

REPLY TO
ATTENTION OF**DEPARTMENT OF THE ARMY**PHILADELPHIA DISTRICT CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390**DEC 09 2015****FILED
SECRETARY OF THE
COMMISSION****2015 DEC 21 A 11: 53****FEDERAL ENERGY
REGULATORY COMMISSION**Regulatory Branch
Application Section IISUBJECT: CENAP-OP-R-2014-00975-72
PROJECT NAME: PennEast Pipeline Project
PROJECT LOCATION: Lat 40.735776° N, Lon -75.395356° W
FEDERAL ENERGY REGULATORY COMMISSION DOCKET NUMBER: PF15-1-100 **ORIGINAL**Ms. Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20246

Dear Ms. Bose:

This letter is written in regards to an email received by Mr. Glenn Weitknecht, U.S. Army Corps of Engineers (Corps), on December 2, 2015, from Ms. Nathalie Schils, Tetra Tech, Inc., on behalf of the Federal Energy Regulatory Commission (FERC). The purpose of the email was to inquire if the Corps received FERC's letter sent in May of 2015 soliciting the Corps to be a cooperating agency in the National Environmental Policy Act (NEPA) review process for the PennEast Pipeline project. The Corps had previously sent FERC a letter dated January 28, 2015 stating the Corps would be a cooperating agency in the NEPA process for this project based on a request from the applicant. In a reply email dated December 3, 2015, Ms. Schils stated FERC is requesting a response to their letter in addition to the Corps previous letter. Please consider this letter in response to FERC's May 2015 letter requesting the Corps to be a cooperating agency in the NEPA process. The Penneast Pipeline project has been assigned Docket Number PF15-1-100 by FERC. The proposed pipeline will comprise approximately 108 miles of new 36 inch pipeline. The project extends from Luzerne County, Pennsylvania to Mercer County, New Jersey.

Due to Penneast Pipeline Company, LLC's need for a Department of the Army permit, the U.S. Army Corps of Engineers, Philadelphia District will be a cooperating agency in the preparation of an Environmental Impact Statement (EIS) under NEPA. We look forward to working with your agency as the document is developed to ensure that the information presented in the EIS is adequate to fulfill the requirements of the Corps regulations, the Clean Water Act (CWA) Section 404(b)(1) Guidelines, and the Corps public interest review process.

To meet the requirements of the Corps, we request that the following topics be comprehensively evaluated in the EIS:

1) Purpose and need for the project. In order to satisfy Department of the Army regulations, the Corps will need to concur on the purpose and need statement for the project. We would be pleased to work with you and the applicant to develop a purpose and need statement that will satisfy the

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Department of the Army regulations for review of the project under Section 404 of the CWA and Section 10 of the Rivers and Harbors Act.

2) Clean Water Act Section 404(b)(1) Guidelines. The 404(b)(1) Guidelines require an alternatives analysis which addresses how impacts to waters and wetlands (waters of the United States) have been avoided and minimized. If impacts to waters and wetlands cannot be avoided and impacts have been minimized to the maximum extent practicable, the alternatives analysis identifies the compensatory mitigation required to replace lost functions and services of the aquatic resources. Information on the alternatives analysis and the results of any studies, assessments, and evaluations of the proposed project are needed in the EIS. The range of alternatives in the alternatives analysis will be based on the project purpose, as determined by the Corps, in accordance with established Corps policy on the review of energy related projects. The alternatives analysis should address practicable alternatives to the discharge of dredged and fill material for each individual crossing of a wetland and/or waterbody. The Corps will need to concur on the range of alternatives retained for detailed study in the EIS.

3) Corps' public interest review. The decision to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Factors that must be evaluated as part of the Corps' public interest review include; conservation, economics, aesthetics, general environmental concerns, wetlands and streams, historic and cultural resources, fish and wildlife values, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, energy needs, safety, food and fiber production, mineral needs, water quality, consideration of property ownership, air and noise impacts, and, in general the needs and welfare of the people. Each of the Corps' public interest factors must be evaluated comprehensively in the EIS.

4) Delineation of all wetlands and waters within the project study area. This would include construction access roads and staging areas, and property identified for compensatory mitigation.

5) Quantify impacts to all waters of the United States, including wetlands.

a) permanent impacts: those impacts resulting from the direct placement of dredged and/or fill material resulting in the conversion of wetlands/waters to uplands and resulting in the change in wetland classification (e.g. PFO and PSS to PEM);

b) temporary impacts: those impacts resulting from the placement of dredged and/or fill material where the dredged and/or fill material will be removed and the wetland/waters will be restored; and

c) direct secondary impacts: those impacts due to the placement of dredged and/or fill material into wetlands/waters that would result in changes to the overall size of the wetland/waters, hydrology, cover type, species assemblage, or in habitat fragmentation.

For streams and rivers, include both the linear feet of streams/rivers (measured along the centerline of the stream/river) and acreage of impact. The EIS should identify the acreage of these impacts, and address them.

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- 6) Analysis of cumulative and indirect impacts resulting from the placement of dredged and/or fill material into aquatic resources, and from the overall project.
- 7) A description and evaluation of the methods of construction (e.g. trenching, blasting, wet/dry crossing methods, HDD, etc.) in wetlands and waters.
- 8) Describe and locate potential wasting sites to be used for excess dredged and/or fill material resulting from the project.
- 9) Proposed compensatory wetland and/or stream mitigation plans that provide for the replacement/compensation of lost functions and services, including temporal losses in accordance with the Environmental Protection Agency/Corps Mitigation Rule dated April 10, 2008.
- 10) A restoration plan that addresses restoration of wetlands and waters within the limit of disturbance; including the re-forestation of wetlands within temporary workspaces and revegetation of wetlands within 15' of the centerline of the new pipe.
- 11) Analysis of the project's compliance with Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act (including required Tribal consultation).
- 12) Air quality impacts (i.e., Section 176(c) of the Clean Air Act General Conformity Rule Review).
- 13) Compliance with the Executive Order 11988 on floodplains.

We look forward to working with your agency as the NEPA document is developed and the overall review of the project proceeds. Should you have any questions regarding this matter, please contact Glenn Weitknecht at (267) 284-6563 or by writing to U.S. Army Corps of Engineers, Pocono Area Regulatory Field Office, 253 State Route 435, Suite 4, Clifton Township, Pennsylvania.

Sincerely,


for Frank J. Cianfrani
Chief, Regulatory Branch

Document Content(s)

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