



State of New Jersey

Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.nj.gov/njhighlands



CHRIS CHRISTIE
Governor

JIM RILEE
Chairman

KIM GUADAGNO
Lt. Governor

MARGARET NORDSTROM
Executive Director

August 23, 2016

Kimberly Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, D.C. 20426

RE: Proposed PennEast Pipeline Project
FERC Docket # CP15-558
Highlands Council Comments on the Draft Environmental Impact Statement (DEIS)

Dear Secretary Bose:

The New Jersey Highlands Water Protection and Planning Council (Highlands Council) hereby submits this formal comment to the above mentioned docket in response to the Draft Environmental Impact Statement (DEIS) issued by FERC on July 22, 2016 regarding the PennEast Pipeline Project. Highlands Council staff reviewed the DEIS specifically for discussion of potential impacts to Highlands Region resources in two New Jersey Highlands Region municipalities, Holland and Alexandria Townships. We note that only once was reference made to the Highlands Region in the DEIS. It would appear that the Highlands Region resources were not adequately taken into account and that efforts to avoid and minimize adverse impacts and appropriately mitigate for potential impacts resulting from the construction and operation of the project may not have been considered.

This is not the first time the Highlands Council has filed a formal comment requesting FERC to address and consider Highlands Region resources. On October 30, 2015, the Highlands Council submitted a formal comment addressing the PennEast Resource Reports and we submitted, along with our comment, a significant amount of data, including detailed Highlands Environmental Resource Inventories for Holland and Alexandria Townships. Significantly, we noted that no reference to Highlands Region resources was made in the Resource Reports, and we requested that the data we submitted on be considered in the production of the DEIS. That data is recognized statewide as the best available data for the Highlands Region.

The significance of the Highlands Region, the Federal Highlands Conservation Act, the New Jersey Highlands Water Protection and Planning Act (Highlands Act), the NJDEP Highlands Rules and the Highlands Council's Regional Master Plan (RMP) are not mentioned anywhere in the DEIS. The

Federal Highlands Conservation Act (PL 108–421, Section 2) states “The Purposes of the Act are - (1) to recognize the importance of the water, forest, agricultural, wildlife, recreational, and cultural resources of the Highlands region, and the national significance of the Highlands region to the United States.” The areas being reviewed are clearly identified as being located in the Highlands Region as defined in the Federal Highlands Conservation Act. One of the principal purposes for the adoption of the New Jersey Highlands Water Protection and Planning Act (N.J.S.A. C.13:20-2) was to implement the stated purposes of the Federal Highlands Conservation Act.

The DEIS refers to the Highlands Region just once and it incorrectly characterizes the Highlands Planning Area lands (Section 4.7.7.1). Our concern voiced in October of 2015 is the same as our concern today; our comments to the FERC docket last year during the initial comment period were not addressed and our data does not appear to have been utilized during the assembly of the DEIS. We believe that the data which was gathered to produce the DEIS is lacking and incomplete. Surveys are incomplete due to lack of permission from property owners to allow property access. While desktop analyses may be completed for certain static resources, field investigations are necessary to assess potential impacts to most natural resources. Habitat for rare, threatened and endangered species (animals and plants) must be fully surveyed, throughout multiple seasons. Wetlands, riparian buffers, stream crossings and waterbodies must be characterized and fully documented. Unique geology and unanticipated hazards must be evaluated. Forested areas to be impacted must be classified and quantified. Wellhead protection areas, groundwater recharge areas and water withdrawal points must be identified. Scenic, archaeological and historic resources must be fully inventoried and protected.

The Highlands Council will be issuing a Consistency Determination (CD) for the Project once permit applications are filed with NJDEP for the various land use activities which will result in temporary and permanent and resource disturbance. Our CD will be provided to the NJDEP during their consideration of permit applications for lands within the Highlands Region, specifically Holland and Alexandria Townships (approximately 9.5 miles of Project as well as access roads and laterals) in New Jersey. The CD will address all Highlands RMP Resources which would be potentially affected by the installation and operation of the Project. Please see this link for our RMP: <http://www.nj.gov/njhighlands/master/>. While our role is advisory in nature, it is the full expectation of the Council that our advice to NJDEP will be given great weight and consideration, as required in the NJDEP Highlands Rules, during consideration of any permit applications. The protection of fragile, unique and well documented resources is the goal of the Highlands Council and the municipalities with which we work.

PennEast has indicated that they would voluntarily prepare a Comprehensive Mitigation Plan (CMP) to detail proposed efforts to avoid, minimize and mitigate impacts to Highlands RMP Resources. The CMP would be expected to be submitted to the Highlands Council to inform the Consistency Determination. The CD would be subject to a public process and heard by the full voting membership of the Council, with a written public comment period prior to the hearing and public comment session during the hearing. As of the date of this comment however, we do not have a commitment from PennEast regarding the CMP. If PennEast declines to prepare a CMP, the Highlands Council will still conduct the CD in the same public manner. The results of this process will be provided to NJDEP.

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If you have questions regarding the Highlands Council, the RMP, municipal ERIs and the specific Highlands Region resources, please contact me at (908) 879-6737 ext. 101 or via email margaret.nordstrom@highlands.nj.gov. As the only entity legislatively tasked with implementing the purposes of the Federal Highlands Conservation Act, the Council remains hopeful that FERC and PennEast will address the critical resources of the Highlands Region throughout the planning, construction and operation stages of this project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Margaret Nordstrom".

Margaret Nordstrom
Executive Director

c: The Honorable R. Christian Pfefferle, Mayor-Alexandria Township
The Honorable Ray Krov, Mayor-Holland Township
Ruth Foster, NJDEP – Permit Coordination and Environmental Review
John Gray, NJDEP - Office of the Commissioner
Chris Squazzo, NJDEP