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

Re: Response to February 22, 2016 Filing of PennEast Pipeline's Maps in Which it Indicated Through Color-Coding that the Property Located at 566 County Road, Kingwood, NJ was "surveyed" for Archaeological Purposes. PF15-1, CP15-558-000

Dear Secretary Bose,

As you know, I am assisting in protecting archaeological and cultural resources for the Ramapough Lenape Indian Nation (the "Ramapough") and Thomas Sommo ("Mr. Sommo") in connection with Mr. Sommo's property located at 566 County Road, Kingwood, NJ (the "Property"). Please accept this letter as a response to PennEast's February 22, 2016 filing of maps (the "Filing"), in which PennEast indicated, through color-coding, the Property was "surveyed" for archaeological purposes.

The February 22, 2016 PennEast Filing is False as Mr. Sommo's Property has not been Surveyed.

This representation PennEast made in its Filing in which it stated it has surveyed Mr. Sommo's Property for archaeological purposes is false. PennEast's representation to this Commission is misleading and incorrect in that the Property was surveyed. It was never surveyed.

PennEast has never physically been on the Property and could not possibly review it archaeologically. The Property is 56 acres, bound on all sides by unrelated private properties and moreover, the areas necessary to view for the site located on the Property, are, to some degree, in shallow areas. PennEast's color-coded maps lead the reader to believe that PennEast has surveyed much of the ROW and affected properties thereto. And, if you read their Filing carefully, it demonstrates that they are ultimately setting the stage for desktop review, which we would find objectionable. This approach violates the NJ State Department of Environmental Protection, Historic Preservation Office's Guidelines for the archaeological review of sites impacted by the PennEast Pipeline Project.

The New Jersey State Office of Historic Preservation Requires Field Surveys of Archaeological Sites.

The New Jersey State Office of Historic Preservation defines the survey recommended for prehistoric and rural settings to include a field inspection. <http://www.nj.gov/dep/hpo/1identify/arkeoguide1.htm#2.0>

The State Historic Preservation's guidelines set out in great detail the types of information which should be gained in such a field inspection. PennEast is well-aware the Property contains a historic site important to the Ramapough and Mr. Sommo. The Property's site is also listed at the NJ State Historic Preservation Office.

PennEast continues to exclude the Ramapough as a Consulting Party in this Permitting Process and Thus we are Unable to Engage in a Phase I Survey for the Property.

Indeed, it will likely be Mr. Sommo's position that a Phase II survey be made of his property as soon as we receive the long-sought after first round of work done by PennEast in the area of archaeology so far. As you know, PennEast refused to give us this material, even though we are supposed to be participating in this project as a consulting party. The New Jersey State Office of Historic Preservation, however, has sent us the material and we hope to receive it any day now. We maintain it is a violation of the FERC permitting process to deny both Mr. Sommo and the Ramapough of this necessary information.

The FERC has already recognized the Ramapough as a Consulting Party in two recent FERC regulated projects.

The FERC has already recognized the Ramapough as consulting parties in two recent FERC regulated projects. Previously, you may recall, the Ramapough formally participated in the permitting process for the Kinder Morgan line project in New Jersey (CP11-56 and CP11-161) and in the Spectra Energy permitting process for its nearby line in New Jersey (PF13-16 and PF14-96) as well. In both of those projects, which were upgrades, the pipeline company was required to complete Phase I and Phase II reviews of archaeological sites. The Ramapough were active in those discussions, given information readily, invited to and chaired numerous meetings and conference calls relative to those projects.

The Ramapough Objects to Anecdotal Information it has Discerned in Other Filings by Penn East (January 13, 2016 Filing) that there are only Two Eligible Sites for National Registry in 36 miles of NJ proposed pipeline ROW.

In stark contrast is this project by PennEast. We never receive any information, we are constantly scrambling to read through 300-700 pages of publicly filed documents in an effort to locate information important to Mr. Sommo and the Ramapough (typically filed late on a Friday night)(and scanned as non-searchable documents) and we are downright refused archaeological survey work documents. To make things worse, we see that other tribes have been given information, like Phase I reports. Please see PennEast's January 13, 2016 filing at page 488. (Incidentally, this filing reflects correspondence I sent to FERC making the same complaints I make now of lack of access. See page 488.) Not only is the Ramapough being

ignored in this project and not sent documents to review, it seems now they will have to contend with fighting a “desktop” review of their ancient sites. Shockingly, we see that PennEast takes the position that out of the 36 miles of the proposed project in NJ, there are only two archaeological sites eligible for listing in the National Register of Historic Places and therefore, we assume, avoided.

Field Surveys, Testing and Other On-Site Review are Required for Archaeological Evaluation of Mr. Sommo’s Property.

The archaeological guidelines on line at the NJSHPO require PennEast to do a Phase I. In fact, we wish PennEast to contact us so we can agree on mutually agreeable terms to access Mr. Sommo’s Property to conduct such a survey. We have retained our own consulting archaeologist to supervise this access and assist us in this endeavor.

The New Jersey Guidelines provide:

A Phase I survey is usually recommended if there is high potential for the presence of archaeological historic properties within the APE. Such potential exists when

(1) archaeological sites have been documented in the project locality, or (2) landforms or topographic settings within the APE are assessed as likely places for the occurrence of undocumented sites based on similarities to known site locations elsewhere.

And, there are even several recommendations with respect to the nature and extent of testing for prehistoric sites at the NJSHPO website:

In most situations, a combination of surface inspection and subsurface testing is the most effective and efficient way to locate sites. The relative level of effort expended on each technique will depend on a variety of factors.

The selection of surface investigation methods (e.g., systematically spaced transects, intensive inspection of sample quadrants) should be tailored to the characteristics of the APE (see Chartkoff 1978, Lovis 1976). Controlled surface collection from small-sized grid units typically generates more data potential than is necessary for a Phase I survey, and is, therefore, usually more appropriate to later phases of investigation. However, the degree of provenience control should be sufficient to provide preliminary indications of intrasite variation.

In contexts where it can be demonstrated that all Holocene sediments are contained within a plow zone, surface inspection supplemented by broad interval subsurface testing is recommended to identify sites, provided that rainfall subsequent to plowing has been sufficient to wash obscuring sediments from exposed artifacts and that the ground surface visibility is at least 50%. Cultivated fields may be plowed or disced to eliminate ground cover, as long as the plowing does not extend deeper than previous disturbance. The absence of potentially artifact bearing deposits below the depth of plowing should be adequately documented by subsurface probing, especially within the limits of identified sites.

In unplowed areas and in areas where plowing has not penetrated the full depth of intact Holocene sediments, subsurface probing is called for. In situations where cultural deposits may be deeply buried, techniques should be employed to ensure safe and efficient examination of all potentially artifact bearing strata. These may include the use of bucket augers with extendable handles, test excavation units, mechanical coring, and backhoe trenches (see Stein 1986). Special techniques may also be necessary to examine wetland and submerged areas likely to contain sites.

The design of a sampling strategy depends on the expected characteristics of the target population (see Kintigh 1988, LeeDecker 1984). Three of the most important variables are site size, site distribution, and intrasite artifact density (i.e., number of artifacts per unit area or volume). Other things being equal, these variables determine whether sampling locations will intersect artifacts and thus reveal the presence of a site. In some areas, systematic non-exclusive surveys have been conducted that provide at least preliminary data regarding these variables (e.g., Ranere and Hansell 1984). However, in most of New Jersey, such studies have not been undertaken. Therefore, estimates of these variables should be made by extrapolating from data presented in sources examined during background investigations.

With regard to site size, there is a correlation between the size of the sampling interval and the minimum size of the site likely to be discovered. Any systematic sampling scheme (i.e., placement of sampling locations at fixed intervals) will encounter only a fraction of sites whose minimum dimensions are smaller than the sampling interval. Therefore, the known or estimated size structure of the site population should be taken into account when selecting a sampling interval. The rationale for this selection should be presented in the report. The inevitable bias of systematic sampling against smaller sites may be partly offset by the addition of extra tests placed according to random or judgemental criteria, or both. A totally random sampling scheme would overcome the size bias, but could leave some areas entirely unexamined.

The square grid frequently used in Phase I surveys does not actually produce a lattice of equally-spaced sampling locations, because the diagonally opposed points are actually farther apart than those "in line." Therefore, sites with maximum horizontal dimensions equal to or slightly larger than the nominal grid interval could be missed. Alternate arrangements of tests can lessen this possibility (see Kintigh 1988).

Intrasite artifact density and distribution also affect the probability that a site will be discovered even if a sampling point falls within a site's boundaries (see Lynch 1980, Stone 1981). If the site location model indicates that there may be sites with low artifact densities within the APE, then field procedures should be designed accordingly. One way of doing this is to increase the number of sampling points (i.e., more tests); the other is to increase the size of probes.

As a corollary to the above, low density sites may first appear as single artifacts in isolated probes. Additional investigation, in the form of more and/or larger probes in the vicinity of such "isolated finds," should be undertaken in order to establish whether they are indeed parts of sites or truly isolated artifacts.

In closing, it is inexplicable why you would permit PennEast to continue this process of exclusion of both Mr. Sommo and the Ramapough in a meaningful consulting process. It is foreign to me why an adjudicatory body would accept misleading filings such as the color-coded maps referenced above. As such, this process is fundamentally flawed and we maintain any permit that results is void.

Respectfully,

A handwritten signature in black ink, appearing to read "Judith Sullivan". The signature is written in a cursive, flowing style.

Judith Sullivan

cc: Chief Dwaine Perry, Chief of the Ramapough Lenape Indian Nation
Mr. Jesse West-Rosenthal, New Jersey State Historic Preservation Office
Chief Vincent Mann, Chief, Turtle Clan, Ramapough Lenape Indian Nation
Chief Charlene DeFreese, Chief, Wolf Clan, Ramapough Lenape Indian Nation
Mr. William McGuire, Nanticoke Lenni-Lenape Tribal Nation
Mr. Edward Lenik, Archaeologist
Mr. Thomas Sommo, Landowner