



P.O. Box 45, Springtown, PA 18081

"To protect, preserve and improve the quality of water, land, and life in the Cooks Creek Watershed"

June 5, 2016

Joseph Buczynski
Waterways and Wetlands Program Manager
Department of Environmental Protection
Northeast Regional Office
2 Public Avenue
Wilkes-Barre, PA 18711

RE: Proposed State Water Quality Certification Required by Section 401 of the Federal Clean Water Act for the PennEast Pipeline Company, LLC, PennEast Pipeline Project

Dear Mr. Buczynski:

On behalf of the Cooks Creek Watershed Association (CCWA), we wish to express our disappointment regarding the proposed issuance of a Water Quality Certification for the PennEast Pipeline Project under Section 401 of the Clean Water Act.

The PennEast Pipeline Project, as I am sure you are aware, is proposing to cross into the Cooks Creek Watershed in upper Bucks County just prior to crossing over the Delaware River. The Cooks Creek is a DEP (EV), class A wild trout stream located in northern Bucks County and designated as an "outstanding natural resource" in the Bucks County *Natural Areas Inventory* (NAI). CCWA has been active in protecting and preserving the resources of the Cooks Creek Watershed since 1974.

We do not believe that the PennEast Pipeline project has demonstrated the desire or the ability to avoid impacting the Cooks Creek Watershed, its headwater streams or wetlands, nor has it shown where, how and when it will mitigate for any unavoidable impacts. We believe that it is incumbent on the PADEP to ensure that projects of this type clearly show that these criteria are met for all projects in all areas, but especially in those rare and special ecosystems that have achieved Exceptional Value Status.

The Cooks Creek Watershed is particularly vulnerable to problems associated with stormwater and loss of surface water to karst topography, both of which are demonstrated difficulties in the very portion of the Watershed that PennEast wishes to cross. We surely do

not need to remind the Department that all wetlands, bogs and vernal pools in the headwater area of a watershed such as Cooks Creek are essential components of a healthy watershed,

and must be protected if the Exceptional Value status of the Watershed is to be maintained. This is the very type of area that PennEast wishes to destroy in their project. Deforestation, rock blasting, excavation and directional drilling are incompatible with the sensitive karst topography and pristine water quality of the Cooks Creek.

The CCWA respectfully requests that the PADEP push hard against forces that seek to pressure the Department into giving away pieces of the regulatory process to wealthy industry, especially when that industry has shown that they are unwilling to allow for full and open public discourse on the matter. PennEast has refused to conduct a public hearing on the project in our area and hear our concerns regarding this project, despite the fact that others in the project path were given that opportunity.

PennEast must be required, at a minimum, to await the resolution of the Environmental Impact Statement process, prior to your consideration of the WQC, in order to ensure that PennEast does not use the WQC as a *fait accompli* with regard to water quality impacts. Simply stating that water quality impacts to such a sensitive system will be minimized to the extent possible is insufficient safeguard against devastating and permanent loss. The permits that have yet to be issued for the project by PADEP are the only safeguard that we will have, and we will request that public hearings be held on any and all of these permits. However, the cumulative impacts are best addressed at this point in the process, so we request that you continue to withhold the WQC until such time as a public hearing is held in the upper Bucks County region on the entire project, as originally promised, so that we may present our concerns to PennEast and FERC.

It is our belief that PennEast does understand that impacts to the Cooks Creek Watershed can and should be avoided altogether, but that they do not wish to do so for reasons of financial or logistical expediency. We find this unacceptable and request that you use your regulatory authority to deny permits and approvals until they have answered all reasonable questions and done all that is possible to protect valuable and irreplaceable natural resources such as the Cooks Creek Watershed.

Sincerely,

W. Scott Douglas
President