



September 12, 2016

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE, Room 1A
Washington, DC 20426

RE: Trout Unlimited Comments on the PennEast Pipeline Project Draft Environmental Impact Statement, Docket No. CP15-558-000

Secretary Bose:

Trout Unlimited provides these comments in response to the Draft Environmental Impact Statement for the PennEast Pipeline Project (Docket No. CP15-558-000) issued by the Federal Energy Regulatory Commission on July 22, 2016.

Our mission at Trout Unlimited is to conserve, protect, and restore North America's trout and salmon fisheries and their watersheds. To accomplish this mission, we rely on a comprehensive strategy to protect the highest quality trout and salmon habitat, reconnect these stretches with healthy areas downstream, and restore degraded waters so they again support robust trout and salmon populations. Trout Unlimited has more than 13,000 members in Pennsylvania and another 3,200 in New Jersey committed to this work of protecting, reconnecting, and restoring habitat. Our comments on the PennEast Draft Environmental Impact Statement will focus on identifying the potentially damaging effects of PennEast's project on coldwater streams, and recommending mitigation measures to limit them.

According to the Draft EIS, the proposed route of the 118.8-mile pipeline would involve 255 stream and waterbody crossings covering a total distance of 7,231 feet. In Pennsylvania, the

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route would cross streams designated as coldwater fisheries at least 139 times. Of these, 132 crossings affect wild trout waters, which hold naturally reproducing populations of trout. In 88 instances, the pipeline will cross water designated as High Quality (HQ) or Exceptional Value (EV), which are accorded special protection under Pennsylvania anti-degradation regulations. The pipeline would cross three streams—Shades Creek, Monocacy Creek, and Fry’s Run—that are designated Class A Wild Trout Waters, which hold the most significant naturally reproducing populations in Pennsylvania. In New Jersey, streams designated Category 1 (C-1) trout water would be crossed at least 28 times. State law protects C-1 waters from measurable decline in quality.

As the Draft EIS reports (*see* Section 4.3.2.5), the potential impact of the PennEast construction on streams in Pennsylvania and New Jersey include changes to aquatic habitat and riparian areas; increased sediment loads; chemical pollution from runoff and spills; and decreased dissolved oxygen levels. Given this potential for harm, Trout Unlimited strongly urges the Commission to take steps to ensure protection of streams with significant trout populations.

STREAM CROSSINGS

In our February 27, 2015, comments in this matter, Trout Unlimited recommended that HDD, direct bore, or Direct Pipe methods be used to cross sensitive streams. These techniques leave stream beds intact and limit erosion and sedimentation. Dry stream crossings, on the other hand, can do significant damage to streams during and after construction by increasing sediment load and by altering stream hydrology and in-stream habitat.

For the vast majority of stream crossings for this project, PennEast proposes dry crossings. In Pennsylvania, the method is proposed in at least 64 instances where the pipeline would cross streams designated as EV or HQ; for another 17 such crossings, the proposed method has not been established. Each of the Class A Wild Trout Streams are slated to be forded using this technique. In New Jersey, dry crossing is projected in 26 of the 28 C-1 stream crossings. The Draft EIS provides no information about how PennEast evaluated the appropriate crossing method for each stream, and no site-specific justifications for why it chose dry crossing over less intrusive methods. In a number of cases, PennEast has yet to conduct field surveys of the crossing sites. Most significantly, PennEast has provided no information about what type of dry crossing method it proposes to use at each stream crossing—dam and pump; flume; or modified dry crossing. While PennEast reports elsewhere that it is not proposing wet crossings, the Draft EIS leaves open the possibility for wet crossing or conventional open-cut crossing methods (*see* p. 2-9, and Appendix G – Tables of Resources Affected, Table G-7, Note b). The Commission should confirm that PennEast will not use conventional open-cut crossings on this project.

In its August 31, 2016, correspondence with the Commission, PennEast reported that “in most cases,” it would “implement a trenchless crossing where practicable” on C-1 streams in New Jersey. Trout Unlimited strongly recommends that this be expanded to include sensitive streams in Pennsylvania, especially those waters designated by the state as EV or HQ.

The Commission needs more precise information before it can properly evaluate the impacts of the pipeline project on Pennsylvania and New Jersey waters and issue a final EIS. For each

proposed stream crossing, we strongly recommend that the Commission seek site-specific reviews of both crossing method and proposed mitigation measures.

EROSION & SEDIMENTATION CONTROL

In 163 areas, the pipeline would be installed on steep slopes of greater than 30 percent within 200 feet of waterbody crossings. PennEast is proposing to use enhanced procedures—erosion-control blankets—on disturbed sites within 100 feet of special protection waters, within 50 feet of all other waters, and on slopes greater than 33.3 percent. We ask that those procedures apply in areas within 150 feet of special protection waters, given that PennEast has deemed a 150-foot riparian forest buffer to be infeasible. We also strongly recommend the Commission request that PennEast install erosion-control blankets on slopes greater than 15 percent.

The Commission has asked PennEast to submit a revised Erosion and Sedimentation Control Plan (E&SCP); we urge the Commission to review it *before* issuing a final EIS.

In addition, the required June 1-September 30 timing restrictions should not apply only to in-stream construction work, but to any work in steep areas within 200 feet of waterways.

HYDROSTATIC TESTING

PennEast anticipates using 18 million gallons of water for hydrostatic testing of the pipeline. The company has not yet identified the sources of this water. These withdrawals could affect both stream levels and water temperature, and have a significant impact on the health of fish and other aquatic life. Trout Unlimited recommends that the Commission require that water for pipeline testing not be withdrawn from any coldwater resources, including Class A Wild Trout Streams, Wild Trout Waters, and waters designated EV, HQ, or C-1.

MONITORING AND STREAM RESTORATION

Trout Unlimited recommends that the Commission require PennEast to collect baseline data for each stream crossing before construction, and to produce a post-construction monitoring plan to prevent long-term damage to the coldwater resources. The Draft EIS and draft E&SCP offer little guidance about final restoration plans for stream crossing areas. Given the significant potential damage, the Commission should seek site-specific stream restoration plans from PennEast for each crossing to ensure that the contours and composition of the streambed, stream width and depth, and stream hydrology are restored to as close as possible to pre-construction state.

To ensure the protection of coldwater streams in the path of this project, we strongly urge the Commission to seek additional information from PennEast before issuing a final Environmental Impact Statement. It is the only way to ensure that best practices are in place for construction of

the pipeline and restoration of affected streams. I am available to answer any questions you have about these comments, and can be reached at dkinney@tu.org or 856-834-6591.

Sincerely,

David Kinney
Mid-Atlantic Policy Director
Trout Unlimited