks to the conservation value of this IBA, in particular its function as part of a strategic conservation tract.

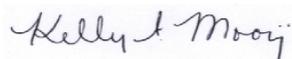
Lastly, the description of Everittstown Grasslands IBA completely leaves out the site description, and instead paraphrases the information about the location, size, and habitat before continuing with the originally published description of birds. While characteristics like size and habitat are important, it leaves out additional context that the published site description provides.

New Jersey Audubon’s description of the Everittstown IBA reads:

*“Spanning Alexandria, Kingwood and Franklin Townships, the Everittstown Grasslands is a shifting mosaic of agricultural and fallow fields. Scrub-shrub habitat characterizes a portion of the site. These high priority grasslands extend from Frenchtown to Everittstown along County Route 513 in Alexandria Township. This site is located within the Highlands Preservation Area, a region of exceptional natural resource value designated by New Jersey Department of Environmental Protection’s (NJDEP) Highlands Water Protection and Planning Act (Highlands Act).”*

In addition to these errors related to the descriptions of IBAs that the proposed route crosses, PennEast also confuses New Jersey Audubon with Washington Crossing Audubon Society regarding their comments on Baldpate Mountain.<sup>1</sup> We request a correction of the record to more accurately reflect public testimony, as well as the resources and value of the lands that would be impacted by this project.

Sincerely,



Kelly Mooij  
Vice President of Government Relations  
New Jersey Audubon

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<sup>1</sup> “The FERC received a comment from NJ Audubon about Baldpate Mountain and its importance to migratory bird” (PennEast, 2015). The comment they are referring to was submitted by Washington Crossing Audubon Society, a separate and distinct organization from New Jersey Audubon.