



agencies, companies, organizations, and individuals filed interventions and/or comments in this proceeding. Three comments were also filed as protests in this proceeding.<sup>4</sup>

PennEast addresses comments related to the Natural Gas Act (“NGA”)<sup>5</sup> and the National Environmental Policy Act (“NEPA”)<sup>6</sup> in the narrative below. In addition, PennEast addresses certain minor tariff changes requested by a Project shipper, which PennEast intends to implement as part of its tariff compliance filing prior to placing the Project into service. With respect to comments regarding potential environmental impacts of the Project, PennEast provides a table (attached hereto as Appendix A) that includes additional responses to these comments and references to where the potential impacts are addressed in the Resource Reports.

## **II. Answer**

### **A. *Response to Natural Gas Act Comments***

#### **1. *Project Purpose and Need***

PennEast has sufficiently demonstrated the need for the Project. As reflected in the Application, PennEast has entered into precedent agreements for long-term firm service for approximately 90 percent of the pipeline capacity to be created by the Project. The Commission has repeatedly found that these “service commitments constitute strong evidence that there is market demand for the project.”<sup>7</sup> The Project shippers represent diverse market participants, including local distribution companies, regional electric generators, natural gas producers, a natural gas marketer, and an interstate pipeline, who have entered into contracts for a reliable,

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<sup>4</sup> Protest of Michael Spille, Docket No. CP15-558-000 (submitted Oct. 5, 2015); Protest of Joanna Fiori, Docket No. CP15-558-000 (submitted Oct. 28, 2015); Protest of Sourland Conservancy (submitted Oct. 27, 2015).

<sup>5</sup> 15 U.S.C. §§ 717, *et seq.*

<sup>6</sup> 42 U.S.C. §§ 4321, *et seq.*

<sup>7</sup> *Algonquin Gas Transmission, LLC*, 150 FERC ¶ 61,163 at P 23 (2015) (citing Certificate Policy Statement at p. 61,748) (“Algonquin”); *see also Transcontinental Gas Pipe Line Co., LLC*, 147 FERC ¶ 61,102 at P 42 (2014) (“Transco”); *Sierrita Gas Pipeline, LLC*, 147 FERC ¶ 61,192 at P 36 n.26 (2014); *Dominion Transmission, Inc.*, 141 FERC ¶ 61,240 at P 23 (2012).

short-haul transportation option for direct access to the Marcellus Shale. In addition, in Resource Report 1, PennEast has provided the rationale of several Project shippers for subscribing to capacity on the Project.

In addition to the studies referred to in the Resource Reports, the Eastern Interconnection Planning Collaborative (“EIPC”) Study includes additional market data supporting the need for the Project. The EIPC is an initiative by a coalition of regional planning authorities, including PJM Interconnection, and is funded by the Department of Energy to prepare an analysis of transmission requirements. A Gas-Electric Report was conducted between 2012 and 2014, which studied the increased reliance on natural gas for power production and the adequacy of natural gas infrastructure to support this shift. The final Gas-Electric Report was issued on July 2, 2015.<sup>8</sup>

Specifically, the Gas-Electric Report indicates that

[d]uring the winter peak hour, pipeline segments in PJM on Dominion, Columbia, East Tennessee, Eastern Shore, Tennessee, Texas Eastern, and Transco run at 100% capacity. Most of the affected generation is located in Maryland, Virginia, the Delmarva Peninsula, *Eastern Pennsylvania, and New Jersey*, where pipelines are fully utilized to serve RCI demands and where the demand for natural gas for electric generation is high relative to available pipeline and storage capacity.<sup>9</sup>

Moreover, the Gas-Electric Report indicates that the Transco Z6 Leidy to Station 210 segment is a relatively short path constraint and that PennEast will potentially reduce demand on this constrained segment.<sup>10</sup> In summary, the Gas-Electric Report finds that natural gas infrastructure will be adequate provided expansions come online, reiterating the critical need for projects such as PennEast.

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<sup>8</sup> Eastern Interconnection Planning Collaborative, Interregional Transmission Development and Analysis for Three Stakeholder Selected Scenarios and Gas-Electric System Interface Study (July 2, 2015), *available at* <http://www.eipconline.com/phase-ii-documents.html> (“Gas-Electric Report”).

<sup>9</sup> *Id.* at 9-3 (emphasis added).

<sup>10</sup> *Id.* at 9-269, 9-270.

Claims that contracts with affiliated New Jersey local distribution companies should not be considered as evidence of market demand are without merit. In *Constitution*, the Commission rejected similar claims where, as here, (i) there is no evidence of self-dealing, (ii) the pipeline will be required to execute firm contracts for the capacity levels and terms of service represented in the precedent agreement prior to construction, and (iii) the pipeline's recourse rates are calculated based on the designed capacity of the pipeline.<sup>11</sup> The comments have provided no evidence of any self-dealing, but instead rely upon unsubstantiated allegations that affiliate relationships create the potential and likelihood for cross-subsidization. Such statements are belied by the fact that the operator of PennEast, UGI Energy Services, LLC, is not affiliated with any local distribution companies in New Jersey. In addition, PennEast, and not its affiliates, will be at risk for any unsubscribed capacity because it has calculated its recourse rates based on a design capacity of 1,107,000 Dth/d.

## **2. Liquefied Natural Gas**

The Commission has previously rejected comments attempting to link a project to liquefied natural gas ("LNG") export. The Project is designed to satisfy the natural gas

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<sup>11</sup> *Constitution Pipeline Company, LLC, et al.*, 149 FERC ¶ 61,199 at P 28 (2014) ("Constitution"); *see also Transcon. Gas Pipe Line Co., LLC*, 141 FERC ¶ 61,091 at P 21 (2012) ("Absent evidence of affiliate abuse, we see no reason not to view marketing affiliates like any other shipper for purposes of assessing the demand for capacity"); *Millennium Pipeline Co., L.P., et al.*, 100 FERC ¶ 61,277 at P 57 (2002) ("[A]s long as the precedent agreements are long-term and binding, we do not distinguish between pipelines' precedent agreements with affiliates or independent marketers in establishing the market need for a proposed project. The fact that the marketers are affiliated with the project sponsor does not lessen the marketer's need for the new capacity or their obligation to pay for it under the terms of their contracts. In addition, in a competitive environment, the marketer still must offer its commodity at competitive prices to attract customers. Also, affiliated marketers are potentially subject to greater regulatory oversight than non-affiliates. For example, pipeline affiliates are subject to the standards of conduct concerning marketing affiliates in Part 161 of the regulations"); *E. Tennessee Natural Gas Co.*, 98 FERC ¶ 61,331, p. 62,398 (2002) ("[T]he Commission does not distinguish between contracts with affiliates and non-affiliates, as long as the contracts are binding. The fact that the two power plants are affiliates of the project sponsor does not lessen their need for the new capacity or their obligation to pay for it"); *Texas Eastern Transmission Corp.*, 84 FERC ¶ 61,044, p. 61,191 (1998) ("It is not the Commission's policy to disregard contracts between affiliates in establishing need for projects"); *Maritimes & Northeast Pipeline, L.L.C.*, 76 FERC ¶ 61,124, p. 61,667, 61,671 (1996), *order on reh'g*, 80 FERC ¶ 61,136 (1997), *order on reh'g*, 81 FERC ¶ 61,166 (1997) (granting a preliminary determination to issue a certificate to Maritimes to construct facilities on which two affiliated marketers had subscribed all the capacity and determining that the precedent agreements with these shippers demonstrated market need).

transportation requirements of the Project shippers. The Project shippers include primarily local distribution companies and regional generators who have acquired capacity to satisfy their own load and end-use requirements. As in *Algonquin*, there is no evidence here to support claims that the Project is intended to support the export of natural gas.<sup>12</sup> Further, the Commission has stated that it does not have jurisdiction over the importation and exportation of natural gas and “the issue of whether the export of LNG will cause economic harm is beyond the Commission’s purview.”<sup>13</sup>

### **3. Rates and Cross-Subsidization**

One commenter indicated that it had a concern regarding the potential for cross-subsidization and uncompetitive pricing in fees, cost recovery, and rates. PennEast will be charging affiliated and non-affiliated Project shippers the same negotiated rate for service on the PennEast Pipeline system in accordance with PennEast’s *pro forma* tariff and Commission policy. PennEast provided support for the Project recourse rates that were developed based upon established Commission ratemaking policies. PennEast will assess fuel and other FERC-accepted charges and surcharges on a non-discriminatory basis. Accordingly, there should be no concern that PennEast is assessing uncompetitive rates. In addition, PennEast will be subject to the Commission’s standards of conduct which will prevent PennEast from discriminating in favor of its affiliates.

New Jersey and Pennsylvania regulatory commissions are responsible for protecting natural gas end users through the regulation of jurisdictional local distribution companies in accordance with their statutory authority.

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<sup>12</sup> *Algonquin* at P 24.

<sup>13</sup> *Id.* at P 24 n.16.

#### **4. Eminent Domain**

Multiple commenters oppose the use of eminent domain by PennEast because PennEast is a private, for-profit company. These commenters also argue that PennEast has not justified the Project need and has not shown that there will be public benefit. Under the NGA, any holder of a certificate of public convenience and necessity is granted a right of eminent domain for the construction its project.<sup>14</sup> The NGA does not distinguish between for-profit and not-for-profit and, accordingly, PennEast will be entitled to such right should the Commission issue a certificate for the PennEast Project. The Commission considers the project need, public benefits and the unneeded exercise of eminent domain in considering whether to issue a certificate.<sup>15</sup> In its Application, PennEast applied the Certificate Policy Statement criteria to its proposed project and demonstrated that there is contractually-supported need for the Project and that the public benefits outweigh any potential adverse impacts. Further, PennEast will make good faith efforts to negotiate with landowners for any needed rights, and will use the right of eminent domain only if it cannot reach agreements with landowners.<sup>16</sup> Accordingly, the market demand and public benefits described in the Application outweigh any inability to negotiate right-of-way agreements with some landowners.<sup>17</sup>

#### **5. Extension of the Comment Period**

The 21-day comment period established in the Commission's Notice is consistent with its prior practice for projects that are of a complexity equal to or greater than that of the PennEast

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<sup>14</sup> 15 U.S.C. § 717f(h) (2012).

<sup>15</sup> *Certification of New Interstate Natural Gas Pipeline Facilities*, 88 FERC ¶ 61,227 (1999), *order on clarification*, 90 FERC ¶ 61,128 (2000), *order on clarification*, 92 FERC ¶ 61,094 (2000) ("Certificate Policy Statement").

<sup>16</sup> *See Dominion Transmission, Inc.*, 141 FERC ¶ 61,183 at P 23 n.12 (2012); *Columbia Gas Transmission Corp.*, 128 FERC ¶ 61,050 at P 47 n.54 (2009).

<sup>17</sup> Certificate Policy Statement at p. 61,749.

Project.<sup>18</sup> The standard 21-day comment period reflects a reasonable balance of the parties' interest in an informed process and the needs of PennEast and the Project shippers for the timely authorization of the Project. As a matter of policy, the Commission Staff will accept and fully review comments filed after the end of the comment period.<sup>19</sup> Moreover, participants will be afforded additional opportunities to provide comments on the Project, including during the comment period for the draft Environmental Impact Statement ("EIS").

## **6. Evidentiary Hearing**

Some comments request either that the Commission conduct a formal hearing pursuant to 18 C.F.R. §157.10(a)(1) (2015) or a full evidentiary hearing. Although Section 7 of the NGA and Section 157.10(a)(1) of the Commission's regulations provide for a hearing when an applicant seeks a certificate of public convenience and necessity, neither the NGA nor the regulations require that such hearings be trial-type, evidentiary hearings.<sup>20</sup> The Commission has held that there is no need for an evidentiary hearing where there are "no issues of material fact that cannot be resolved on the basis of the written record" and "all interested parties have had a full opportunity to present their views through multiple written submissions".<sup>21</sup> Accordingly, the Commission has determined that a "paper hearing" is appropriate "[w]hen, as is usually the case, the written record provides a sufficient basis for resolving the relevant issues."<sup>22</sup>

Given the thorough vetting of the Project during the Pre-filing Review Process and the well-established procedures that will allow for multiple opportunities to comment during the certificate proceeding as discussed above, the Commission will be able to consider the application in a "paper hearing." Many of the topics raised in comments on the Application were

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<sup>18</sup> See, e.g., Notice of Application, Docket Nos. CP11-56-000, *et al.* (issued Jan. 5, 2011); Notice of Application, Docket Nos. CP09-54-000, *et al.* (issued Feb. 9, 2009).

<sup>19</sup> See, e.g., Response to U.S. Senator Kristen Gillibrand, Docket No. CP15-115-000 (issued June 29, 2015).

<sup>20</sup> *Transco* at P 32.

<sup>21</sup> *Constitution* at P 20; *Algonquin* at P 15.

<sup>22</sup> *Transco* at P 32 (internal citation omitted).

previously raised in the Pre-filing docket and have been addressed in the Application. To the extent that relevant topics were not addressed, they will be addressed in answers filed by PennEast to comments on the Application, responses to Staff data requests, and answers to comments on the draft EIS. Because interested parties will have multiple opportunities to present their views through written submissions, a trial-type, evidentiary hearing is unnecessary.

***B. Response to National Environmental Policy Act Comments***

**1. The Commission is not required to prepare a Programmatic EIS.**

Multiple commenters argue that the Commission must prepare a programmatic EIS to analyze all natural gas pipelines and development projects in the region, and that the Commission should impose a broad moratorium on all pipeline approvals until such a programmatic EIS is complete. Commenters have raised this argument in many other proceedings, and the Commission has provided a rational explanation why NEPA and the Council on Environmental Quality's ("CEQ") regulations do not require a programmatic EIS in these circumstances.<sup>23</sup>

The CEQ regulations contemplate that a federal agency may prepare a programmatic EIS for broad federal actions, such as the adoption of new agency programs.<sup>24</sup> The CEQ's definition for "major Federal action," which triggers the need for a federal agency to prepare an environmental document such as an EIS, includes as a category the "[a]doption of programs, such as a group of concerted actions to implement a specific policy or plan" and "systematic and connected agency decisions allocating agency resources to implement a specific statutory program or executive directive."<sup>25</sup> Neither the Commission's consideration of PennEast's

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<sup>23</sup> See, e.g., *Columbia Gas Transmission, LLC*, 153 FERC ¶ 61,064 at P 58 (2015) ("Columbia") ("[A] programmatic EIS is not required to evaluate the regional development of a resource by private industry if the development is not part of, or responsive to, a federal plan or program in that region").

<sup>24</sup> 40 C.F.R. § 1502.4(b) (2015).

<sup>25</sup> 40 C.F.R. § 1508.18(b)(3) (2015).

application, nor its consideration of other natural gas development in the region, qualify as a federal program, a group of concerted actions implementing any specific policy or plan, or any systematic or connected Commission decision allocating Commission resources to implement any program or directive.

Specifically, the commenters' claim that the Commission must prepare a programmatic EIS for natural gas projects in the region ignores the reality that no federal program exists. As the Commission has made clear,

[t]here is no Commission plan, policy, or program for the development of natural gas infrastructure. Rather, the Commission acts on individual applications filed by entities proposing to construct interstate natural gas pipelines. Under NGA section 7, the Commission is obligated to authorize a project if it finds that the construction and operation of the proposed facilities "is or will be required by the present or future public convenience and necessity."<sup>26</sup>

There simply is no affirmative federal policy for natural gas development in the region. Several commenters attempt to sidestep this reality by instead focusing on the existence of multiple natural gas projects currently proposed or anticipated in the region. However, the Commission has previously stated that "the mere fact that there are a number of approved, proposed, or planned infrastructure projects to increase infrastructure capacity to transport natural gas from the Marcellus and Utica Shale does not establish that the Commission is engaged in regional development or planning."<sup>27</sup> The Commission's consideration of multiple separate natural gas projects in the region cannot be "a group of concerted actions to implement a specific policy or program" because no specific policy or program exists, and when the

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<sup>26</sup> *Columbia* at P 52 (quoting 15 U.S.C. § 717f(e)) (internal citations omitted); *see also Tennessee Gas Pipeline Co. L.L.C.*, 150 FERC ¶ 61,160 at P 54 (2015); *Rockies Express Pipeline, LLC*, 150 FERC ¶ 61,161 at P 54 (2015); *Texas Eastern Transmission, LP*, 149 FERC ¶ 61,259 at PP 43-44 (2014).

<sup>27</sup> *Columbia* at P 58.

Commission takes action on an individual natural gas project, it does not do so in concert with its decisions on other, unrelated natural gas projects.

In suggesting otherwise, the commenters ignore the distinction between (1) a federal program or plan for regional development, such as those relating to oil and gas development on the Outer Continental Shelf or mineral leasing on federal lands, and (2) the existence of regional development driven by market demand and led by private industry. In *Kleppe v. Sierra Club*, where the Supreme Court rejected the plaintiffs' argument that a programmatic EIS was required for coal development in a particular region, the Court recognized that there was no federal plan or program in that region, and furthermore, "no evidence that the individual coal development projects undertaken or proposed by private industry and public utilities in that part of the country are integrated into a plan or otherwise interrelated."<sup>28</sup> Regional development of coal resources, absent a federal plan or program governing that development, was insufficient to trigger a programmatic EIS requirement in *Kleppe*.<sup>29</sup> The same principle applies here. Private industry's natural gas development in the region is not part of any comprehensive federal plan and is not associated with any federal program. The Commission does not initiate development projects in the region; rather, it responds to applications by private companies for approval of projects within the Commission's jurisdiction. In addition, the activities of various private parties in developing infrastructure and resources are competitive in nature and are not integrated, and each has independent utility.<sup>30</sup>

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<sup>28</sup> *Kleppe v. Sierra Club*, 427 U.S. 390, 401 (1976).

<sup>29</sup> Indeed, the Court noted that without an overall plan for regional development, a programmatic EIS could not be completed. An attempt to draft a programmatic EIS without a specific plan would lead to little more than a study that merely estimates potential development and attendant environmental consequences; without the necessary factual predicate, it would be impossible to predict levels of activity, the environmental consequences, and alternatives in a way that meets EIS requirements. *Id.* at 401-02.

<sup>30</sup> With respect to upstream development of oil and gas resources in the region, because the Commission does not regulate upstream development, it could not meaningfully evaluate in a programmatic EIS actions or alternatives to

In determining whether a programmatic EIS is necessary, courts consider not only “the extent of the interrelationship among the proposed actions” but also “practical considerations of feasibility.”<sup>31</sup> Development of natural gas resources in the region will occur over a substantial period of time and over a large geographic area.<sup>32</sup> Because there is no overall federal plan or program for this potential development, and no authority for the Commission to regulate it, a programmatic EIS is not required and would not be the best way to analyze potential impacts to the environment as a result of any individual project.

Several commenters also assert that the Commission must prepare a programmatic EIS in order to adequately address the direct, indirect, and cumulative impacts from multiple natural gas projects and to accurately assess each project’s need. On the contrary, the Commission satisfies its NEPA obligations when its environmental review for each proposed project, or group of connected projects, addresses direct, indirect, and cumulative impacts. Indeed, the Commission affirmed in a letter dated November 3, 2015, that its staff has not elected to prepare a programmatic EIS for the PennEast Project and other projects in the region, but rather will include in the PennEast EIS an analysis of both the specific impacts of the PennEast Project and the cumulative impacts of other actions affecting the environment in the region.<sup>33</sup> This is all NEPA requires. In addition, under the NGA, the Commission must still find that each project or group of projects is or will be required by the present or future public convenience and necessity. In the absence of any federal program, the Commission does not need to prepare a programmatic

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that development that the Commission could undertake, or available means to mitigate the effects of such development, as NEPA requires.

<sup>31</sup> *Kleppe*, 427 U.S. at 412.

<sup>32</sup> *Columbia Gas Transmission, LLC*, 148 FERC ¶ 61,138 at P 29 (2014) (“Given the substantial disparity in time and place, and lack of detail needed to assess potential impacts, the Commission finds that programmatic review is neither required nor the best way to assess Columbia’s proposal.”).

<sup>33</sup> Letter to the Honorable Jack M. Ciattarelli, Docket No. CP15-558-000 (issued Nov. 3, 2015).

EIS in order to validly consider cumulative impacts or to otherwise meet its NEPA obligations when considering a private party's proposed project.

In fact, the CEQ recognized in its December 2014 guidance entitled "Effective Use of Programmatic NEPA Reviews" that a programmatic EIS is not always appropriate or necessary, particularly when the effort to perform the review is substantially greater than the time and effort saved in analyzing subsequent proposals.<sup>34</sup> The Commission has previously acknowledged that a programmatic EIS for natural gas development in the Marcellus and Utica Shale region could not present "a credible forward look that would be a useful tool for basic program planning" because the Commission has no way to accurately predict the scale, the timing, the location, or even the types of facilities that will be proposed by private industry.<sup>35</sup> The CEQ states that an agency should exercise judgment and discretion when deciding whether to prepare a programmatic EIS,<sup>36</sup> and courts have similarly held that such a decision is within the agency's discretion.<sup>37</sup> NEPA does not require the Commission to prepare a programmatic EIS that, in the Commission's own judgment, would not prove useful in meeting its obligations under NEPA and the NGA.

## **2. PennEast's proposal has not been improperly segmented.**

Several commenters argue that the Commission will unlawfully segment its NEPA review if it does not include certain other natural gas projects in its environmental analysis of the PennEast Project. These commenters claim that these other natural gas projects are, for the purposes of NEPA, sufficiently related or connected to the PennEast Project and therefore must be considered together in the same environmental document. However, as explained below, none

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<sup>34</sup> CEQ, Effective Use of Programmatic NEPA Reviews 15 (Dec. 18, 2014).

<sup>35</sup> See *Columbia* at P 59 (citing *Piedmont Envtl. Council v. FERC*, 558 F.3d 304, 316 (4th Cir. 2009)).

<sup>36</sup> CEQ, Effective Use of Programmatic NEPA Reviews 15 (Dec. 18, 2014).

<sup>37</sup> *Nevada v. Department of Energy*, 457 F.3d 78, 92 (D.C. Cir. 2006) (citing *Izaak Walton League of Am. v. Marsh*, 655 F.2d 346, 374 n.73 (D.C. Cir. 1981)).

of these other natural gas projects meet the appropriate legal standard of being “connected actions” or “cumulative actions,” as set forth in the CEQ’s NEPA regulations, and, even if some may be similar actions, the Commission has no obligation to review them in the same EIS.

Commenters have identified specific projects that they argue the Commission must consider in a single NEPA document, including Transco’s Northeast Supply Link, Leidy Southeast Expansion, Atlantic Sunrise, Garden State Expansion, Diamond East, and Dalton Expansion projects; New Jersey Natural Gas’s Southern Reliability Link Project; South Jersey Gas Company’s South Jersey Reliability Project; and Central New York Oil and Gas Company’s MARC II project.

- (a) The PennEast Project is not “connected” to these other projects under applicable NEPA regulations.

Because the PennEast Project has utility independent from these other natural gas projects, none of these other projects is a “connected action” with the PennEast Project, and the Commission does not improperly segment its review by considering the PennEast Project in its own EIS. “Connected actions” are those that (i) automatically trigger other actions, (ii) cannot proceed unless other actions are undertaken previously or simultaneously, or (iii) are interdependent parts of a later action and depend on the larger action for their justification.<sup>38</sup> None of the projects claimed by commenters meet any of the criteria of being a connected action. Given that the PennEast Project (i) does not cause any of these other pipeline projects, (ii) will proceed irrespective of whether any of those other projects proceed, and (iii) is not interdependent with any of the other pipeline projects, the Commission is not required to consider those other projects as connected actions.

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<sup>38</sup> 40 C.F.R. § 1508.25(a)(1) (2015).

The test that most courts have applied to determine whether separate actions subject to federal permitting are “connected” for purposes of NEPA is whether the project has independent utility—that is, whether each project will be undertaken regardless of whether any other subsequent or contemporaneous project is undertaken, or whether one project necessarily causes a separate project to occur.<sup>39</sup>

The PennEast Project is an unconnected single action that has independent utility. The PennEast Project does not depend on any other actions for its justification, nor does it automatically cause other actions to occur. As Resource Report 1 for the PennEast Project explains, the Project will provide for the transportation of natural gas from various receipt points in the eastern Marcellus region in Luzerne County, Pennsylvania, to various delivery points in the heart of major northeastern natural gas-consuming markets in Northampton County, Pennsylvania and Hunterdon and Mercer Counties, New Jersey. The Project is designed and scheduled to accommodate increased demand and to provide greater reliability for twelve shippers, most of whom are local natural gas distribution companies and regional electricity generators. The Project will provide firm transportation service to deliver new natural gas supplies to the shippers’ service areas or, as applicable, for their end use, with a projected in-service date of November 1, 2017. The Project has independent utility and will proceed irrespective of whether any other Transco, South Jersey Gas Company, New Jersey Natural Gas or Central New York Oil and Gas Company project, or any other future “proposals” relating to system modifications, occur. The Project does not depend on any other actions for its

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<sup>39</sup> See *Great Basin Mine Watch v. Hankins*, 456 F.3d 955, 969 (9th Cir. 2006) (“We apply an ‘independent utility’ test to determine whether multiple actions are so connected as to mandate consideration in a single EIS. The crux of the test is whether each of two projects would have taken place with or without the other and thus had ‘independent utility.’ When one of the projects might reasonably have been completed without the existence of the other, the two projects have independent utility and are not ‘connected’ for NEPA’s purposes.”) (internal quotations and citations omitted); *Wilderness Workshop v. Bureau of Land Mgmt.*, 531 F.3d 1220, 1228-29 (10th Cir. 2008).

justification, nor does it automatically cause other actions to occur. Therefore, the proper scope of the EIS for the PennEast Project is limited to that action.<sup>40</sup>

The fact that some of these projects and PennEast's Project may physically connect, or that some of the other projects may build upon an existing infrastructure network in a way that provides ancillary benefits to either PennEast or some of its contracted shippers, is insufficient to form the basis for "connectedness" when the projects have independent utility. Courts have held that simply because projects may have mutual benefits does not mean they are connected.<sup>41</sup> In the context of linear projects, courts have also held that a single project is not "connected" to potential future projects simply because future projects may benefit from or build upon the infrastructure put in place during prior projects.<sup>42</sup>

In particular, several commenters claim that PennEast's placement near, and terminus at a delivery point for, Transco's Leidy Line means that several of Transco's other recent, pending, or contemplated natural gas projects are "connected" to PennEast's Project. The following bullets describe these other Transco projects:

- Transco is currently operating the Northeast Supply Link Project, completed in 2013, which provides additional transportation service from various receipt points on Transco's Leidy Line in Pennsylvania to various delivery points along Transco's Mainline and Leidy systems in Pennsylvania, New Jersey, and New York.
- Construction is underway for Transco's Leidy Southeast Expansion Project to expand its existing pipeline system capacity from the existing Grugan Interconnect on Transco's

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<sup>40</sup> As discussed further below, the impacts of past, present, and reasonably foreseeable projects will be considered in the cumulative effects analysis to the extent appropriate.

<sup>41</sup> *Coalition on Sensible Transp., Inc. v. Dole*, 826 F.2d 60, 69 (D.C. Cir. 1987) ("[I]t is inherent in the very concept of a highway network that each segment will facilitate movement in many others; if such mutual benefits compelled aggregation, no project could be said to enjoy independent utility. The proper question is whether one project will serve a significant purpose even if a second related project is not built.") (internal citations omitted).

<sup>42</sup> For example, in *Wilderness Workshop v. U.S. Bureau of Land Management*, the Tenth Circuit held that "the fact that the existence of pipeline may encourage additional gas wells, and probably will serve any additional wells, does not mean necessarily that additional wells are connected actions." 531 F.3d 1220, 1230 (10th Cir. 2008); *see also Village of Los Ranchos de Albuquerque v. Barnhart*, 906 F.2d 1477, 1483-84 (10th Cir. 1990) ("Because all local projects must start and end somewhere, under plaintiff's theory the entire highway network across the country could be considered one project. Such implication is obviously indefensible.").

Leidy Line in Clinton County, Pennsylvania, and the existing MARC-I Interconnect in Lycoming County, Pennsylvania, to various delivery points on Transco's Mainline.

- Pending before the Commission is Transco's application for the Atlantic Sunrise Project, a compression and looping project with a greenfield pipeline segment in Pennsylvania to provide capacity from northern Pennsylvania to Alabama. The project would be approximately two miles northwest of the proposed PennEast starting point. Transco anticipates beginning construction in June 2016.
- Also pending before the Commission is Transco's application for the Garden State Expansion Project to provide additional service to New Jersey Natural Gas Company, which would include a new compressor station, other compressor uprates and replacements, and a new delivery point on Transco's Trenton Woodbury Lateral in Burlington and Mercer Counties, New Jersey. The Garden State Expansion Project would connect to PennEast's proposed delivery point at the Transco Station 205 in Mercer County, New Jersey. Transco anticipates developing the expansion in two phases, with target in-service dates of November 2016 and August 2017.
- Also pending before the Commission is Transco's application for the Dalton Expansion Project, providing incremental additional capacity on Transco's system from Mercer County, New Jersey to Pike County, Mississippi, with compressor and meter installations and modifications in Virginia and Georgia, and a new lateral between Transco's Mainline in Coweta County, Georgia, and delivery points in Bartow and Murray Counties, Georgia. Transco anticipates beginning construction in the third quarter of 2016.
- Transco held an open season for the Diamond East Project from August 26 to September 23, 2014, which was designed to provide up to one billion cubic feet per day of new natural gas transportation capacity from receipt points along its Leidy Line in Lycoming County, Pennsylvania and Luzerne County, Pennsylvania to its Market Pool at Station 210 in Mercer County, New Jersey. There are no further details regarding this project.

Commenters are incorrect that any of these recent, pending, or contemplated Transco projects are "connected" to the PennEast Project. The PennEast Project has a utility independent from each of these projects. None of these projects depends on PennEast's Project for its justification, and PennEast does not rely on any of these projects to justify its own project. There may exist shippers who have reserved capacity on PennEast as well as other of Transco's projects, but this does not denote any connection or dependency between the projects, and the obligations of those shippers to PennEast are not contingent on the successful execution of any of Transco's projects.

Several commenters suggest these Transco projects may be connected actions under the analysis employed by the D.C. Circuit in *Delaware Riverkeeper Network v. FERC*.<sup>43</sup> There, the court held that the Commission unlawfully segmented its environmental review of four pipeline projects for Tennessee Gas Pipeline Company, L.L.C.’s 300 Line, which, upon completion, resulted in a complete upgrade of nearly 200 miles of a single, continuous pipeline without any physical offshoots.<sup>44</sup> The court’s conclusion of connectedness was also influenced by the fact that the court’s finding that four projects were before the Commission at the same time, and the four projects were financially interdependent.<sup>45</sup> The PennEast Project and its relationship to the various Transco projects are readily distinguishable from the four Line 300 projects in *Delaware Riverkeeper Network*. Importantly, the PennEast Project is not financially or functionally interdependent with any of the Transco projects; rather, the PennEast Project is an unconnected single action that has independent utility. None of the Transco projects, when combined with PennEast, results in a new or upgraded single, continuous pipeline. The PennEast Project and the Transco projects are nothing like Line 300, where, according to the court, “there was no apparent logic to where one project began and the other ended.”<sup>46</sup> Each project here exists to serve different customers, many in distant locations, under unrelated shipper agreements. Without any financial or functional interdependence, the PennEast Project is not “connected” to any Transco project for the purposes of NEPA.

Neither are New Jersey Natural Gas’s Southern Reliability Link Project or South Jersey Natural Gas’s South Jersey Reliability Projects “connected” to the PennEast Project. The Southern Reliability Link Project is the construction of a 30-mile pipeline from a Transco

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<sup>43</sup> 753 F.3d 1304 (D.C. Cir. 2014).

<sup>44</sup> *Id.* at 1307-08, 1316.

<sup>45</sup> *Id.*; see also *Myersville Citizens for a Rural Cmty., Inc. v. FERC*, 783 F.3d 1301, 1326-27 (D.C. Cir. 2015).

<sup>46</sup> *Delaware Riverkeeper Network*, 753 F.3d at 1318.

interconnection in Chesterfield Township, New Jersey, to New Jersey Natural Gas's existing system in Manchester, New Jersey, in order to enhance reliability for existing customers in Monmouth, Ocean, and Burlington Counties in the southern end of the company's system. The South Jersey Reliability Project is the construction of a new intrastate 22-mile pipeline, beginning in Maurice River Township in Cumberland County to provide back-up for customers in Cape May and Atlantic Counties, and to deliver natural gas to the B.L. England electric generating facility as part of that unit's shift from burning coal to burning natural gas. The Southern Reliability Link and South Jersey Reliability projects do not depend on the PennEast Project, and the PennEast Project does not depend on either of the New Jersey projects. The fact that New Jersey Natural Gas and the South Jersey Gas Company may have reserved capacity on PennEast for receipt of gas does not indicate any connection or dependency between the projects. Moreover, neither company's obligations to PennEast as shippers are contingent on the successful execution of their respective projects. In particular, it is not true that Transco's Garden State Expansion Project and New Jersey Natural Gas's Southern Reliability Link Project cannot or will not exist without the PennEast Project. The PennEast Project is not financially interdependent on either of these projects, and both of these projects would proceed with or without the PennEast Project. Finally, both are intrastate projects that require approval from the New Jersey Board of Public Utilities, and not the Commission. As such, it is unclear whether any approvals necessary for the projects qualify as a major federal action under NEPA or otherwise are sufficient to transform non-federal actions into federal actions for purposes of the connected action analysis.

Commenters also claim that the Commission must consider the MARC II project, a Central New York Oil and Gas Company project proposed to extend from existing points on the

MARC I pipeline about 30 miles to delivery points with PennEast and Transco in Luzerne County, and Transco's Diamond East project to expand the Transco interstate pipeline to provide additional capacity to its line between Lycoming and Luzerne Counties, Pennsylvania, and Mercer County, New Jersey. However, in addition to not meeting the "connected action" legal standard, these projects do not even qualify as "proposals" subject to NEPA review. Section 102(2)(C) of NEPA applies to "proposals" for major Federal actions significantly affecting the quality of the human environment.<sup>47</sup> CEQ's regulations require that "[p]roposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement."<sup>48</sup> Thus, the Commission is only required to consider the impacts of "proposals" for major Federal actions.

Here, neither the MARC II nor Diamond East projects appear to have emerged from the development phase, and neither is "currently before the Commission and there are no publicly available, quantifiable details about [either] project (e.g., exact location or pipeline routes, environmental resources affected, land requirements, etc.)."<sup>49</sup> There are no further details regarding these projects. Contemplating a course of action or conducting studies to gain background information to use in a subsequent formal decision-making process fails to qualify as a proposal and does not trigger NEPA. The Commission has consistently found that a "proposal" exists for NEPA purposes when an application for a certificate is filed with the Commission.<sup>50</sup> As such, these projects are not proposals currently before the Commission, and arguments that the Commission's environmental review of the PennEast Project must incorporate these projects

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<sup>47</sup> 42 U.S.C. § 4332(2)(c) (2012); 40 C.F.R. § 1502.3 (2015).

<sup>48</sup> 40 C.F.R. § 1502.4(a) (2015).

<sup>49</sup> See *Transcontinental Gas Pipe Line Co.*, 149 FERC ¶ 61,258 at P 56 (2014) (concluding that "any assessment of potential cumulative impacts would be highly speculative and would not allow for meaningful analysis.").

<sup>50</sup> See Br. of Respondent FERC at 26-27, *Delaware Riverkeeper Network v. FERC* (D.C. Cir. No. 13-1015, Aug. 13, 2013) (citing, inter alia, *Theodore Roosevelt Conservation P'ship v. Salazar*, 616 F.3d 497, 513 (D.C. Cir. 2010), for the proposition that an "agency's issuance of a notice of intent to prepare an EIS merely reflects the 'incipient notion' of a project").

lack foundation. Moreover, because the details of any potential future project like MARC II and the Diamond East project are not yet known, their potential environmental impacts are not yet reasonably foreseeable and cannot be meaningfully analyzed in a NEPA document. The Commission would have to speculate about potential impacts.

- (b) The PennEast Project and these other projects are not “cumulative actions” requiring consideration in a single NEPA document.

The PennEast Project and the other pipeline projects in the region are not cumulative actions. “Cumulative actions” are those “which when viewed with other proposed actions have cumulatively significant impacts.”<sup>51</sup> The CEQ regulations defining “cumulative” actions are designed to ensure that proposals with insignificant individual impacts do not avoid preparation of an EIS “when viewed with other actions [that] have cumulatively significant impacts.”<sup>52</sup> The PennEast Project is already being evaluated through an EIS, and it will properly consider the cumulative effects of past, present, and reasonably foreseeable future actions. As a result, this is not a case of an agency avoiding the preparation of an EIS by considering different projects with possibly significant cumulative impacts in separate environmental assessments.

- (c) Even if these projects are considered “similar actions,” the Commission has discretion whether to consider these projects in the same NEPA document.

CEQ regulations define “similar actions” as actions “which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography.”<sup>53</sup> The regulations are clear that similar actions need not be considered in the same NEPA document, and the matter remains at the discretion of the agency: “An agency *may* wish to

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<sup>51</sup> 40 C.F.R. § 1508.25(a)(2) (2015).

<sup>52</sup> *Id.*

<sup>53</sup> 40 C.F.R. § 1508.25(a)(3) (2015).

analyze [similar] actions in the same impact statement. It *should* do so when the *best way* to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.”<sup>54</sup> Courts have treated the regulation’s use of “may” as a non-mandatory statement and have “accorded more deference [to an agency] in deciding whether to analyze such [similar] actions together.”<sup>55</sup> Thus, the regulations provide agencies with discretion whether to analyze “similar actions” in the same NEPA document. Given the disparity in timing and geography, and the variable level of detail available from which to assess potential impacts, it is reasonable for the Commission to determine that a review of all such actions in the same NEPA document is not the “best way” to assess the projects.

**3. Other development in the Marcellus and Utica Shale region, and the greenhouse gas emissions associated with that development, are not indirect or cumulative impacts that must be considered in the PennEast Project’s environmental review.**

- (a) Development across the wider Marcellus and Utica Shale region is not an indirect effect of the PennEast Project because it is not proximately caused by the PennEast Project and is not reasonably foreseeable.

Commenters argue that the Commission must examine the extraction, transportation, and use of natural gas from across the entire Marcellus and Utica Shale region, implying that such activities are indirect effects of the PennEast Project.<sup>56</sup> Some commenters focus on language in draft CEQ guidance discussing an agency’s need to include potential upstream and downstream greenhouse gas emissions from extracting, processing, transporting, and using a resource.<sup>57</sup> The

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<sup>54</sup> *Id.* (emphasis added).

<sup>55</sup> *Klamath-Siskiyou Wildlands Ctr. v. Bureau of Land Mgmt.*, 387 F.3d 989, 1000-01 (9th Cir. 2004) (rejecting challenge to agency’s conclusion that analyzing the projects together was not necessarily the “best way” to evaluate them).

<sup>56</sup> Indirect effects are those effects “caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable,” and they may include “growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.” 40 C.F.R. § 1508.8(b) (2015).

<sup>57</sup> See CEQ, Revised Draft Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in NEPA Reviews 12 (Dec. 18, 2014). In addition to being draft guidance, and not a legally enforceable rule or regulation, the discussion of including upstream and downstream

Commission has previously concluded in other similar natural gas pipeline proceedings that “the environmental effects resulting from natural gas production are generally neither caused by a proposed pipeline (or other natural gas infrastructure) project nor are they reasonably foreseeable consequences of our approval of an infrastructure project, as contemplated by the CEQ regulations.”<sup>58</sup> Indirect effects that an agency must include within the scope of a NEPA analysis are limited to those “*which are caused by the action* and are later in time or farther removed in distance, but are still *reasonably foreseeable*.”<sup>59</sup> NEPA requires a reasonably close causal relationship between the alleged cause and environmental effect.<sup>60</sup> Thus, an agency may need to expand its analysis beyond the geographic scope of the environments directly affected by the proposed action to account for indirect effects, but only where those effects are both “caused by the action” and are “reasonably foreseeable.”

Neither Marcellus and Utica Shale development nor the end use of natural gas from the region is an “indirect effect” of the PennEast Project because those effects are not caused by the Project. NEPA does not require an agency to consider the effects of every action that has some amorphous relationship, however attenuated, to a proposed federal action. The legal standard for when an indirect effect is sufficiently related to a proposed action so as to require consideration under NEPA is whether the proposed project is the proximate cause of the effect.<sup>61</sup> In other

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effects as indirect effects expressly discusses only reasonably foreseeable effects caused by the action. *Id.* at 1 n.4; 11-12.

<sup>58</sup> *Columbia* at P 19 (citing *Central New York Oil and Gas Co., LLC*, 137 FERC ¶ 61,121, at PP 81-101 (2011), *order on reh’g*, 138 FERC ¶ 61,104, at PP 33-49 (2012), *petition for review dismissed sub nom. Coalition for Responsible Growth v. FERC*, 485 Fed. App’x. 472, 474-75 (2012) (unpublished opinion)).

<sup>59</sup> 40 C.F.R. § 1508.8(b) (2015) (emphasis added).

<sup>60</sup> *Metro. Edison Co. v. People Against Nuclear Energy*, 460 U.S. 766, 774 (1983).

<sup>61</sup> *See Dep’t of Transp. v. Pub. Citizen*, 541 U.S. 752, 767 (2004); *Metro. Edison Co.*, 460 U.S. at 774.

words, the agency action and the effect must be “two links of a single chain,”<sup>62</sup> and there must be a “reasonably close causal relationship”<sup>63</sup> between the agency action and the alleged effect.

Here, there is no such “reasonably close causal relationship” between the PennEast Project and natural gas drilling or hydraulic fracturing across the Marcellus and Utica Shale region that would require the effects of that regional development to be considered in the NEPA analysis of the PennEast Project. Both the Commission and the Second Circuit expressly rejected this same argument in the context of the MARC I natural gas pipeline, where the Second Circuit upheld the Commission’s determination that overall Marcellus Shale regional development was not sufficiently causally related to the project to warrant a more in-depth analysis.<sup>64</sup>

Commenters argue that the PennEast Project will facilitate the transportation of natural gas out of the Marcellus and Utica Shale region, where it will then be burned and affect the environment, but neither the upstream natural gas production activities in the Marcellus and Utica Shale region nor the downstream uses of such natural gas are caused by the PennEast Project. This regional development will occur regardless of whether the PennEast Project is built. The proposed Project is responding to, and not causing, increased demands for natural gas. This analysis does not change when one considers the impacts from the end use of natural gas extracted from the region. There is an insufficient causal link between approval of the PennEast Project and impacts from the ultimate consumption of natural gas from the region. If the PennEast Project were not built, it is reasonable to assume that natural gas from ongoing

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<sup>62</sup> *Sylvester v. U.S. Army Corps of Engineers*, 884 F.2d 394, 400 (9th Cir. 1989).

<sup>63</sup> *See Metro. Edison Co.*, 460 U.S. at 774.

<sup>64</sup> *Coal. for Responsible Growth and Res. Conservation v. FERC*, 485 Fed. App’x. 472, 474 (2d Cir. 2012).

development throughout the region would still reach their intended markets through alternate pipelines or other modes of transportation.<sup>65</sup>

Finally, the environmental effects of possible future natural gas development in the Marcellus or Utica Shale regions are not reasonably foreseeable indirect impacts of the PennEast Project. From a NEPA perspective, it is not enough to know simply that future natural gas development in the Marcellus and Utica Shale regions is foreseeable. NEPA requires also that any *impacts* of that development allegedly caused by the Commission's action also be reasonably foreseeable, so that those *impacts* can be meaningfully analyzed in the NEPA document and considered by the Commission in reaching a decision on the PennEast Project. Because this calls for speculation, it is not meaningful for the Commission to do this, and is not required under NEPA. As the Commission explained in the Certificate Order for the MARC I pipeline in the context of cumulative impacts,

the widespread nature and uncertain timing of gas well drilling relative to construction [] make it difficult to identify and quantify cumulative impacts: since the development of natural gas reserves in the formation is expected to take 20-40 years due to economics and other factors, the exact location, scale, and timing of future Marcellus Shale upstream facilities that could potentially contribute to cumulative impacts in the project area is unknown at this time.<sup>66</sup>

- (b) NEPA requires consideration of cumulative impacts *occurring in the same affected environments* as the impacts caused by the Project.

In addition to general natural gas development across the region, commenters identify several pipeline projects they claim must be included in the cumulative impacts analysis, but these projects are properly excluded because they either do not overlap geographically or temporally with the area affected by the PennEast Project or they are not reasonably

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<sup>65</sup> See *Columbia* at P 26 (discussing the supply chain to bring gas to market in the context of alleged induced development).

<sup>66</sup> *Central New York Oil and Gas Company, LLC*, 137 FERC ¶ 61,121 at P 60 (2011).

foreseeable.<sup>67</sup> In particular, as noted above, the MARC II and Diamond East projects are not reasonably foreseeable. In addition, Transco’s Dalton Expansion Project involves construction in Georgia, North Carolina, and Virginia, and New Jersey Natural Gas’s Southern Reliability Link Project involves construction in Burlington, Monmouth, and Ocean Counties in New Jersey. Both projects lack a geographic overlap with the PennEast Project’s effects. Finally, Transco’s Sentinel Project was placed in service in December 2008 and involved loops on Transco’s mainline near Downingtown, Pennsylvania; the Leidy line near Conyngham, Pennsylvania; and in Somerset and Union Counties, New Jersey. The Sentinel Project’s geographic overlap is quite limited, and PennEast determined that no temporal overlap existed because the identifiable present effects of the past project are not relevant and useful when analyzing whether the reasonably foreseeable effects of PennEast’s project may have a continuing, additive, and significant relationship to those effects.<sup>68</sup>

The CEQ defines a cumulative impact as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.”<sup>69</sup> When evaluating cumulative impacts, an agency should consider: (1) *the area* in which the effects of the proposed project will be felt; (2) the impacts that are expected *in that area* from the proposed project; (3) other actions—past, present, and reasonably foreseeable—that have had or are expected to have impacts *in the same area*; (4) the

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<sup>67</sup> One commenter claimed that PennEast failed to include a proposed Auburn II pipeline in its cumulative analysis discussion. “Auburn II” was the name of the UGI Corporation’s Auburn Line Extension, which was placed into service in 2013 and which is included in the cumulative effects discussion at Table 1.4-2 of Resource Report 1.

<sup>68</sup> See CEQ, Guidance on the Consideration of Past Actions in Cumulative Effects Analysis (June 24, 2005).

<sup>69</sup> 40 C.F.R. § 1508.7 (2015).

impacts or expected impacts from these other actions; and (5) the overall impact that can be expected if the individual impacts are allowed to accumulate.<sup>70</sup>

Put more simply, the Commission's cumulative impacts analysis must consider the PennEast Project's impacts together with the impacts of other past, present, and reasonably foreseeable actions that occur in the same affected environments. The Commission must first identify an appropriate geographic scale (the affected environment) for each type of impact caused by the Project.<sup>71</sup> The geographic scope for each will necessarily vary based on the type of impact. For example, traffic and noise cumulative impacts are generally localized; socioeconomic impacts are generally analyzed based on local government jurisdictional boundaries (e.g., at the county level); cumulative impacts to water resources are generally considered on a watershed or sub-watershed scale; and cumulative impacts to air resources are generally considered within the same Air Quality Control Region.

Several commenters assert that the Commission's cumulative effects analysis must consider all pipelines across the region. This ignores the necessary first step of determining the appropriate geographic scale for each type of cumulative impact. The cumulative effects analysis "is a measurement of the effect of the current project along with any other past, present, or likely future actions *in the same geographic area*."<sup>72</sup> Neither NEPA nor its implementing regulations require an agency to look outside the environments affected by the proposed action when considering cumulative effects, as the commenters suggest.

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<sup>70</sup> See *Grand Canyon Trust v. Fed. Aviation Admin.*, 290 F.3d 339, 345 (D.C. Cir. 2002); *San Juan Citizens Alliance v. Stiles*, 654 F.3d 1038, 1056 (10th Cir. 2011); *Gulf Restoration Network v. U.S. Dep't of Transp.*, 452 F.3d 362, 368 (5th Cir. 2006).

<sup>71</sup> *Texas Eastern Transmission, LP*, 149 FERC ¶ 61,198 at P 53 (2014) ("The region of influence is established on a project-by-project basis and is specific to the resource affected and the magnitude of the other projects being considered").

<sup>72</sup> *Taxpayers of Mich. Against Casinos v. Norton*, 433 F.3d 852, 864 (D.C. Cir. 2006) (emphasis added).

The purpose of a cumulative effects analysis is to determine whether the incremental impact of the proposed project, when added to the effects of other past, present, and reasonably foreseeable future projects, leads to a significant effect on the environment. It would not make sense, therefore, to look beyond the relevant geographic areas of the proposed Project’s direct and indirect effects, and thereby associate the Project with the effects of other unrelated pipelines in geographically remote areas. Instead, courts have granted agencies a great deal of discretion in determining the scope of a cumulative impacts analysis, and the Supreme Court has held that “determination of the extent and effect of [cumulative impacts], and particularly identification of the geographic area within which they may occur, is a task assigned to the special competency of the appropriate agencies.”<sup>73</sup>

Moreover, as explained above, in order to be considered a cumulative impact, the effect must be “reasonably foreseeable.” For example, the MARC II and Diamond East projects, which some commenters suggested should be included in the cumulative effects analysis, are properly excluded because there is no certainty that either will ever come to fruition, and as such, necessary details to assist in the effects analysis are lacking. Generally, “[a]n impact is ‘reasonably foreseeable’ if it is sufficiently likely to occur that a person of ordinary prudence would take it into account in reaching a decision.”<sup>74</sup> NEPA does not require that an agency consider “speculative” impacts.<sup>75</sup> Further, in evaluating cumulative impacts, “NEPA does not require the government to do the impractical.”<sup>76</sup> Environmental effects of actions that could

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<sup>73</sup> *Kleppe*, 427 U.S. at 414; see also *Selkirk Conservation Alliance v. Forsgren*, 336 F.3d 944, 962 (9th Cir. 2003) (“The selection of the scope of an EIS is a delicate choice and one that should be entrusted to the experience of the deciding agency.”).

<sup>74</sup> *City of Shoreacres v. Waterworth*, 420 F.3d 440, 453 (5th Cir. 2005) (citing *Sierra Club v. Marsh*, 976 F.2d 763, 767 (1st Cir. 1992)).

<sup>75</sup> *Id.*

<sup>76</sup> *Inland Empire Pub. Lands Council v. U.S. Forest Service*, 88 F.3d 754, 764 (9th Cir. 1996) (citing *Kleppe*, 427 U.S. at 414 (noting that “practical considerations of feasibility might well necessitate restricting the scope of comprehensive statements”); *Krichbaum v. Kelley*, 844 F. Supp. 1107, 1118 (W.D. Va. 1994).

change substantially, that may not occur, or that are too far in the future to be reasonably foreseeable are speculative. Indeed, the impacts of actions that are themselves still speculative cannot legitimately be evaluated, because the precise nature, scope, and timing of such impacts are unknown. Evaluating the impacts of such actions would be little more than guesswork and would result in a meaningless analysis.<sup>77</sup>

- (c) Natural gas development across the Marcellus and Utica Shale regions are beyond the scope of the PennEast Project’s cumulative impacts analysis.

The cumulative impacts analysis for the PennEast Project should not include impacts from natural gas development across the Marcellus and Utica Shale region because those impacts are geographically and temporally remote, do not occur in the same affected environments, and are not reasonably foreseeable. Several commenters suggest that the Commission must consider the cumulative impacts of natural gas development broadly across the region, including the use of hydraulic fracturing and methane emissions related to the production, processing, and storage of natural gas. The Commission has addressed similar comments in multiple prior proceedings and has determined that the development of regional shale resources does not need to be included in the cumulative impacts analysis for an individual project like this one because such development is neither causally-related nor reasonably foreseeable.<sup>78</sup>

The Commission may exclude activities that are “speculative, no more than tangentially related to the proposed project, or not subject to meaningful review.”<sup>79</sup> In considering whether the development of the Marcellus Shale should be included in the cumulative impacts section of the NJ-NY Expansion Project (“NJ-NY Project”), the Commission concluded that there was “no

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<sup>77</sup> See *Theodore Roosevelt Conservation P’ship v. Salazar*, 616 F.3d 497, 513 (D.C. Cir. 2010) (stating that a reasonably foreseeable action does not need to be finalized but must not be so preliminary as to make determining its cumulative impact meaningless).

<sup>78</sup> See, e.g., *Central New York Oil and Gas Co., LLC*, 138 FERC ¶ 61,104 at PP 33-49 (2012); *Sabine Pass Liquefaction Expansion, LLC*, 151 FERC ¶ 61,253 at PP 39-42 (2015).

<sup>79</sup> *Texas Eastern Transmission, LP, et al.*, 141 FERC ¶ 61,043 at P 37 (2012) (citing *Kleppe v. Sierra Club*, 427 U.S. 390, 414 (1976)).

more than an attenuated relationship between the NJ-NY Project and activities in the geographically removed Marcellus Shale region.”<sup>80</sup> In addition, the Commission determined that the scope and timing of future development of Marcellus Shale was not predictable and, as a result, was not reasonably foreseeable.<sup>81</sup>

Likewise, development across the Marcellus and Utica Shale region is neither causally-related to the PennEast Project nor reasonably foreseeable. Further, the scope and timing of future development continues to be unpredictable. Accordingly, the Commission should omit such regional development from its cumulative impacts analysis.

- (d) PennEast’s discussion of greenhouse gas emissions and climate change is adequate to help the Commission meet its NEPA obligation to consider cumulative impacts.

Several commenters argue that in order to adequately consider greenhouse gas emissions and climate change impacts, the Commission must assess the cumulative impacts of greenhouse gas emissions from the PennEast Project and natural gas development across the Marcellus and Utica Shale region on global climate change. However, “the Commission’s responsibility under NEPA focuses on local or regional environmental impacts attributable to the project.”<sup>82</sup> As a result, the Commission should consider greenhouse gas emissions from the PennEast Project, and these emissions are discussed in PennEast’s Resource Report 9. This discussion includes the consideration that because fuel oil is widely used as an alternative to natural gas in the region, and because natural gas emits fewer carbon dioxide equivalents than fuel oil or coal, the PennEast Project could potentially displace some fuel oil use in the region and offset some greenhouse gas emissions. In addition, although the greenhouse gas emissions from the construction and operation of the PennEast Project would be negligible compared to the global

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<sup>80</sup> *Id.* at P 38.

<sup>81</sup> *Id.*

<sup>82</sup> *Sabine Pass Liquefaction Expansion, LLC, et al.*, 151 FERC ¶ 61,253 at P 22 (2015).

greenhouse gas emissions inventory, PennEast's Resource Report 1 identified in its cumulative effects discussion many climate change related impacts in the Northeast region in the proximity of the PennEast Project.

The Commission is not, however, required by NEPA to consider the greenhouse gas emissions of development across the Marcellus and Utica Shale region or the ultimate uses of natural gas from the region. As discussed above, any impact from those emissions is neither proximately caused by the PennEast Project nor reasonably foreseeable for NEPA purposes. Some commenters requested that the Commission consider the link between greenhouse gas emissions and climate change. The Commission has repeatedly noted the lack of any standard methodology to determine how a project's incremental contribution to greenhouse gas emissions will result in physical effects to the environment, either locally or globally.<sup>83</sup> The Supreme Court has emphasized that an agency may, given practical considerations of feasibility, properly limit the scope of its cumulative impacts analysis.<sup>84</sup> Such is the case here.

**4. No conflict of interest prevents Tetra Tech from serving as a third-party contractor to the Commission.**

Several commenters claim that Tetra Tech, the Commission's third-party contractor preparing the EIS, has a conflict of interest and cannot conduct an unbiased environmental review. On the contrary, the Commission's selection of Tetra Tech and the Commission's ongoing oversight of the preparation of the EIS comply with both statutory and regulatory requirements. Specifically, commenters allege that Tetra Tech's membership in two particular trade associations means that Tetra Tech has a financial interest in the success of the PennEast Project. Commenters also state that PennEast did not identify a sufficient number of potential third-party contractors, and that PennEast's obligation to pay for Tetra Tech's work will result in

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<sup>83</sup> See, e.g., *Columbia* at P 69; *Sabine Pass Liquefaction Expansion, LLC, et al.*, 151 FERC ¶ 61,253 at P 45 (2015).

<sup>84</sup> *Kleppe*, 427 U.S. at 414.

some sort of decision bias. None of these shows that Tetra Tech’s involvement has or is likely to compromise the objectivity and integrity of the NEPA process.<sup>85</sup>

Commenters suggest that Tetra Tech’s membership in two trade associations, the Marcellus Shale Coalition and the American Petroleum Institute, indicates its bias toward alternatives that result in the development of the Marcellus shale. Tetra Tech’s mere membership in an organization does not mean that Tetra Tech would be unable to perform its duties in an unbiased fashion. Commenters ignore that the contractor works under the direct supervision and control of the Commission, and that the Commission will “have complete control over the scope, content, and quality of the contractor’s work” and will “independently evaluate the results of the contractor’s work.”<sup>86</sup> Moreover, commenters have not identified any actual interest of Tetra Tech in the kinds of entities that the Commission’s guidance suggests could be indicative of bias.<sup>87</sup> Tetra Tech’s alleged interest in potential but unspecified future development in the region is, at most, nothing more than a vague expectancy, which courts have rejected as insufficient to establish a conflict of interest when the Commission adequately supervises and independently evaluates the contractor’s work.<sup>88</sup>

Some commenters complained that PennEast selected Tetra Tech. This is incorrect. The Division Director of the Commission’s Office of Energy Projects selects each contractor after

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<sup>85</sup> See *W. Org. of Resource v. Bureau of Land Mgt.*, 591 F. Supp. 2d 1206, 1243 (D. Wyo. 2008) (citing *Citizens Against Burlington, Inc. v. Busey*, 938 F.2d 190, 202 (D.C. Cir. 1991)).

<sup>86</sup> FERC, Handbook for Using Third Party Contractors to Prepare Environmental Documents for Natural Gas Facilities and Hydropower Projects 1-1, 1-4 (Dec. 2014).

<sup>87</sup> The Commission’s handbook requires potential contractors to submit disclosure statements identifying relationships, including ownership interests, with all Commission-regulated pipelines and their affiliates, gathering companies, brokers and marketers of natural gas, major producers and their affiliates, and end users of natural gas. *Id.* at 4-1. Trade associations are not included here.

<sup>88</sup> See *Assocs. Working for Aurora’s Residential Env’t. v. Colo. Dep’t of Transp.*, 153 F.3d 1122, 1128-29 (10th Cir. 1998) (discussing the lack of a conflict of interest when the contractor has no guarantee of future work and when, if any expectations of future work exists, the agency exercises oversight to cure any defect arising from that expectation).

evaluating the technical, managerial, and personnel aspects of each contractor’s proposal.<sup>89</sup> One commenter complained that the Commission did not have a minimum of three contractors from which to select a contractor. The Commission, however, specifically allows fewer than three in certain circumstances,<sup>90</sup> and the Commission’s acceptance of two in this case does not support the existence of any conflict of interest or bias in the Commission’s use of a third-party contractor in this case. Commenters also alleged bias because PennEast is the entity paying Tetra Tech. An applicant’s obligation to fund the third-party contractor’s work is required by 16 U.S.C. § 797d(a). Furthermore, although PennEast must fund Tetra Tech’s work, it will have no control over the work and will not be able to review Tetra Tech’s work product until it is released to the public.<sup>91</sup> None of this supports the existence of any conflict of interest.

**C. Response to Other Comments**

Following the submission of the Application, PennEast was contacted by one of its Project shippers regarding the omission of certain changes to its *pro forma* tariff filed in Exhibit P of the Application.<sup>92</sup> PennEast is proposing to include these changes when it submits its tariff records 30 to 60 days before placing the Project facilities into service.

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<sup>89</sup> FERC, Handbook for Using Third Party Contractors to Prepare Environmental Documents for Natural Gas Facilities and Hydropower Projects 1-4 (Dec. 2014).

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

<sup>92</sup> These changes include: (i) replacing “gross negligence” to “negligence” Sections 5.1(c), 8.6 and 12.5(a) of the General Terms and Conditions (“GT&C”); (ii) replacing “cause” with “request” in Section 7.2 of the GT&C; and (iii) replacing “other than for reasons permitted under the Tariff” with “, except where Customer refuses to accept deliveries because of Pipeline’s material failure to meet its obligations under the Tariff with respect to delivery of Customer’s Gas,” in Section 39.3(i) of the GT&C.

**III.  
Conclusion**

For the reasons stated herein, PennEast requests that the Commission accept this answer with the clarifications and information provided herein, and grant the requested certificate authorizations for the PennEast Project.

Respectfully submitted,

/s/ Frank H. Markle  
Frank H. Markle  
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610.768.3625

November 13, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the official service list compiled by the Secretary in this proceeding.

Dated at Washington, DC, this 13th day of November, 2015.

*/s/ Andrew N. Beach*  
Andrew N. Beach

## **APPENDIX A**

**PennEast Pipeline – Docket No. CP15-558**  
**Environmental Impact Topics Raised in Interventions, Comments, and Protests**

Petitioner Comments	Cross Reference/Response
<b>General Project Description – Resource Report 1</b>	
<ul style="list-style-type: none"> <li>• Co-location</li> </ul>	<p>PennEast has taken great care during the design and consultation process to co-locate as much of the pipeline right-of-way (ROW) as practicable. Details regarding areas where the proposed alignment is co-located with other existing utility ROWs can be found in Section 1.3 of Resource Report 1; Table 1.3-3 identifies the specific areas of co-location by milepost (MP). PennEast’s proposed route is co-located for approximately 43.9 miles, which accounts for approximately 37 percent of the total pipeline mileage. Summaries of co-location opportunities and constraints during PennEast’s alternative analysis in the design process can be found in Resource Report 10.</p>
<ul style="list-style-type: none"> <li>○ With highways</li> </ul>	<p>While the current PennEast pipeline intersects highway ROW, it does not longitudinally occupy roads and is limited to perpendicular crossings. Considerations influencing highway ROW impacts include:</p> <ul style="list-style-type: none"> <li>• worker safety,</li> <li>• risk of third-party interference during future road work,</li> <li>• insufficient work area within the ROW,</li> <li>• large and continual disruptions to traffic, and</li> <li>• presence of other utilities.</li> </ul>
<ul style="list-style-type: none"> <li>○ With other utilities</li> </ul>	<p>Where practicable, PennEast’s construction ROW has been co-located and sited adjacent to, or in proximity with existing linear facilities (pipeline or electric transmission). These areas are specified in Table 1.3-3 of Resource Report 1. Where necessary, the new ROW has been sited away from existing linear facilities when there are unacceptable integrity risks, such as steep slope areas or building encroachment within the proposed ROW.</p> <p>PennEast will abide by foreign utility permit provisions on a company-specific basis and conform to all setback requirements and safety measures.</p>
<ul style="list-style-type: none"> <li>○ With Transco</li> </ul>	<p>PennEast considered a loop of Transco’s Leidy Line pipeline system as a system alternative to the proposed Project. A loop of Transco’s Leidy Line could access the same production region that the Project accesses. However, the Transco Leidy Line does not offer the same access to specific delivery point locations provided by the Project. Furthermore, if Transco were to loop its Leidy Line pipeline system as an alternative to the Project, there would not be an additional new pipeline in the region to deliver production from the nearby production region to the markets to be served by the Project, providing a further reason why this system alternative does not satisfy the purpose and need of the Project.</p>

Petitioner Comments	Cross Reference/Response
	<p>In addition to the foregoing, a loop of Transco’s Leidy Line is not a viable alternative in light of the current circumstances and the environmental impact associated with constructing the facilities. PennEast has performed an analysis of an alternative involving a loop of Transco’s Leidy Line. PennEast agrees with Transco’s own statement where it indicates that the existing line cannot be expanded: “The existing Transco pipeline system is extremely capacity constrained in New Jersey and Southern Pennsylvania, operating in very densely populated areas. Because of encroachment of residential and commercial structures along the Transco system, certain areas would be nearly impossible to loop and would require other greenfield portions to be constructed, further increasing the overall impact of the project.” (Transco Atlantic Sunrise FAQ at <a href="http://atlanticsunriseexpansion.com/get-the-facts/get-the-facts">http://atlanticsunriseexpansion.com/get-the-facts/get-the-facts</a>). Encroachment is severe in both Pennsylvania and New Jersey, which would result in a considerable amount of greenfield construction.</p> <p>PennEast has made an effort to co-locate with the Transco ROW wherever the two lines occur in the same vicinity and where residential encroachment is not prohibitive, resulting in the PennEast alignment being co-located with Transco’s ROW for approximately 7.8 miles. Additional details of PennEast’s analysis of the Transco Leidy Line pipeline as a system alternative can be found in Section 10.2.1 of Resource Report 10.</p>
<ul style="list-style-type: none"> <li>○ Project does not follow NJ DEP’2 2011 guidance regarding co-location</li> </ul>	<p>See responses above on PennEast’s co-location efforts.</p> <p>The New Jersey Department of Environmental Protection (NJDEP) issued an internal document on December 9, 2011 to provide guidance on Large Linear Infrastructure Projects that are regulated by the NJDEP. This document was prepared by the Office of Permit Coordination and Environmental Review to provide guidance on those projects that are also federally regulated or are undergoing any required National Environmental Policy Act (NEPA) process. The document indicates the types of comments that the NJDEP would be making to the federal government regarding New Jersey’s interests and policies regarding these projects. To PennEast’s knowledge, the 2011 Guidance Document for Large Linear Infrastructure Projects was never formally adopted by Rule, nor was it ever officially published.</p> <p>PennEast incorporated the recommendations outlined in the NJDEP guidance document and carefully examined existing utility corridors (natural gas pipelines, liquid pipelines, electric transmission, water, and sewer) to identify potential areas where the Project could parallel or be co-located within existing maintained ROWs. This assessment found that some of these ROWs had been encroached upon by residential and commercial development resulting in inadequate space for the staging and construction of an additional pipeline between the existing facilities and the neighboring developments. Where environmental impacts were not greater, PennEast has aligned the Project with as many existing utility corridors as practicable, while ensuring a Project that can be safely constructed and operated, and satisfy the Project customers’</p>

Petitioner Comments	Cross Reference/Response
	<p>demands. In fact, during the pre-filing phase of the Project, several significant route changes were made to significantly increase the amount of co-location.</p> <p>PennEast has engaged in an extended Pre-Application process with the NJDEP, which is coordinated through the same office that prepared the referenced guidance document and includes all relevant divisions of the NJDEP. The extended Pre-Application process proactively identified all relevant NJDEP rules and regulations, and PennEast has addressed the concerns identified by NJDEP in the Project.</p>
<ul style="list-style-type: none"> <li>• Cumulative Impacts</li> </ul>	<p>See PennEast’s Motion for Leave to Answer and Answer of PennEast Pipeline Company, LLC, filed herein (Motion), for a discussion of cumulative impacts.</p> <p>A detailed analysis of potential cumulative impacts can be found in Section 1.4 of Resource Report 1.</p>
<ul style="list-style-type: none"> <li>○ Other Pipelines, including Transco Leidy and upgrades such as Transco’s Lawrence, NJ station, Williams Transco compressor Station #205 in Lawrenceville NJ, the Transco Garden State Expansion project, Marc II, and the Southern Reliability Link</li> </ul>	<p>See Section II.B.3 of the Motion.</p> <p>To examine potential cumulative impacts from other interstate natural gas pipeline projects, PennEast assessed an area within a radius of 10-miles of the proposed Project, as well as watershed or subbasin areas and Air Quality Control Region areas crossed by the Project. PennEast identified four interstate natural gas pipeline projects that are either proposed, currently under construction or have been completed within the past five years. These projects include the proposed Garden State Expansion Project, portions of the ongoing Leidy Southeast Expansion Project, the proposed Atlantic Sunrise Project, and the completed Northeast Supply Link Project. Additional information regarding these projects, as well as an analysis of potential cumulative impacts when considering PennEast’s proposed Project, are summarized in Sections 1.4.1.3 and 1.4.3 of Resource Report 1.</p> <p>Other projects mentioned in public comments include various Transco system upgrade projects, the proposed Marc II Project, and the Southern Reliability Link Project. These projects are either located outside the Region of Influence (ROI) for the Project’s cumulative impact analysis and/or are in a speculative state and not in the reasonably foreseeable future. Therefore, they were not included in PennEast’s cumulative impacts analysis for the Project.</p>
<ul style="list-style-type: none"> <li>○ Climate Change</li> </ul>	<p>Section 1.4.3.9 of Resource Report 1 summarizes the Project’s potential to contribute to global climate change, while Section 9.1.2 of Resource Report 9 discusses the greenhouse gas (GHG) emissions resulting from the construction and operation of the Project. See also Section IIB.3 of the Motion.</p> <p>Currently, there is no standard methodology to determine how the Project’s relatively small incremental contribution to GHGs would translate into physical effects on the global environment. The GHG emissions from the construction and operation of the Project would be negligible compared to the global GHG</p>

Petitioner Comments	Cross Reference/Response
	<p>emission inventory. Additionally, burning natural gas results in less carbon dioxide equivalents (CO<sub>2e</sub>) compared to other fuel sources (e.g., fuel oil or coal). Because fuel oil is widely used as an alternative to natural gas in the region in which the Project would be located, it is anticipated that the Project would result in the displacement of some fuel oil use, thereby potentially offsetting some regional GHG emissions, in terms of carbon dioxide (CO<sub>2</sub>).</p>
<ul style="list-style-type: none"> <li>○ Marcellus Shale Development</li> </ul>	<p>See Section II.B.3 of the Motion.</p> <p>The impacts of natural gas production are not generally considered by the Federal Energy Regulatory Commission (FERC) in its cumulative impact assessment of pipeline projects. This is appropriate because the timing of exploration, drilling, and processing of natural gas is uncertain. In addition, the activities are in different regions, involve different types of physical processes, and the production and processing of natural gas prior to shipment in a pipeline is regulated separately by federal, state, and any local regulations where the gas processing plant is located. For these reasons, FERC is not required to consider the effects of natural gas production in its NEPA analysis consistent with such treatment in recent FERC orders.</p>
<b>Water Use and Quality – Resource Report 2</b>	
<ul style="list-style-type: none"> <li>● Groundwater</li> </ul>	
<ul style="list-style-type: none"> <li>○ Well contamination</li> </ul>	<p>In Pennsylvania, PADEP does not regulate private wells (PADEP, 2015a). However, PADEP’s Bureau of Safe Drinking Water offers general information on private water well management including well contaminants of concern, water testing guidelines, and PA certified drinking water laboratories, as well as regulatory guidance on monitoring public water supply wells within the proximity of construction (PADEP 2015a).</p> <p>In New Jersey, NJDEP offers guidance on private well testing through the Division of Water Supply and Geoscience Private Well Testing Act Regulations, N.J.A.C. 7:9E et seq (NJ DEP, 2008). These regulations establish water test parameters and requirements for the collection, analysis, and submittal of test results and establish procedures and requirements for maintaining the confidentiality of any information submitted to the Department or other government agencies pursuant to the Private Well Testing Act (PWTA). The Division of Water Supply and Geoscience’s provides a list of required parameters for private well testing by County (NJDEP, 2015a), as illustrated below. In addition, it is required that the NJ Private Well Test Reporting Form be completed exclusively by laboratories reporting well test results in accordance with PWTA Regulations N.J.A.C 7:9E (NJDEP, 2015b).</p> <p>NJDEP offers regulatory guidance on monitoring public water supply wells within the proximity of construction.</p>

Petitioner Comments	Cross Reference/Response
	<p>PennEast will develop and implement plans for monitoring water quality and public/private supply well yields of existing wells before and after construction to determine whether water supplies have been affected by the Project construction activities (Appendix E). In the event of damage, PennEast will mitigate damage associated with Project construction, including possible installation of a new well, arranging for temporary suitable potable water supplies, and conducting restoration, repair or replacement of water supplies. Measures for minimizing and mitigating impact on groundwater will include the following:</p> <ul style="list-style-type: none"> <li>• Special blasting techniques as described in the Blasting Plan (Appendix O).</li> <li>• Installation of trench breakers where appropriate.</li> <li>• The use of special dewatering methods as appropriate.</li> <li>• No refueling or storage of hazardous materials will occur within a 200-foot radius of private wells, and 400-foot radius of community and municipal wells without an approved variance.</li> <li>• PennEast will work with well owners to develop and implement plans for monitoring groundwater quality and public/private supply well yields before and after construction to determine whether water supplies have been affected by pipeline construction activities.</li> </ul>
<ul style="list-style-type: none"> <li>○ PennEast was not truthful when it said there were no wells within 150 feet. PennEast did not survey the full area because of lack of access</li> </ul>	<p>As explained in Section 2.2.4 of Resource Report 2, the Project area crosses through the Riegelsville Borough WHPA in Bucks County, Pennsylvania and Alexandria Township WHPA in Hunterdon County, New Jersey. There are approximately 120 wellhead protection areas located within five miles of the Project Area in Hunterdon County, New Jersey. There is a public water supply well located in Alexandria Township, Hunterdon County, NJ that due to its proximity to the Project area required additional consideration. Route deviation 55, depicted in Appendix P, was considered to avoid locating pipeline in the public water well recharge area. Due to the fact that the water well is located in a paved parking lot and the deviation would increase overall impacts, the deviation was not implemented.</p> <p>PennEast was made aware of numerous private wells by landowners and local residents during Open Houses that were held in the affected communities, as well as in private meetings with affected landowners. This information was used while considering minor route deviations (Resource Report 10 and Appendix P) and those that were not communicated directly by landowners were delineated in the field where access was granted. PennEast will still need to survey the alignment in several locations once access is gained to adequately determine the exact locations of all public and private wellheads. Minor deviations of the pipeline alignment can then be made to increase the buffer between the wellhead and the pipeline facilities, where practicable. However, publicly available data that was reviewed by PennEast during the design process does not indicate that any wellheads occur within 150 feet of the proposed pipeline, including those</p>

Petitioner Comments	Cross Reference/Response
	wellheads in Alexandria and Riegelsville mentioned above.
<ul style="list-style-type: none"> <li>• Surface water contamination</li> </ul>	<p>Measures that may be employed to prevent surface water contamination during construction are provided in PennEast’s Erosion and Sedimentation Control Plan (E&amp;SCP) (Appendix E) and Spill Prevention Control and Countermeasure (SPCC) Plan (Appendix H).</p> <p>Plans for operation and maintenance will incorporate measures to protect surface waters as applicable. Along the pipeline, no herbicides will be used for vegetation control within 100 feet from any waterbody. Runoff will be controlled with approved best management practices (BMP) as part of E&amp;SCP that would be approved by the regulatory agencies along with appropriate permitting and in compliance with the Clean Water Act (CWA).</p>
<ul style="list-style-type: none"> <li>○ Lockatong Creek</li> </ul>	See response to “Surface Water Contamination” above. The Lockatong Creek is proposed to be crossed using an open-cut dry crossing method.
<ul style="list-style-type: none"> <li>○ Wickecheoke Creek</li> </ul>	See response to “Surface Water Contamination” above. The Wickecheoke Creek is proposed to be crossed using an open-cut, dry crossing method.
<ul style="list-style-type: none"> <li>○ Nishisakawick Creek</li> </ul>	See response to “Surface Water Contamination” above. The Nishisakawick Creek is proposed to be crossed using an open-cut dry crossing method.
<ul style="list-style-type: none"> <li>○ Delaware River</li> </ul>	See response to “Surface Water Contamination” above. The Delaware River is proposed to be crossed using horizontal directional drill (HDD) technology and no temporary impacts from construction are anticipated. Aboveground construction activities associated with the HDD process are proposed to occur approximately 1,000 feet from the banks of the river on both the Pennsylvania and New Jersey sides.
<ul style="list-style-type: none"> <li>○ Delaware Wild and Scenic River</li> </ul>	See response to “Surface Water Contamination” above. The area where the Delaware River is proposed to be crossed is not designated by the National Park Service (NPS) as a National Wild and Scenic River. The proposed crossing area between Riegelsville Borough, PA and Holland Township, NJ is located between disjointed sections of the NPS-designated Lower Delaware National Wild and Scenic River. The Delaware River is proposed to be crossed using HDD technology and no temporary impacts from construction are anticipated. Aboveground construction activities associated with the HDD process are proposed to occur approximately 1,000 feet from the banks of the river on both the Pennsylvania and New Jersey sides
<ul style="list-style-type: none"> <li>○ Susquehanna River</li> </ul>	See response to “Surface Water Contamination” above. As described in Section 1.5.2.8.1 of Resource Report 1, the Susquehanna River is proposed to be crossed using an open cut, dry crossing method using a coffer dam due to the potential presence of abandoned mines and the geomorphic conditions at the surface.
<ul style="list-style-type: none"> <li>○ Delaware and Raritan Canal</li> </ul>	See response to “Surface Water Contamination” above. The Delaware River and Canal are proposed to be crossed using HDD technology and no temporary impacts from construction are anticipated.

<ul style="list-style-type: none"> <li>○ Lehigh River</li> </ul>	<p>See response to “Surface Water Contamination” above. The Lehigh River is crossed by the Project in two locations; an open cut, dry crossing method is proposed north of the Francis E. Walter Dam, while an HDD crossing method is proposed north of Hellertown, PA.</p>
<ul style="list-style-type: none"> <li>○ C-1 Stream crossings</li> </ul>	<p>See response to “Surface Water Contamination” above. C-1 streams in New Jersey are proposed to be crossed using a combination of bore and open cut, dry crossing methods in accordance with permit conditions and in compliance with the CWA.</p>
<ul style="list-style-type: none"> <li>• Reservoirs, aquifer, and water quality issues</li> </ul>	
<ul style="list-style-type: none"> <li>○ Project should avoid Bethlehem Water Authority</li> </ul>	<p>PennEast is sensitive to the concern of installing the proposed pipeline adjacent to the critical Bethlehem Water Authority, which services over 111,500 people and 1,315 commercial and industrial customers. During construction, PennEast will follow all Federal, State and Local regulatory protocols related to the trenching, construction, and pipeline operational activities. BMPs for construction and maintenance will be followed, and all engineering and maintenance protocols to ensure the integrity and safety of the pipeline will be utilized. During the design and siting process, PennEast has worked to maintain a buffer between the Bethlehem Authority’s waterline and PennEast facilities near proposed Beltzville crossing. Plans for this crossing are still undergoing evaluation</p> <p>In addition, preventative activities such as ground-penetrating radar to delineate and markout the Bethlehem Authorities Water line position and depth, vibration monitoring to prepare and enforce boundary limits for vibration and ground motion frequency to prevent damage to the adjacent utility, and independent inspection using a qualified Bethlehem Water Authority representative to oversee work in proximity to the water line have been offered to the Bethlehem Water Authority to address the concern of installing pipe is feasible where they run within close proximity to existing Bethlehem Water Authority infrastructure.</p>
<ul style="list-style-type: none"> <li>○ Wild Creek Reservoir</li> </ul>	<p>PennEast’s proposed facilities have been sited approximately 0.4-mile southeast of Wild Creek Reservoir at approximate MP 42.3. PennEast will follow all Federal, State and Local regulatory protocols related to the trenching, construction, and pipeline operational activities. BMPs for construction and maintenance will be followed, and all engineering and maintenance protocols to ensure the integrity and safety of the pipeline will be utilized.</p>
<ul style="list-style-type: none"> <li>○ Sourland reservoir system</li> </ul>	<p>PennEast’s proposed facilities have been sited approximately 300 feet west of Swan Creek Reservoir at approximate MP 102.8. See above response to “Wild Creek Reservoir”.</p>
<ul style="list-style-type: none"> <li>○ Swan Creek Reservoir and Lambertville’s water system</li> </ul>	<p>PennEast’s proposed facilities have been sited approximately 300 feet west of United Water’s Swan Creek Reservoir at approximate MP 102.8. The proposed pipeline would not cross the reservoir itself and is sited far enough away from the dam to ensure that its integrity would be maintained during construction and throughout the lines operation. See above response to “Wild Creek Reservoir”.</p>

<ul style="list-style-type: none"> <li>○ Kingwood aquifers</li> </ul>	<p>The Project area and proposed facilities traverses Kingwood Township, NJ, for approximately 6.7 miles (see Table 1.2-2 of Resource Report 1). This area includes the New Jersey Coastal Plain Aquifer System, a sole-source aquifer that extends along the Delaware River. To help ensure the integrity of the aquifers in Kingwood Township, PennEast will follow all federal, state and local regulatory protocols related to the trenching, construction, and pipeline operational activities. BMPs for construction and maintenance will be followed, and all engineering and maintenance protocols to ensure the integrity and safety of the pipeline will be utilized.</p>
<ul style="list-style-type: none"> <li>○ Arsenic in bedrock and watersheds</li> </ul>	<p>See response to arsenic comment below.</p>
<ul style="list-style-type: none"> <li>○ Radon in bedrock</li> </ul>	<p>Although it is understood that radon in bedrock is a concern in certain regions along the preferred pipeline alignment, it should be noted that other linear developments and improvements such as excavations for roadways, housing and commercial developments, sewer systems and water mains have all been successfully completed in the past while minimizing long-term impacts to sensitive resources such as water resources. PennEast will employ standard-of-practice construction practices and good housekeeping during construction and on-going maintenance of the pipeline corridor to handle propagation concerns related to possible radon in bedrock.</p>
<ul style="list-style-type: none"> <li>○ Project will release arsenic into Stony-Brook Millstone Watershed</li> </ul>	<p>PennEast appreciates the on-going discussions which have been raised regarding the potential for arsenic mobilization along certain areas of preferred alignment and has retained an independent expert, Dr. Michael Serfes, PG, in arsenic mobilization to provide guidance and input regarding this topic. The expert retained previously managed the NJDEP Ambient Groundwater Quality Networks for 23 years and investigated the sources, mobilization, and transport of arsenic, lead, and other trace elements and contaminants in groundwater in the Pennsylvania and New Jersey region. Dr. Serfes' research primarily emphasized arsenic occurrence and mobilization in the geological materials and settings to be evaluated, has been cited primarily and frequently by Dr. Onstott and other reviewers.</p> <p>From Dr. Serfes' current understanding of the arsenic mobilization in the area, correlating arsenic concentrations to the locations of interstate pipelines in Hunterdon and Mercer counties is difficult. In addition, other linear developments and improvements such as excavations for roadways, housing and commercial developments, sewer systems and water mains, and fertilizers for farmed areas all create a linked system that have influence which are not individually distinguishable to the background levels of arsenic observed in the region. Therefore, from this understanding, it has been postulated that impacts related to arsenic mobilization from this specific linear construction element will be minor, or possibly <i>de-minimis</i>. Although the potential for arsenic mobilization is anticipated to be negligible, PennEast is currently conducting a laboratory-based investigative program led by Dr. Serfes to evaluate what potential, if any, exists for arsenic mobilization during construction activities such as excavation and HDDs. The study will evaluate the potential of arsenic to desorb from the various affected rock formations with respect to the construction.</p>

○ Crooks Creek Watershed	See comments above regarding potential surface water contamination. The Project is known to cross four unnamed tributaries to Crooks Creek in Northampton and Bucks Counties between approximate MPs 75.7 and 76.5. All of these minor stream crossings are proposed to be crossed using open cut, dry crossing methods.
○ D&R Canal	The Delaware River is proposed to be crossed using HDD technology and no temporary impacts from construction are anticipated
● Wetlands	All wetlands crossed by the Project will be identified and avoided, to the maximum extent feasible. In accordance with the construction methods outlined in the E&SCP (Appendix E) and FERC's <i>Wetland and Waterbody Construction and Mitigation Procedures</i> (FERC's Procedures) (FERC, 2013), the width of the construction ROW is anticipated to be no wider than 75 feet in wetlands, except in specific cases where site constraints or construction techniques require additional temporary workspace (ATWS) to facilitate safe construction conditions. The standard crossing method on wetlands will be via open trench. PennEast will minimize the length of time that topsoil is segregated and the trench is open to the extent practicable. BMPs, including the use of timber mats and assembling pipeline in upland locations, will be implemented to further avoid and minimize wetland disturbance. Refer to Section 2.5 of Resource Report 2 for details on the wetlands crossed by the project, wetland crossing construction methods, and mitigation.
○ Wetland areas near Swetland Lane and West Wyoming	Wetlands have been identified in the vicinity of MP 5.9, near Swetland Lane. These and other wetlands are discussed in detail in Wetland and Waterbody Report, Appendix I of the FERC application.
○ Delaware River watershed	Wetlands affected by the Project are discussed in Section 2.5.1 of Resource Report 2, and within the Wetland and Waterbody Report (Appendix I). Within Resource Report 2, Table 2C-1 lists the wetlands crossed, and the table is broken out by river basin (watershed).
○ Cooks Creek watershed	Cooks Creek is located within Bucks County and Northampton county, Pennsylvania. Crossings of tributaries to this waterbody are located in the vicinity of MP 75.7. Wetlands found in the vicinity of Cooks Creek are discussed within the Wetland and Waterbody Report (Appendix I).
○ Conversion of "exceptional value" wetland from forested to emergent in Pennsylvania	Permanent conversion from forested wetland to emergent wetland is a type of impact that will be addressed within the permitting process of the Pennsylvania Department of Environmental Protection (PADEP), NJDEP, and U.S. Army Corps of Engineers (USACE). Permitting for exceptional value wetlands or waters is expected to be accomplished through the Joint Permit Application process and not General Permits. If mitigation is required for conversion of forested wetlands to emergent wetlands by any of these agencies during the permit process (for example, the USACE), PennEast will adhere to said requirements.
● Blasting	
○ General impacts to water resources	Blasting completed to support the PennEast Project will be conducted in accordance with Federal guidelines as defined by Title CFR 181, Title 49 CFR 177, Title 29 CFR 1926.900 et seq. Subpart U, and 29 CFR 1910.109 as well as State regulations contained within respective administrative and legislative codes. As required by Federal and State regulations, PennEast's blasting subcontractor will prepare a Blasting Plan, which will be reviewed by both Federal and State agencies to ensure the health and safety of sensitive resources are protected

	<p>and maintained. In addition, it should be noted that blasting is utilized for other linear developments and improvements such as excavations for roadways, housing and commercial developments, sewer systems and water mains. These activities have been successfully completed in the past while minimizing long-term impacts to sensitive resources such as water resources.</p> <p>This issue is addressed within Section 2.3.3.1 of Resource Report 2.</p> <p>Streambeds that contain solid rock are proposed to be drilled and blasted. An application for a Permit for Use of Explosives in Commonwealth Waters will be filed with the Pennsylvania Fish and Boat Commission (PFBC). This permit will include information on the location of the proposed use of explosive, and waterway specific information including waterway name, county, township, and Chapter 93 Water Use Protected Classification. This application will also include a description of the immediate (short-term) effects anticipated from the proposed use of explosives. In New Jersey, it is anticipated that blasting activities proposed in wetlands, waterways, and/or regulated transition areas/riparian zones, will require a Blasting Plan to be reviewed and approved by the Department of Labor and Workforce Development, Division of Safety and Health, Safety Compliance Unit prior to authorization of these activities.</p> <p>Blasting activities will be completed in accordance with the E&amp;SCP, as well as project-specific Blasting Plans. The use of blasting is a very controlled and minimally impactful method to extract rock in many construction projects from single site development to linear projects such as pipelines. Current blasting techniques for pipeline construction use carefully placed charges that are positioned in a manner to control the direction and velocity of the blast. Modeling is used to assess the pattern and distance of the blasting. Following construction, a supplemental inspection will be conducted.</p>
<ul style="list-style-type: none"> <li>○ Occurrence near Swan Creek Reservoir dam</li> </ul>	<p>See response above for “Swan Creek Reservoir.” The proposed pipeline would not cross the reservoir itself and is sited far enough away from the dam to ensure that its integrity would be maintained during construction and throughout the lines operation.</p>
<ul style="list-style-type: none"> <li>○ Causing release of arsenic and/or radon into aquifers and wells</li> </ul>	<p>See above responses to comments regarding arsenic and radon.</p>
<ul style="list-style-type: none"> <li>● Septic Systems</li> </ul>	<p>Septic systems are discussed in Section 2.2.4.1 of Resource Report 2. Septic systems are avoided where their presence is known. The locations of septic systems are some of the most important pieces of information PennEast can obtain from cooperating landowners during the survey process. However, many landowners have been encouraged to withhold this information by special interest opposition.</p>
<ul style="list-style-type: none"> <li>● Flooding</li> </ul>	
<ul style="list-style-type: none"> <li>○ Flooding from C-1 Stream</li> </ul>	<p>Statewide floodplains and flood hazard zones are identified and discussed within Section 2.3.1.3 of Resource Report 2.</p>

<ul style="list-style-type: none"> <li>○ Flood Hazard Area Control Act</li> </ul>	<p>The project will be submitting an application for a Flood Hazard Area Permit from NJDEP. PennEast will adhere to all requirements of this permit.</p>
<ul style="list-style-type: none"> <li>○ Wyoming Valley</li> </ul>	<p>Wyoming Valley is in the vicinity of Wilkes-Barre, PA. It is understood that flooding of the Susquehanna River is of concern in this area. Extensive efforts have been made during the siting process to avoid potential impacts to critical infrastructure such as local flood protection systems. PennEast is working with Federal and State agencies as well as local authorities to identify and avoid potential impacts to flood protection systems.</p> <p>A January 28, 2015 letter filed with FERC by the Luzerne County Flood Protection authority states that the Project does not appear to intersect or interfere with the Authority's flood control facilities, operations, or flood fighting activities (Belleman, 2015).</p> <p>Section 2.3.1.3 of Resource Report 2 evaluates statewide floodplains and flood hazard zones in the Project area.</p>
<ul style="list-style-type: none"> <li>● Project violates Clean Water Act</li> </ul>	<p>The project will be obtaining permits from PADEP, NJDEP, and the USACE that authorize fill in wetlands and waters of the U.S. under Sections 401 and 404 of the Clean Water Act, Chapter 105 (Dam Safety and Waterway Management) of the Pennsylvania Code, the National Pollutant and Discharge Elimination System (NPDES), and the Land Use Regulation Program of New Jersey. Each of these permits will have stipulations and conditions that ensure that the Project complies with the Clean Water Act through avoidance, minimization, and mitigation of impacts to wetlands and waters.</p>
<ul style="list-style-type: none"> <li>● Violations of the New Jersey Flood Hazard Area Protection Act</li> </ul>	<p>The Project will be reviewed by the NJDEP for compliance to the Flood Hazard Area Control Act Rules, including determination of the flood hazard area limits and riparian zones. PennEast will obtain NJDEP approval prior to construction. The Hunterdon and Mercer County Soil Conservation Districts will review and certify the Project for compliance with the standards for Soil Erosion and Sediment Control in New Jersey. PennEast will employ BMPs during pipeline construction, which incorporates appropriate environmental controls.</p>
<ul style="list-style-type: none"> <li>● Project encourages fracking, which negatively impacts groundwater</li> </ul>	<p>The purpose of the Project is transportation of natural gas, not production. The project is not involved in resource extraction or well-drilling, two types of activities that utilize hydraulic fracturing of bedrock. As discussed in the Motion, hydraulic fracturing and its effects are not direct, indirect, or cumulative effects of the PennEast Project because they are not caused by the Project, they would occur outside the area affected by the Project, and they are not reasonably foreseeable for NEPA purposes. Please also refer to Section II.B.3 of the Motion.</p>
<ul style="list-style-type: none"> <li>● HDD should be used at all waterbody crossings</li> </ul>	<p>For very small streams and tributaries, there is more earth disturbance associated with setting up an HDD or bore compared to less intensive methods, such as open-cut or dry-cut (e.g. dam and pump) methods. In addition, open-cut or dry-cut methods minimize the amount of construction time within the stream. Use of BMPs as defined within the county-approved E&amp;SCP will minimize impacts to smaller streams where HDD is not feasible or practicable.</p>

	<p>HDD's require a greater construction work area for the entrance and exit pits associated with the drill, the frac tanks for drilling muds, and the false ROW for construction of the pipeline to be pulled through the drill hole. In addition, HDDs also take substantially longer to construct versus the FERC standard 24-hour for minor stream crossings.</p> <p>Stream crossing impacts will be listed within the permit application packages to be submitted to PADEP, NJDEP, and USACE. Waterbodies that will require site-specific crossing plans are identified in Table 2.3-8 in Resource Report 2. Crossing methods for each waterbody are listed within Resource Report 2, Tables 2A-1 (for Pennsylvania) and 2A-2 (for New Jersey).</p>
<b>Fish, Wildlife, and Vegetation – Resource Report 3</b>	
<ul style="list-style-type: none"> <li>• Threatened and Endangered Species</li> </ul>	
<ul style="list-style-type: none"> <li>○ Bog Turtle</li> </ul>	<p>Coordination with the U. S. Fish and Wildlife Service (USFWS) regarding bog turtle and other federally-listed species has been ongoing throughout Project development. Documentation of such coordination is found within Appendix G. Phase I and Phase II surveys, in accordance with USFWS guidelines, have been conducted by Recognized, Qualified Bog Turtle Surveyors (RQBTS). The results of these surveys are documented within Table 3.5-1 and within Section 3.5.1.1 of Resource Report 3. Where access was not permitted, additional surveys are planned for bog turtles in the Spring of 2016. Survey reports have also been submitted to USFWS. PennEast will continue to coordinate with USFWS regarding avoiding impacts to this federally-listed species.</p>
<ul style="list-style-type: none"> <li>○ Wood turtles (NJ threatened species)</li> </ul>	<p>The NJDEP Natural Heritage Program (NJDEP-NHP) has identified wood turtle (<i>Glyptemys insculpta</i>), a threatened species in New Jersey, as potentially occurring within certain New Jersey sections of the PennEast Project area. Areas of concern include potentially suitable habitat within Hunterdon and Mercer counties. PennEast will comply with the state recommended timing restriction from November 15 through March 15 for in-stream work within suitable wood turtle habitat, and/or will conduct pre-construction clearance surveys and construction monitoring as necessary in accordance with recommendations from NJDEP Endangered and Nongame Species Program (ENSP). Refer to Section 3.5.1.3 of Resource Report 3 for additional information regarding wood turtles.</p>
<ul style="list-style-type: none"> <li>○ Box Turtle (NJ rare species – special concern)</li> </ul>	<p>Eastern box turtle (<i>Terrapene carolina carolina</i>) is a species of special concern in New Jersey. Eastern box turtle has been observed during field surveys within the proposed pipeline route. Field surveys will continue to assess potentially suitable habitat for box turtle on applicable parcels and record all sightings within the project's survey corridor. Specific avoidance, minimization, and mitigating measures will be developed with NJDEP during the permitting process. Additional information on Box Turtles is provided in Table 3.5-1 and Section 3.5.1.3 of Resource Report 3.</p>

<ul style="list-style-type: none"> <li>○ Rare insects (including butterflies, dragonflies, and damselflies)</li> </ul>	<p>The only rare insect identified within agency coordination was the Cobblestone Tiger Beetle (<i>Cicindella marginipennis</i>), which is a Species of Special Concern in New Jersey. As documented within Table 3.5-1 of Resource Report 3, there are no anticipated impacts to this species. Also noted in Section 3.4.2 is the fact that after construction the open ROW could provide suitable habitat for milkweed, a plant that supports monarch butterflies, a declining insect species.</p>
<ul style="list-style-type: none"> <li>○ Wildlife in Riegelsville area</li> </ul>	<p>Resource Report 3 addresses wildlife species, wildlife habitat, and potential impacts to wildlife throughout the Project area. These discussions are found within Section 3.4 of Resource Report 3.</p>
<ul style="list-style-type: none"> <li>○ Migratory birds</li> </ul>	<p>Resource Report 3 addresses migratory birds, forest interior birds, grassland bird species, and potential impacts to birds. These issues are discussed within Section 3.4.1.2 of Resource Report 3.</p>
<ul style="list-style-type: none"> <li>○ Important Bird Areas</li> </ul>	<p>Important Bird Areas crossed by the Project are depicted on Figures 3.4-1 and 3.4-2, and these areas are discussed within the text of Section 3.4.1.2, and Table 3.4-4 (Pennsylvania) and Table 3.4-5 (New Jersey) of Resource Report 3.</p>
<ul style="list-style-type: none"> <li>○ Bat caves</li> </ul>	<p>PennEast coordinated with the USFWS (Pennsylvania and New Jersey Field Offices) and the Pennsylvania Game Commission (PGC) regarding the location of known bat caves. These are discussed in Section 3.5.1.1 of Resource Report 3.</p>
<ul style="list-style-type: none"> <li>○ Spotted salamander</li> </ul>	<p>The spotted salamander (<i>Ambystoma maculatum</i>) is a member of the mole-salamander family. It is not a listed species in either Pennsylvania or New Jersey, and was not identified in consultation with any wildlife agency as being of concern for the PennEast project. It is a species that breeds in vernal pools and is reliant upon these habitats. Vernal pools are discussed in Section 3.3.1.1 of Resource Report 3. Vernal pool protection measures are discussed in Section 3.3.2 within Resource Report 3, which will be protective of this species.</p> <p>The blue-spotted salamander (<i>Ambystoma laterale</i>) is an Endangered species in New Jersey. It was not identified in consultation with any wildlife agency as being in the vicinity of the PennEast project. It is a species that breeds in vernal pools and is reliant upon these habitats. Vernal pools are discussed in Section 3.3.1.1 of Resource Report 3. Vernal pool protection measures are discussed in Section 3.3.2 within Resource Report 3, which will be protective of this species.</p>
<ul style="list-style-type: none"> <li>○ Long-tailed salamander</li> </ul>	<p>Long-tailed salamander is discussed within Section 3.5.1.3 of Resource Report 3. The NJDEP in its comment letter to FERC (October 28, 2015) noted that this salamander is mapped in their database at MPs 93.8, 93.9, and 94.2.</p> <p>PennEast will conduct surveys in suitable habitat when additional access to properties in New Jersey is obtained. PennEast will adhere to the protective measures noted by NJDEP in its comment letter to FERC dated October 28, 2015, which entail either directional drilling of waterbodies and wetlands at the MP locations noted above, or surveys should open-cut methods be used.</p>

<ul style="list-style-type: none"> <li>○ Threatened species in Kingwood Township</li> </ul>	<p>Resource Report 3 addresses wildlife species, wildlife habitat, and potential impacts to wildlife throughout the Project area. Kingwood Township, including areas within the proposed pipeline alignment, provides potentially suitable habitat for several New Jersey State listed threatened species. Field surveys will continue to assess potentially suitable habitat for threatened species within Kingwood Township and record all sightings within the project’s survey corridor. Specific avoidance, minimization, and mitigating measures will be developed with NJDEP during the permitting process. Additional information on NJ State threatened species is provided in Section 3.5 of Resource Report 3.</p>
<ul style="list-style-type: none"> <li>● Rare Plants</li> </ul>	
<ul style="list-style-type: none"> <li>○ The field of plants searched for should have included NJ endangered S3 species</li> </ul>	<p>Rare plant surveys were conducted by a qualified botanist for all plant species listed in the NJDEP-NHP consultation letter. The current NJDEP-NHP correspondence (most recently, from February 2015) did not include any S3 plant species.</p>
<ul style="list-style-type: none"> <li>○ Rare Plant Surveys in New Jersey</li> </ul>	<p>Rare plant surveys were conducted by a qualified botanist for all plant species listed in the NJDEP-NHP consultation letter. This is documented within Section 3.5.1.3 of Resource Report 3. Because survey access was not available for all areas of potential habitat, additional surveys will be necessary during the appropriate seasons, once additional survey access is obtained.</p> <p>The 400-foot study corridor includes areas to be disturbed by the Project, as well as a substantial review zone beyond the limits of permanent and temporary disturbance.</p>
<ul style="list-style-type: none"> <li>● Blasting impacts on habitat</li> </ul>	<p>Blasting completed to support the PennEast will be conducted in accordance with Federal guidelines as defined by Title 27 CFR 181, Title 49 CFR 177, Title 29 CFR 1926.900 et seq. Subpart U, and 29 CFR 1910.109 as well as State regulations contained within respective administrative and legislative codes. As required by Federal and State regulations, PennEast’s blasting subcontractor will prepare a Blasting Plan which will be reviewed by both Federal and State agencies to ensure the health and safety of sensitive resources are protected and maintained. In addition, it should be noted that blasting is utilized for other linear developments and improvements such as excavations for roadways, housing and commercial developments, sewer systems and water mains. These activities have been successfully completed in the past while minimizing long-term impacts to sensitive resources such as water resources.</p> <p>To protect bat hibernating habitat, the USFWS has required that no blasting take place within 0.25 mile of known, documented, or identified bat caves. These locations are discussed in Section 3.5.1.1 of Resource Report 3.</p> <p>In addition, to prevent impacts to nesting bald eagles, USFWS Bald Eagle Avoidance Measure for Blasting (no blasting between January 1 and July 31 within one-half mile of active nests) will be followed. This is discussed within Section 3.5.1.1 of Resource Report 3.</p>

	<p>For aquatic habitats, PennEast will adhere to conditions established by the PFBC in its Blasting Permit that will be obtained for the Project. In New Jersey, it is anticipated that blasting activities proposed in wetlands, waterways, and/or regulated transition areas/riparian zones, will require a Blasting Plan to be reviewed and approved by Department of Labor and Workforce Development, Division of Safety and Health, Safety Compliance Unit prior to authorization of these activities.</p>
<ul style="list-style-type: none"> <li>• Effects on biodiversity: <ul style="list-style-type: none"> <li>○ Baldpate Mountain</li> </ul> </li> </ul>	<p>PennEast acknowledges the ecological significance of Baldpate Mountain. Efforts were made during the siting process to avoid potential impacts to undisturbed forests and co-locate with existing utility corridors to reduce fragmentation. Additionally, construction techniques such as horizontal directional drilling will be employed to minimize impacts to forested wetland areas. Although there may be temporary impacts during construction, operation of the Project will not have long term impacts on biodiversity.</p> <p>Baldpate Mountain is discussed within Section 3.4.1.2, and in Table 3.4-5 of Resource Report 3. Issues related to biodiversity are addressed within in Sections 3.3.2 and 3.4.2 of Resource Report 3.</p>
<ul style="list-style-type: none"> <li>○ Sourland Mountains</li> </ul>	<p>PennEast acknowledges the ecological significance of the Sourland Mountains. Efforts were made during the siting process to avoid potential impacts to undisturbed forests and co-locate with existing utility corridors to reduce fragmentation. Additionally, construction techniques such as horizontal directional drilling will be employed where appropriate to minimize impacts to forested wetland areas. Although there may be temporary impacts during construction, operation of the Project will not have long term impacts on biodiversity.</p> <p>Sourland Mountain is discussed within Section 3.4.1.2, and in Table 3.4-5 of Resource Report 3. Issues related to biodiversity are addressed within Sections 3.3.2 and 3.4.2 of Resource Report 3.</p>
<ul style="list-style-type: none"> <li>○ Hakihohake Creek</li> </ul>	<p>Hakihohake Creek is located in Hunterdon County, New Jersey. It is listed as a FW2-TMC1 class stream. Several unnamed tributaries to this creek are crossed by the project in the vicinities of MP 83.8, and between MP 85.3-86.7. Further information is found within the New Jersey Wetland and Waterbody Report, Appendix I, Table IB-3. PennEast acknowledges the ecological significance of Hakihohake Creek. Efforts were made during the siting process to avoid potential impacts to undisturbed forests and co-locate with existing utility corridors to reduce fragmentation. Additionally, construction techniques, such as bores or HDDs, will be employed to minimize impacts to forested wetland areas. Although there may be temporary impacts during construction, operation of the Project will not have long term impacts on biodiversity.</p> <p>Affects from the Project on biodiversity within this stream, and any similar waterbody, is discussed within Section 2.3 of Resource Report 2.</p>

<ul style="list-style-type: none"> <li>○ Rare, Threatened, and Endangered Species in New Jersey</li> </ul>	<p>PennEast has conducted ongoing consultation with agencies that have regulatory jurisdiction over fish and wildlife species, including rare threatened and endangered species. This consultation has involved written correspondence, Project updates via email, and in-person meetings dating back to August of 2014. Documentation of these consultations is found within Appendix G.</p> <p>Habitat assessments and, where warranted, presence-absence surveys for species identified by these regulatory agencies have been conducted by qualified biologists. Results have been documented in Resource Report 3 and within Technical Reports submitted directly to the jurisdictional agency. Areas where survey access was not permitted will be studied once additional survey access is obtained.</p>
<ul style="list-style-type: none"> <li>○ Surveys for Rare, Threatened, and Endangered Species to follow ENSP protocols in New Jersey</li> </ul>	<p>Habitat assessments were conducted for all state-listed species, where access was granted. Additional habitat assessments will be conducted when further access is obtained. Species-specific surveys will be conducted for those species identified on page 17 of the referenced NJDEP letter, where suitable habitat is identified.</p> <p>Surveys were conducted by qualified biologists for rare plants, bat species and bog turtles, where access was granted. The results were documented within Resource Report 3. Additional surveys will be conducted when more site permissions are obtained.</p>
<ul style="list-style-type: none"> <li>○ Northern Copperhead in New Jersey</li> </ul>	<p>Original consultation from the Endangered and Nongame Species Program (ENSP) regarding copperhead snake indicated that no surveys were required. It was not until late summer 2015 that ENSP changed its instructions and noted that copperhead snake surveys would be required. In suitable habitat, these surveys will be conducted by a qualified biologist starting, where survey permissions to access property exist.</p>
<ul style="list-style-type: none"> <li>○ NJDEP requirements regarding Threatened and Endangered species</li> </ul>	<p><u>Species Documentations Along ROW</u>- No new species are noted that were not addressed within Resource Report 3. PennEast appreciates the more specific locations provided by ENSP, which were not within the NJDEP-NHP letter.</p> <p><u>Timing Restrictions</u>- PennEast will abide by the restrictions noted within the letter and documented in Resource Report 3. However PennEast requests clarification, specifically if NJDEP states that adherence to March 15 through September 10 timing restriction will avoid impacts to bobolink and grasshopper sparrow (P. 16), why are surveys for these species still required (p. 17)? PennEast will consult with NJDEP to resolve this apparent discrepancy.</p>
<ul style="list-style-type: none"> <li>○ Vernal pool locations in New Jersey</li> </ul>	<p>The MPs for vernal pools in the NJDEP letter do not generally match up with what is depicted on Figure 3.3-3. This figure is based on NJDEP landscape database data. PennEast also identified a number of vernal pools (MPs 89.5, 90, 98.5, 102-103) that are not listed on the NJDEP table. PennEast will consult with NJDEP to resolve these apparent inconsistencies.</p>

<b>Cultural Resources – Resource Report 4</b>	
<ul style="list-style-type: none"> <li>Goat Hill National Heritage Site</li> </ul>	<p>A 213-acre tract on Goat Hill was purchased by the State of New Jersey with NJDEP Green Acres Funds in October 2009 and is managed by the NJDEP’s Division of Parks and Forestry as part of Washington Crossing State Park. As part of this effort, it has been designated a Natural Heritage Site. While this site has neither been listed on or is eligible for listing on the National Register of Historic Places (NRHP), PennEast will continue to consult with New Jersey Historic Preservation Office (NJHPO) on all applicable Section 106 issues.</p>
<ul style="list-style-type: none"> <li>Historic Barns</li> </ul>	<p>As documented in Resource Report 4, PennEast has developed a comprehensive plan for identifying historic properties within the permanent and temporary ROW (direct area of potential effect [APE]) of the proposed route, as well as within the line of sight (indirect APE) of proposed above-ground facilities and areas where landscape alterations may occur (see Sections 4.7.2.1 and 4.7.3.1 of Resource Report 4). This plan has been developed in collaboration with the Pennsylvania Historical and Museum Commission (PHMC) and NJHPO (see Section 4.3.1 of Resource Report 4). PennEast will continue to consult with PHMC and NJHPO on the identification, evaluation, and potential effects to historic architectural properties, including historic barns.</p>
<ul style="list-style-type: none"> <li>Historic one-room school</li> </ul>	<p>The location of this resource is not stipulated by the filer, but as documented in Resource Report 4, PennEast has developed a comprehensive plan for identifying historic properties within the permanent and temporary ROW (direct APE) of the proposed route, as well as within the line of sight (indirect APE) of proposed above-ground facilities and areas where landscape alterations may occur (see Sections 4.7.2.1 and 4.7.3.1 of Resource Report 4). This plan has been developed in collaboration with the PHMC and NJHPO (see Section 4.3.1 of Resource Report 4). PennEast will continue to consult with PHMC and NJHPO on the identification, evaluation, and potential effects to historic architectural properties, including any one-room schools.</p>
<ul style="list-style-type: none"> <li>Rosemont Rural Agricultural District</li> </ul>	<p>The Rosemont Rural Agricultural District was specifically addressed in Table 4.5-1 of Resource Report 4.</p>
<ul style="list-style-type: none"> <li>Prallsville Mill Historic District</li> </ul>	<p>The Prallsville District is located on the west side of Route 29 in Stockton Borough, New Jersey and is situated approximately 1.5-miles southwest of the Project centerline. It was listed on the state register of historic places (SRHP) on 8/16/1976 and on the NRHP on 6/27/1979 (NRHP ID: 79001498). PennEast has developed a comprehensive plan for identifying historic properties within the permanent and temporary ROW (direct APE) of the proposed route, as well as within the line of sight (indirect APE) of proposed above-ground facilities and areas where landscape alterations may occur. This plan has been developed in collaboration with the NJHPO. Based on the current proposed route and associated features, this historic property does not fall within the direct or indirect APE. PennEast does not anticipate any impacts to this resource.</p>
<ul style="list-style-type: none"> <li>Pursley’s Ferry and Bunn Valley Historic Districts</li> </ul>	<p>Questions concerning the Pursley’s Ferry Historic District were addressed in Resource Report 4, Table 4.5-1 (p. 4-10). Bunn’s Valley Agricultural Historic District is an NRHP-eligible historic district that is located on the east side of Route 519 in Holland Township, Hunterdon County. As currently designed, the proposed Project centerline transects the southern portion of the district, west to east. The proposed pipeline would cross through agricultural fields, fence and tree rows that act as boundaries between cultivated fields, pastures, and properties, as well as a large stand of trees flanking the creek that runs north-south through the district. Based on a review</p>

	of historic aerials, many of these landscape patterns were present as early as the 1930s. As an agricultural district with agricultural-related landscape features as part of its significance, damage or destruction of these historic features may result in a direct adverse effect. Similarly, removal of these landscape features may also compromise the setting of the district, resulting in an indirect adverse effect. PennEast will minimize landscape impacts where possible and will continue to consult with NJHPO on the potential effects to this resource. If it is determined that the project will have an adverse effect on the resource, PennEast will consult with NJHPO to establish appropriate mitigation measures.
<ul style="list-style-type: none"> <li>Covered Bridge Historic District</li> </ul>	The Covered Bridge Historic District was specifically addressed in Resource Report 4, Table 4.5-1.
<ul style="list-style-type: none"> <li>Lower Creek Road Delaware Township, Hunterdon County (Red Bridge Farm)</li> </ul>	B32-5: 155 Lower Creek Road Delaware Township, Hunterdon County, NJ Delaware Township, (Red Bridge Farm): This resource is located within Delaware Township, Hunterdon County, New Jersey, and was identified as a cultural resource of concern by Delaware Township in a letter to FERC dated February 10, 2015. This property is within the boundaries of the SRHP/NRHP-listed Rosemont Rural Agricultural District (NRHP ID: 10000354) and falls within the direct APE. The property was surveyed by an architectural history team in June 2015. It is included in Resource Report 4, Appendix 4D, Table 4D-2 (Survey Code HU-0210), and is mapped in Appendix 4C. It is also addressed in the reconnaissance-level survey report located in Appendix J [Privileged], which has been submitted to NJHPO for review and comment. In the report to NJHPO, PennEast recommended additional research on this property to fully assess its eligibility to be individually listed on the NRHP. In NJHPO's review letter, they concurred with PennEast's findings and requested an intensive-level survey form on the property. Regardless of the findings of the intensive-level survey, the potential effects of the Project construction to the Rosemont Rural Agricultural District (of which this property is a contributing resource) will be assessed in coordination with NJHPO. As currently designed, the proposed Project centerline transects the property, north to south crossing through forested woodland on the east side of the property that was present as early as the 1930s. See response to Pursley's Ferry and Bunn Valley Historic District, above, for details regarding potential effects to this resource type and PennEast's commitment to minimize impacts and/or work with NJHPO to establish appropriate mitigation measures.
<ul style="list-style-type: none"> <li>Delaware Township</li> </ul>	As documented in Resource Report 4, PennEast has developed a comprehensive plan for identifying historic properties within the permanent and temporary ROW (direct APE) of the proposed route, as well as within the line of sight (indirect APE) of proposed above-ground facilities and areas where landscape alterations may occur (see Sections 4.7.2.1 and 4.7.3.1 of Resource Report 4). This plan has been developed in collaboration with the PHMC and NJHPO (see Section 4.3.1 of Resource Report 4). Specific resources in Delaware Township that were raised as issues of concern during the public scoping period are addressed in Table 4.5-1 of Resource Report 4.
<ul style="list-style-type: none"> <li>112 Worman Road, Delaware Township</li> </ul>	The property at 112 Worman Road was specifically addressed in Table 4.5-1 of Resource Report 4.

<ul style="list-style-type: none"> <li>• Disrupt Lenape settlement sites</li> </ul>	<p>As per Section 106 of the National Historic Preservation Act, PennEast has taken the following measures to identify archaeological resources within the pipeline’s direct APE. PennEast has identified the locations of previously recorded archaeological resources in the direct APE through background research at the PHMC, the NJHPO, and the New Jersey State Museum (NJSM), Bureau of Archaeology and Ethnology (see Section 4.7 of Resource Report 4). PennEast contacted 15 federally recognized Indian Tribes with historic connections to the Project area regarding the presence of culturally significant archaeological resources (see Section 4.4 of Resource Report 4). PennEast has completed archaeological survey of approximately 70 linear miles of the direct APE. PennEast has submitted the results of background research and survey to the PHMC and the NJHPO for review and comment (see Section 4.7.2 of Resource Report 4 and Appendix J [Privileged]). PennEast is making extensive efforts to avoid archaeological resources that are eligible or potentially eligible for listing in the NRHP (see Sections 4.7.2.2 and 4.7.2.3 of Resource Report 4 and Appendix J [Privileged]).</p>
<ul style="list-style-type: none"> <li>• Ramapough Lenape Indian Nation considered as an additional consulting party</li> </ul>	<p>PennEast consulted directly with a representative of the Ramapough Lenape Indian Nation (Ramapough) on October 20, 2015 and informed the representative that the decision to make the Ramapough a consulting party is at the discretion of FERC, not PennEast. PennEast does not oppose this request.</p>
<ul style="list-style-type: none"> <li>• NJHPO comments on Phase I archaeological survey report for New Jersey; archaeological survey protocols and other report revisions</li> </ul>	<p>The field protocols PennEast followed in New Jersey were presented to the NJHPO in a detailed scoping letter on August 20, 2014 that included, among other things, proposed methodology for identification-level archaeological surveys. On September 16, 2014, PennEast representatives met with NJHPO to discuss the Project and review the proposed methodology and to obtain NJHPO requirements and expectations. The NJHPO formally responded to the Project scoping letter on September 24, 2014 with a series of comments that NJHPO requested be addressed in a revised scoping document. PennEast submitted the revised scoping document to NJHPO on February 2, 2015 and received concurrence with the proposed methodology on February 18, 2015, with the exception of the sensitivity model, for which they requested additional information. The requested information was provided to NJHPO on March 6, 2015. NJHPO accepted the revised sensitivity model justification on April 8, 2015. PennEast archaeologists followed the accepted field protocols and used the revised model for the archaeological field studies documented in the September 2015 Phase I report.</p> <p>In a review of the September 2015 report dated October 22, 2015, NJHPO requested clarification of the field methodology used as well as revisions to the report to facilitate their review. PennEast discussed the comments with NJHPO in a phone conversation on November 4, 2015. PennEast and NJHPO agreed on the necessary revisions, and the report will be resubmitted to NJHPO for review..</p>
<ul style="list-style-type: none"> <li>• NJHPO comments on reconnaissance-level architectural history survey report for New Jersey</li> </ul>	<p>The Reconnaissance-Level Historic Architectural Survey Report was submitted to NJHPO on September 30, 2015 and comments from NJHPO were filed with FERC on October 29, 2015.</p>

<ul style="list-style-type: none"> <li>Restoration of test holes in Kingwood Township</li> </ul>	<p>PennEast’s protocol for archaeological testing includes restoration of soils excavated from test holes. Michael Palmquist, an employee of the NJDEP Bureau of Coastal and Land Use Compliance and Enforcement, inspected test holes on a Kingwood Township property (Block 24, Lot 8) in response to a complaint and provided a report to PennEast on October 30, 2015. In that report, it was noted that: “I performed an inspection and observed multiple locations where these test pits were conducted. It was noted that the larger test pits averaged approximately 1.5 feet in diameter and the soil was generally stable. One could see that where practicable, the person conducting the test pit returned the upper 4 to 6 inches back on top of the test pit so as to maintain the original elevation and minimize vegetation disturbance.”</p>
<ul style="list-style-type: none"> <li>Historic high native stone walls</li> </ul>	<p>The location of this resource is not stipulated by the filer, but as documented in Resource Report 4, PennEast has developed a comprehensive plan for identifying historic properties within the permanent and temporary ROW (direct APE) of the proposed route, as well as within the line of sight (indirect APE) of proposed above-ground facilities and areas where landscape alterations may occur. This plan has been developed in collaboration with the PHMC and NJHPO. PennEast will continue to consult with PHMC and NJHPO on the identification, evaluation, and potential effects to historic architectural properties, including stone walls. As part of the effort to identify historic resources, stone walls are being considered as features of larger agricultural districts. If it is determined that these properties are eligible for listing in the NRHP, PennEast will consult with NJHPO on the potential effects to these resources. Regardless, PennEast will restore affected walls to their original condition if requested by landowners. Regardless, PennEast will restore affected walls to their original condition if requested by landowners.</p>
<ul style="list-style-type: none"> <li>Cultural artifacts discovered during construction</li> </ul>	<p>PennEast filed Unanticipated Discoveries Plans with the PHMC and NJHPO during the project scoping process in August 2014. The plans detail steps to be taken should cultural materials be discovered during construction. PHMC accepted the plan on September 10, 2014; NJHPO accepted a revised plan on February 18, 2015. The approved plans were included in the September 23, 2015 FERC filing as Appendix K.</p>
<ul style="list-style-type: none"> <li>Native American Indian Village site</li> </ul>	<p>This site, which was originally documented as an argillite workshop by Max Schrabish in 1917, was specifically addressed in Resource Report 4, Table 4.5-1.</p>
<ul style="list-style-type: none"> <li>State Historic Preservation Area (SHPA) sites</li> </ul>	<p>Jesse West-Rosenthal at NJHPO confirmed in a phone conversation with PennEast on November 4, 2015 that this is not an NJHPO program. Further conversations with NJDEP on November 12, 2015 confirmed that this was indeed a typo in NJDEP’s original letter, as “State Historic Preservation Area” should be corrected to state “State Historic Preservation Office.”</p>
<ul style="list-style-type: none"> <li>Potential impacts to historic and archeological resources for off-site mitigation proposals</li> </ul>	<p>Off-site mitigation areas have not yet been determined. When they are, PennEast will follow the comprehensive plan documented in Sections 4.7.2.1 and 4.7.3.1 of Resource Report 4, for identifying archaeological properties within the permanent and temporary ROW (direct APE) of the proposed route and historic and architectural properties within the direct APE as well as within the line of sight (indirect APE) of proposed above-ground facilities and areas where landscape alterations may occur. This plan was developed in collaboration with the PHMC and NJHPO (see Section 4.3.1 of Resource Report 4). PennEast will continue to consult with PHMC and NJHPO on the identification, evaluation, and potential effects to archaeological and historic architectural properties within off-site mitigation areas.</p>

<ul style="list-style-type: none"> <li>• Submittal of Phase I cultural resources survey report to NJHPO</li> </ul>	<p>The Phase I archaeological survey report was submitted to NJHPO on September 23, 2015. The reconnaissance-level architectural history survey report was submitted to NJHPO on September 30, 2015. The reports were filed with FERC on September 23, 2015 as Appendix J (Privileged and Confidential). Comments on both reports were filed with FERC on October 29, 2015 and are currently being addressed.</p>
<ul style="list-style-type: none"> <li>• Historic family cemetery in Durham Township, including grave of Captain George Heinlein</li> </ul>	<p>As per Section 106 of the National Historic Preservation Act, PennEast has identified the locations of previously recorded archaeological resources in the direct APE within Pennsylvania through background research at the PHMC (see Section 4.7 of Resource Report 4). PennEast has completed archaeological survey of approximately 70 linear miles of the direct APE. PennEast has submitted the results of background research and survey to the PHMC for review and comment (see Section 4.7.2 of Resource Report 4 and Appendix J [Privileged]). PennEast is making extensive efforts to avoid archaeological resources that are eligible or potentially eligible for listing in the NRHP (see Sections 4.7.2.2 and 4.7.2.3 of Resource Report 4, and Appendix J [Privileged]).</p>
<p><b>Socioeconomics – Resource Report 5</b></p>	
<ul style="list-style-type: none"> <li>• Only 24 jobs are created by project</li> </ul>	<p>The numerous jobs that will be supported by the Project involve various industry sectors and represent direct, indirect and induced jobs supported by ongoing investments of the Project. Section 5.4 of Resource Report 5 details the Project’s estimated employment information. The 24 new permanent employees that will be hired to directly support the operations phase of the Project only represent a small portion of the temporary and permanent jobs that will be generated and/or supported by the Project’s construction and operation phases. For example, during construction and operation, the Project will support 12,160 and 98 direct, indirect, and induced jobs, respectively. Counties within the Project area that suffer from unemployment rates above the national average – Carbon County (Pennsylvania) and Mercer County (New Jersey) – will benefit from the generation of these jobs.</p>
<ul style="list-style-type: none"> <li>• Impacts on emergency services during construction and operation</li> </ul>	<p>Community services will be properly prepared for emergencies that may arise due to the Project. Local emergency response and management personnel will receive emergency response training prior to the Project being placed into service and an ongoing basis thereafter. Necessary information and instructions regarding the facilities will be provided to local emergency response and management personnel. A plan will be in place for coordination between PennEast and local emergency response and management personnel in the event of an incident. During construction, PennEast will incorporate measures to ensure that construction activities do not prevent the passage of fire and emergency vehicles, including the creation of temporary travel lanes during construction or the placement of steel plate bridges to allow continued traffic flow during open trenching. Operations of the community services in the Project area are unlikely to be negatively impacted by the Project.</p>
<ul style="list-style-type: none"> <li>• Stunts economic development</li> </ul>	<p>PennEast is expected to have a substantial positive economic impact on the local and regional economy as a whole. The Econsult Solutions and Drexel University study projects that a total economic benefit of \$1.6 billion will result from the Project’s design and construction activities. In addition, the Project’s total economic impact will support 12,160 jobs and \$740 million in wages during the design and construction phases. Further, the continued investments related to the operation of the pipeline are estimated to provide \$23 million of direct,</p>

	<p>indirect, and induced ongoing annual economic benefit. This total economic benefit will support 98 permanent jobs and \$8.3 million in wages within Pennsylvania and New Jersey. The jobs created and supported during design, construction, and operation will also have a positive impact on the average unemployment rates of the affected counties.</p> <p>PennEast recognizes the public’s concern regarding the effect that potential impacts to the natural beauty of these outdoor activity areas could have on the local recreation and tourism sectors. PennEast has identified outdoor recreational areas that are regional tourist attractions within the vicinity of the Project through a comprehensive search of publicly available data and agency consultation. These areas include public land, recreation areas, and other areas designated as having special land use. Efforts to minimize the potential temporary impact to the local and regional tourism industry are detailed in Section 5.6.2 of Resource Report 5.</p>
<ul style="list-style-type: none"> <li>• Damages roads and bridges</li> </ul>	<p>BMPs will be used to avoid damage to existing roads and bridges. Should any damage occur during the construction period, PennEast will restore damaged features to an acceptable condition. PennEast will maintain communication with impacted stakeholders throughout any restoration process.</p>
<ul style="list-style-type: none"> <li>• Decreases property values</li> </ul>	<p>Several historical and recent studies indicate that construction of natural gas pipeline does not adversely affect the values of the properties proximate to the pipelines. With millions of miles of pipelines traversing the United States, there are millions of properties impacted by pipelines. Yet, it has never been commonplace for consumers to identify the presence of natural gas pipelines as part of their real estate transaction diligence and therefore, it can be argued that the presence of natural gas pipelines is not a significant determinant to the value for real estate transactions. Details regarding the results of these studies are provided in Section 5.8.1 of Resource Report 5.</p>
<ul style="list-style-type: none"> <li>• Issues related to insurance</li> </ul>	<p>Insurance underwriters do not consider the presence of a transmission pipeline when determining the cost and coverage of property insurance. The National Association of Insurance Commissioners provides a consumer guide on homeowners insurance, which does not indicate that the presence of utilities is a factor considered in obtaining or maintaining an insurance policy. The potential for insurance policy changes associated with a pipeline easement on a residential property are a common concern among gas pipeline projects. FERC has reviewed Project-related effects on insurance in several Final Environmental Impact Statements (FEIS) and concluded that insurance rates would not be impacted by the presence of a proposed natural gas pipeline on residential properties. Specific statements from FERC regarding this topic are referenced in Section 5.8.4 of Resource Report 5.</p>

<ul style="list-style-type: none"> <li>• Traffic</li> </ul>	<p>In general, transportation infrastructure along the entire Project area is relatively robust and will allow for easy access to all of the pipeline facilities. The pipeline will cross multiple interstate, federal, state, and local roadways in New Jersey in Pennsylvania. Hence, construction of the Project may result in short-term effects on transportation within the Project area.</p> <p>Construction activities at road crossings and the additional traffic generated by commuting construction workers could affect local traffic flow and volume during the construction period. The initial staging, which will involve transporting the bulk of the construction equipment and materials to the respective Project areas and the daily transportation of the additional equipment and materials, may temporarily affect local transportation systems. To minimize the effect, major highways will be used to the extent practicable to transport slow-moving, heavy construction equipment to the Project areas. As construction progresses, much of the equipment movement will occur along the construction ROW. The majority of the construction personnel are expected to commute during off-peak hours, which will mitigate impacts to local commuters.</p> <p>PennEast recognizes that the proposed pipeline facilities are in proximity to roadways used by school buses for transportation. Coordination will occur with the local school districts prior to construction so that bus schedules can be obtained for area roadways. Construction will be carefully scheduled to avoid road closures during these time frames. In addition, construction will provide each school district with points of contact and cell phone numbers so that should school changes need to change due to weather or other conditions, or during special events that the roadways will be open during these time periods.</p> <p>The Traffic Management Plan, which will be included in the Environmental Construction Plan for the Project, will include proposed mitigation measures for potential transportation-related impacts such as avoidance of peak traffic periods, detours, consultation and coordination with local authorities, signage and public notification in newspapers.</p>
<ul style="list-style-type: none"> <li>• Tax burden due to damage to roads and bridges</li> </ul>	<p>See response to “Damages roads and bridges” above.</p>
<p><b>Geological Resources – Resource Report 6</b></p>	
<ul style="list-style-type: none"> <li>• Karst topography</li> </ul>	<p>Subsidence is the local downward movement of surface material with little or no horizontal movement (Nuhfer, Proctor, and Moser, 1993). Subsidence is a potential geologic hazard in areas where karst terrain occurs and where underground mining has taken place. In karst terrain, limestone and dolomite bedrock are dissolved by water and create karst features such as subsurface channels, caves, and sinkholes. U.S. Geological Survey (USGS) Mineral Resources On-Line Spatial Database was used to report the presence or absence of sinkholes for the Project. Figure 6.3-4 presents a Sinkhole Location Map for the Project. Table 6.3-2 in Resource Report 6 presents the bedrock formations with sinkhole potential within the Project area.</p> <p>A geophysical survey was conducted by Hager-Richter Geosciences, Incorporated (Hager-Richter) to investigate karst conditions proximate to the Project. The geophysical survey was conducted using electrical resistivity imaging (ERI) along selected</p>

	<p>portions of the Project where the potential for ground subsidence associated with karst conditions was identified by a preliminary geologic hazards assessment. The portions of the Project with potential karst impacts include sections of the Project in Carbon, Northampton, and Bucks Counties in Pennsylvania and Hunterdon County in New Jersey; totaling approximately 13.8 miles. The geologic formations underlying the Project with karst potential include the Jacksonburg, Epler, Rickenbach, Allentown, and Leithsville Formations. While the shale and slate of the Martinsburg Formation are not soluble, they appear to develop closed depressions near the contact with the underlying Jacksonburg (PA DCNR 2015a), possibly reflecting karst-related subsidence therein. The Hager-Richter geophysical survey is presented in Appendix O of Resource Report 1. The results of the ERI survey conducted by Hager-Richter indicated the following:</p> <ul style="list-style-type: none"> <li>• Several areas of low-resistivity anomalies attributed to the presence of possible clay-filled voids or heavily weathered bedrock are present within the bedrock underlying the Project; and</li> <li>• Several areas of very high-resistivity anomalies attributed to possible air-filled voids are present within the bedrock underlying the Project.</li> </ul> <p>Hager-Richter’s report includes a list of potential voids by milepost; the potential voids are assigned a rank according to their size and proximity to the surface. The report recommends the installation of borings at all locations where ERI identified potential air-filled and clay-filled voids to confirm their presence and to provide more information to improve the interpretation of the ERI results. PennEast will install these borings and where large voids are encountered near the surface, they will be excavated and filled using a method that preserves their local drainage function and yet provides any support that is deemed necessary. Hager-Richter also recommended completing additional ERI above surveys at possible karst impacted areas and at the locations identified as anomalies to refine the interpretation of the results.</p> <p>Mitigative and remedial measures will be implemented, as needed, to minimize the risk of subsidence. Construction of the Project will be in accordance with U.S. DOT standards. The high-grade steel to be used to manufacture the pipeline will minimize sinkhole risks. Piping such as that planned for the Project can withstand loss of subgrade support over 100 feet in length without being compromised, based on an analysis conducted by QPS Engineering, which is presented in Appendix O of Resource Report 1. Regular inspections will occur, and if evidence of subsidence is noticed in the future.</p>
<ul style="list-style-type: none"> <li>• Sinkholes</li> </ul>	<p>See above response, “karst topography”.</p>
<ul style="list-style-type: none"> <li>• Mines and abandoned mines</li> </ul>	<p>Two active quarries are located within 400 feet of the Project area: Pioneer Aggregates, Inc. (also known as the Poppel Quarry) located at MP 9.2 in Luzerne County and Wilkes-Barre Materials, LLC located near MP 9.6 in Luzerne County. In addition, there are numerous reported abandoned mines and reclaimed mines located within 0.25 miles of the Project in Luzerne County between MPs 5 and 11.3. There are two active industrial mineral quarries approximately four miles from the Project: Tarheel Quarry, LLC located in Luzerne County near MP 23.5 and Buzzi Unicem Imperial Quarry located in Northampton County near MP 60.5. There are no mines or quarries located within 0.25 miles of the Project in Carbon County.</p> <p>There are no mines or quarries are located within 0.25 miles of the Project in Hunterdon or Mercer Counties. However, Trap Rock Industries operates three crushed stone quarries greater than 0.25 miles from the Project; one in Lambertville approximately 0.75 mile from MP 96.6; one in Titusville, approximately 0.6 miles from</p>

	<p>MP 102.5, and one in Pennington, approximately 2.3 miles from MP 106.5. PennEast has been in contact with Trap Rock Industries regarding future quarry expansion plans and is confident that the Project is located at a safe distance from these expansion plans.</p> <p>Potential impacts to nearby mineral resources are addressed in Section 6.2 of Resource Report 6. PennEast has been in contact with Trap Rock Industries regarding future quarry expansion plans and is confident that the Project is located at a safe distance from these expansion plans. Information regarding the impact to the Project resulting from quarry blasting activities will be included in a supplement to the Seismic Evaluation (Appendix O) when complete.</p>
<ul style="list-style-type: none"> <li>Proximity to Ramapo Fault</li> </ul>	<p>The pipeline crosses the Ramapo fault system (RFS) which extends from Pennsylvania through New Jersey into New York (Resource Report 6, Figure 6.3-3). The fault system comprises a swath of northeast-striking subparallel fault zones that dip steeply to moderately to the southeast (Crone and Wheeler 2000). In New Jersey, the RFS is largely confined to the Ramapo fault proper, whereas in New York the Ramapo fault is the southeasternmost of several subparallel faults, others include the Thiells, Cedar Flats and Ambreys Pond faults (Dames and Moore 1977). The RFS also includes north-northeast- and north-striking faults. The fault system was active as a normal fault bordering extensional basins such as the Newark basin during the Mesozoic extensional period that affected the eastern US, but Ratcliffe (1971) and Dames and Moore (1977) argue that the Mesozoic Ramapo fault is an older structure that had been reactivated numerous times since the Precambrian prior to accommodating Mesozoic extension as a normal fault. In the Mesozoic, the fault juxtaposed northwest-dipping Mesozoic basin-fill sedimentary rocks against Proterozoic and Paleozoic metamorphic and igneous rocks. Section 6.3.3 of Resource Report 6 contains information regarding the RFS and other faults in the Project vicinity.</p>
<ul style="list-style-type: none"> <li>Proximity to Monroe Border Fault</li> </ul>	<p>The Monroe Border fault, located near the intersection of Route 611 and Lehenberg Road in Durham Township, Bucks County, PA, crosses the Delaware River and extends into NJ to approximately Route 627. This fault is located greater than 2,500 feet from the Project location at MP 78.6. Due to this distance, there will be no impact related to the Monroe Border Fault.</p>
<b>Solis – Resource Report 7</b>	
<ul style="list-style-type: none"> <li>Increased erosion and sedimentation</li> </ul>	<p>Any increases in erosion and sedimentation will be temporary in nature and mitigated through the use of BMPs and the implementation of the E&amp;SCP in Appendix E.</p>
<ul style="list-style-type: none"> <li>Best Management Practices for clearing forests, as proposed, are not designed to deal with extreme conditions</li> </ul>	<p>Winter tree clearing is proposed to avoid potential impacts to bat habitat and MBTA concerns. Clearing will be conducted by use of hand equipment to avoid potential adverse impacts. Trees will be removed in the spring following implementation of the E&amp;SCP in Appendix E.</p> <p>PennEast has a pre-determined tree-clearing window which meets forestry service requirements. Should any unsafe conditions occur within the field due to extreme conditions, construction activities will not proceed.</p>

<ul style="list-style-type: none"> <li>• Soil disturbance during construction should be limited to 8 feet over the trench itself</li> </ul>	<p>Soil disturbance cannot be restricted to such a narrow band. The pipeline trench cannot have vertical slopes and adequate area is needed to stockpile the top soil and subsoils. In addition, grading for safe vehicular access, construction staging and laydown areas, are also needed.</p> <p>PennEast has specified industry standard depth of cover and complies with all applicable federal codes for depth of trench.</p>
<p><b>Land Use, Recreation, and Aesthetics – Resource Report 8</b></p>	
<ul style="list-style-type: none"> <li>• Visual Impacts</li> </ul>	<p>PennEast has minimized impacts to visual resources from construction of the pipeline segments by proposing to co-locate the pipeline with existing pipeline ROWs to the extent practical. Approximately 43.9 miles or approximately 37 percent of the total length of the pipeline is proposed to be co-located with existing utility ROWs.</p> <p>Construction of the Project route and facilities will result in temporary impacts to visual and/or aesthetic resources due to the construction equipment and activities necessary for constructing the pipeline and associated facilities, as well as soil disturbance. Potential permanent impacts include removal of trees from the 30-foot permanent operational ROW. Construction impacts will be mitigated through stabilization and re-vegetation of the ROW; additional mitigation techniques could include the planting of vegetation to serve as a visual screen along roadways, trails, and in residential areas as needed. PennEast will coordinate with state, local and federal agencies and landowners for development of the re-vegetation plan.</p> <p>Section 8.6 of Resource Report 8 provides additional information associated with impacts and mitigation to visual resources associated with the Project.</p>
<ul style="list-style-type: none"> <li>• Requires permit and replacement plan before removal/damage of trees in Hopewell Township</li> </ul>	<p>Following construction of the Project, disturbed areas will be stabilized and reseeded in accordance with the seeding recommendations of each local Soil Conservation District or land managing agency. Trees and other woody vegetation will be allowed to re-vegetate naturally within the temporary pipeline construction ROW and extra workspaces. Additionally, PennEast will implement restoration measures in accordance with its agency-approved E&amp;SCP.</p>
<ul style="list-style-type: none"> <li>• Recreation impacts, including fishing opportunities</li> </ul>	<p>PennEast has evaluated existing conditions and made efforts to avoid or minimize impacts to fisheries resources in the Project area. Additionally, it is planned that dry crossing techniques such as flume pipes and dam and pump will be used to cross waterbodies, as well as HDD and bores, where necessary to minimize impacts on fisheries. The use of these BMPs will maintain the designated water quality, and there should be no impact to downstream fisheries of any of these features. Impacts to recreational fishing opportunities will be temporary and limited to construction period.</p> <p>In addition, in accordance with the FERC 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, unless</p>

	<p>other agency recommended timing restrictions are required and/or waived. In Pennsylvania, there are several waterbodies crossed that are Approved Trout Waters, which means that they are stocked by PFBC with trout. Restrictions on in-water work are from March 1 through June 15 for Approved Trout Waters to be protective of recreational fishing activities. Restrictions on in-water work are from October 1 through December 31 for Wild Trout Waters. PennEast intends to comply with any water body crossing windows established by state and federal permit requirements, such as these, that are more stringent than the FERC-designated generic crossing windows. No adverse effects on recreational fishing access points are anticipated to occur as a result of the Project.</p> <p>Further discussions on existing resources and potential impacts to fisheries and mitigation to fishery resources are located in Section 3.2 of Resource Report 3.</p>
<ul style="list-style-type: none"> <li>• Aesthetics</li> </ul>	See above response, “visual impacts.”
<ul style="list-style-type: none"> <li>• Destruction of woodlands; deforestation</li> </ul>	Following construction of the pipeline, disturbed areas will be stabilized and reseeded in accordance with the seeding recommendations of each local Conservation District or land managing agency. Trees and other woody vegetation will be allowed to re-vegetate naturally within the temporary pipeline construction ROW and extra workspaces. Additionally, PennEast will implement restoration measures in accordance with its agency-approved E&SCP and Site Restoration Plan.
<ul style="list-style-type: none"> <li>○ Penn Forest</li> </ul>	<p>See above response to “destruction of woodlands; deforestation.”</p> <p>Additionally, PennEast is committed to protecting water resources within proximity of the Project. Comments were received regarding concerns about impacts to Penn Forest Reservoir. Penn Forest Reservoir is located approximately 2.3 miles northeast of MP 41.6 up-gradient of Project activities and will therefore not be impacted by the construction or operation of the facilities.</p> <p>However, PennEast will follow all Federal, State and Local regulatory protocols related to the trenching, construction, and pipeline operational activities. BMPs for construction and maintenance will be followed, and all engineering and maintenance protocols to ensure the integrity and safety of the pipeline will be utilized.</p>
<ul style="list-style-type: none"> <li>• Right-of-way doubled in size in the Delaware Watershed with no justification</li> </ul>	Permanent ROW is maintained at 50 feet for the entirety of the project and does not vary by watershed. All additional workspace is temporary and is kept to the minimum required area for safe construction and maintenance of the facility integrity.
<ul style="list-style-type: none"> <li>• Proximity to:</li> </ul>	

<ul style="list-style-type: none"> <li>○ Appalachian National Scenic Trail</li> </ul>	<p>The Project crosses the Appalachian Trail near MP 51.2 in Carbon County, Pennsylvania. A site specific crossing plan for the crossing of the Appalachian Trail is located in Appendix C and a detailed discussion on the crossing of the Appalachian Trail and agency communications is located in Section 8.4.1.1 of Resource Report 8.</p> <p>Plans for this crossing are still undergoing evaluation.</p>
<ul style="list-style-type: none"> <li>○ Beltzville Lake</li> </ul>	<p>The PennEast pipeline crosses Beltzville State Park and portions of Beltzville Lake between MPs 43.5 and 44.1 for an approximate crossing length of 4,857.9 feet in Carbon County, Pennsylvania.</p> <p>A detailed discussion on the crossing of Beltzville State Park and Beltzville Lake is in Section 8.4.1.1 of Resource Report 8. A summary of all public lands and public conserved lands crossed by the Project facilities by approximate MP, length of crossing, and acreage affected by construction and operation of the Project Facilities is located in Table 8.4-1 in Resource Report 8.</p> <p>Plans for this crossing are still undergoing evaluation.</p>
<ul style="list-style-type: none"> <li>○ Hickory Run State Park</li> </ul>	<p>The PennEast pipeline crosses Hickory Run State Park approximately between MPs 30.4 and 34.7 for an approximate crossing length of 14,689 feet in Carbon County, Pennsylvania.</p> <p>A detailed discussion on the crossing of Hickory Run State Park is located in Section 8.4.1.2 of Resource Report 8. A summary of all public lands and public conserved lands crossed by the Project facilities by approximate MP, length of crossing, and acreage affected by construction and operation of the Project Facilities is located in Table 8.4-1 in Resource Report 8.</p>
<ul style="list-style-type: none"> <li>○ Albertine Anthony and Chrisman Preserved Farms</li> </ul>	<p>The Project traverses approximately 0.25 miles of the preserved farm from MP 45.8-46.1 in Towamensing Township, Pennsylvania. Impacts will be minimized by following the measures outlined in Appendix Q of the FERC application.</p>
<ul style="list-style-type: none"> <li>○ Jacobs Creek trail</li> </ul>	<p>The Project crosses Jacob’s Creek Trail in Hopewell Township near MP 109 in Hopewell Township, New Jersey. Impacts to the trail crossing will be minimized to extent practicable. Fencing will be used during construction to address safety concerns and a temporary bridge will be used to facilitate crossings during the construction time period.</p>
<ul style="list-style-type: none"> <li>○ Monocanock Island</li> </ul>	<p>The Project crosses Monocanock Island near MP 7.1 in Wyoming Township, Pennsylvania. The crossing is proposed adjacent to an existing gas pipeline that was installed in a similar manner to that which PennEast proposes.</p>
<ul style="list-style-type: none"> <li>• Use of preserved lands</li> </ul>	
<ul style="list-style-type: none"> <li>○ NJ Forest Stewardship Plan</li> </ul>	<p>The New Jersey Forest Service provides funds to certain landowners for the cost of a new or revised Forest Management Plan under the Forest Stewardship Program. Participating landowners are asked to maintain cost-shared funded practices for 10 years. In addition, it is agreed that the 10-year Forest Stewardship Plan will be</p>

	<p>implemented to the best of the landowner's ability. If land use changes, the landowner may be responsible for repaying all cost-share funds received during enrollment in the program. PennEast is committed to further coordination with participating landowners as appropriate and will consider these impacts in compensation negotiations.</p>
<ul style="list-style-type: none"> <li>○ Use of 23 preserved farms</li> </ul>	<p>As indicated in Section 8.4.1.4 of Resource Report 8, “To the extent possible, PennEast has minimized impacts to conservation areas by co-locating the Project facilities with existing utility ROWs. Table 8.4-2 summarizes the lands crossed by the Project that are encumbered by private conservation easements and presents them by parcel tax ID, MP, ownership, managing agency and site name, type of easement, length of crossing, and lands affected by both the temporary construction ROW and permanent ROW.”</p> <p>As noted in the New Jersey Farmland Preservation Program Appraiser Handbook issued by the State Agriculture Development Committee, there are occasions where the preserved farm may be subject to eminent domain takings by authorized government entities pursuant to N.J.S.A. 4:1C-25. In addition, certain interstate gas pipeline projects have authority to condemn preserved farmland under the Federal Natural Gas Act. Pursuant to the State Agriculture Development Committee guidance, compensation for the use of preserved farmlands is anticipated to be based on an appraised value derived as follows:</p> <ul style="list-style-type: none"> <li>• All appraisals must be conducted under the hypothetical condition that the farm is unencumbered by the agricultural easement in order to secure just compensation to the easement holder and funding partners based on current value of the land. Highest and Best Use is still as of the date of the eminent domain appraisal but subject to the hypothetical condition that the property is unencumbered by the agricultural easement.</li> <li>• All takings must be appraised based on the hypothetical condition of the land as unencumbered by the agricultural easement. This includes fee takings, easements, temporary easements or temporary work space areas as well as damages to the remainder.</li> <li>• In instances where takings encumber both preserved and unpreserved areas of a farm, it is not the appraiser’s responsibility to determine compensation to all parties concerned, only to value the property as completely unencumbered. It is the condemnor and easement holder’s responsibility to determine appropriate compensation due the easement holder, landowner etc. The owner of the preserved property may also be entitled to compensation for impacts to improvements, crop losses/damages or other damages unrelated to the value of the land.</li> </ul> <p>PennEast anticipates further coordination with farmland preservation easement holders as appropriate.</p>

<ul style="list-style-type: none"> <li>○ D&amp;R Greenway</li> </ul>	<p>From Section 8.4.1.4 of Resource Report 8, “To the extent possible, PennEast has minimized impacts to conservation areas by co-locating the Project facilities with existing utility ROWs. Table 8.4-2 summarizes the lands crossed by the Project that are encumbered by private conservation easements and presents them by parcel tax ID, MP, ownership, managing agency and site name, type of easement, length of crossing, and lands affected by both the temporary construction ROW and permanent ROW.”</p> <p>PennEast is coordinating with relevant agencies, conservation groups and land owners to develop suitable measures to minimize disturbances to preserved open space and conserved lands, and to fairly compensate for potential impacts. Effects to preserved open space and conserved lands will be primarily temporary in nature, as most areas will be restored to their original condition following construction activities in accordance with FERC restoration conditions and approved restoration plans by the relevant agencies.</p>
<ul style="list-style-type: none"> <li>○ Sourland Mountains</li> </ul>	<p>See response above and comments from Resource Report 3.</p>
<ul style="list-style-type: none"> <li>○ Gravel Hill Preserve</li> </ul>	<p>The Gravel Hill Preserve in Holland Township, Hunterdon County, is protected by the New Jersey Natural Lands Trust. PennEast is engaged in ongoing consultations with the Natural Lands Trust to identify and analyze alternatives to avoid and minimize impacts to the Gravel Hill Preserve.</p>
<ul style="list-style-type: none"> <li>○ Milford Bluffs</li> </ul>	<p>The Thomas F. Breden Preserve at Milford Bluffs in Holland Township, Hunterdon County, is protected by the New Jersey Natural Lands Trust. The proposed pipeline and temporary workspaces avoid the Thomas F. Breden Preserve at Milford Bluffs and no direct impacts will occur.</p>
<ul style="list-style-type: none"> <li>○ Highland Protection Zone</li> </ul>	<p>The Project will be located in the Highlands Planning Area in Holland and Alexandria Townships in Hunterdon County. PennEast has met with the Highlands Council to discuss the Project’s applicability to the Highlands Water Protection and Planning Act (Highlands Act) and potential impacts on resources identified in the Highlands Regional Master Plan (RMP). Those portions of the Project traversing the New Jersey Highlands region will remain entirely within the Highlands Planning Area over which the Highlands Council has no Project review jurisdiction. However, PennEast acknowledges and respects the Council’s important role in commenting on the Project in connection with the issuance of permits by the NJDEP. Therefore, PennEast will develop and implement a Comprehensive Mitigation Plan to demonstrate the Project’s consistency with the goals and purposes of the Highlands Act.</p>
<ul style="list-style-type: none"> <li>○ Historic cemetery in Durham Township</li> </ul>	<p>Addressed in Cultural Resources response on Page 25.</p>
<ul style="list-style-type: none"> <li>○ NJDEP Green Acres Funds</li> </ul>	<p>From Section 8.4.1.2 of Resource Report 8, “Through New Jersey’s Green Acres Program, local government units or nonprofits can receive funding for the acquisition of land for public recreation and conservation purposes (NJAC 7:36-3.1 and 15.1). After land is protected through the Green Acres Program, the local government unit or nonprofit must receive approval from the Commissioner of the NJDEP and the State House Commission to divert the land (otherwise known as “parkland”) to a use other than recreation and conservation purposes.”</p>

	PennEast has minimized the potential impacts to these parklands through co-location with an existing transmission ROW. PennEast is committed to further coordination with the Green Acres Program, affected local government units, and nonprofits as appropriate.
○ NJ Department of Agricultural Funds	See response above, “Use of 23 preserved farmlands.”
○ Hunterdon County Open Space funds	Changes in the use of publicly-owned open space listed on the Recreation and Open Space Inventory (ROSI) – including open spaces owned by County and Township local government units – is subject to review by the Green Acres Program to the extent that the local government unit has accepted Green Acres funds. PennEast is committed to further coordination with the Green Acres Program as well as affected local government units and nonprofits as appropriate.
○ Holland Township Open Space Funds	See response directly above.
○ Federal Farm and Ranch Protection Funds	PennEast has made several route deviations (Route Deviation No.’s 67 and 78 in Table 10.3-18 of Resource Report 10) to avoid impacts to farms encumbered by federal USDA easements. No impacts to farms with easements funded by the Farm and Ranch Lands Protection Program are anticipated.
○ NJ Water Supply Authority Funds	If the Project crosses any New Jersey Water Supply Authority funded easements and/or deed restrictions, PennEast will seek the appropriate legal instrument to allow for Project implementation.
○ Gilbert Tap Site is against NJDEP rules and contrary to PennEast’s agreement with Holland Township	The proposed Main Line Valve (MLV) to the Gilbert Lateral must be located along the Mainline Pipe. The Gilbert Lateral allows for the Interconnect to be placed at the bottom of the hill in an industrial area and not in a residential area. No formal agreement was made with Holland Township. The interconnect was sited in the industrial area to address the comments and concerns voiced by Township official.
● Effects on farms:	
○ Tree Farms	No sugar maple stands, areas used for timber production, or commercial tree farms are crossed by the Project. PennEast eliminated potential impacts to these specialty crops during the routing process by avoiding commercial and retail Christmas tree farms.  Comments received by FERC identified a private residence at MP 44.7 where an area of land is used to grow Christmas trees. The Project will temporarily impact approximately 1.0 acre of the area in production. Impacts will be addressed through landowner negotiations.
○ Historic farming in Williams Township	To minimize overall impacts to agricultural areas and address landowner concerns expressed to FERC through public comments, state agencies, stakeholders, and through discussions with landowners during the survey process, PennEast has developed an Agricultural Impact Minimization Plan (AIMP) in consultation with NJ Farm Bureau and NJ State Agricultural Development Committee to address land owner concerns regarding the use of pesticides to maintain the ROW and other agricultural restrictions. The AIMP was included in Appendix

	<p>Q of the FERC application.</p> <p>A detailed summary of measures to be employed during the construction and restoration of the Project to minimize impacts to agricultural areas is located in Section 8.3.4 of Resource Report 8, and the AIMP in Appendix Q.</p>
<ul style="list-style-type: none"> <li>○ Cedar Lane Farm</li> </ul>	<p>The Project traverses approximately 0.6 miles of the Cedar Lane farm beginning near MP 99.3. A detailed summary of measures to be employed during the construction and restoration of the Project to minimize impacts to agricultural areas is located in Section 8.3.4 of Resource Report 8, and the AIMP in Appendix Q.</p>
<ul style="list-style-type: none"> <li>○ Dvoor Farm</li> </ul>	<p>The Project is approximately 7.1 miles from the Historic Dvoor Farm in Flemington. (MP 95.3); due to this distance, the Project is not anticipated to impact this Farm.</p>
<ul style="list-style-type: none"> <li>○ Horse farms</li> </ul>	<p>Numerous comments have been received regarding horse farms being crossed by or located in proximity to the Project. Impacts to these farms will be limited to the construction period, and to the extent practicable, PennEast will maintain access for landowners and farm animals to fields and other agricultural facilities during construction. Following construction, pipeline operation will not prohibit the use of the proposed Project ROW for agricultural or equestrian purposes, or the use of heavy farm equipment within the permanent ROW.</p> <p>A detailed summary of measures to be employed during the construction and restoration of the Project to minimize impacts to agricultural areas is located in Section 8.3.4 of Resource Report 8, and the AIMP in Appendix Q.</p>
<ul style="list-style-type: none"> <li>● Proximity to:</li> </ul>	
<ul style="list-style-type: none"> <li>○ Popple Quarry Operations</li> </ul>	<p>The Project crosses lands associated with Popple Quarry approximately between MP 9.1 and 9.5 in Luzerne County, Pennsylvania. PennEast is acquiring blasting and planning data from the Quarry and is taking this information into account while designing the Project in the safest and most practicable manner.</p> <p>Plans for this route variation are still undergoing evaluation.</p>
<ul style="list-style-type: none"> <li>○ Trap Rock Quarry</li> </ul>	<p>Trap Rock Industries operates three crushed stone quarries greater than 0.25 miles from the Project; one in Lambertville approximately 0.75 mile from MP 96.6; one in Titusville, approximately 0.6 miles from MP 102.5, and one in Pennington, approximately 2.3 miles from MP 106.5. PennEast has been in contact with Trap Rock Industries regarding future quarry expansion plans and is confident that the Project is located at a safe distance from these expansion plans. Information regarding the impact to the Project resulting from quarry blasting activities will be included in a supplement to the Seismic Evaluation (Appendix O) when complete.</p>
<ul style="list-style-type: none"> <li>○ Wilkes-Barre Building Materials Quarry</li> </ul>	<p>Wilkes-Barre Building Materials Quarry is located approximately 422 feet from the Project near MP 9.9 in Luzerne County, Pennsylvania. PennEast is acquiring blasting and planning data from the Quarry and is taking this information into account while designing the Project in the safest and most practicable manner.</p>

<ul style="list-style-type: none"> <li>○ Hospitals</li> </ul>	<p>The Project is located approximately 0.25 miles from St. Luke’s Anderson Campus near MP 70.3 in Bethlehem, Pennsylvania. Location of the proposed pipeline within the campus has been carefully coordinated with St Luke’s.</p>
<ul style="list-style-type: none"> <li>○ Schools (Dallas School Campus, Kingwood School)</li> </ul>	<p>The Project is located approximately 0.25 miles from the Dallas School District Campus near MP 0.0, and approximately 0.8 mile from the Kingwood Township School near MP 90.7. Construction activities near the school will be carefully coordinated.</p>
<p><b>Air and Noise Quality – Resource Report 9</b></p>	
<ul style="list-style-type: none"> <li>• Odor</li> </ul>	<p>The PennEast Project is not expected to be a significant source of odor emissions and the Project will operate in compliance with applicable laws regulating emission of odors. Section 9.1.1.2 of Resource Report 9 describes the applicable air regulatory requirements for the project and the specific requirements for the compressor station are presented Section 9.1.1.5 of Resource Report 9. This section identifies 25 Pa. Code, Chapter 123.31 as an applicable requirement relating to odor emissions in Pennsylvania. The specific limitation is under paragraph (b) as follows:</p> <p style="padding-left: 40px;">(b) A person may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source, in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated.</p> <p style="padding-left: 40px;">This requirement will apply to all PennEast equipment within Pennsylvania including the compressor station, natural gas line heaters, and equipment at interconnect locations. The air permit for the compressor station will require compliance with this part of the Pa Code.</p> <p>In New Jersey, a similar regulation prohibiting odor emissions is codified under N.J.A.C 7:27-5, Prohibition Of Air Pollution. This requirement will apply to all PennEast equipment within New Jersey including the natural gas line heaters and other equipment at the interconnect locations. As described in Section 9.1.1.5 of Resource Report 9, the natural gas line heaters will be permitted either under general air permits (either GP-009A or GP-018) or individual Subchapter 8 preconstruction air permits. In either case, the permit will require compliance with N.J.A.C 7:27-5. The following is an example of the permit condition applicable to odor emissions in GP-009A:</p> <p style="padding-left: 40px;">“This equipment shall not cause any air contaminant, including an air contaminant detectable by the sense of smell, to be present in the outdoor atmosphere in such quantity and duration which is, or tends to be, injurious to human health or welfare, animal or plant life or property, or would unreasonably interfere with the enjoyment of life or property, except in areas over which the owner or operator has exclusive use or occupancy.”</p>
<ul style="list-style-type: none"> <li>• Methane emissions</li> </ul>	<p>As related in Section 9.1.2 of Resource Report 9, methane is not regulated as an air pollutant, except that it is GHG, with a global warming potential (GWP) coefficient of 25, meaning that methane is expected to have a 25</p>

	<p>times greater GWP than an equivalent mass of CO<sub>2</sub> emissions. Based on Project design and planned operations, the routine methane emissions from project operations are estimated in Appendix L-3. Total Project Methane emissions are presented in Resource Report 9 as CO<sub>2e</sub> (carbon dioxide equivalent) GHG emissions in Tables 9.1.3a, 9.1.3b, and 9.1.3c.</p> <p>A Summary of the Project’s operational methane emissions as presented in Appendix L-3 are as follows:</p> <table border="1" data-bbox="617 427 1352 732"> <thead> <tr> <th>Methane Emission Source</th> <th>Tons/Yr Methane</th> <th>Tons/Yr CO<sub>2e</sub></th> </tr> </thead> <tbody> <tr> <td>Fugitive leaks from Pipeline, Table L3-7</td> <td>1.41</td> <td>35.2</td> </tr> <tr> <td>Compressor Station venting, Table L3-6</td> <td>1.90</td> <td>47.5</td> </tr> <tr> <td>Fugitive leaks Compressor Station piping, Table L3-8</td> <td>6.00</td> <td>150.0</td> </tr> <tr> <td>Emissions from Pipe Inspection (PIG), Table L3-17</td> <td>0.25</td> <td>6.2</td> </tr> <tr> <td>Fugitive leaks and venting of all Project Interconnect Stations, Tables L3-9 to L3-16</td> <td>855.30</td> <td>21,382</td> </tr> <tr> <td>Total of all Project methane emission sources</td> <td>864.85</td> <td>21,621</td> </tr> </tbody> </table> <p>Unintended releases of methane and natural gas are addressed in Section 11.2 of Resource Report 11.</p>	Methane Emission Source	Tons/Yr Methane	Tons/Yr CO <sub>2e</sub>	Fugitive leaks from Pipeline, Table L3-7	1.41	35.2	Compressor Station venting, Table L3-6	1.90	47.5	Fugitive leaks Compressor Station piping, Table L3-8	6.00	150.0	Emissions from Pipe Inspection (PIG), Table L3-17	0.25	6.2	Fugitive leaks and venting of all Project Interconnect Stations, Tables L3-9 to L3-16	855.30	21,382	Total of all Project methane emission sources	864.85	21,621
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<ul style="list-style-type: none"> <li>• Radon</li> </ul>	<p>Concerns regarding radon impacts of the project have been addressed in responses to scoping comments, in Resource Report 9. The Project’s response to concerns regarding radon are summarized in Table 9.3-1 of Resource Report 9.</p> <p>The FERC has addressed the radon concentration of natural gas in multiple certificate proceedings, including recently in CP14-96-000. The Environmental Impact Statement in that proceeding cited to a July 2012 study of natural gas samples collected from Texas Eastern and Algonquin pipelines from the Marcellus shale gas fields (Anspaugh, 2012). The study found that radon concentrations in natural gas pipelines are significantly less than the average indoor and outdoor radon levels. Based on all of the available studies, including the Anspaugh study, the Staff concluded that the risk of exposure to radon is not significant. Environmental Impact Statement at 4-244, Docket No. CP14-96-000 (Jan. 23, 2015). The Commission confirmed this determination in its certificate order in CP14-96 issued on March 3, 2015.</p>																					
<p><b>Alternatives – Resource Report 10</b></p>																						
<ul style="list-style-type: none"> <li>• Project Alternatives</li> </ul>	<p>During initial design, PennEast assessed a number of options to create a direct and flexible path for providing approximately 1.1 million dekatherms per day (MMDth/d) of year-round natural gas transportation service and to meet the Project shippers’ need for firm transportation capacity commencing on November 1, 2017. As part of its alternatives analysis, PennEast examined no-action alternatives including energy conservation and energy alternatives, system alternatives including the Transco Leidy Line Loop, Columbia Gas, and Texas Eastern</p>																					

	Systems, as well as other non-PennEast systems. Details of these analyses can be found in Sections 10.1, 10.2, and 10.5 of Resource Report 10.
<ul style="list-style-type: none"> <li>Route Alternatives</li> </ul>	As part of its alternatives analysis and consultations with landowners, regulatory agencies and other stakeholders, PennEast assessed eight major alternative routes and considered over 80 minor route deviations, implementing over 35 of these deviations into the proposed route. Impetuses for these route deviations ranged from future public and private development plans, landowner requests, constructability, regulatory constraints and stakeholder input. These suggested deviations to the route were carefully examined and developed as survey access and additional engineering and environmental information became available. Each of the route deviations considered are presented in Sections 10.3 and 10.4 of Resource Report 10 and in Appendix P.
<ul style="list-style-type: none"> <li>Renewable Alternatives</li> </ul>	As part of its alternatives analysis, PennEast assessed the development and use of renewable energy sources to meeting the overall future energy needs of the marketplace. Potential alternative energy sources included solar, wind, and geothermal energy. Wind, geothermal, and solar power have not yet been developed in the eastern U.S. for large-scale application, partly because the energy sources associated with these forms of power are reliable in only certain parts of the country (such as solar and wind) or generally are not available (geothermal). These forms of energy, which usually are converted to electricity, may not substitute easily for natural gas in equipment and processes designed for using natural gas. In addition, once converted, the electricity must be transported to the consumer, which may require the addition of new power lines. Moreover, land required for wind and solar is considerably greater, and the vast majority required cannot be restored to its prior use in the same way that land used for natural gas pipelines can be restored. Given the pace of development for these resources in the eastern U.S., they will not meet the future demand for energy in the Project timeframe. Moreover, wind, geothermal and solar are not energy alternatives to all of the Project’s shippers, which require natural gas for purposes other than power production. Therefore, these particular alternative energy sources do not represent viable options for replacing the natural gas that will be supplied by the Project.
<ul style="list-style-type: none"> <li>Conservation Alternative</li> </ul>	As part of its alternatives analysis, PennEast assessed energy conservation as an alternative for meeting the overall future energy needs of the marketplace; this assessment is provided in Section 10.1.1 of Resource Report 10. In summary, natural gas demand in the marketplace is continuing to grow despite programs designed to encourage fuel conservation. Conservation alone will not address the growing demand for natural gas in the relevant markets in the Project timeframe. Fuel conservation should continue to be an ongoing effort used in concert with the development of additional, more efficient natural gas transportation and distribution systems.
<ul style="list-style-type: none"> <li>Did not consider alternatives to connecting to Transco’s pipeline in Mercer County, NJ</li> </ul>	One of the basic drivers of the routing for the PennEast Pipeline is the location of critical delivery points that allows the Project to meet the demands of the Project shippers and the markets they serve. Multiple customers of PennEast have requested that the pipeline tie into the Transco pipeline in the location that it does because they have contracts that allow deliveries into Transco between Compressor Station 205 (Trenton Woodbury) and Compressor Station 210 (Princeton Junction). This span also enables the most flexibility with existing contracts on the Transco system.

<ul style="list-style-type: none"> <li>Alternatives to crossing 31 anti-degradation streams</li> </ul>	<p>PennEast has used the siting process to avoid or minimize impacts to sensitive streams and waterbodies, and numerous route deviations have been made to that end. PennEast plans to construct and restore sensitive streams in accordance with the rules and regulations of various regulatory agencies and will maintain compliance with these requirements through environmental inspection during the construction and restoration time period.</p> <p>Stream crossings for the pipeline will be permitted through the National Pollutant Discharge Elimination System (NPDES) and reviewed and/or approved by the PADEP, NJDEP, County Conservation Districts, River Basin Commissions, and the USACE. PennEast will employ BMPs during pipeline construction with the appropriate environmental controls in place. These BMPs will be inspected on a daily basis during construction by environmental inspectors as well as periodically by agency and FERC third-party inspectors.</p> <p>Section 2.3 of Resource Report 2 evaluates the sensitive streams and waterbodies in the Project area and discusses potential impacts and mitigation plans.</p>
<ul style="list-style-type: none"> <li>Directional drilling at mile points 85-85.2 and 93.8-94</li> </ul>	<p>Plans for these crossings are still undergoing evaluation.</p>
<p><b>Reliability and Safety – Resource Report 11</b></p>	
<ul style="list-style-type: none"> <li>Risk of leaks and explosions</li> </ul>	<p>PennEast will comply with the pipeline safety standards established by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (PHMSA) (49 CFR §190-199). Pipelines are the safest, most environmentally-friendly and efficient mode of transporting energy, according to PHMSA. Data show that while natural gas demand has increased, serious pipeline incidents have decreased by 90 percent over the past three decades alone, primarily as a result of significant efforts by pipeline companies to upgrade and modernize their infrastructure. Transportation by pipeline is the safest mode of transportation.</p> <p>Safety is PennEast’s highest priority when designing pipelines. PennEast adopts design features and operating practices that meet or exceed stringent industry and regulatory standards. PennEast will regularly inspect the pipeline, conduct leak surveys and send sensor equipment through the line to make sure integrity has not been compromised. PennEast will continuously monitor (24/7/365) how much gas is transported through the system, operating pressures and temperatures throughout the system, and other critical operating data. This is done in real-time through a gas control center. Should any unusual data surface, PennEast will immediately dispatch field personnel to address the issue and protect the community. Additionally, the pipeline will be clearly marked at all road crossings, creeks, property lines, and fence lines to minimize the potential for third-party damage. PennEast will be a member of the national One Call system (Dial 811) that requires anyone performing excavations to call 3 days prior so that the line can be located and marked in the area of excavation.</p> <p>Local emergency response and management personnel will receive emergency response training prior to the Project being placed into service and on an ongoing basis thereafter. Necessary information and instructions regarding the facilities will be provided to local emergency response and management personnel. A plan will be in place for coordination between</p>

	<p>PennEast and local emergency response and management personnel in the event of an incident.</p> <p>PennEast is designing the Project to exceed federal safety regulations in many important areas, including:</p> <ul style="list-style-type: none"> <li>• The pipe material will meet and generally exceed the API-5L requirements;</li> <li>• Class 2 pipe will be installed in all Class 1 locations in order to increase safety factor;</li> <li>• 100 percent nondestructive inspection of mainline welds (for example 49 CFR 192 requires only 10 percent of the welds to be tested in Class 1 locations); and</li> <li>• Prior to placing the line into service, the pipe will be hydrostatically tested at a maximum pressure that will exceed industry standards identified in 49 CFR 192.</li> </ul> <p>Resource Report 11 – Reliability and Safety evaluates the overall safety of the Project through construction and pipeline operation and presents the extensive safety measures, emergency procedures, and oversight that will be adopted and implemented for the Project.</p>
<ul style="list-style-type: none"> <li>• Oppose Class 2 designation, should use Class 4 pipe</li> </ul>	<p>The proposed facilities will be designed and constructed to meet or exceed the safety standards established by the USDOT in 49 CFR Part 192. The Project will be constructed in accordance with regulations that govern material selection and qualification, minimum design requirements, and protection from internal, external, and atmospheric corrosion. Class locations specified in 49 CFR Part 192 will be used to determine pipe design factors, shutoff valve spacing, and depth of cover requirements.</p> <p>Resource Report 11 – Safety and Reliability explains the regulatory background regarding pipe class, safety, and how federal standards will be met or exceeded for the PennEast Pipeline.</p>
<ul style="list-style-type: none"> <li>• Proximity to High Consequence Areas</li> </ul>	<p>The proposed facilities will be designed and constructed to meet or exceed the safety standards established by the USDOT in 49 CFR Part 192.</p> <p>Every effort was made by PennEast to avoid HCAs where practicable. Although the current pipeline falls within proximity of some HCAs, pipeline safety regulations require ongoing integrity assessments for pipelines located in HCAs. The identification of HCAs and class locations work together to ensure the safe operation of the pipeline.</p>
<ul style="list-style-type: none"> <li>• Need on the ground (not just aerial) inspections</li> </ul>	<p>Safety is PennEast’s highest priority when designing pipelines. PennEast adopts design features and operating practices that meet or exceed stringent industry and regulatory standards. PennEast will regularly walk the pipeline, conduct leak surveys and send sensor equipment through the line to make sure integrity has not been compromised. PennEast will continuously monitor (24/7/365) how much gas is transported through the system, operating pressures and temperatures throughout the system, and other critical operating data. This is done in real-time through a gas control center. Should any unusual data surface, PennEast will immediately dispatch field personnel to address the issue and protect the community. Additionally, the pipeline will be clearly marked at all road crossings, creeks, property lines, and fence lines to minimize the potential for third-party</p>

	<p>damage. PennEast will be a member of the national One Call system (Dial 811) that requires anyone performing excavations to call 3 days prior so that the line can be located and marked in the area of excavation.</p>
<ul style="list-style-type: none"> <li>Gas should have odorization to help identify leaks</li> </ul>	<p>All gas received into the pipeline will be odorized with mercaptan to provide an added level of safety and security to the gas system by providing a warning mechanism for the public.</p>
<ul style="list-style-type: none"> <li>Requires cathodic protection</li> </ul>	<p>External corrosion protection will be achieved by means of externally coated pipe and cathodic protection using rectifiers and anodes as required by 49 CFR Part 192. The cathodic protection systems will impress a low-voltage current to the pipeline to offset natural soil and groundwater corrosion potential.</p>
<ul style="list-style-type: none"> <li>Concerns about blasting during construction, particularly under power lines</li> </ul>	<p>To the extent where bedrock is encountered, PennEast would first attempt to use mechanical methods such as excavation or ripping to remove bedrock, where practicable. Blasting will be employed if other methods cannot successfully remove rock to the appropriate depth. Blasting is done in compliance with all applicable permits and regulations. PennEast will implement its blasting plan (Appendix O) that provides specific procedures, safety measures, notification processes, and other required protocols that will be employed during blasting activities while utilizing only licensed and qualified contractors. Proper notifications to surrounding landowners will be provided well in advance of any potential blasting.</p> <p>Today, the use of blasting is a very controlled and minimally impactful method to extract rock in many construction projects from single site development to linear projects such as pipelines. Current blasting techniques for pipeline construction use very carefully placed charges that are positioned in a manner to control the direction and velocity of the blast. Modeling is used to assess the pattern and distance of the blasting. Following construction a supplemental inspection will be conducted.</p>
<ul style="list-style-type: none"> <li>Increased risk of terrorism</li> </ul>	<p>Pipelines are widely considered to be the most efficient and fundamentally safe means of transporting hazardous substance long distances, and there are nearly half a million miles of pipeline transporting natural gas, oil, and other hazardous liquids crisscrossing the U.S. Over the last ten years, both government and industry have taken numerous steps to improve pipeline safety and security. In 2012, Congress passed the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (P.L. 112-90), which contained a broad range of provisions addressing pipeline safety and security. Among the provisions of the new Act were an increase in the number of federal pipeline safety inspectors, requirements for automatic shutoff valves, and verification of maximum allowable operating pressure for gas transmission pipelines.</p> <p>Safety is PennEast's highest priority when designing pipelines. PennEast adopts design features and operating practices that meet or exceed stringent industry and regulatory standards. PennEast is committed to installing and maintaining security equipment that meets or exceeds all industry standards at all of its facilities.</p>

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