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July 22, 2016

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**The Watershed Center**

31 Titus Mill Road

Pennington, NJ 08534

609.737.3735

thewatershed.org

Honorable Norman Bay, Chair  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

RE: Docket CP15-558  
PennEast Pipeline Project

Dear Chairman Bay:

The Stony Brook-Millstone Watershed Association (Watershed) has received a copy of the draft environmental impact statement (DEIS) in the above referenced matter. We strongly urge you to withdraw the DEIS.

The DEIS must be withdrawn as it violates the National Environmental Policy Act (NEPA), 42 U.S.C. 4321, et seq. NEPA requires a "systematic, interdisciplinary approach which will insure the integrated use of natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment." 42 U.S.C. §4332. In short NEPA requires FERC to take a hard look at the impacts. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989) To take such a "hard look," agencies must first secure all of the relevant

information necessary to evaluate environmental impacts and incorporate that information into the DEIS. CEQ regulations on unavailable information is clear. If the information is obtainable and relevant to the project, the agency must wait and obtain the information. 40 C.F.R. 1502.22. Without having all of the available information the DEIS is incomplete and invalid. *Public Employees for Environmental Responsibility v. Hopper*, USCA CASE #14-5301 (D.C. Circuit 2016).

The applicant has, in fact, acknowledged that information on the project is incomplete and that the missing information is obtainable by continuing to conduct wetlands and threatened and endangered species surveys. In PennEast's June 8, 2016 letter, PennEast stated:

PennEast will continue to conduct surveys for rare, threatened, and endangered species during appropriate seasonal survey windows as specified by the applicable agency and as access becomes available. In the case of the New Jersey State endangered long-tailed salamander, the NJDEP has recommended that detailed habitat assessments be conducted in areas mapped by the NJDEP Landscape Project (V. 3.1) and/or in adjacent unmapped areas (April 19, 2016).

Page 17. PennEast has not submitted to the docket the missing data for the threatened and endangered species surveys. Additionally, PennEast's Environmental Survey Status submitted to FERC in April 2016 demonstrates significant wetlands surveying that must still be completed. For example only 28.1% of project area in New Jersey has been field surveyed for wetlands. An additional 25% of the project area in

Pennsylvania still requires wetlands surveys. The applicant has not submitted an updated status report indicating that the outstanding areas have been surveyed. Clearly impacts to wetlands and threatened and endangered species is relevant to the assessment of environmental impacts.

The applicant itself has acknowledged that there is information missing from its proposal and that it continues to collect the information. As the information is obtainable and is clearly relevant, it is inappropriate and inconsistent with NEPA for the DEIS to be released. The overarching goal of NEPA is to “insure that environmental information is available to public officials and citizens before decisions are made. . . [and] [t]he information must be of high quality.” 40 C.F.R. 1500.1(b). If the DEIS is based upon incomplete information, how is it possible for FERC to make decisions on the document and how can the public trust that FERC is undertaking its statutory responsibilities?

We therefore respectfully urge FERC to withdraw the DEIS and await the completion of PennEast’s work before revising and republishing the DEIS.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael L. Pisauro, Jr.", is positioned above the printed name.

Michael L. Pisauro, Jr.