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Your Comments to FERC: Key Points to Make about the PennEast Draft Environmental Impact Statement (DEIS)

In your comments to FERC, it is important to raise as many different points through multiple letters. You should include detailed notes, specific data and unique stories about how you, your family, your property or business and your community would be impacted by PennEast. Following are key facts and figures for your use in your comments, to support your issues and concerns about PennEast. We encourage you to share this information with your friends, family and colleagues, as well.

For additional guidance on key points, please also visit www.pipeinfo.org and www.dtcap.org

Wetlands & Water Resources

- The pipeline will cross 32 of New Jersey's most pristine "C-1" protected streams and cross the buffers to these streams a total of 77 times. The DEIS provides no detailed construction plans for crossing these streams without negatively impacting them, nor plans for minimizing impacts to river banks, despite requests from NJ DEP and FERC.
- Without site-specific survey, the total number of impacted streams can not be finalized. Including the many smaller streams that have yet to be incorporated into the DEIS will substantially increase the number of impacted waterways, adding to the project's cumulative impact.
- Many of the streams that PennEast would cross feed into the Delaware & Raritan Canal, which supplies drinking water to more than 1.5 million people in central New Jersey. The DEIS has not examined whether increased sedimentation and nutrient-loading would negatively impact water quality.
- The arsenic report submitted by PennEast has serious flaws as noted by Professor Tullis Onstott of Princeton University. FERC must require PennEast to redo this study to correct these flaws and determine the true risks of increased arsenic in groundwater.
- The DEIS does not adequately consider the impacts to ground water of dewatering wetlands.
- The DEIS does not provide information on how many and which private wells are within 150 feet of the route. The DEIS is incomplete without this information.
- The DEIS reports that the following effects "would be considered permanent" (pg.4-62): *"erosion, sedimentary input to the waterbody, altered shaded habitats which could result in a decrease in fish due to increased predation, stream bank scrubbing, and conversion of forested wetlands to scrub-shrub wetlands."* The DEIS then claims that these impacts will be minimized by mitigation, but it provides no data on how such mitigation will



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succeed or that such mitigation has ever succeeded in addressing these types of permanent impacts.

- The DEIS claims that the soil, hydrology, and vegetation of areas disturbed from construction can be restored to pre-construction conditions, but PennEast has yet to finalize its required Wetland Restoration Plan in consultation with the US Army Corps of Engineers and state agencies.
- The DEIS does not investigate how blasting along the proposed route in NJ could seriously disrupt ground water flow to aquifers and wells.

Specific Examples:

- The DEIS fails to mention proposed blasting within close proximity (120 yards) of the Swan Creek Reservoir dam. That blasting could threaten the integrity of the dam, the drinking supply for Lambertville, and the safety of Lambertville residents.
- The DEIS fails to adequately explain how they will avoid the major risks from the abandoned mines and the major ice scours if allowed to cross the Susquehanna River. This is another potential disaster in this area for the health of the river and everyone downstream.
- The pipeline would cross two public water supply well areas within 500 feet of the Lambertville reservoir. FERC has not adequately examined the risk to these public water supplies.

(Note: The DEIS does not accurately identify and map many streams. If your property has a stream that is not identified in the DEIS, you should identify the existence and location of the stream in a comment.)

Cultural Resources

- Historic Districts
 - The pipeline would cross 6 nationally-recognized historic districts: *Pursley's Ferry Historic District, Amsterdam Historic District, Covered Bridge Historic District, Rosemont Rural Agricultural District, Sergeantsville Historic District, Pleasant Valley Historic District*, totaling more than 3,900 acres.
 - It would also cross 6 potential historic districts: *Horseshoe Bend District, Edward Foxhouse and Farm, Sandy Ridge District, Alexauken District, Old York Road Rural Historic District, and Goat Hill District*.
 - The DEIS claims that the pipeline would have minimal effect on historic districts because it is below ground, but this is not true. These historic districts' view



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sheds will be disrupted by the construction and maintenance of the pipeline. Trees will be cleared and the historic integrity and historic landscape of these areas would be marred.

- The DEIS neglects to look at the cultural resources impacted by the proposed pipeline as a continuous historic landscape, where stone walls, field, and wind breaks as well as threatened and endangered plants tell the story of human habitation in this river valley over the past 10,000 years.
- The proposed route crosses many areas that are significant to the history of the Revolutionary War, yet this is not addressed in the DEIS. There should be a separate section in the DEIS that documents the impact of the proposed pipeline route in the context of the Revolutionary War.
- The DEIS fails to address issues flagged by the latest letter from New Jersey State Historic Preservation Office (NJ SHPO), some of which are listed below:
 - Lack of Investigation/Information
 - PennEast has only surveyed 32% of the pipeline route; the remaining 68% could be historically significant. For this reason, SHPO suggests that PennEast has neglected to identify important lithic (stone) historical “scatter sites” in particular.
 - Lack of Public Engagement
 - SHPO emphasizes the importance of public engagement in identifying potential historically significant sites, yet very little of this is seen in the DEIS. Many local historians and archaeologists have posted concerns on the Docket that the DEIS fails to address.
 - Questionable Survey Methods
 - Not a single argillite artifact (tools made of native stone) was found during PennEast’s inspections, despite the fact that argillite is prolific in this area and well-documented with signs of Native American activity.
 - Areas of Native American significance
 - The DEIS says that it has not yet heard any responses back from the 15 Native American tribes, but many tribes have posted documents to the docket which the DEIS does not address.
 - According the SHPO, PennEast also failed to show that they had consulted the literature on Native American activity in the area.

Cumulative Impacts

- Six (6) new pipelines: PennEast, Crestwood Marc II, Garden State Expansion Project (GSE), Southern Reliability Link (SRL), William’s Atlantic Sunrise and Northeast Supply



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Enhancement Project are all segments of an interconnected pipeline system; each segment is dependent upon the others. FERC has not examined the cumulative impacts of these connected projects.

- There are contracts and capacity for exactly the same daily capacity of 180,000 dekatherms in firm supply from PennEast as there is for SRL.
- New Jersey Resources (NJR) is an owner of PennEast and has a contract for 180,000 dekatherms of firm supply in PennEast. It is also the owner of the proposed SRL.
- The DEIS states that alternatives cannot be considered because PennEast must connect at the top of the Garden State Expansion project - Transco Compressor #205. Therefore, PennEast itself acknowledges that these projects are connected. Therefore in-depth cumulative impacts analysis needs to be provided but the DEIS does not accomplish this.
- The cumulative impacts of PennEast on greenhouse gases should be evaluated. The DEIS concludes that there are 'no significant cumulative impacts' but it omits much of the data necessary to reach an accurate finding. This is a violation of NEPA and Council on Environmental Quality (CEQ) regulation mandating that agencies ensure "environmental information is available to public officials and citizens *before* decisions are made and *before* actions are taken."
- The DEIS cites the "implementation of specialized construction techniques" as a way to prevent cumulative impacts. However, FERC has requested details about these techniques but PennEast has still not provided it.
 - The cumulative impact to animals and plants in and around the planned route is incomplete, so no conclusions should be made.
- Noise cumulative impacts are only measured for HDD but no measurements are given for increased construction noise or increased noise from the additional operation of the GSE compressor station #205 that PennEast's gas will require.
- The DEIS inaccurately downplays any negative impacts in emissions, then goes on to state that "There is also the potential, however, that the Project would contribute to a cumulative improvement in regional air quality..." (ES-14). It points to no data to support this supposed benefit. EPA data (2014) shows that New Jersey CO₂ emissions are going up, not down, due to natural gas fired electrical emissions. NJ transitioned from coal years ago and there are no other "more polluting" fossil fuels that PennEast is replacing.

Economic and Homeowner Impacts



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- FERC reports that “the Project is not expected to have a significant impact on the local population or housing in any of the counties”, yet FERC points to no data to support its finding and there is evidence that pipelines have greatly devalued properties in the past.
- FERC adopts a biased picture of positive job impacts without addressing the Goodman Report study (2015), or explaining why it has dismissed it. The Goodman Study has debunked PennEast’s jobs claims, and found that PennEast inflated their jobs estimates by at least three times more than the actual number of jobs that would be created due to a multiplier that is inconsistent with other similar projects.
- Tourism to the area will be negatively impacted temporarily from construction, as well as permanently from adverse impacts to scenic beauty and vistas. The DEIS does not evaluate these impacts.
- The significant use of eminent domain that would likely be required for the project is not given any consideration.

Alternatives

- The alternatives analysis provided in the DEIS is based on satisfying the requirements of National Environmental Policy Act (NEPA) and does not fulfill the requirements of an alternatives analysis under Section 404 of the federal Clean Water Act.
- NEPA requires a cumulative environmental and market review of the effects if a project is *not* brought to fruition. The DEIS does not give any real consideration to the ‘no build’ alternative.
- The DEIS states: “If PennEast’s proposed facilities are not constructed, the Project shippers may need to obtain an equivalent supply of natural gas from new or existing pipeline systems.” The alternatives analysis does examine whether the stated needs could be met through existing pipelines. Several of the shippers have stated in the application that they intend to displace existing supplies, suggesting that existing capacity is currently meeting their needs. FERC has also not evaluated how construction of PennEast might negatively impact captive customers on the existing pipelines that PennEast shippers are currently relying on.
- Alternatives such as LNG and dual-fuel generation plants are not evaluated as an alternative to meet possible peak demand needs.

Vegetation and Threatened & Endangered Species

- PennEast has not completed surveys for a range of threatened and endangered species, including long-tailed salamanders.



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(Note: If you have spotted long-tailed salamanders or other sensitive wildlife species on your property, please submit a comment to FERC about this, and also contact alix@njconservation.org so that we can help you document these species on your property.)

- The DEIS has yet to provide mitigation measures for bog turtles or any of the state-listed species or state species of concern. It also has yet to ensure the project doesn't come within at least 0.25 mile of a bat shelter ("hibernacula").
- The DEIS fails to list, document, or provide any survey information about New Jersey plant species of special concern. Impacts to these plant species cannot be mitigated. There is an extensive list of these species in the pipeline's route, and the DEIS completely ignores them, despite many comments on the docket from agencies and biologists asking for data and avoidance plans.
- "FERC requests that the FWS (U.S. Fish and Wildlife Service) consider this EIS as the Biological Assessment," (ES-9) yet the DEIS is missing survey information for 70% of the properties along the route.
- The DEIS's premature publication prevents the public from commenting on the missing mitigation plans such as:
 - A NJ No-Net Loss Reforestation Act Plan for the parcels identified in table 4.5.1-2
 - An Invasive Species Management Plan
 - A Migratory Bird Conservation Plan

Safety

- Incidents due to seismic events such as minor earthquakes are not adequately considered.
- PennEast does not propose to meet New Jersey's higher safety standards (Class IV) and instead is proposing to build to the state's lower Class II standards. If PennEast took safety seriously they would build to New Jersey's higher standards.
- The DEIS inaccurately applies "traditional particle velocity" instead of "pipe stress data" to develop safe distances from live blasting quarries.
Whenever practical and in critical situations, the use of pipe stress data to develop safe blasting criteria for buried pipelines is advocated instead of the traditional particle velocity which originated with the need to protect above ground structures from blast damage.
<http://www.osmre.gov/resources/blasting/docs/Pipelines/PipelineReport1991.pdf>
- The DEIS does not give adequate consideration of High Consequence Areas such as schools, daycare centers, parks and churches, many of which are illustrated on this



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map of the proposed route: <http://rethinkenergynj.org/learn-more/the-penneast-pipeline/>

- Emergency services and residents do not have adequate time or capacity to respond to a natural gas explosion. The PennEast pipeline would be located within close proximity to numerous homes, schools and businesses, putting residents and children at risk.