

CP15-558

HPO Project # 14-4462-17
HPO-J2015-233
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FILED
SECRETARY OF THE
COMMISSION

State of New Jersey

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2015 OCT 30 A 10 32 DEPARTMENT OF ENVIRONMENTAL PROTECTION

ORIGINAL

CHRIS CHRISTIE
Governor
FEDERAL ENERGY
REGULATORY COMMISSION

NATURAL & HISTORIC RESOURCES
HISTORIC PRESERVATION OFFICE
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BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

October 21, 2015

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

Dear Ms. Bose:

As Deputy State Historic Preservation Officer for New Jersey, in accordance with 36 CFR Part 800: Protection of Historic Properties, as published in the *Federal Register* on December 12, 2000 (65 FR 77725-77739) and amended on July 6, 2004 (69 FR 40544-40555), I am providing Consultation Comments for the following proposed undertaking:

**Hunterdon and Mercer Counties
PennEast Pipeline
Docket No. CP15-558-000
Federal Energy Regulatory Commission**

800.3 Initiation of the Section 106 Process

The Historic Preservation Office (HPO) was recently contacted by Judith Sullivan, counsel for the Ramapough Lenape Indian Nation, regarding the Ramapough's inclusion as a consulting party in the Section 106 process. In the Monthly Progress Report filed by the PennEast Pipeline Company, LLC (applicant) on October 8, 2015, the applicant indicated that the Federal Energy Regulatory Commission is not required under the National Historic Preservation Act to consult with the Ramapough Lenape Indian Nation, due to their status as a non-federally recognized tribe.

While non-federally recognized tribes do not have a statutory right to be consulting parties in the Section 106 process, the federal agency may invite them to consult as an "additional consulting party" as provided under the regulations at 36 CFR Section 800.2(c)(5), if they have a "demonstrated interest." It has been the experience of the HPO that as a State-recognized tribe in New Jersey, the Ramapough Lenape Indian Nation may be able to provide the federal agency with additional information regarding historic properties that should be considered in the review

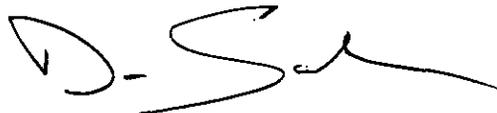
process. Therefore, the HPO respectfully requests that the Ramapough Lenape Indian Nation be considered an additional consulting party for this undertaking, pursuant to 36 CFR Section 800.2(c)(5).

Please note, while PennEast may make recommendations to the federal agency regarding the completion of Section 106 consultation, the ultimate decision on whether to consult with non-federally recognized tribes rests with the federal agency. The decision should be given careful consideration and made in consultation with the HPO. If the agency decides that it is inappropriate to invite non-federally recognized tribes to consult as "additional consulting parties," those tribes can still provide their views to the agency as members of the public under 36 CFR Section 800.2(d).

Additional Comments

Thank you for providing this opportunity to review and comment on this proposed project. The HPO looks forward to further consultation regarding the development of the proposed undertaking. If additional consultation with the HPO is needed for this undertaking, please reference the HPO project number 14-4462 in any future calls, emails, submissions or written correspondence to help expedite your review and response. If you have any questions, please feel free to contact Jesse West-Rosenthal (609-984-6019) of my staff with questions regarding archaeology.

Sincerely,



Daniel D. Saunders
Deputy State Historic
Preservation Officer

Cc: Eric Howard, FERC
John Eddins, ACHP
Grace Ziesing, AECOM
Judith Sullivan

DDS/KJM/JWR