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State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF PERMIT COORDINATION AND ENVIRONMENTAL REVIEW
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KIM GUADAGNO
Lt. Governor

July 02, 2015

Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Mr. Anthony Cox
Penn East Pipeline Company, LLC
One Meridian Boulevard
Suite 2C01
Wyomissing, Pa. 19610 77056

**RE: Proposed Penn East Pipeline Project
FERC Docket # PF15-1-000
Comments on Draft Resource Reports
Hunterdon and Mercer Counties**

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SECRETARY OF THE
COMMISSION
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FEDERAL ENERGY
REGULATORY COMMISSION

Dear Secretary Bose and Mr. Cox:

The New Jersey Department of Environmental Protection's (Department) Office of Permit Coordination and Environmental Review (PCER) distributed, for review and comment, the Draft Resource Reports for the proposed Penn East Pipeline Project. These reports were prepared as part of the federal Energy regulation Commission (FERC) National Environmental Policy Act (NEPA) requirements. Of the total 110 mile long, 36 inch diameter proposed interstate natural gas pipeline, 35 miles is located in New Jersey. As outlined in the attached maps, the proposed pipeline crosses the Delaware River at Durham Township, Pennsylvania to Holland Township, Hunterdon County and follows a route through Alexandria Township, Kingwood Township, Delaware Township, and West Amwell Township in Hunterdon County before terminating in Hopewell, Mercer County. The project also includes a 36 inch 1.3 mile lateral connection to an existing compressor station in West Amwell Township, Hunterdon County. We offer the following comments for your consideration.

General Comment

To ensure the least amount of impact and maximum amount of mitigation and restoration feasibly possible, the Department strongly encourages co-location of any new linear utility lines in existing right of ways, directional drilling or similar methods under any water crossing, and a full alternatives analysis including temporary and permanent impacts for the route as well as for the various available construction methods.

The Department comments on the Draft Resource Reports is limited because, at this time, less than 60 % of the preferred route as proposed is to be co-located within an existing road or utility right of way. Furthermore, while a significant portion of the environmental, cultural, historic and

ecological assessment has been completed in areas in which Penn East has obtained access at this time from private and public property owners, less than 35% of the total property access along the preferred route in New Jersey has been obtained at this time. Other than required Department permits for delineation and investigation, the Department cannot complete a review of Land Use or Water Quality permits for any site preparation or construction if the potential impact surveys and mitigation and restoration plans are not completed according to Department requirements.

The Department strongly encourages Penn East to complete the surveys prior to completing the pre-filing review period and before submitting an application to FERC for a Certificate of Public Convenience and Necessity. FERC will prepare a Draft Environmental Impact Statement (EIS) for public comment, including the results of completed surveys, following their receipt of the certificate application. In addition, the Department strongly encourages Penn East to allow the Department to review a Draft Environmental Impact Statement (EIS) prior to Penn East submitting any permit application for site preparation or major construction for Department review.

Land Use

The Division of Land Use Regulation – Bureau of Inland Regulation offers the following comments:

1. Before an applicant submits this type of large scale project/application requiring a Freshwater Wetland Individual Permit and Flood Hazard Area Individual Permit, the applicant must establish a need for the project, determine the preferred route and explore viable alternative routes and must be prepared to minimize disturbances;
2. For these types of linear utility projects, the applicant must obtain easements or rights to the land along the proposed routes prior to submittal. Furthermore, the applicant must utilize all/any established right-of-ways to the maximum extent possible;
3. The Department strongly encourages Penn East submit an application to the Department for a Letter of Interpretation (LOI) at least one year prior to submittal of a Land Use permit application. An LOI is issued to establish the accurate wetland locations and resource classifications and must submit to the Department for a Flood Hazard Area (FHA) Verifications to establish the location, and associated flood fringe and riparian zones for all State open waters along the routes;
4. The applicant must identify potential environmentally sensitive areas that may have State and/or Federally listed threatened and/or endangered species habitat and perform surveys. Input should be solicited by the appropriate agency and these areas should be avoided whenever practicable;
5. As currently proposed, the route goes through regions of the State that are governed by other Commissions and regions that have an additional layer of environmental protection. The applicant shall consult with the Delaware River Basin Commission (DRBC), the New Jersey Highlands Commission (NJHC), the Delaware/Raritan/Morris Canal Commissions, and any other applicable State and federal agencies to determine any approvals or exemptions as needed;

6. The applicant must identify any potential State Historic Preservation Area (SHPA) sites; and
7. In order to minimize the environmental impacts, the applicant must be prepared to utilize a combination of direct pipe method, horizontal directional drilling (HDD), expanded conventional jack & bore drilling or open trenching in a dry condition, depending on the site conditions.

If you have any additional questions, please contact Christopher Squazzo at 609-292-1258.

Land Use Mitigation

Penn East Pre-Filing Natural Resource Reports

NJDEP - Division of Land Use Regulation – Mitigation Unit Comments I

1. Wetland mitigation is required to be conducted prior to or concurrent with a permitted activity and no regulated activities, especially construction, may occur until the Department has approved the mitigation proposals and this includes all temporary impact restoration. The Department strongly urges the applicant to identify potential mitigation sites concurrently with the alignment parcel attainment process that is currently underway. Mitigation has the potential to prevent construction activities from occurring within regulated areas, if a permit were to be issued, until such time that all mitigation proposals have been approved by the Department.
2. If the applicant is applying for a Hardship Exception under a Flood Hazard Area Individual Permit for exceeding the disturbance limits under Table C, riparian compensation proposals are required to be approved prior to issuance of a permit and this includes all temporary impact restoration. Again, the Department strongly urges the applicant to identify potential riparian compensation sites concurrently with the alignment parcel attainment process that is currently underway. Riparian compensation has the potential to prevent permit issuance, if a permit were to be issued, until such time that all riparian compensation proposals have been approved by the Department.
3. The permanent conversion of forested and scrub-shrub wetlands to emergent is considered a permanent impact that requires off-site mitigation. The permanent conversion of palustrine forested and palustrine scrub-shrub wetlands to palustrine emergent wetlands requires restoration of the area temporarily disturbed to a non-forested wetland, and in addition, one acre of mitigation in accordance with the mitigation subchapter for each acre of disturbance.
4. Based upon the potential wetland impacts presented in the Resource Report 2, a significant amount of off-site wetland mitigation would be required if permits were to be issued. The riparian impacts are always much greater than the wetland impacts for linear projects. Although no riparian impacts have been quantified at this time, the applicant should expect that significantly more riparian compensation would be required than wetland mitigation, if permits were to be issued. Again, the Department cannot stress enough that the planning process for wetland mitigation and riparian compensation should already be well underway at this time.
5. Wetland mitigation must be in-kind. For example, if a wetland with a 150 foot transition area due to wood turtle is impacted, the mitigation must provide a direct ecological benefit to wood turtles and the enhanced or created wetlands would therefore also have a 150 foot transition area.
6. Riparian compensation requires that all replanting shall be located within the riparian zone of the same water as the cleared, cut or removed vegetation. It also requires that all replanting be located as close in proximity to the cleared, cut or removed vegetation as

possible. Therefore, for example, it is inappropriate to propose compensation on a non-trout, 50 foot transition area stream for impacts to a trout production stream with a 150 transition area.

7. Riparian and wetland impacts should be broken down into greater detail than the Cowardin classification system for the purposes of determining what constitutes in-kind mitigation. Any ecological resources that afford a wetland or stream greater protection or a higher ecological classification should be identified for each wetland and riparian area along the length of the project. This information will be used to determine the appropriate mitigation and compensation that may be required if a permits were to be issued.
8. Vernal habitat areas must be identified and mapped, including the 1000 foot dispersal area. In-kind mitigation is required for any impacts to vernal habitat areas.
9. The potential for hazardous material contamination must be addressed in all mitigation proposals. A sampling plan must be approved by the Department prior to the commencement of sampling for all off-site mitigation proposals. Data shall be compared to the Ecological Screening Criteria and any exceedances identified with a proposal as to how the contamination will be addressed such that ecological receptors are not exposed to increased ecological risk.
10. Potential impacts to historic and archeological resources must also be addressed for all off-site mitigation proposals.

If you have any additional questions, please contact JoDale Legg at (609) 984-0618.

Natural Resources

The Department's Division of Natural and Historic Resources (NHR), including Green Acres, Fish & Wildlife, and the Historic Preservation Office Group, has reviewed the Draft Resource Reports

NHRG General Comment

NHR is concerned that there is insufficient information provided in the pre-filing resource reports to address potential impacts associated with the current proposed route across NJ state-owned lands/easements including those under the jurisdiction of DEP and the NJ Natural Lands Trust preserves that are adjacent to or to be crossed by the proposed pipeline. In addition, the Department has not been provided with an alternative analysis for the proposed pipeline route assessing how Penn East plans to avoid or minimize potential impacts to DEP lands, including utilizing existing utility right of ways. Penn East has only recently contacted Natural & Historic Resources to seek access permission to survey certain lots and blocks. In addition, the draft resource reports do not address other state land requirements if permission is granted for use of our lands, such as the requirements of the No Net Loss Act.

NHR has provided Penn East with survey guidelines for comprehensive data collection regarding threatened and endangered plants and animals and will provide Penn East with further guidelines on cultural resource surveys of our lands. Until NHR is in agreement with Penn East on the lands Penn East need access to, the specific state lands that cannot be avoided and, that a comprehensive survey of all required natural resources has been completed and available for DEP review, it remains challenging for NHR to provide constructive comments to these resource reports. However, NHR offers the following specific program comments. If you have any questions, please contact Robin Madden at (609) 292-5990.

**NJ Endangered and Nongame Species Program (ENSP) Review of PennEast Pipeline
RESOURCE REPORT 3, Fisheries, Vegetation, and Wildlife; April 2015
Reviewed by ENSP staff (K. Schantz, MacKenzie Hall, Sharon Petzinger, Robert Somes,
Jeanette Bowers-Altman, Brian Zarate)**

3.4.1.1 Significant or Sensitive Habitats

There is no information regarding the Northern Copperhead presence within NJ's Baldpate Mountain and Goat Hill, the location of their critical habitats or the potential impacts to their critical habitats. As such, without such features being located, it is impossible to assess the impacts of the proposed work on this rare species or to assess the proposed timeline for site preparation (including the proposed period for tree removal) and construction activities.

3.4.2 Potential Impacts and Mitigation

- Pg. 3-30: Why is Penn East expanding the time period for tree removal/clearing to August 15 – April 15?
 - Proposed time periods for any activities must consider that no wildlife surveys have yet been conducted and as such, it is impossible for the State to thoroughly review and assess the potential impacts to wildlife inhabitants within and adjacent to the proposed pipeline project-related activities or to approve any proposed time periods for activities. The proposed time periods may not be appropriate depending on the species present. For example:
 - Depending on the location of Northern Copperhead critical habitat features (dens, gestation, birthing, and basking habitats), tree removal may not be appropriate during August – September when snakes are gestating and birthing or during the winter months in areas proximate to dens.
 - Different species of birds have different breeding periods and therefore, different “safe” periods for any activity proximate to their nest sites (as outlined in examples provided within ENSP’s comments dated March 12 and again, May 6, 2015). As such, the most restrictive time period for tree/vegetative clearing should be implemented to minimize harm to the various species present; i.e., a collective assessment of species must be addressed. In particular, if multiple state endangered and threatened species inhabit the area as migrants or residents and have different “safety” periods to minimize harm to breeding and/or congregating animals, the most restrictive of the combination of times must be implemented to minimize harm. For example, if the USFWS recommends tree clearing from Sept 1 through Mar 31 for migratory birds, then that should override broader recommendations of August 15- April 15. For locations with state endangered or threatened grassland bird species, such as grasshopper sparrow, vegetation clearing must be conducted September 11 through March 14. Areas with species that may have different “safety” periods such as red-shouldered hawk and red-headed woodpecker, the vegetation clearing must occur during the most [collective] restrictive period that also apply the USFWS migratory bird recommendations. In such a case, the vegetation clearing would be conducted September 1 through February 29, 2016 (February 28 in non-leap years).
 - According to ENSP’s data, the proposed route falls within the potential range of Indiana Bat and therefore, it’s likely the USFWS guidelines for tree clearing would apply (i.e., no clearing of trees >5” dbh from April 1- September 30).

3.5 Threatened and Endangered Species

- Table 3.5-1:

- Pg. 3-32, Northern Long-eared Bat: The Pennsylvania Game Commission may be requiring cutting November 1-March 31 because of the proximity of the project area to a hibernaculum in Bucks Co (Durham Mine), where Northern Long-eared Bats have been found. This mine is >10 miles from the New Jersey route and therefore, it's likely that ENSP would be slightly less restrictive (*preferring vegetative clearing activities to occur October 1-March 31 with regard to bat species only*). The report says a meeting was planned in April with the USFWS NJ Field Office to discuss these requirements but ENSP has not been provided the results of that meeting.
- Pg. 3-33: States (in regard to Northern Copperhead), "NJ Natural Heritage Program listed as species of concern. ENSP stated no surveys required as all occurrences are on private land."
 - This is an error and was based on the originally proposed route. NJ DEP has submitted revised comments dated May 6, 2015, stating, "Northern Copperheads inhabit county lands along the currently proposed route, therefore surveys conducted by qualified personnel are will likely be required." [sic]
 - The ENSP will need detailed information pertaining to the snakes' critical habitats (dens, gestation, birthing, and basking habitats) in order to assess the potential impacts of the proposed work in these areas.
- Pg. 3-34: Identifies timing restrictions for red-shouldered hawk and barred owl but does not state that surveys will be conducted to identify nests and cavity trees per ENSP's recommendations as is stated within the text (pg. 3-44); this is confusing.
- Pg. 3-34 to 3-35, birds: Breeding Red-headed Woodpeckers (state endangered species) have been documented along the proposed pipeline in Kingwood Township, Hunterdon County.
- Pg. 3-36 regarding Dwarf Wedgemussel: ENSP disagrees with the statement "USFWS (NJ) requiring if HDD used for in-water work may avoid need to survey for mussels." While no one anticipates impacts, accidents can happen. Therefore, although HDD is much preferred, ENSP still requires mussel surveys be conducted if suitable habitats are identified so that if something happens (e.g. inadvertent return), ENSP will have an understanding of the potential impacts to occur.

3.5.1.3 State Species - New Jersey

Most of the species within this section state that surveys will be conducted during the spring 2015. If such surveys have begun, it is important for Penn East Pipeline Company, LLC to understand that ENSP has not received any proposed surveys or surveyors (as recommended per our comments) for review and comment. As such, ENSP has not been able to provide additional information regarding whether or not the survey methods are sufficient. Allowing ENSP to provide such information prior to the commencement of surveys could benefit Penn East Pipeline by identifying potential problems with survey protocols or inadequacies in surveyors; all of which could be addressed and increase the likelihood that ENSP will accept the surveys' findings.

3.5.2 Potential Impacts and Mitigation

Pg. 3-47 to 3-48:

- States, “With the use of HDD and in-the-dry construction techniques for pipeline installation, no impacts are anticipated to occur to fish, mussel, or other aquatic species of concern.”
 - Although this statement isn’t wrong, it’s not quite accurate. As previously stated above, while no one anticipates impacts, accidents can happen. Therefore, although HDD is much preferred, ENSP still requires mussel surveys be conducted if suitable habitats are identified so that if something happens (e.g. inadvertent return), ENSP will have an understanding of the potential impacts to occur.
- States, “Avoidance and minimization measures for timber rattlesnake and Allegheny woodrat may include pre-construction clearance surveys by qualified biologists.”
 - This would also occur in NJ for Northern Copperheads and *may* require daily, state-approved, venomous snake monitors on site during project-related activities.

3.5.3 Cumulative Impacts

- Pg. 3-48: Report states, “Construction disturbance will likely cause the temporary displacement of wildlife from the construction workspace and adjacent areas. After construction, wildlife is expected to return to post construction habitats. No permanent or long-term impacts to wildlife resources are anticipated.”
 - The permanent expansion of the right-of-way width will create both short- and long-term impacts to low mobile, terrestrial bound wildlife (small mammals, reptiles and amphibians). In the short-term, after construction, these animals will have a greater distance to cross making them susceptible to increased sun exposure and therefore, desiccation, and increased [visual] exposure and therefore, increased risk of predation from both avian and terrestrial predators. In the long-term, amphibians and reptiles that disperse across the right-of-way during spring will continue to have the risks related to increased exposure as grasses won’t likely provide camouflage and humidity until May. In addition, adjacent forest habitats will have a decreased “core” area as light pollution (and temperature extremes) from the expanded right-of-way now reaches further into the forest and as such, decreases the amount of forest habitat available for interior forest (and area-sensitive) species. While nothing could be done regarding the latter, Penn East Pipeline Company, LLC could develop plans for revegetation (e.g., early season grasses, shrubs, ground cover) and natural structures (e.g., rocks) throughout their right-of-way that would minimize these animals’ exposure throughout their active season.

NJDFW Bureau of Freshwater Fisheries :

The New Jersey Division of Fish & Wildlife (NJDFW) requests the Stony Brook & tributaries be crossed using the HDD method. During stream sampling, bridle shiner (*Notropis bifrenatus*) have been documented. Bridle shiner are a species of regional priority (NJ Wildlife Action Plan) and are candidate species for listing as State Threatened/Endangered. Listed freshwater mussel species have also been documented in the main stem and tributaries.

NJ DFW - Bureau of Freshwater Fisheries (BFF) would agree with the in-stream construction periods listed in Table 2A-2 **New Jersey Waters Crossed by the Project Workspace**. These

time periods (TP 6/1 to 9/30, TM & TS 6/15 to 9/30, NT 6/30 to 9/31) are outside the restricted time frames NJDFW – BFF would generally recommend.

In Section 3.2.2 **Fisheries of Special Concern**, NJ would include Trout Production (TP) and trout stocked streams.

For this project, the BFF would agree with “*NMFS requires avoidance of in-water work between March 1 and June 30 to be protective of the following fish species: Striped bass (Morone saxatilis), Alewife herring (Alosa pseudoharengus), Blueback herring (Alosa aestivalis), American shad (Alosa sapidissima)*” in NJ waters which have unimpeded access to the Delaware River, to include Fiddlers Creek, Lockatong Creek, Alexauken Creek, and Jacobs Creek, where runs have been confirmed or reported.

The NJDFW – BFF disagrees with **Table 3.2-6 Summary of New Jersey-Water Quality Classifications and Trout Designation Waters Crossed by the Pipeline Facilities** as it does not list any Trout Production (TP) streams. Table 2A-2 lists 8 (eight) TP streams crossed by the pipeline and laterals.

Also all streams are TP, TM or NT, therefore, based on the title of the table all 72 streams should be summarized.

In Section 3.2.3 **Potential Impacts and Mitigation** (p. 3-10), at bottom of page, “*In addition, in accordance with the Procedures, all in-stream work will be performed between June 1 and September 30 for cold water fisheries and between June 1 and November 30 for warm water fisheries*”. For warm water fisheries, and to match Table 2A-2, the timing should be between July 1 and November 30.

Green Acres

The NJDEP Green Acres Program is responsible for the stewardship of all State, county, municipal and non-profit owned land and easements that have been purchased with Green Acres bond funds or are otherwise encumbered under Green Acres Program regulations. Any disposal or diversion from a recreation or conservation use of Green Acres encumbered lands or the release of a conservation restriction subject to the New Jersey Conservation Restriction and Historic Preservation Restriction Act would require an application to the Green Acres Program.

The disposal/diversion application process includes a public need/public benefit analysis, alternatives analysis and compensation and mitigation requirements. The Green Acres rules require that every effort should be made to avoid the disposal or diversion of parkland. In order for a disposal or diversion to be approved, the Green Acres Program would have to find that there were no feasible alternatives for the proposed project, that there is a significant public need or benefit associated with the project, and that the project would not significantly interfere with the public's use of the parkland or adversely impact environmentally sensitive areas. These applications are scrutinized on a number of different levels within the NJDEP, by environmental groups and the public (through the requirements for public hearings) and are evaluated thoroughly.

If approved by the Commissioner, Green Acres disposal/diversion applications also require the approval of the State House Commission (a legislative commission that meets on a quarterly basis.) Conveyances of State land in an amount greater than one acre, or leases of more than 25 years, are subject to additional procedural requirements under the “Ogden Rooney” statute.

The conservation easement release process includes a similar review of alternatives, public need/public benefit analysis and compensation and mitigation requirements. Easements are released through the issuance of a certificate from the NJDEP Commissioner, which is recorded in the same manner as the easement.

Due to the brevity of the information presented in the Draft Resource Reports regarding the conditions found on potentially impacted parkland, we cannot yet evaluate if there will be adverse impacts to parkland. The Draft resource reports summarize impacted parkland parcels and provide approximate areas of disturbance but do not go into specifics regarding the conditions found within each parkland parcel.

When analyzing impacted parkland in the Resource Reports and preparing an application for the disposal of diversion of parkland, the following issues must be addressed:

- Replacement land will be required at a ratio to be determined for State parklands and Conservation Easements and pursuant to Table 1 of the Green Acres rules for county, municipal and non-profit owned parklands.
- Impacts and fragmentation of habitat to a documented occurrence of an endangered, threatened and species of special concern on parkland must be analyzed by the applicant and will be reviewed for all Green Acres encumbered parkland pursuant to *N.J.A.C.7:36-26.1(e)6*. Known *occurrences/habitat on parkland parcels should be noted in the Resource Reports*.
- Tree replacement will be required pursuant to *N.J.A.C. 7:36-26* and will be based on a square inch for square inch basis. Expected impacts to forested area on parkland parcels should be noted in the Resource Reports.
- Alternative construction techniques such as HDD should be utilized to the extent practicable to avoid/reduce parkland impacts.
- Temporary impacts to parkland will need to be restored to preexisting conditions and forest impacts will need to be mitigated for based on same tree replacement requirements as disposals/diversions.

Specific Comments regarding the information contained in Draft Resource Report #8.

1. A review of tables 8.4-1 and 8.4-2 revealed that the following parcels were not listed and may also be impacted.

County	Municipality	Block	Lot	Owner	Interest
Mercer	Hopewell	72	35	Mercer County	funded Fee
Mercer	Hopewell	59	13.03	Mercer County	unfunded Fee
Mercer	Hopewell	59	13.02	Mercer County	unfunded Fee
Mercer	Hopewell	59	5	Delaware & Raritan Greenway Land Trust	funded Easement
Mercer	Hopewell	59	4	Delaware & Raritan Greenway Land Trust	funded Easement
Hunterdon	West Amwell	28	7	State of New Jersey	Fee
Hunterdon	West Amwell	17	5	State of New Jersey	Fee
Hunterdon	West Amwell	8	14	West Amwell Twp.	funded Easement
Hunterdon	Delaware	32	4	New Jersey Conservation Foundation	Fee
Hunterdon	Delaware	32	33	New Jersey Conservation Foundation	NP funded Easement
Hunterdon	Delaware	62	11	unkown	Easement
Hunterdon	Kingwood	5.01	2	State of New Jersey	Easement
Hunterdon	Holland	24	15	State of New Jersey - Natural Lands Trust	Fee
Hunterdon	Holland	24	7	State of New Jersey - Natural Lands Trust	Fee

2. Page 8-89 references the New Jersey Conservation Funds (NJCF). This acronym actually refers to the New Conservation Foundation which is a non-profit organization that protects threatened natural areas and farmland through land acquisition and stewardship in New Jersey.

If you have any additional questions, please contact Kevin Appelget at (609) 777-4192.

Cultural Resources

HPO-E2015-364
HPO Project # 14-4462-10

Consultation regarding the proposed pipeline through Hunterdon and Mercer Counties is currently ongoing between the HPO and the Federal Energy Regulatory Commission (FERC) pursuant to their obligations under Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR §800. The HPO consults with federal agencies in identifying historic properties and developing ways of either avoiding or minimizing any potential adverse effects from federally funded, licensed, or permitted projects in New Jersey.

The HPO has reviewed *Draft Resource Report 4 – Cultural Resources*, which was submitted by the applicant to FERC on April 17, 2015 in support of FERC's Pre-filing Review Process for the proposed Penn East pipeline. According to the report, at the time of filing, archaeological survey had been completed for 30.65% of the area of potential effects (APE) for the entire bi-state project corridor. With regard to architectural survey, the report states that survey of 78% of the APE has been completed. According to the report, technical reporting of the surveys and their results will be developed when survey has been completed on properties to which access has been granted.

Based on a review of the information provided, it appears that the applicant is conducting cultural resource survey consistent with the methodology previously approved by the HPO through prior consultation. However, since cultural resource survey is ongoing, the HPO has not been provided the opportunity to review and comment on a completed Phase I cultural resource survey report. Once initial cultural resource identification-level survey has been completed and submitted to the HPO for review, then the HPO will be able to comment on the potential for the above-referenced project to affect historic properties. As Section 106 consultation proceeds, the HPO will keep the Office of Permit Coordination and Environmental Review, the Division of Land Use Regulation, and the Natural and Historic Resources Group apprised of any developments and determinations made as part of the review process.

If you have any questions, please contact Jesse West-Rosenthal at (609)-984-6019.

Water Allocation

The Department's Bureau of Water Allocation has reviewed the Draft Resource Report and Water Use and Quality and has the following comments. It appears that there will be construction related dewatering, however no details were provided. Water use for pressure testing was also mentioned but no mention of use of water for dust control or re-vegetation was found (activities typically associated with large scale construction projects). Enclosed is information regarding construction related permitting mechanisms.

If construction related dewatering is required at rates exceeding 100,000 gallons per day of water (70 gallons per minute pumping capacity) then that activity would be regulated under a short term water use permit by rule if less than 31 days, or a dewatering permit if 31 days or longer. A dewatering permit by rule may be applicable if the dewatering occurs from within a coffer dam, or similar confined space. Discharge associated with this activity is for uncontaminated water associated with only short term water use. Any discharge of construction dewatering to any surface water body would require a surface water permit. Any discharge of contaminated water would require additional permit(s) and/or would not be a regulated discharge. If you have any additional questions, please contact Jan Gheen at 609-984-3669.

Stormwater Management

A general permit for discharge of stormwater associated with construction activities, (5G3) is required from the Department. This general permit authorizes stormwater discharges from construction activities which disturb areas greater than 1 acre or smaller areas that are part of a large plan of common development greater than 1 acre. The applicant must have a certified Soil Erosion and Sediment Control Plan by each applicable County Soil Conservation District in order to have the necessary information for a complete permit application. The permit application process is available online at <http://www.state.nj.us/dep/dwq/5g3.htm>. If you have any additional questions, please contact Ronald Bannister at (609) 633-7021.

Air Permitting

An air operating permit is required for any emergency generators over 1 MMBtu as well as non-emergency generators over 37 Kw. If you have any additional questions, please contact Robert Kettig at (609) 633-3858.

Air Quality Planning

If this project requires Federal funding, permit, approval or license, then a General Conformity Applicability Analysis and possibly a Conformity Determination will be required in accordance with the USEPA's Federal General Conformity regulation. (40 CFR Part 93, Subpart B, Determining Conformity of General Federal Actions to State or Federal Implementation Plans). If you have any additional questions, please contact Angela Skowronek in the Bureau of Air Quality Planning (BAQP) at 609-984-0337.

Bureau of Mobile Sources

Diesel exhaust contributes the highest cancer risk of all air toxics in New Jersey and is a major source of NOx within the state. Therefore, NJ DEP recommends that construction projects involving non-road diesel construction equipment operating in a small geographic area over an extended period of time implement the following measures to minimize the impact of diesel exhaust:

1. All on-road vehicles and non-road construction equipment operating at, or visiting, the construction site shall comply with the three minute idling limit, pursuant to N.J.A.C. 7:27-14 and N.J.A.C. 7:27-15. Anti-idling signs to be posted at the site are available for purchase from the Bureau of Mobile Sources at 609/292-7953.
2. All non-road diesel construction equipment greater than 100 horsepower used on the project for more than ten days should have engines that meet the USEPA Tier 4 non-road emission standards, or the best available emission control technology that is technologically feasible for that application

and is verified by the USEPA or the CARB as a diesel emission control strategy for reducing particulate matter and/or NOx emissions.

3. All on-road diesel vehicles used to haul materials or traveling to and from the construction site should use designated truck routes that are designed to minimize impacts on residential areas and sensitive receptors such as hospitals, schools, daycare facilities, senior citizen housing, and convalescent facilities

If you have any additional questions, please contact Peg Hanna or Jeff Cantor in the Bureau of Mobile Sources at 609-292-2232.

Thank you for giving the New Jersey Department of Environmental Protection the opportunity to comment on the Draft Resource Reports for the proposed Penn East Pipeline Project.

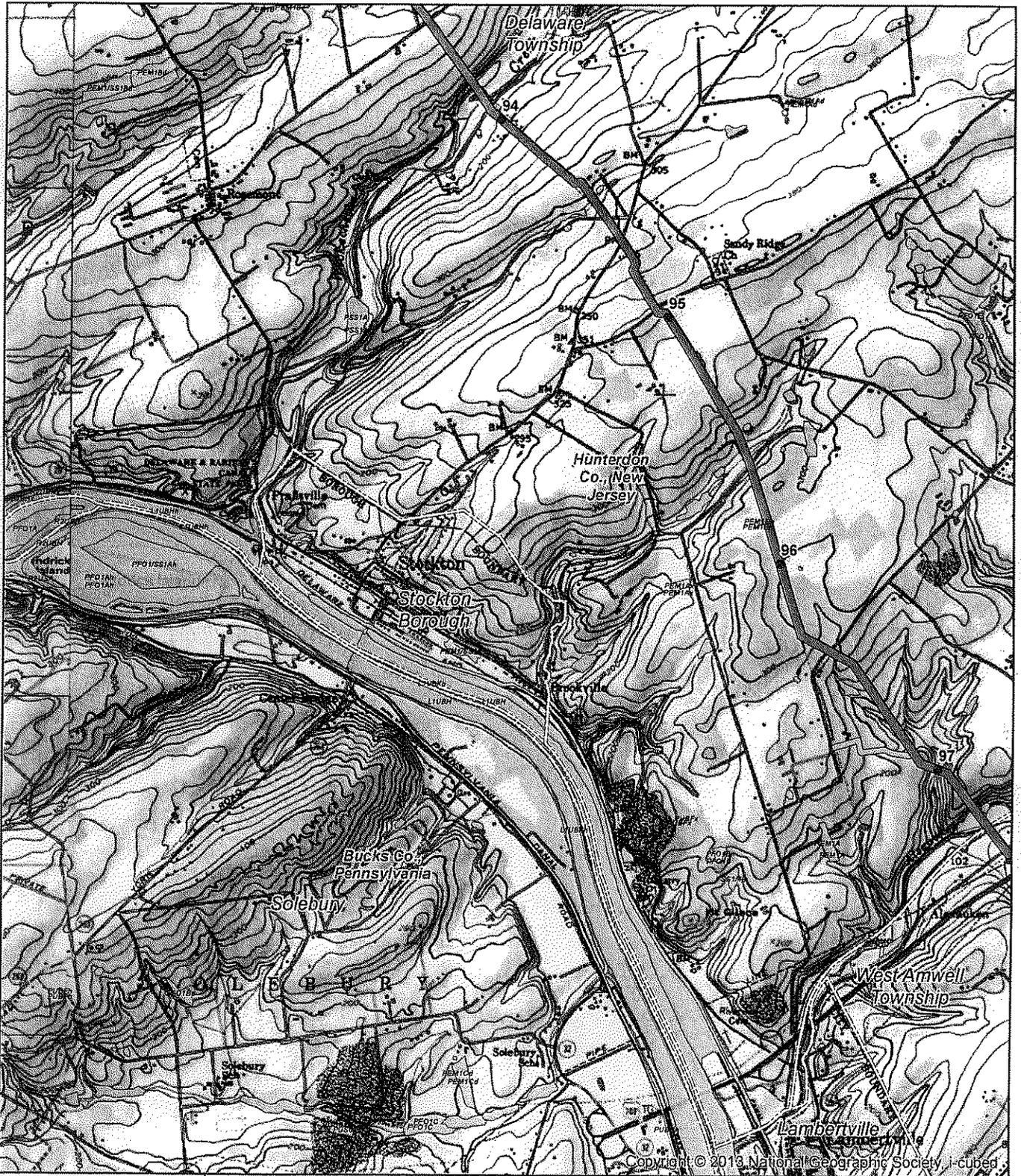
Sincerely,



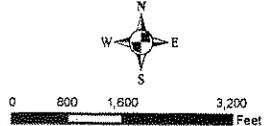
John Gray, Deputy Chief of Staff

Enclosures

- C: Medha Kochhar, FERC
Ruth Foster, NJDEP-PCER
Angela Skowronek, NJDEP-Air Quality Planning
Peg Hanna, NJDEP - Air Quality Mobile Sources
Jan Gheen, NJDEP-Water Allocation
Kelly Davis, NJDEP-Fish and Wildlife
Jesse West-Rosenthal, NJDEP- Historic Preservation
Chris Squazzo, NJDEP-Land Use
Damien Friebel, NJDEP - Land Use
Kevin Appelget, NJDEP - Green Acres
JoDale Legg, NJDEP - Land Use Mitigation
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Kelly Davis, NJDEP -NHRG T+E
Dan Kutu, NJDEP-Stormwater
Ronald Bannister, NJDEP - Stormwater
Kelly Perez, NJDEP - Surface Water
Jeff England, Penn East
Sean Sparks, Tetra tech
Bernard Holcomb, AECOM



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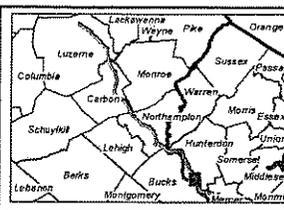


Legend

- Mile Posting
- ⊕ Mainline Valve Site
- Access Road
- ▭ Municipality Boundary
- ▭ USFWS CONUS
- ▭ PennEast Pipeline
- ▭ County Boundary
- ▭ NWI Wetlands

TITLE:

**PennEast Pipeline Project
USFWS Wetland Inventory Maps**

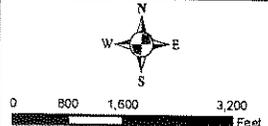


PennEast Pipeline Company, LLC

LOC: Stockton Quadrangle		REV.:	
CKD. BY: BH	ENG.:	Date: 4/16/2015	W.O.:
DRN. BY: VP	SCALE: SEE GRAPHIC SCALE	DWG. NO.:	SHEET: 27 of 31

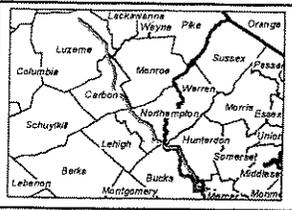


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- Legend**
- Mile Posting
 - ▭ Municipality Boundary
 - ▭ USFWS CONUS
 - ▭ PennEast Pipeline
 - ▭ County Boundary
 - ▭ NWI Wetlands

TITLE:			
PennEast Pipeline Project USFWS Wetland Inventory Maps			
LOC: Hopewell Quadrangle		REV.:	
CKD. BY: BH	ENG.:	Date: 4/16/2015	W.O.:
DRN. BY: VP	SCALE: SEE GRAPHIC SCALE	DWG. NO.:	SHEET: 29 of 31



PennEast Pipeline Company, LLC

Water Allocation – Construction Related

If construction related water use (including trench dewatering) is required at rates exceeding 100,000 gallons per day of water (70 gallons per minute pumping capacity from a single source or combination of sources in the same municipality) then that activity would be regulated. Potential regulatory mechanisms include:

Diversion of 100,000 gallons or more per day (≥ 70 gpm) for 30 days or less – Short Term Water Use Permit-by-Rule (BWA-003) /Short Term Water Use Report (BWA-004), N.J.A.C. 7:19 – 2.17(a).

Diversion of 100,000 gallons or more per day (≥ 70 gpm) for more than 30 days from a confined area/space (coffer dam) – Dewatering Permit-by-Rule (BWA-005), N.J.A.C. 7:19 – 2.17(b).

Diversion of 100,000 gallons or more per day (≥ 70 gpm) for more than 30 days – Temporary Dewatering Permit (BWA-002), N.J.A.C. 7:19 – 2.3.

Diversion of less than 100,000 gallons per day at pumping rates of 70 gpm or larger – Water Use Registration (DWR-188), N.J.A.C. 7:19 – 2.18.

In addition –

Horizontal directional drilling – as this is part of the pipeline construction it would be included within the scope of the applicable regulatory mechanism for the project.

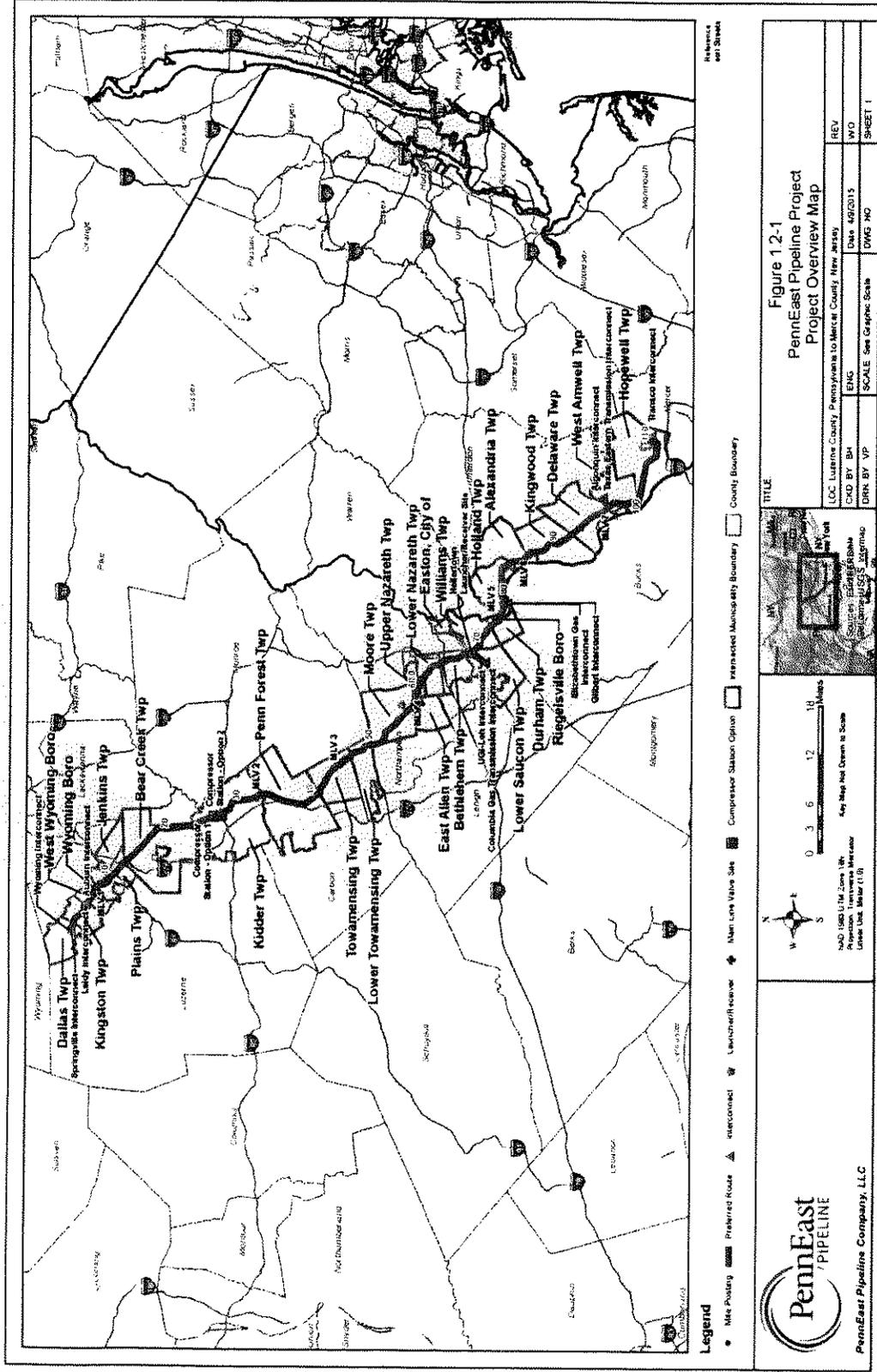
Pipeline pressure testing – water used for pressure testing pipeline segments has historically been done under a Short Term Water Use Permit-by-Rule (BWA-003) /Short Term Water Use Report (BWA-004), N.J.A.C. 7:19 – 2.17(a).

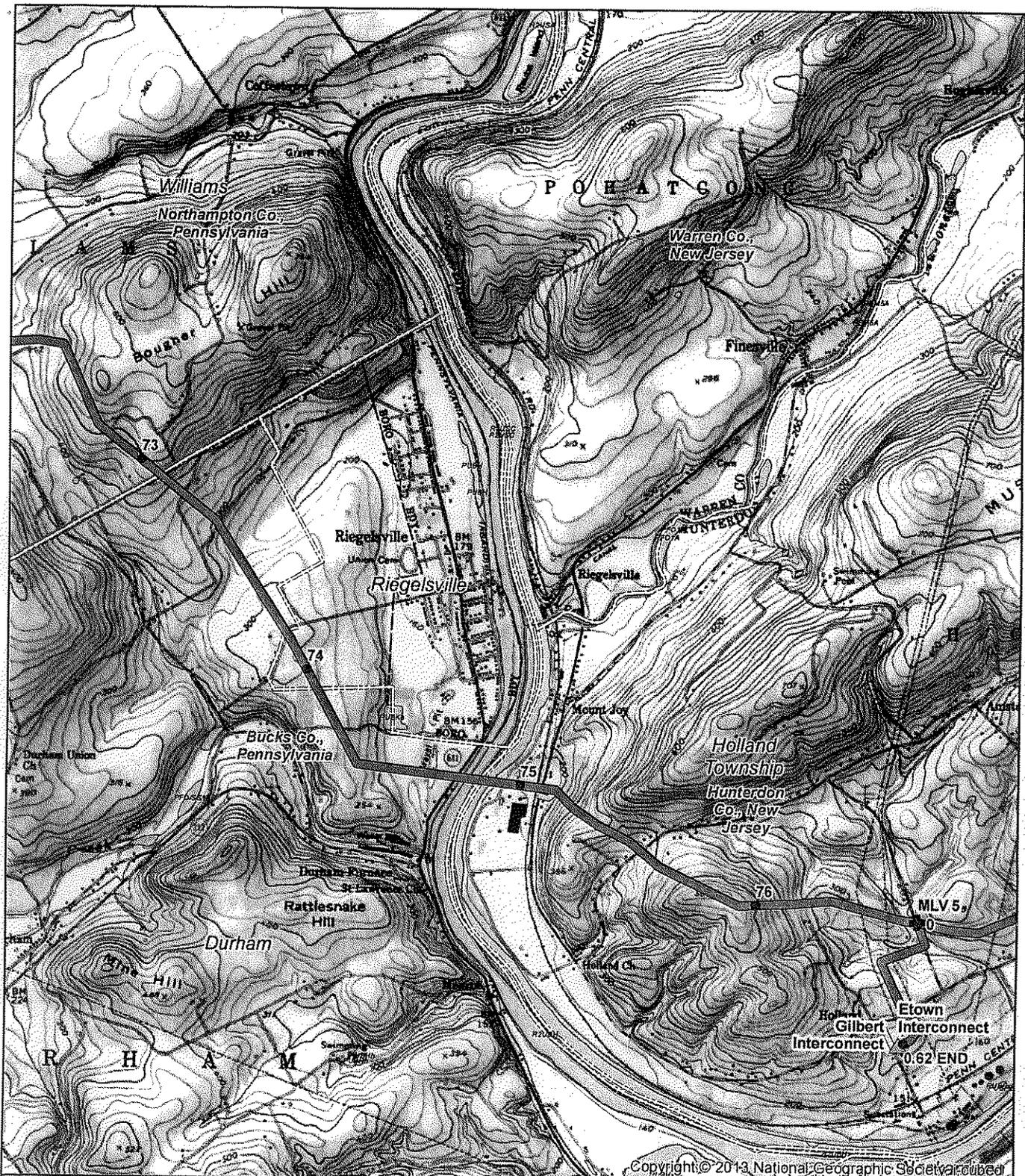
Applicability Determination – If the project is located in close proximity to a salt water body (ocean, bay, tidal river, salt water marsh) the native ground water and water in the adjacent water body should be checked for: chlorides, salinity, TDS and TSS. Copies of representative site well logs must be included. A map that clearly shows the well locations and distances from the project limits to the salt water body must be included, and the depth to water and the depths of excavations and the dewatering depths must also be identified.
N.J.A.C. 7:19 – 1.4(a)2.

For additional information see – www.nj.gov/dep/watersupply

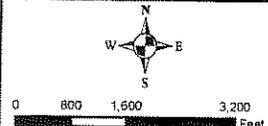
or contact – Bureau of Water Allocation and Well Permitting
Mail Code 401-03
P.O. Box 420
Trenton, New Jersey 08625-0420
(609)984-6831

Figure 1.2-1 Project Overview Map





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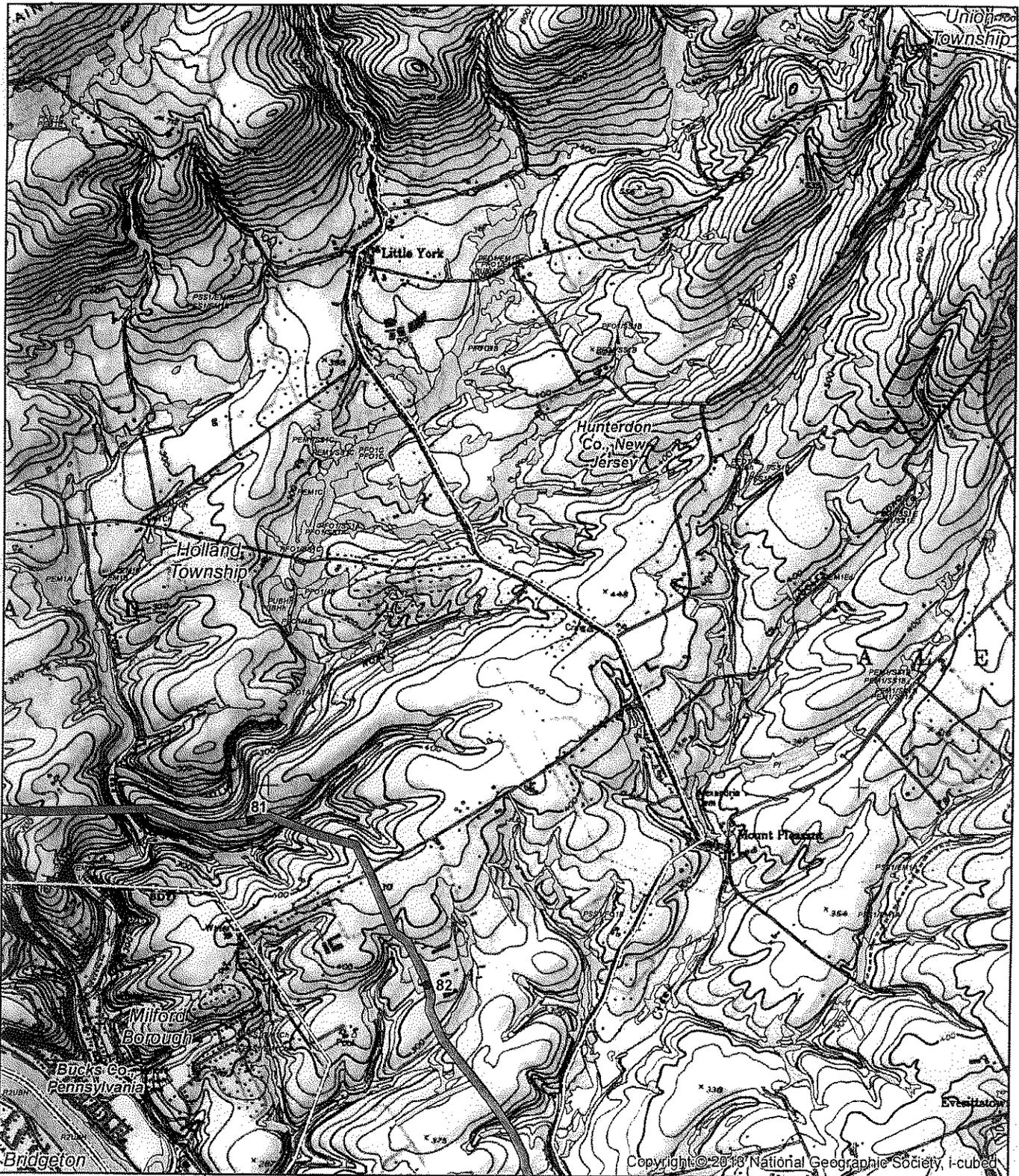


Legend			
Mile Posting	Interconnect	Access Road	Municipality Boundary
PennEast Pipeline	Mainline Valve Site	County Boundary	USFWS CONUS NWI Wetlands

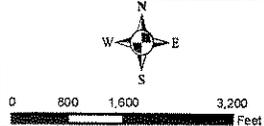
TITLE: PennEast Pipeline Project USFWS Wetland Inventory Maps			
LOC: Riegelsville Quadrangle		REV.:	
CKD. BY: BH	ENG.:	Date: 4/16/2015	W.O.:
DRN. BY: VP	SCALE: SEE GRAPHIC SCALE	DWG. NO.:	SHEET: 21 of 31



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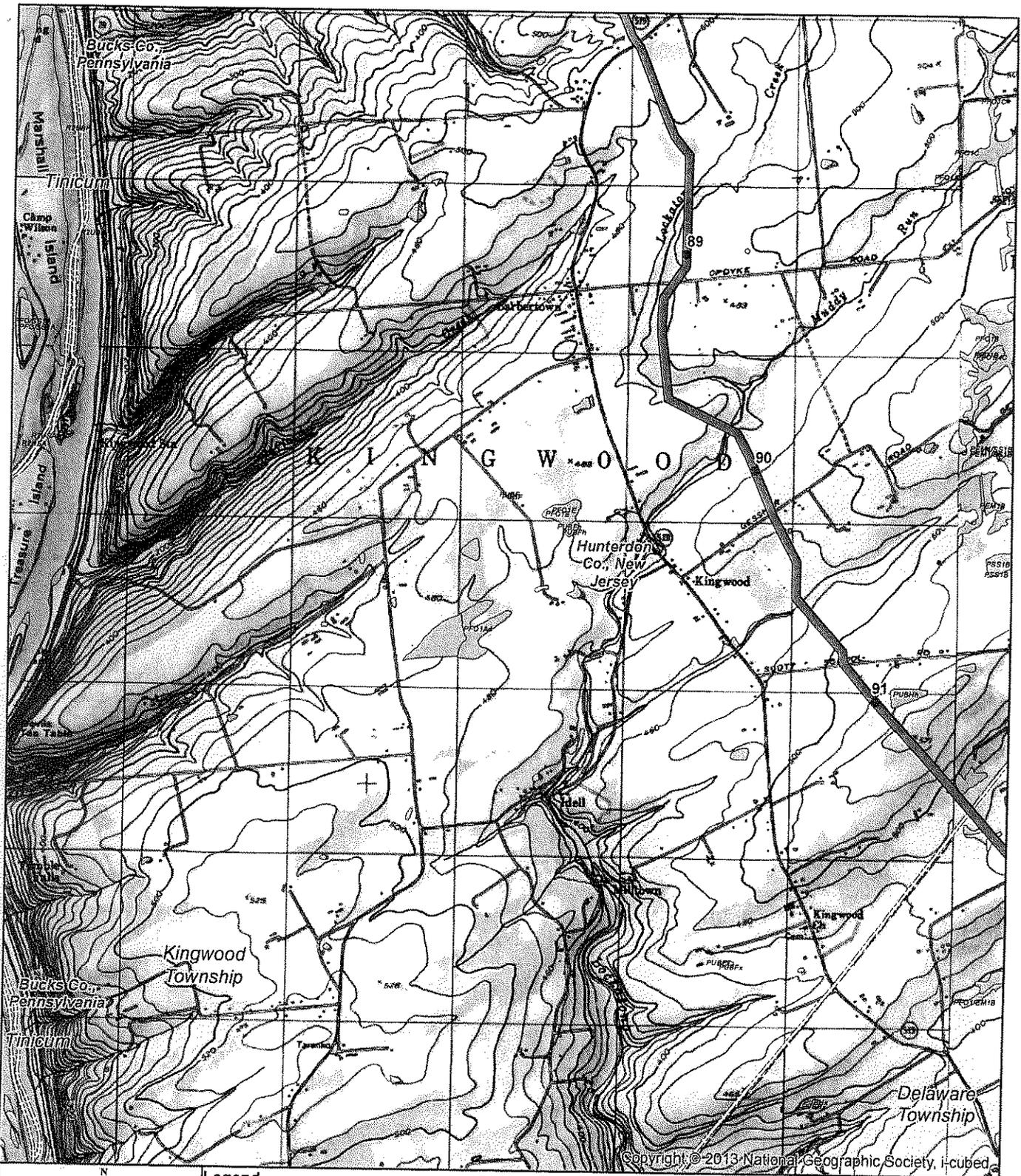


- Legend**
- Mile Posting
 - Access Road
 - ▭ Municipality Boundary
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 - ▨ PennEast Pipeline
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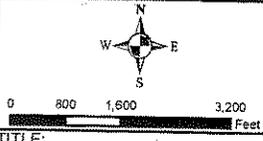
TITLE: PennEast Pipeline Project
USFWS Wetland Inventory Maps

LOC: Frenchtown Quadrangle		REV:
CKD. BY: BH	ENG.:	Date: 4/16/2015
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- Legend**
- Mile Posting
 - ▭ Municipality Boundary
 - ▭ USFWS CONUS NWI Wetlands
 - ▭ PennEast Pipeline
 - ▭ County Boundary

TITLE:
**PennEast Pipeline Project
 USFWS Wetland Inventory Maps**

LOC: Lumberville Quadrangle		REV:
CKD. BY: BH	ENG.:	Date: 4/16/2015
DRN. BY: VP	SCALE: SEE GRAPHIC SCALE	DWG. NO.:
		SHEET: 25 of 31

