



# Hunterdon Land Trust

PROTECTING THE PLACES YOU LOVE

September 9, 2016

Trustees

Ronald Monaco  
*President*

Richard Dodds  
*Vice President*

Phil Meldrum  
*Treasurer*

Lawrence LaFevre  
*Secretary*

Kimberley Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Nathaniel J. Davis, Sr., Deputy Secretary  
Federal Energy Regulatory Commission  
888 First Street NE, Room 1A  
Washington, DC 20426

Nancy Cunningham  
Rose Hanley  
Seth Kellogg  
Carl Molter  
Valerie Powell  
Jeanne Stahl  
Pat Stover

RE: DEIS - PennEast Docket (#CP15-558-000).

Ms. Bose,

I am submitting comments on PennEast's Draft Environmental Impact Statement (DEIS) on behalf of Hunterdon Land Trust, a nonprofit land conservancy representing the Hunterdon County region and owner of Muddy Run Preserve, a property that the proposed route currently traverses.

Advisory Trustees

Michele Byers  
Mark Gallagher  
Jamie Kamph  
Leslie Jones Sauer  
Kathleen Thompson

On behalf of Hunterdon Land Trust (HLT), I respectfully request that FERC withdraw the DEIS until all required data is completely and accurately submitted for review. The DEIS contains a significant amount of incomplete information and inaccurate statements which makes review of this project and potential impacts extremely difficult. We wonder how FERC can possibly claim the project will have no significant impacts when data to assess those impacts remains so incomplete. The public deserves to review a complete DEIS in order to truly assess the real impacts to our communities, our landscapes, and our drinking water.

Honorary Trustees

Julia Allen  
Marfy Goodspeed  
Leonard Lance

As it stands, the DEIS demonstrates a lack of knowledge of the region as well as insensitivities to its unique natural and cultural resources. In addition to disrupting the scenic rural character of the area, the pipeline will forever alter preserved lands that were protected with public funds to conserve valuable resources that support our local communities' needs as well as rare flora and fauna. Impacts to water resources have not been sufficiently addressed in the DEIS, especially those related to drinking water quality and availability.



Hunterdon Land Trust, a New Jersey Nonprofit Corporation  
111 Mine Street, Flemington, NJ08822  
P:908.237.4582 F: 908.237.2225

W: [www.hunterdonlandtrust.org](http://www.hunterdonlandtrust.org) E: [info@hunterdonlandtrust.org](mailto:info@hunterdonlandtrust.org)

FERC surprisingly accepted PennEast's leachability study of arsenic and concluded that no mitigation is necessary despite evidence to the contrary. As a steering committee member of the Lower Delaware Wild and Scenic River Management Council, I enjoyed an educational presentation made by Dr. Julia Barringer, formerly of the USGS, which explained how arsenic would likely be released into the watershed as a result of both the construction and ongoing maintenance of the pipeline. Dr. Tullis Onstott of Princeton University has similarly presented how arsenic mobilization is a likely result from the proposed pipeline project. The repercussions of ignoring the facts of the geology and aquifer characteristics in the region are great as arsenic pollution could damage groundwater resources beyond individual drinking wells. PennEast's plan to monitor wells near the route is unlikely to identify arsenic pollution further afield and if extensive pollution results from the project, how will PennEast provide treatment or alternate drinking water for millions of people? FERC must require additional study to determine the true risk and extent of arsenic mobilization in the watersheds impacted by the proposed route as well as appropriate mitigation measures, or alternately, avoidance.

The route crosses 32 Category 1 streams in New Jersey, and it crosses the buffers to those streams more than twice as many times. Many of the streams are tributaries to either the Delaware & Raritan Canal, which supplies drinking water to more than 1.5 million people in central New Jersey, or the Lower Delaware River which is designated Wild and Scenic through the National Park Service due to its outstanding resource values. How will increased sedimentation from construction activities impact these resources? How will blasting and drilling impact the water flows between surface and groundwater resources (including wells) or impact the in-stream flow of these high quality waters?

PennEast mischaracterizes the importance of groundwater in the proposed project area as section 4.3.1 suggests groundwater serves 36% of the New Jersey population while it serves the majority of the population along the pipeline route, and groundwater supplies for private wells are not easily secured in the unique hydrologic and geologic formations in many communities.

How can FERC believe there will be no significant impacts to water resources when 68% of the route has yet to be surveyed and cumulative impacts to water resources are not even identified yet? How can we ensure mitigation is adequate without knowing the full extent of the risk? A full assessment of impacted waterways cannot be completed until field surveys can identify all impacted waterways along the route and sufficient details of construction plans are shared by PennEast to allow assessment of such activities in relation to the waterways (and riparian buffers) impacted.

Specifically, the route crosses Muddy Run Preserve in Kingwood Township. This property, preserved through fee simple acquisition for open space, is owned by Hunterdon Land Trust and the New Jersey Water Supply Authority (NJWSA). It is managed by Hunterdon Land Trust through an agreement with the NJWSA. In addition to a New Jersey Department of Environmental Protection Green Acres easement, the property is encumbered by a Deed of Conservation Restriction for Permanent Protection of Source Water Areas, a restriction granted to the New Jersey Department of Environmental Protection. In addition to funding through Green Acres, public funds from Kingwood Township and Hunterdon County were also utilized to protect this property.

The property consists of woods and wetlands as well as open fields, and a tributary to the adjacent Category 1 Locketong Creek (which itself is a tributary to the Lower Delaware Wild and Scenic designated river) traverses part of the property. The property was

protected in large part “...to protect, on both a water quality and quantity basis, surface and groundwater resources, as well as natural habitat (for both land and in-stream populations of wildlife and vegetation), in order to achieve the goals of the New Jersey Water Pollution Control Act...the New Jersey Safe Drinking Water Act...the New Jersey Water Supply Authority Act...and other statutes governing water quality in the State of New Jersey”. In order to protect the conservation values of the property, removal of trees and other vegetation is prohibited as is any activity that would alter the topography or hydrology of the site.

PennEast’s proposed activities at this location along the route are highly inconsistent with protection of water resources. Table 4.1.7-1 shows HDD is planned across the Lockatong Creek however field investigations have not been started to verify that HDD is feasible given the geologic conditions in the area. Seeing as how HDD is touted as being the least impactful method for crossing the stream, it seems inconsistent to assume the impacts at this location are low or able to be sufficiently mitigated when a different crossing method may need to be employed. Furthermore Table G-3 shows that blasting is possible in the Lockatong Formation at this site and impacts to the resources from blasting have not been sufficiently evaluated.

The activities associated with using this site as a HDD staging area will be detrimental to water quality, drainage, water conservation, erosion control, soil conservation, and other attributes of the property that were specifically protected by the above mentioned conservation restrictions. Since preserving the property, HLT has invested public and private funds in stewardship activities to protect and enhance the conservation values on site. Specifically the USDA, through NRCS grants, has invested public funding in stewardship activities at the property. NJWSA continues to invest resources and funding to study the Lockatong watershed and protect the water supplies in this area.

There has been significant investment from private entities as well as local, county, state, and federal government sources to protect this property for water resources as well as recreational values, and constructing and maintaining a pipeline through these lands will significantly impair both objectives and negate the value of previous and ongoing public investments.

It is likely that PennEast is not utilizing appropriate data to assess the impacts on this property as the DEIS inconsistently and inaccurately refers to the Muddy Run Preserve in many instances. In Table G-14 on page 895 of the DEIS, PennEast incorrectly identifies Muddy Run Preserve as being named “Hunterdon Land Trust” and being county-owned land. It clearly is not county-owned land. Furthermore, in Table G-17 on page 971, they list the easement holder of the property as “NGO”. The holder of the easements is the state of New Jersey as identified previously in our comments. In the same table, they incorrectly identify the manager of part of the property as NJ Audubon Society, which is incorrect.

Perhaps they are confused about ownership and management because they do not have the property properly located on the USGS maps presented in the DEIS which are out dated and also not the most useful for evaluating environmental impacts. Muddy Run Preserve is located on Kingwood-Locktown Road between Muddy Run Road and Route 519. However on their quadrangle maps in Vol II, Appendix B, page 500, PennEast sites the property as being located between mile posts 93.4 and 93.8, but this would put the property further southeast than it actually is. The maps PennEast uses are old and therefore Kingwood-Locktown Road is identified by its old name, Gessner Road, on their map. Based on the property’s actual location, it should be identified closer to mile post 92.5 and 93.1 rather

than where it is. Given that the property location is not even correctly identified, PennEast's assumptions about impacts to this property (which are not based on survey data from field investigations due to the fact that HLT denied access for surveying) cannot be accurately assessed nor can FERC determine whether they can be sufficiently mitigated.

In addition to inaccuracies related to Muddy Run Preserve, HLT identified numerous other properties that appear to be missing, incorrectly identified, or incorrectly located in the DEIS. These are identified in the attached spreadsheet titled "Missing, Incorrect Properties". Again, we feel that this lack of accuracy directly correlates to insufficient review of real impacts from this project as how can PennEast accurately identify and assess impacts when they don't know where the properties are located or how they are managed?

Ultimately, with such incomplete information in the DEIS, significant work remains to fully assess the impacts resulting from the current proposal as well as true alternatives to this project. Are these unknown cumulative impacts in addition to the extensive use of eminent domain and condemnation of privately and publicly owned lands acceptable when the benefits of this project remain so unclear? When the unknowns are so significant and PennEast's track record is questionable, how can we be sure PennEast will remain solvent to adapt and fully mitigate impacts when they are forced to overcome obstacles that were not previously and sufficiently investigated? Without adequate and responsible review of the proposed project, FERC could find that PennEast starts constructing a pipeline that is not needed and not wanted only to be unable to fund the extensive remediation and alternatives that could become necessary.

Regards,

A handwritten signature in black ink that reads "Patricia Ruby". The signature is written in a cursive, flowing style.

Patricia Ruby  
Executive Director

Properties missing or incorrectly identified on PennEast's DEIS lists

Municipality	Block and Lot	Owner according to tax list	Property type	Comments
Holland	21, 18.01	Kenneth and Laura Smith	PIG EP easement	Missing, at milepost 78.9
Holland	15,7	Berlinger	county-held farmland easement	Tax list shows owner as Berlinger, PennEast shows this parcel as part of the group of David Farmer Revocable Living Land Trust parcels
Holland	25,34	KJA Holdings	County PIG	Missing, pipeline touches the edge of the parcel
Alexandria	18,9	Kappus	county-held farmland easement	Misplaced, at milepost 85.8-86.5
Alexandria	19, 27		Open Space	The Nishisakawick Greenway is not listed, PennEast has it as a private easement owned by the
Kingwood	12, 19	Kjaer	county-held farmland easement	Misplaced, at milepost 89-89.2
Kingwood	12, 27	Niciecki	county-held farmland easement	Misplaced, at milepost 89.9-90.1
Kingwood	13, 13.08,13.09,13.10,14.01	Hunterdon Land Trust, NJWSA	Open Space, county-held easement, state-held easement	Muddy Run Preserve: Misplaced, at milepost 92.5-93.1
Delaware	19, 37	Nanni	county-held farmland easement	Misplaced, at milepost 94.4-94.7
Delaware	19, 25.04	Embley	county-held farmland easement	Misplaced, at milepost 94.9-95
Delaware	B 19 L 21 and B 31 L 10	Mackey	county-held farmland easement	Misplaced, at milepost 95-95.9

Delaware	19, 19	Aron	county-held farmland easement	Missing, pipeline just touches the edge of the parcel at milepost 95.6
Delaware	31, 4	Plesher	county-held farmland easement	Misplaced, at 95.9-96.1
Delaware	31, 3	Fisher	county-held farmland easement	Misplaced, at milepost 96.1-96.4
Delaware	32, 33	Bulger, NJCF	Open Space	Missing, at milepost 96.5-96.7
Delaware	32, 32	Danese, NJCF	nonprofit farmland easement	Misplaced, at milepost 96.5-96.7
Delaware	32, 4	NJCF	open space	Missing, at milepost 96.7-96.8
Delaware	33, 4.02	NJCF	NJCF/NRCS/county farmland easement	Missing, pipeline just touches edge at 97.1
Delaware	33, 4	NJCF	NJCF/NRCS/county farmland easement	Missing, pipeline just touches edge at 97.2-97.4
Delaware	60, 12	Spolar	PIG EP easement	Misplaced, at milepost 98.7-99.3
Delaware	62, 4	Caffrey	SADC easement	Misplaced, at milepost 100.2-100.4
West Amwell	3, 16	Lambert Farm LLC	PIG EP easement	Missing, at milepost 101-101.1
West Amwell	8, 20	Walters		Missing, at milepost 101.3-101.4
West Amwell	8, 36	Walters	fee simple, nonprofit	Missing, at milepost 101.4-101.6
West Amwell	17, 4	Janyszewski	county-held farmland easement	Misplaced, at milepost 102.3-102.5

Document Content(s)

HLT comments on PennEast DEIS.PDF.....1-4

Missing, incorrect properties.PDF.....5-6