



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**

PHILADELPHIA DISTRICT CORPS OF ENGINEERS  
WANAMAKER BUILDING, 100 PENN SQUARE EAST  
PHILADELPHIA, PENNSYLVANIA 19107-3390

SEP 12 2016

ORIGINAL

FILED  
SECRETARY OF THE  
COMMISSION

2016 SEP 21 P 4: 45

FEDERAL ENERGY  
REGULATORY COMMISSION

Regulatory Branch  
Application Section II

SUBJECT: CENAP-OP-R-2014-00975-72  
PROJECT NAME: PennEast Pipeline Project NO  
PROJECT LOCATION: Lat. 40.735776° N, Long. 75.395356° W  
FEDERAL ENERGY REGULATORY COMMISSION DOCKET NUMBER: PF15-1-100

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 with regard to the Draft Environmental Impact Statement (DEIS) prepared by the Federal Energy Regulatory Commission (FERC) for the proposed PennEast Pipeline project. The Penneast Pipeline project has been assigned Docket Number PF15-1-100 by FERC. The DEIS was issued by FERC on July 22, 2016. The Corps requested to be a cooperating agency in the National Environmental Policy Act (NEPA) process via a letter dated December 9, 2015. The proposed pipeline will comprise approximately 118 miles of new 36 inch pipeline. The project extends from Luzerne County, Pennsylvania to Mercer County, New Jersey.

The Army Corps of Engineers provides the following comments on the DEIS;

ES-6 2nd Paragraph, 2nd Sentence,

- The sentence starts "In emergent wetlands, the impact of the...". Recommended adding the word "temporary" before the word "impact".

ES-6 2nd Paragraph, 3rd to last Sentence.

- The sentence ends "... 30-foot wide corridor centered over the pipeline." Recommend adding an additional sentence after the third sentence, "Compensatory mitigation for the unavoidable loss of functions and services caused by the permanent maintenance of woody vegetation over top of the pipeline within forested and scrub-shrub wetlands has been offered by Penneast."

This paragraph appears at several locations throughout the document, it is recommended that these changes be made throughout the document.

### 1.2.2 3rd Paragraph, 1st Sentence,

- The sentence reads “As an element of its review, the USACE must consider whether a proposed project avoids, minimizes, and compensates for impacts on existing aquatic resources...” Recommend changing the first part of the sentence to read “As an element of its review, the USACE must consider whether a proposed project has avoided and minimized impacts to aquatic resources, including wetlands, to the maximum extent practicable and determine if compensatory mitigation for any unavoidable impacts to aquatic resources, including wetlands, is required...”

#### 1.3.1.1 Clean Water Act and Rivers and Harbors Act

- Last sentence of the paragraph reads “Section 404 of the CWA regulates the discharge of dredged and/or fill material into Waters of the United States, including jurisdictional wetlands, and is under the jurisdiction of the USACE.” Change to read “Section 404 of the CWA regulates the discharge of dredged and/or fill material into Waters of the United States, including jurisdictional wetlands, and is under the jurisdiction of the USACE in Pennsylvania. In New Jersey the Corps Section 404 Permit Program has been assumed by the state of New Jersey except for navigable waters and wetlands with one thousand feet of that navigable water.”

#### 2.3.1.2 Special Construction Procedures, Conventional Open-Cut Crossing

- The DEIS indicates that no “wet” crossings are being proposed by PennEast. That if a channel has flow in it at the time of the crossing they will employ one of the dry crossing methods detailed later in this section. If that is indeed the case then that it should be mentioned here that even with an “open cut” crossing, the crossings will all be done in a dry environment, which greatly reduce the environmental impact of the crossing.
- When open cutting through a stream channel, the top 12 inches of the stream bed material should be segregated and stock piled separately. This material will then be used as the top layer of backfill within the channel so that the bed material of the channel matches that of the channel upstream and downstream of the crossing.

#### 2.3.1.2 Special Construction Procedures, Dry Crossing Methods.

- Port-O-Dams should be added to the list of methods that will be used to facilitate dry crossing conditions. These have been used very successfully in the past to create dry conditions in half of a channel at a time. While, the Corps is not mandating the use of Port-O-Dams at any crossing this alternative should be identified and discussed in the EIS.
- Other directional drilling technologies, such as the Direct Pipe Method, should be evaluated as possible contingency crossing methods should conventional HDD technology not be technically possible.

#### 4.2.2.5 Shallow Bedrock

- 3 -

- Page 4-12, top of page. Paragraph should mention the use of blast mats to ensure no material is redeposited outside the immediate area of the blasting in wetland areas.

#### 4.12 Cumulative Impacts;

- General note on the entire Cumulative Analysis Section. The cumulative impact section is all qualitative analysis with very little quantitative data to validate the opinions stated in this section.
- The DEIS should follow the CEQ guidance concerning the scope of a cumulative impacts analysis and include all past, present, and reasonably foreseeable projects of a similar nature and include them in the Cumulative Impacts Analysis for the project.

#### 4.12.4.2 Waterbodies, Groundwater, and Wetlands

- There is no discussion in this section that discusses the issue that the vast majority of the impacts associated with the project are temporary in nature and that the Corps and FERC will require monitoring of the restoration work to ensure that the impacted aquatic resources are successfully restored. Additionally, the section should discuss that any unavoidable permanent impacts, should they be deemed to occur, would be reviewed for appropriate compensatory mitigation to replace the lost functions and values of those lost waters and/or wetlands. Lastly, the discussion should mention that compensatory mitigation along with restoration of temporary impacts is also required for the permanent conversion of forested wetlands to scrub/shrub wetlands and the conversion of forested and shrub/scrub habitats to herbaceous wetlands and that because of this the cumulative impacts on the aquatic environment from the project would be minimal.

Mitigation Sites. The draft EIS does not address Section 106 of the NHPA or Section 7 of the ESA for any of the potential mitigation sites. These sites should be included into the document.

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,



Edward E. Bonnor  
Chief, Regulatory Branch

Document Content(s)

14360100.tif.....1-3