



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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February 10, 2016

Commissioner Bob Martin
New Jersey Department of Environmental Protection
401 E. State Street, 7th Floor
P.O. Box 402
Trenton, New Jersey 08625-0402

RE: Meeting with Delaware Township Regarding the Proposed PennEast Pipeline

Dear Commissioner Martin:

We wish to extend our thanks to Director Cindy Randazzo for attending our meeting in Delaware Township to discuss the proposed PennEast pipeline project. We appreciate the New Jersey Department of Environmental Protection (Department) staff's time and attention to this project and the Department staff's efforts to date in highlighting to FERC staff the many deficiencies in the PennEast resource reports.

Delaware Township would like the opportunity to work with the Department and support the Department's efforts in demanding that the proposed pipeline meets all of the stringent rules and regulations of the Department. We feel this coordination between the affected municipalities of New Jersey and the Department would be most beneficial now and should not wait until PennEast submits its state permit application to the Department.

Delaware Township would like to reiterate some important points that were discussed at our meeting and detail some remaining questions for which we hope the Department will be able to provide answers.

PennEast has made numerous claims that its proposed pipeline is being built to benefit consumers, satisfy new demand, and help bring additional reliability to its infrastructure. In reality, the project is an exercise in money-transfer. Currently, the PennEast owners (NJR, SJI, etc.) pay to transport gas through other companies' pipelines. By building the PennEast pipeline, it will take the money that it is paying others, and, instead it will be paying its "midstream" subsidiaries that physically own the PennEast pipeline company. This is supported by the fact that all of the shippers have stated publicly that gas from PennEast will be displacing gas that they currently receive from other pipelines. The end result is that natural infrastructure will be over-built, and that perfectly good pipelines that are servicing New Jersey today will become

underutilized. Furthermore, rate payers in New Jersey and Pennsylvania will ultimately foot the \$1.2 billion construction bill while PennEast reaps all of the benefits and financial windfall.

Furthermore, PennEast claims that this project is "co-located" within the utility corridor. However, in Delaware Township, the pipeline is parallel to the JCP&L ROW which results in adding an entirely NEW right-of-way. The current JCP&L ROW is old and very narrow (75 feet) thus rendering it too narrow to safely accommodate the pipeline.

Additionally, we continue to be concerned about the permanent and devastating environmental impacts in New Jersey, and particularly within Delaware Township, that would result from this project. PennEast proposes to blast through 95 wetland crossings and 96 stream crossings (including 31 anti-degradation streams) in New Jersey. If you include four streams, six wetlands, two vernal pools, three potential vernal pools, one pond, and sixteen potential wetland buffers that PennEast failed to include in its FERC application, the devastation to the fragile ecosystems and watershed will be immense and create a lasting and permanent scar that residents of New Jersey will bear for generations. Moreover, these numbers are from mapped data and do not include any number of intermittent streams and vernal pools that have not been identified on the ground. Within Delaware Township, PennEast proposes twelve , C1-stream crossings and numerous wetland, wetland buffers, vernal pools, and upland forest crossings-- all through lands that have been protected because they provide valuable protection against storm water runoff and stream degradation.

We urge the Department to require PennEast to fully meet all protections and standards for C1 waterways and comply with all regulatory requirements including those set out in the Freshwater Wetlands Protection Act (FWPA) and the Clean Water Act's 404(b)(1) guidelines at 40 C.F.R.230.10(c) including those requiring avoidance and minimization. We want PennEast to acknowledge and describe how it meets these requirements in its resource reports, which it has not done to date. We hope that the Department will formally request that FERC, in preparing its EIS, thoroughly address the New Jersey and Federal regulatory requirements. These requirements include specific factual determinations for each waterway; a detailed review of the route including whether an alternative project, route or method is available; a review and analysis of the aesthetic impacts of the project; and demonstration of steps taken to avoid impacting these waters.

We are aware that in New Jersey, both the Flood Hazard Area Protection Act (FHA) and the FWPA have requirements that relate directly to New Jersey's water quality standards and the protection of C1, anti-degradation streams. The protection of anti-degradation streams in New Jersey has been of utmost importance to both the Department and Delaware Township, as evidenced by the integration of riparian zones into the Flood Hazard Control Act. PennEast has repeatedly demonstrated a failure to comprehend the importance of these important C1 stream protective buffers. PennEast has proposed impacts that would remove 200 foot wide swaths of vegetation in riparian zones on steep slopes which (by its own admission) would "trigger increased erosion and sedimentation which could result in a degradation of surface water quality". This should be viewed as a significant issue as many of the anti-degradation streams in

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Delaware Township (particularly along the Wickecheoke Creek) are bordered by steep forested slopes. PennEast provides minimal information on how it plans to protect these extremely sensitive environmental resources and simply states that it intends to obtain permits under the Flood Hazard Control Act. This approach ignores its responsibility and obligation to AVOID and minimize impacts to regulated and protected environmental resources. Delaware Township urges the Department to use its significant authority to protect our waterways and other natural resources.

In New Jersey, PennEast has not been able to conduct surveys on many properties within the proposed pipeline route. In Delaware Township, only 14 percent of impacted landowners have granted survey access. This has resulted in significant instances of trespass to illegally obtain information.

Thus Delaware Township has many questions regarding the lack of survey access and information gained via illegal trespassing and remote access. Delaware Township would appreciate a response from the Department to the following questions:

- How will the low survey access and lack of field work affect the Department's review of the permit application?
- Can we get a commitment from the Department not to allow PennEast to use remote sensing data? To date, the Army Corp of Engineers had not allowed use of remote sensing data in lieu of on the ground field work and we would like the Department to commit to not accept the submittal of this type of data collection.
- How can the proposed pipeline be analyzed and the impact of the route evaluated with inadequate information?
- And how or will the Department work with FERC through its review process knowing that in New Jersey there is not sufficient data to undertake the permit review process?

Additionally, Delaware Township has the following questions on the review process:

- What role will the Department play in commenting on the FERC EIS before it is released as draft? Does the Department intend to evaluate, approve, disapprove, or modify the EIS? Or will the Department only provide comments when the EIS is released as draft?
- What specifically are the requirements for the Department to approve the Freshwater Wetlands and Flood Hazard Area permits and how does this relate to water quality certification under Section 401 of the Clean Water Act? Water quality certification is a requirement for FERC's approval. Therefore, the Department should not provide water quality certification until or unless the EIS is acceptable.

- Does the Department believe the timeline for the proposed PennEast pipeline start of construction (2017) is reasonable, given the lack of survey access, the lack of a wetland and stream jurisdictional determinations, and the possible need for threatened and endangered species surveys?

We would appreciate the opportunity to meet with you and the Department's staff who would be able to answer our questions. We would more than happy to come to Trenton for a meeting.

Once again, Delaware Township would like to thank Cindy Randazzo for her visit to our township and for discussing with us the PennEast pipeline project. We look forward to working with the Department on this issue of great importance to Delaware Township.

Sincerely,



Charles Herman
Deputy Mayor, Delaware Township

cc: John Gray, Deputy Chief of Staff, NJDEP
Cindy Randazzo, Director, Office of Local Government Assistance, NJDEP
Senator Kip Bateman
Assemblyman Jack Ciattarelli
Assemblyman Andrew Zwicker