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VIA ELECTRONIC FILING

Federal Energy Regulatory Commission
888 First Street, N.E., Room 1A
Washington, DC 20426
Attention: Kimberly D. Bose, Secretary

Re: Data Submission on Rare Species and
Species of Special Concern
Proposed PennEast Pipeline Project
FERC Docket No. CP15-558-000

Dear Secretary Bose:

I submit the following comments and data on behalf of New Jersey Conservation Foundation (NJ Conservation). We are an Intervenor in Docket Number CP15-558-000 regarding the proposed PennEast Pipeline. FERC requested that PennEast document potential impacts to all rare species, including species of special concern.

There are 369 rare plant species known to occur in Hunterdon and Mercer counties of NJ. The list of 369 rare species known to occur in Hunterdon and Mercer county is easily derived from published lists of Special Concern and Endangered plants of New Jersey, Mary Hough's "New Jersey Wild Plants" which has detailed range maps by county for every species and the USDA Plants database website. NJ Conservation has done this work and developed this 369 species database, and would be happy to provide it to FERC and PennEast.

Without these environmental baseline data reporting on all rare plant species found with an 800 foot wide corridor centered on the pipeline route, it is impossible for FERC to engage in reasoned decision-making, which under NEPA requires an understanding of existing conditions and evaluation of adverse impacts from PennEast's preferred alternative for its pipeline project.

PennEast has had continual survey access to the New Jersey Natural Lands Trust (NJNLT) Gravel Hill Preserve in Holland Township, Hunterdon County, for quite some time, including at least the entire growing season of 2016 and some of 2015. Yet, as of late August 2016, they have not provided any evidence that they have found rare plants at the Gravel Hill Preserve.

With limited resources and search time, NJ Conservation Foundation has found 3 plant species of concern at NJNLT's Gravel Hill Preserve. They are:

Aristolochia serpentaria (Virginia snakeroot) S3;
Viola hirsutula (Southern Wood Violet) S2;
Cynoglossum virginianum var. *virginianum* (Wild Comfrey) S2

These species are recognized as deserving of protection through the NJ Natural Heritage Program, the New Jersey Highlands Council and the New Jersey Green Acres Program.

PennEast may not have conducted a rare plant survey at the Gravel Hill Preserve, which seems unlikely since they have had access and did conduct a rare plant survey at nearby Baldpate Mountain Park in Mercer County in 2015. If they have not conducted a survey even though they have access to Gravel Hill and have conducted a survey at Baldpate Mountain Park, this would be indicative of a lack of concern by PennEast for rare plant species.

Also indicative of their lack of concern for rare plant species is their intent to mitigate impacts to rare plant species using transplanting and seed collection efforts to grow plants elsewhere. Any competent restoration ecologist knows that efforts to transplant or collect seeds to establish rare plants in alternate locations fail the great majority of the time. The plant restoration and ecological literature fully supports the conclusion that attempts to move a rare plant population out of harm's way almost never work. Should such a method, virtually destined to fail, be relied upon by FERC and other agencies, the only way to accomplish this feat would be to collect seeds and/or move a few of the plants to safe harbors, and fully document and establish a successfully self-reproducing and self-sustaining population in a new site. It would take many years to show that rare plants are not only surviving, but reproducing at a new site. After such a project has been proven to succeed in the short-term (approximately 10 years or clear evidence of successful reproduction) at the new site, perpetual funding for continued long-term stewardship must also be in place. Until all this is established for every rare plant population impacted by the pipeline route, no plants can be harmed by land clearing or soil disturbance. Otherwise, the source material for avoiding impacts will be destroyed before mitigation is shown to succeed.

The only practical way to avoid impacts to rare plants is to survey for all rare species, and make sure the pipeline route avoids all rare plants.

If PennEast has conducted a rare plant survey at Gravel Hill, why have they not reported their findings from the NJNLT Gravel Hill Preserve to the New Jersey Natural Lands Trust? As of August 31, 2016, after the draft EIS was published, they had not reported any findings to the NJNLT. If they have conducted a rare plant survey, why have they not found and reported at least the same 3 rare species found by NJ Conservation on this public parkland? If they have conducted a survey at Gravel Hill, then the only conclusion is that their survey methods are inadequate. It is essential that if and when PennEast conducts plant surveys within an 800 foot swath along the entire pipeline route, that both the methods are suitable and the surveyors that they use are capable of finding and identifying all 369 rare plant species known in Hunterdon County.

With limited surveying, New Jersey Conservation Foundation has already found 11 rare plant species populations in the pipeline route. They are:

Carex aggregata S2, *Cynoglossum virginianum* var. *virginianum* S2, *Galium palustre* S3, *Liatris spicata* var. *spicata* S3, *Phlox divaricata* var. *divaricata* State Endangered S1, *Ribes missouriense* State Endangered S1 (many different locations on the pipeline route), *Cardamine angustata* S3, *Cystopteris protrusa* S2, *Aristolochia serpentaria* S2, *Viola hirsuluta* S2 and *Mertensia virginica* S3.

If proper surveys were conducted, numerous other species will be found. There is no possible way to determine potential impacts of the proposed pipeline route until rare plant surveys for all 369 species are completed. Once potential impacts are determined, the only way to avoid impacts will be to move the pipeline route away from every rare plant species, or to develop and fund a multi-year mitigation plan, and to actually succeed in establishing new, sustaining, reproducing populations of every impacted plant before the population at risk is harmed in the field.

To simply discard rare plant concerns in the draft EIS with general comments about avoidance, minimization and mitigation is wholly useless and unsatisfactory. In practice, when this lack of concern for rare plants is revealed in preparatory documents leading to a project, weak minimization efforts are the only effort, resulting in the conclusion that impacts to rare plants cannot be avoided, and they are effectively ignored.

NJ Conservation urges FERC, in cooperation with the NJDEP and the New Jersey Highlands Council, to address this lack of complete information, and require PennEast to conduct substantial surveys for the many hundreds of rare species along the entire pipeline route during upcoming growing seasons, so that the full scope of potential damage to public trust resources and the proposed mechanism to avoid rare plant impacts can be detailed, considered and commented upon by the public in a draft EIS, as initially requested by FERC.

Thank you for your consideration. Please contact me at 908-432-3419 with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Emile DeVito", is positioned above the typed name and contact information.

Emile DeVito, Ph.D., Manager of Science & Stewardship
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