



**New Jersey Conservation**  
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July 18, 2016

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

Re: PennEast Pipeline, Docket No. CP15-558-000

Dear Ms. Bose:

We are greatly concerned with PennEast's response to FERC's Data Request #12 of 6/3/2016. The response is misleading, inadequate and incomplete. PennEast's response demonstrates a profound lack of scientific understanding about habitat assessment and collecting data on the numerous species of special concern as well as threatened and endangered species that live in the complex ecosystem of the proposed pipeline's route. Impacts to species such as the Long Tailed Salamander and Wood Turtle that depend on the numerous C1 streams, buffers and wetlands that are held to "anti-degradation" standards by the State of New Jersey are not discussed.

Only two of the numerous species that PennEast has been asked to address are discussed. Long-Tailed Salamander and Red-Headed Woodpecker are cited as examples of species, but the full list of species that require surveys is not addressed. With regard to these two species, the company provides a table which states that only two habitat locations for each of these species remain unassessed. This is impossible, given the fact that PennEast has only obtained on the ground access to less than 30% of the route in New Jersey, and we know for a fact that there are dozens of potential locations for such habitat.

PennEast's response reveals that they have clearly not conducted the required habitat assessments, and there are inconsistencies and flaws in their stated plans to complete species surveys.

- In the case of the Long-Tailed Salamander (LTS) (threatened in NJ), PennEast states that they will conduct habitat assessments as long as there is not significant snow cover. LTS are underground from mid-autumn to early spring, as well as during summer droughts, and are only likely to be found at times of high water table on somewhat mild spring days or on warm, rainy nights during the growing season. Thus, PennEast is not planning on conducting a proper search to determine where LTS actually occurs. It appears that they will simply assess the habitat structure, and engage in conjecture about habitat quality. Using this cursory evaluation method, where there could be freezing temperatures or severe drought during a site visit, it is not

possible to rule out any forested stream crossing as potential habitat anywhere along the proposed pipeline route in New Jersey. LTS are known to nest beneath fractured rocks in crevices and below ground in streams - places that are not discernable from the surface. The presence of LTS and potential impacts from pipeline stream crossings can only be thoroughly discussed after extensive inventory of habitat use at times when they are known to be active at the surface. **Without these surveys, every forested stream crossing of a C1 stream must be considered LTS critical habitat.**

In the case of the Red-headed Woodpecker (RHWP) (threatened in NJ), PennEast states that they *must* visit sites during the breeding season, from April until June. Given this window of survey dates limited to the breeding season of RHWP, their intention must be to discover whether or not RHWP are actively nesting in a particular area. If PennEast's intention was to map all suitable RHWP habitat, they could conduct suitable habitat assessments at any time of the year, because elements of the forest structure required by RHWP are easily observed by a human observer year round. Not all suitable habitat for RHWP nesting is occupied in a given year; their loose colonies are known to move back and forth across a region. It is not sufficient to simply avoid active RHWP colonies when devising the path of a linear project. Rather, all potential habitat containing the necessary features to attract the temporally-shifting colonies of RHWP must be protected.

- We are puzzled as to how PennEast can claim that they will meet the anticipated time frames when they don't have property access permission to complete these surveys. Given the lack of survey access, the necessary data will be available to FERC only after Eminent Domain proceedings, and thus unavailable in the timeframe stated by PennEast, and certainly not available for the DEIS.
- The two species, LTS and RHWP were only given by FERC as examples to address in Data Request 12. PennEast does not address numerous other T&E species that are known to occur along the route and are listed by the NJ Endangered and Non-Game Species Program or the Federal Government ( which include American Kestrel, Bald Eagle, Barred Owl, Bobcat, Bobolink, Bog Turtle, Eastern Meadowlark, Grasshopper Sparrow, Indiana Bat, Long-eared Bat, Long-tailed Salamander, Red-headed Woodpecker, Red-shouldered Hawk, Savannah Sparrow, Wood Turtle, as well as a host of Odonates and Lepidoptera and numerous rare plant species). PennEast does not provide any details of any habitat assessments for any of these species, and simply defaults to the two example species cited by FERC in Data Request 12. Basically, PennEast has failed to address the great majority of information implicit within the parameters of Data Request #12.

A complete and meaningful DEIS cannot be issued without addressing these data gaps and inaccuracies. Thank you for consideration of our comments.

Respectfully,

Emile DeVito, Ph.D.  
Manager of Science and Stewardship  
New Jersey Conservation Foundation