



July 1, 2015

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

Re: *PennEast Pipeline Company, LLC*, PF15-1-000  
Informational Filing

Dear Ms. Bose,

PennEast Pipeline Company, LLC (“PennEast”) hereby provides to the Federal Energy Regulatory Commission (“FERC” or “Commission”) additional information in the above captioned proceeding in response to questions raised during discussions with FERC Staff related to land use matters in Pennsylvania.

- 1. Provide information regarding the tracts at approximate mileposts 71.1 and 71.6 identified in the comment submitted by Drs. Ned and Linda Heindel (20150604-5159) on June 4, 2015. Provide the following information:**
  - a. Laws and/or regulation governing these tracts and all other tracts within conservation easement along the planned pipeline route and the process by which PennEast would need to obtain an easement.**

### **Reply**

The conservation easement analysis along the planned pipeline route is very fact specific depending on the easement involved. With regard to the conservation easement on the Heindel’s property, there is no state regulatory authority that needs to be contacted regarding access to and building of the pipeline through the property on the area covered by the conservation easement. The Heindel’s are authorized to negotiate regarding the terms of the pipeline easement.

The tracts identified by the Heindels are located in Northampton County, Pennsylvania. The Pennsylvania Conservation and Preservation Easements Act, 32 P.S. §§ 5051 *et seq.* (“CPE Act”), authorizes the creation of conservation easements on privately held lands for a variety of purposes including, *inter alia*, “retaining or protecting for the public and economic benefit the natural, scenic or open space values of real property; [and] assuring its availability for agricultural, forest, recreational or open space use[.]” 32 P.S. § 5053. The CPE Act authorizes the purchase by entities like PennEast of “rights for its public purposes over real property subject to a conservation or preservation easement without resort to condemnation.” 32 P.S. § 5055(1)(ii).

The Pennsylvania Conservation and Land Development Act of 1968, as amended by the Open Space Lands Act of 1996, 32 P.S. § 5001 *et seq.* (“Open Space Lands Act”), authorizes the Commonwealth of Pennsylvania and local governmental units to acquire interests in land (either by easement or in fee) for purposes similar to those served by conservation easements established under the CPE Act. Under the Open Space Lands Act, public ownership of an open space property interest “shall not preclude the acquisition, by lease, purchase, or eminent domain, and use of rights of way or underground gas storage rights in such property by a public utility or other body entitled to exercise the power of eminent domain.” 32 P.S. § 5011(a).

**b. Evaluate and provide specific impacts that could occur from construction of the Project.**

**Reply**

The proposed PennEast Project will be constructed in compliance with applicable specifications, federal regulations and guidelines, and the Project-specific permit conditions. Construction and restoration techniques to be used will be those typical for cross-country and residential construction. The Erosion and Sedimentation Control Plan (“E&SCP”) provides details of such techniques and mitigation measures that will be used for the Project. The Project E&SCP is consistent with the FERC’s Upland Erosion Control, Revegetation, and Maintenance Plan (May 2013 version) (“*Plan*”) and Wetland and Waterbody Construction and Mitigation Procedures (May 2013 version) (“*Procedures*”).

Typically, survey crews will begin the operations by demarcating the pipeline centerline and construction work area (“CWA”) along the right-of-way (“ROW”). Winter tree clearing may be employed in areas with sensitive habitat. Clearing, grading, trenching, and other crews would follow until a final cleanup crew initiates the restoration process. Crews most frequently progress in close sequence to facilitate orderly progress, minimize the active construction spread size, and expedite restoration efforts.

With respect to the two tracts identified by the Heindels, the tracts appear to be predominantly forested, and impacts to these areas would include the clearing of the 50-foot wide permanent ROW as well as temporary workspace which would range between an additional 40 and 125 feet. Only the management of the 30-foot wide cleared operational ROW in upland forests and 10-foot wide cleared operational ROW in wetlands will require the permanent removal of trees in these forested areas. Impacts from construction will include a new permanent ROW across the tracts that are currently primarily wooded. One tract (P9-7-13) already contains a natural gas pipeline and associated ROW owned by Columbia Gas Transmission, LLC (“Columbia”). Following construction of the PennEast Project and restoration of the ROW on these tracts, the ROW will look similar to the ROW owned by Columbia. Other impacts from construction will be temporary and typical of a pipeline construction project, such as increased noise and dust from construction. PennEast will apply dust mitigation measures,

as necessary, during construction. Such applications will be at the direction of the Contractor Supervisor, Environmental Inspector, and/or the onsite Chief Construction Inspector. Typical measures that may be employed to minimize dust will be the use of water trucks to dampen workspace, if necessary, and roadways to help maintain clear visibility.

- c. Provide an analysis of reasonable alternatives to avoid these two tracts and any other tracts within conservation easements along the planned pipeline route.**

### **Reply**

Currently, there have been no major reroutes associated with these two tracts, but PennEast considers potential impacts to conserved lands as a significant factor in the routing process of the PennEast Project. Section 10.3.1 of Draft Resource Report 10 – Key Alternatives evaluates and reviews 7 major route alternatives using a Critical Issues Analysis (“CIA”). The CIA recognizes and documents potential impacts to a number of different conservation easements that are present in New Jersey and Pennsylvania, demonstrating that the potential impact to conserved lands was evaluated when deciding a Preferred Route.

Similar to the CIA provided for major route alternatives, the Route Variation Impact Tables (Appendix P) for each of the minor reroutes (Table 10.3-10, Summary of Pipeline Minor Reroutes) quantifies the potential impacts to public and preserved lands. Again, this demonstrates that the potential impact to conserved land was an important factor in the implementation or rejection of minor reroutes. Impacts to conserved lands are factored with other potential environmental (i.e. wetlands/waterbodies, critical habitat, drinking water sources, cultural resources, soils and geology, etc.) impacts, along with constructability, when evaluating route alternatives.

- d. Provide mitigation for potential impacts on these two tracts and all other tracts within conservation easements that would be crossed by the planned pipeline route.**

### **Reply**

The PennEast Project will be installed within a new pipeline easement area. Most impacts to land uses crossed by the Project will be temporary and related to construction activities. Land affected by temporary construction activities will be allowed to revert back to pre-construction conditions. Cleanup and restoration commence as soon as practicable following completion of backfilling and testing. These activities include replacing grade cuts to original contours, seeding fertilizer, and mulching to restore ground cover and minimize erosion. Temporary workspaces are stabilized for natural reversion to their previous state. For stream crossings, seeding of disturbed stream approaches will be completed in accordance with FERC’s *Plan* and *Procedures* after final grading, weather and soil conditions permitting. Where necessary, slope breakers will be installed adjacent to stream banks to minimize the potential for erosion. Sediment

barriers, such as silt fence and/or straw bales will be maintained across the ROW until permanent vegetation is established.

The two proposed tracts, and all other tracts encumbered with conservation easements along the route, will be restored using approved, modern mitigation techniques. PennEast will work to revert land affected by temporary construction activities back to pre-construction conditions. PennEast will also proactively work with landowners to minimize initial impacts.

- e. **Documentation and results of the extensive title search identifying all tracts along the planned pipeline route within conservation easement or any other restrictive easement.**

### **Reply**

At the time that draft Resource Report 8 was filed, PennEast had identified a number of properties with easements, but did not claim to have identified all properties with easements. Pennsylvania easements are not indicated on tax maps, and the identification of easements on private property is time intensive and requires full title searches. Information for Pennsylvania is obtained from the National Conservation Easement Database (NCED), which only has data on conservation easements that have boundaries available in digital form (i.e. as GIS shapefiles). Due to the laborious nature of the task, full title searches did not commence until the route was filed with FERC in March 2015. This process is currently underway, and PennEast is continuing to finalize the list of all parcels encumbered by easements that will be included in the final Resource Report 8.

The New Jersey easement information provided in draft Resource Report 8 was more comprehensive than that for Pennsylvania. Data for New Jersey easements (conservation, agricultural, farmland preserved) is contained within the tax maps recorded in the county courthouses. This allowed the title examiners to easily and quickly identify which parcels were encumbered by one of the above referenced easements. The data provided for the New Jersey parcels is more complete than the Pennsylvania parcels, because a majority of this information can be obtained without performing full title searches. The data for all parcels will be updated, as necessary, when the title searches are completed and if additional easement information is discovered.

2. **Provide an analysis that led to the assertion that the Project would result in no impacts on conservation areas identified in draft Resource Report 8, Section 8.4.1.4, Page 8-89. The analysis should address each conservation area identified in this section.**

### **Reply**

Potential impacts of the Project on both public lands and private conservation easements are located in Section 8.4 of Resource Report 8, Public Land, Recreation, and Other Designated Areas, beginning on page 8-84. A breakdown of the potential impacts to

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public lands managed by federal, state, county, local agencies, or public conservation groups is located in Table 8.4-1 and a summary of these findings can be found in Section 8.4.1. A breakdown of the potential impacts to lands crossed by the Project that are encumbered by private conservation easements is located in Table 8.4-2 and a summary of these findings can be found in Section 8.4.1.4. The analysis in this section concludes that approximately 20.4 miles of private lands with conservation easements will be crossed by the Project. Of these lands, a total of 305.1 acres will be affected by temporary construction (temporary ROW, ATWS, permanent ROW) and 123.1 acres will be located in the permanent Project ROW.

In addition to the lands found to be encumbered by a private easement during the preliminary title search and consultations with federal, state, and local agencies, a number of other conservation areas were identified through conversations with landowners and various stakeholders. These include Brook Hollow Farm, Mosey Wood Pond, Lake Harmony Big Boulder Lake, Jack Frost Ski Area, Matson's Woods, Hexenkopf Rock and Howell Living Farm. A desktop and aerial analysis was performed on these areas, and it was found that none of these conservation areas would be crossed by the Preferred Route of the Project, eliminating any potential for impacts. The proximity of these conserved lands to the Project is listed in Section 8.4.1.4 on page 8-89.

Should you have any questions concerning this informational filing, please contact me at (610) 406-4322.

Sincerely,

/s/ Anthony C. Cox

Anthony C. Cox

PennEast Pipeline Company, LLC

By its Project Manager

UGI Energy Services, LLC

cc: Medha Kochhar (FERC)