



September 12, 2016

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

RE: PennEast Pipeline Company, LLC Docket No. CP15-558-000  
Comments of Appalachian Trail Conservancy on the DEIS

Dear Secretary Bose:

On July 22, 2016 the Federal Energy Regulatory Commission (Commission or FERC) prepared a draft environmental impact statement (DEIS) for the PennEast Pipeline Project (or Project) proposed by PennEast Pipeline Company, LLC (PennEast) in the above-referenced docket. The Appalachian Trail Conservancy (ATC) has intervenor status for this Project. We previously submitted comments during the scoping process and a letter requesting consulting party status for the historic resources review under Section 106 of the National Historic Preservation Act. Below please find our comments with regard to the draft EIS (DEIS) and the Project's effects on the Appalachian National Scenic Trail (A.T., Trail).

#### DEIS and Public Comment Period

The DEIS was filed on July 22, 2016 with the public comment period ending September 12, 2016. On the date of the DEIS filing, FERC noted that certain documents and information were not included in the DEIS, but should be provided prior to the end of the comment period. As a result, a substantial amount of the information needed to assess the impacts of the proposal was not provided until late in the public comment period. For instance, site specific crossing plans (including the crossing of the A.T.) were not filed by PennEast until August 31, 2016, barely one work week prior to the comment deadline. The incomplete nature of the DEIS dramatically reduced the amount of time available for, and ability of, ATC and public to review the proposed action. Therefore we request that substantive response to our comments herein be provided and incorporated into a supplemental EIS for ATC and public review and comment prior to the final EIS.

#### Route Variations Related to the Appalachian National Scenic Trail

As mentioned in our scoping comments, ATC seeks to minimize the adverse impacts of utility corridors on the A.T. and when utilities do cross the Trail they should be co-aligned in areas of existing similar impacts or other methods used to avoid impacts. In our scoping comments we suggested several route variations or co-location options along existing utility and road rights-of-way. Although a number of route variations were mentioned in various resource submittals to FERC and in the DEIS, all were dismissed without detailed information provided.

For instance in the DEIS, the only information referencing the A.T.-related route variations was in Table 3.3.2-1 on page 3-21 and on the associated "Route Deviations #13 - #24" map. The map provides only a broad overview of the route variation locations with little detail. The table, similarly lacking in information, lists the following as reasons for dismissal of the various deviations: "Variations 13, 14, & 16-19 require an additional lateral to Blue Mountain delivery point, operational concerns due to proximity to existing pipelines, cross National Park Service parcels or easements. Variation 15 has constructability concerns."



PennEast's June 6, 2016 data response to FERC provided slightly more information, yet still insufficient for ATC to adequately understand or assess the route variations. Buckeye East and West alternatives (crossing locations "B" and "A" on the route deviation map mentioned above) were dismissed due to concern over proximity to existing product lines. Yet ATC is aware of a number of utility rights-of-way which contain multiple pipelines. The Mariner East pipeline which will cross the A.T. near Carlisle, PA will have two new pipelines added to the existing pipeline and right-of-way. The new pipelines will maintain separation using HDD to bore approximately 40-70 feet under the existing line. Based on the limited information provided in the data response, it is unclear whether this method could be safely used in the case of either of these route deviations.

PennEast also states in the June 6, 2016 data response that a number of the route variations, including the PPL East variation, were dismissed because they did not meet the Project purpose and need of delivering to the proposed UGI interconnection necessary to serve Blue Mountain Ski resort. Yet, due to lack of information, it is unclear why the interconnection location couldn't be adjusted and/or pipeline laterals used to accommodate route variations while still providing an interconnection to Blue Mtn. Ski.

ATC requests that a substantially more detailed assessment of these variations be conducted showing possible pipeline lateral locations for interconnection to UGI/Blue Mountain Ski Resort, adjustments to the mainline route and interconnection locations and that detailed maps and information be provided prior to the completion of the final EIS.

#### Proposed Route

On August 31, 2016, PennEast Pipeline Company, LLC submitted its responses to certain DEIS recommended conditions under CP15-558, including a document/map entitled "*Att 6 Recreation and Special Use Map Book.*" Per FERC's original request, this document was to provide "site-specific crossing plans for each of the recreation and special interest areas listed as crossed by the Project or otherwise affected in appendix G-14", including site specific timing restrictions, proposed closure details and notifications and specific safety measures and/or other measures necessary to protect the recreation areas and their users.

Page 19 of 28 of that document is a map ("Map 19") showing the proposed pipeline crossing of State Gamelands (SGL) 168, including the Appalachian Trail crossing. ATC has several concerns with regard to what is stated and/or shown on this map and in the associated G-14 Table entitled "*Federal, State, County, Municipal Lands, and Public Conservation Areas That Would be Crossed by the Project Facilities.*"

1. Although the A.T. is shown on the SGL 168 crossing map, the Trail was not specifically recognized or designated as a recreation area in Table G-14 and thus requiring a site specific crossing plan. As a unit of the National Park System and world renowned recreational resource, the A.T. should be included in Table G-14. Furthermore, so that we may adequately assess impacts to the Trail from what we assume will be a highly complicated HDD/Direct Pipe crossing on a very rocky and steep slope, detailed engineering plans and construction drawings should be provided to ATC and its partners prior to the completion of the final EIS.
2. Map 19 states that, if needed, site specific timing restrictions, closure details, safety and mitigation measures will be provided during the licensing process. With no details provided in the DEIS, ATC is unable to understand and comment on potential impacts to A.T. visitors. We request that detailed information on these issues be provided prior to the completion of the final EIS.



3. As formally outlined in the the *Agreement for the Appalachian National Scenic Trail in the Commonwealth of Pennsylvania*, the width of the protective buffer or “corridor” for the A.T. on State Gamelands is 400-foot-wide (200 ft. on either side of the A.T. footpath). It is agreed that this corridor is to be managed consistent with the purposes for which the land was acquired and to protect Trail values. Incompatible developments, including utilities, are to be avoided unless determined vital for public health, safety or welfare or necessary for PA Game Commission (PGC) management of the lands for their intended purpose.

On Map 19 (and in a number of places in the DEIS) it is stated that, “*Horizontal Directional Drill/Direct Pipe will be used to avoid impacts to the Appalachian Trail and the viewshed within the 400-foot-wide Appalachian National Scenic Trail Corridor.*” Based on what we could ascertain from the limited detail provided in Map 19, ATC disagrees with this statement. Using the scale provided on the map, it appears that the distance of the HDD/Direct Pipe section under the A.T. does not span the entire 400-foot-wide Trail corridor and is instead less than 300’ wide. Therefore, a portion of the corridor will be directly impacted by forest clearing for the permanent easement and temporary workspaces. ATC requests that detailed analysis be conducted, and drawings be provided, which show HDD/Direct Pipe crossing of the A.T. avoiding (at a minimum) the entire 400-foot-wide A.T. corridor and all adverse impacts to the Trail viewshed.

4. The pipeline is shown crossing the western edge of a rocky outcrop/boulder field immediately north of, and adjacent to, the A.T. footpath. This rocky outcrop is a recognized and prominent scenic vista along the Trail sometimes referred to as “Weathering Knob.” According to Map 19, the permanent easement and possibly some of the temporary workspace (or forest clearing) will intersect the rocky outcrop/open area at this vista. ATC is concerned that the open cut portion of the proposed right-of-way will be within, and adversely impact, the viewshed of the Trail and Weathering Knob vista. ATC raised this as a concern during an August 27, 2015 site visit to the vista with PennEast representatives, PGC and the Appalachian Mountain Club. Yet we can find no evidence that a visual impact analysis was completed for this important resource. We request that a thorough assessment be conducted and incorporated into a supplemental EIS for review by ATC and the public prior to completion of the final EIS.
5. A portion of the additional temporary workspace as the pipeline exits SGL 168 onto Blue Mountain Ski property (near milepost 51) is shown to directly abut National Park Service tract 331-02. If the proposed route is approved, PennEast will need to ensure that the NPS property boundary and land is protected during construction.

#### Cumulative Impacts

In Table 4.12-1, “*Past, Present, and Reasonably Foreseeable Future Projects Evaluated for Potential Cumulative Impacts with the PennEast Pipeline Project*” the DEIS fails to list a proposed major development at Blue Mountain Ski Resort as a project with potential cumulative impacts. This will be a major development with two new hotels, a water park and other facilities which are incompatible with, and directly adjacent to, the A.T. It is also directly tied to the PennEast project’s purpose and need. Therefore, ATC believes it is critical to include this in the cumulative impact analysis.



As FERC faces an unprecedented number of proposed natural gas pipeline and infrastructure projects that will affect the A.T. and the Appalachian region, the need for the agency to fulfill its obligation to consider the cumulative impacts of the multiple proposals is more acute than ever.

In conducting its NEPA review, the Commission must consider the cumulative effects of multiple actions (such as the permitting of multiple pipelines) in a given area. See 40 C.F.R. §§ 1508.7, 1508.25(a); *Delaware Riverkeeper Network v. FERC*, 753 F. 3d 1304 (D.C. Cir. 2014). This is not a situation where FERC is being asked to consider the mere possibility of some project that may be proposed or approved in the future. For the Commission to limit its review to the impacts of this particular project, without also considering the impacts of the multitude of temporally and geographically related proposed and recently approved projects, contravenes the underlying purpose of NEPA reviews and the CEQ implementing regulations.

Only a cumulative review can properly assess the impacts on significant resources of concern to the public and the A.T.C. For instance, if the public need for a particular proposed pipeline is analyzed in isolation, the demonstration of sufficient supply contracts for the product that pipeline will handle would likely suffice. Yet we know that if just some of the major pipelines that have been proposed for the Marcellus and Utica output are built, the region will face a situation of too much pipeline capacity. See e.g., Kunkel and Sanzillo, Institute for Energy Economics and Financial Analysis, "Risks Associated With Natural Gas Pipeline Expansion in Appalachia" (April, 2016), available at <http://ieefa.org/wp-content/uploads/2016/05/Risks-Associated-With-Natural-Gas-Pipeline-Expansion-in-Appalachia-April-2016.2.pdf>. This will result in more natural gas being extracted from these shale plays than otherwise would happen, and sunk costs being borne by the public to assure a return-on-investment to owners for pipelines that were not needed. These considerations can only be meaningfully analyzed with a cumulative review.

Relatedly, the Commission must consider both "direct effects" and "indirect effects" of its proposed action in permitting an intrastate pipeline project. 40 C.F.R. § 1508.8. Indirect effects that are reasonably foreseeable to the agency-actor must be considered even though they occur later in time or farther in distance, and such effects include ecological ones such as the climate impacts of potentially greater natural gas combustion for electricity generation. 40 C.F.R. § 1508.8(b). It is nearly impossible to assess such climate change impacts in a meaningful way if the Commission limits its consideration to a single pipeline, as conclusions as to whether the gas would be extracted and combusted anyway or as to the amount of renewable electricity generation that would be displaced would be exceedingly speculative if only a single pipeline is considered. The only meaningful way to assess many of the most pertinent indirect effects is to consider the cumulative impacts of the many pipeline projects currently proposed for the region.

FERC must consider the cumulative impacts of the currently proposed pipeline and infrastructure projects affecting the region and the Trail corridor, including the indirect effects of this Appalachian expansion. The best and most efficient way to consider such cumulative impacts is through a programmatic or regional review under NEPA.

#### Cultural Resources

As stated in the DEIS, the A.T. is eligible for listing on the National Register of Historic Places. FERC is required to assess impacts to historic resources and identify other potential consulting parties per the requirements of Section 106 of the National Historic Preservation Act. In a letter to FERC dated August 25, 2015, ATC requested consulting party status under Section 106. To date we have not been contacted or consulted. It seems late in the FERC filing process for consultation not to have been initiated since findings of adverse effects to historic resources could



result in needed adjustments to the proposed project. ATC requests that PennEast initiate consultation with ATC and its partners at the earliest possible date.

Thank you for consideration of our comments.

Sincerely,

A handwritten signature in black ink that reads 'Laura J. Belleville'.

Laura J. Belleville  
Senior Director of Conservation