



**Township of Holland**  
IN  
HUNTERDON COUNTY

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August 22, 2016

John Eddins  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001-2637

RE: Request for Advisory Council Involvement and Review of the PennEast Pipeline, LLC  
Proposed Project, FERC Docket No. CP-15-558.

Dear Mr. Eddins,

On July 22, 2016, the Federal Energy Regulatory Commission (FERC) released the Draft Environmental Impact Statement (DEIS) for PennEast Pipeline Company, LLC's proposed natural gas pipeline (FERC Docket No. CP-15-558). FERC has integrated the National Historic Preservation Act (NHPA) Section 106 review into the National Environmental Policy Act (NEPA) process and discusses impacts to historic and cultural resources within the DEIS. However, the Section 106 process for the PennEast project, as outlined in the DEIS, is seriously flawed. The Township of Holland requests that the Advisory Council immediately enter the Section 106 process for the PennEast project and provide, pursuant to 36 C.F.R. § 800.9, its opinion regarding the many shortcomings in the DEIS related to the Section 106 process. Council action is necessary to ensure the requirements of NHPA are met *before* FERC concludes its DEIS comment period, holds public hearings or makes any decision on PennEast's application for a Certificate of Public Convenience and Necessity.

Council involvement in this matter is essential because of the significant flaws in the Section 106 process for the PennEast project. These flaws include, but are not limited to:

- Failure to acknowledge representatives of local governments as consulting parties as required under 36 C.F.R. § 800.2;
- Failure to provide representatives of local governments with the information necessary to participate as consulting parties;
- Failure to conduct field surveys for historic and cultural resources for 68% of the area of potential effects in New Jersey;
- Failure to identify a significant number of impacted historical and cultural sites;
- Use of flawed archaeological survey methods for surveying sites;
- Improper analysis of the adverse effects on identified historic properties;
- Insufficient development of mitigation measures for identified adverse effects.

In March, 2016, the New Jersey Historic Preservation Office, in response to PennEast's archaeological survey report, brought many of these errors to the attention of both FERC and PennEast. However, FERC released the DEIS without first requiring PennEast to address the errors. FERC acknowledges in the DEIS that the Section 106 review is not complete, but does not require completion before a decision on PennEast's application. The entire Section 106 process will be rendered meaningless if surveys and consultation are not completed until after FERC has already made its final decision, because at that point, the information gathered during consultation could no longer factor into the agency decision.

Holland Township urges the Council to

- a) become involved in the Section 106 process before the end of the DEIS comment period;
- b) issue an opinion that informs FERC of the flaws in its Section 106 review;
- c) demand that FERC fix the flaws, including recognizing local governments' status as consulting parties and providing them with all information necessary to consult; and
- d) demand FERC revoke the DEIS and delay any decision on the pipeline until after full survey data is provided, after the local governments have had adequate time to consult, and after the Section 106 process is fully completed.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ray Krov', followed by a horizontal line.

Ray Krov, Mayor  
Township of Holland

Cc: Kimberly Bose, FERC