



Green Sergeant's Bridge

New Jersey's Only Remaining Covered Bridge

Delaware Township

Hunterdon County, New Jersey

www.DelawareTwpNJ.org

OFFICE OF TOWNSHIP COMMITTEE

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June 3, 2016

Daniel D. Saunders
Deputy State Historic Preservation Officer
New Jersey Historic Preservation Office
P.O. Box 420
Trenton, New Jersey 08625

RE: Failure of FERC and PennEast Pipeline Company, LLC to Grant Consulting Party Status
FERC Docket No. CP-15-558.

Dear Mr. Saunders:

Despite initially requesting consulting party status in February 2015, the Delaware Township Historic Advisory Committee ("Committee") still has not been granted its right to participate as a consulting party in the PennEast Pipeline project National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA) processes. As you know under NHPA regulations, "the representative of a local government with jurisdiction over the area in which the effects of undertaking may occur is *entitled* to participate as a consulting party." 36 C.F.R. § 800.2 . Delaware Township is a local government as defined by the regulations and the Committee is the Township's representative for NHPA consultation purposes. Therefore, the Committee has a right to consulting party status and will not accept PennEast's offer to participate as an "interested party" only.

As a consulting party, the Committee has the right to review and consult on PennEast's factual findings during the NEPA process. The Committee first requested consulting party status in February 2015. It therefore has been denied its right to consult for more than a year. Not until March 2016 did PennEast respond to the February 2015 request to become consulting parties, at which point it only offered the Committee an opportunity to participate merely as an "interested party." PennEast continues to refuse the Committee's right to consulting party status and its right to review and comment on archaeological survey reports as these important undertakings are released. This failure violates the Committee's rights and violates NHPA regulations.

The Committee requests that your office take any actions within its authority to ensure FERC and PennEast immediately recognize the Committee's status as a consulting party, provide the Committee with all relevant reports for review, and provide the Committee with the same amount of time to review all reports prior to release of the DEIS that the Committee would have

received had FERC properly recognized our "consulting party" status in February 2015. Only through such consultation can FERC fulfill its obligation to ensure that "a broad range of alternatives may be considered." See 36 C.F.R. 800.1 ("The agency official shall ensure that the section 106 process is initiated early in the undertaking's planning, so that a broad range of alternatives may be considered during the planning process for the undertaking.").

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Charles P. Herman".

Charles P. Herman,
Delaware Township Deputy Mayor

cc: John Eddins, ACHP
Kimberly Bose, FERC
Grace Ziesing, URS
Jeff England, UGI