



September 9, 2016

Chairman Norman Bay  
Federal Energy Regulatory Commission  
Washington, DC 20426

Re: Docket CP15-558  
PennEast Pipeline Project

Dear Chairman Bay and Members of FERC:

Delaware Township Citizens Against the Pipeline, Inc. (DTCAP) is a non-profit organization headquartered in Delaware Township, New Jersey, representing hundreds of individual concerned residents of Delaware Township and our region. Our constituents have a direct interest in: 1) protecting and preserving an irreplaceable community rich in farming and historic culture; 2) preventing the destruction of endangered species' habitats and fragile watershed ecosystems; 3) defending Delaware Township's thriving agricultural and recreational economies; 4) safeguarding Delaware Township's citizens' proactive investment in conserved and preserved farms and woodlands; and 5) opposing the PennEast Pipeline due to its irrevocable impact on the safety and integrity of the human environment. DTCAP is an Intervenor in this matter.

#### EXECUTIVE SUMMARY

The Draft Environmental Impact Statement (DEIS) reviewed by PennEast contains critical deviancies and deficiencies. The public comment process utilized by PennEast in obtaining data for the DEIS was grossly inadequate and biased, and allowed decreased transparency and accountability on behalf of PennEast. DTCAP objects to the DEIS upon the following grounds, without limitation:

1. Failures of the public comment period and data gathering process, which failures undermine the accuracy of findings and conclusions reached in the DEIS. Approval of the project in light of these material deficiencies violates the constitutional safeguards intended by the NEPA process.
2. The DEIS remains ignorant to Delaware Township's historic and cultural resources, lacking adequate attention, correct information, and appropriate inquiries. The DEIS ignores accurate data provided by Delaware Township's Town Historian and the NJDEP, and will allow irreversible impacts to historic districts and sites, including Revolutionary War sites: these impacts cannot be mitigated.

3. The DEIS regurgitates previously submitted, inaccurate data regarding safety and impacts pertaining to Delaware Township's Trap Rock Quarry, while disregarding previously provided, irrefutable, competent analysis of its deficiencies. Trap Rock Quarry is a plain example of PennEast's attempts to evaluate a "written record" with "selective hearing" to avoid accountability for unmitigated impacts for which it is unable to respond.

4. The DEIS avoids analysis of impacts to surface water and groundwater by failing to make appropriate inquiries. The DEIS fails to make meaningful, detailed inquiry into the project's impacts on known, high resource-value river, stream, and wetland resources, and fails to address mobilization of arsenic in soils and impacts on drinking water.

5. Permanent alteration of preserved and conserved natural and agricultural lands, in contradiction to the purposes of their restrictive covenants, is an impact for which no adequate mitigation exists, just compensation may not be obtained, and our county, state, and local laws are undermined without adequate economic justification. The DEIS fails to address these significant impacts on the human environment, despite its direct mandate to consider such interrelated resource values.

In determining whether an impact to the human environment is significant, both the context and the intensity as well as the short- and long-term effects are relevant. (40 CFR 1508.27). Both direct and indirect effects must be considered. (40 CFR 1508.8). The NEPA process requires that the information assembled in the DEIS be of "high quality." 40 CFR 1500.1. Inexcusably, the quality of information provided throughout the DEIS falls far short of this standard to the point of rendering the NEPA process entirely disingenuous as to this pipeline.

#### 1. FAILURES OF THE PUBLIC COMMENT AND DATA GATHERING PROCESS.

DTCAP objects to the DEIS due to repeated and frequent failures of the public comment period and data gathering process, which failures undermine the accuracy of findings and conclusions reached in the DEIS. Approval of the project in light of these material deficiencies violates the constitutional safeguards intended by the NEPA process.

Our constituents, our citizen colleagues and Intervenors throughout the impacted area, have complained of:

- Frustrations about the functionality of the FERC website to obtain information or file comments on this docket;
- Frequent "outages" of the FERC website which result in a *de facto* shortening of the public's opportunity for public comment;
- The lack of FERC responses to, or DEIS acknowledgement of, significant environmental issues that have been frequently raised by citizens, municipalities and organizations either in filed comments, letters or voiced at public hearings;

- The lack of a realistic time period for citizens to analyze and respond to the complex and lengthy (1,174 pages) DEIS, a mere 24 days from filing to the first public hearing; and
- The intimidating, demoralizing, arms-length, NONPUBLIC hearing process that FERC chose to impose on the hundreds of concerned citizens, legislators, municipalities, and organizations who took the time and effort to develop comments on the DEIS, despite the short window provided to analyze this complex document.

In contrast is the great latitude and deference that FERC provides to PennEast, allowing long extensions of time for the submittal and publication of required environmental impacts information on this complex project to FERC and to the public; yet significant information is still unavailable to the public with only days remaining in the public comment period.

PennEast has additionally indicated that it will submit important information AFTER public comment is closed (latest filing 8/31).

FERC has failed to call PennEast to task for its frequent mistakes of fact on significant environmental information that has always been readily obtainable through even minimal effort, such as the existence and location of: 1) public water supplies; 2) blasting quarries; 3) mines; 4) historic districts; 5) historic structures; 6) hundreds of private wells along the pipeline route; 7) preserved and conserved agricultural and historic land and 8) our system of C-1 classified streams and wetlands.

Even after these mistakes and oversights were repeatedly corrected by public comments, PennEast continues to fail to even identify, let alone address the significant impacts to these resources. PennEast has in effect shifted the burden onto citizens to identify, investigate, and defend resources which were constructively known to PennEast from its initial mapping stage, and yet were entirely disregarded throughout the NEPA process. Even when citizens, municipalities, local businesses and organizations took the time to correct these egregious mistakes of fact, either verbally at public hearings or through written comments, the detailed comments of impacted citizens have been ignored by PennEast and in the DEIS.

2. IMPACTS TO HISTORIC AND CULTURAL RESOURCES ARE INADEQUATELY ADDRESSED AND REMAIN UNMITIGATED DUE TO INCORRECT INFORMATION, INADEQUATE INQUIRIES, AND LACK OF ATTENTION TO NUMEROUS DOCUMENTED RESOURCES

The DEIS remains ignorant to Delaware Township's historic and cultural resources, lacking adequate attention, correct information, and appropriate inquiries. The DEIS ignores accurate data provided by Delaware Township's Town Historian and the NJDEP, and will allow irreversible impacts to historic districts and sites, including Revolutionary War sites. These impacts cannot be mitigated.

“When an environmental impact statement is prepared and economic or social and natural or physical environmental effects

are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.”

40 CFR 1508.14.

DTCAP remains extremely concerned about the lack of attention, correct information, and apparent ignorance portrayed by PennEast and its submissions with respect to maintaining the historic and cultural heritage of our community. In February 2015 and again on June 3, 2016, the Delaware Township Historic Advisory Committee, as the Township’s representative for National Historic Preservation Act (NHPA) and NEPA processes, requested “consulting party” status in the PennEast project. Pursuant to NHPA regulations, “the representative of a local government with jurisdiction over the area, in which the effects of an undertaking may occur, is entitled to participate as a consulting party.” 36 C.F.R. §800.2. As a consulting party, the Delaware Township Historic Advisory Committee has the right to review and consult on PennEast’s factual findings during the NEPA process. Yet this legal status as a consulting party and enhanced rights to receive and respond to information prior to the development of the DEIS has not been recognized by PennEast. Not only did PennEast fail to respond to the February request until over a year after it was made, PennEast only offered to recognize the Committee as an “interested party” in the proceeding until August 9, 2016 when Penn East finally agreed to recognize Delaware Township as a “consulting party”. The resulting failure by both PennEast and FERC to accord our Township’s Historic Committee consulting status for almost 2 years has prejudiced the development of the DEIS and deprived Delaware Township months worth of information that was not made available to Township officials.

As documented by our town Historian, Marilyn Cummings, Delaware Township is currently establishing three (3) new historic districts. Specifically, two of the districts, the Sandy Ridge Historic District and the Alexauken Creek Historic District, will be directly impacted by the PennEast project. Further, the current historic districts of Rosemont Rural Agricultural District (ID# 4591) and Covered Bridge Historic District will also be impacted by the proposed PennEast project and the sites need extensive research and documentation prior to any assessment of PennEast’s potential impacts.

PennEast has submitted erroneous information regarding historic sites and properties within the community by omitting documented sites (BI55-2.02 at 122 Sandy Ridge-Mt. Airy Rd and BI 53-1.03 at 112 Worman Road), and by incorrectly stating that an “architectural history team” had accessed a historical homestead when no survey permission was provided to PennEast.

The DEIS claims that the pipeline would have minimal effect on historic districts because it is below ground, but this is not true. These historic districts’ view sheds will be disrupted by the construction and maintenance of the pipeline. The Rosemont Rural Agricultural District (ID# 4591) was so identified by the National Park Service’s National Register of Historic Places and New Jersey’s Register of Historic Places because of “its unique setting as a window into our nation’s rural past.” Trees will be cleared and the historic integrity and historic landscape of

these areas would be permanently marred. Once compromised, mitigation promises will not restore this regional, state and national treasure.

The DEIS neglects to look at the cultural resources impacted by the proposed pipeline as a continuous historic landscape, where stone walls, open space in agriculturally preserved fields, and wind breaks as well as threatened and endangered plants tell the story of human habitation in this river valley over the past 10,000 years. These features are exactly the characteristics that led to their historic registry designation.

The proposed route crosses many areas that are significant to the history of the Revolutionary War, yet this is not addressed in the DEIS. For Delaware Township, there should be a separate section in the DEIS that documents the impact of the proposed pipeline route in the context of the Revolutionary War as we have a newly discovered Revolutionary War encampment site.

The DEIS fails to address issues flagged by the latest letter from New Jersey State Historic Preservation Office (NJ SHPO), some of which are:

- Lack of Investigation/Information: PennEast has only surveyed 32% of the pipeline route; the remaining 68% could be historically significant. For this reason, SHPO suggests that PennEast has neglected to identify important lithic (stone) historical “scatter sites” in particular.
- Questionable Survey Methods: Not a single argillite artifact (tools made of native stone) was found during PennEast’s inspections, despite the fact that argillite is prolific in this area and well-documented with signs of Native American activity.
- Areas of Native American significance: The DEIS says that it has not yet heard any responses back from the 15 Native American tribes, but many tribes have posted documents to the docket which the DEIS does not address. Moreover, Native Lenape Indian habitation in the Delaware Township vicinity is highly significant. Specifically, at the confluence of the Alexauken Creek and the Delaware River, there were major village sites as well as burial grounds and campsites. There have been countless Indian artifacts discovered in this localized area and citizens have shared their findings, even submitting photographs to FERC with no acknowledgement of this in the DEIS.

Additionally, as of Sept 9, 2016 (less than 3 days from the public comment deadline) PennEast has yet to file the following pertinent information:

- the results of previously un-surveyed areas along the pipeline route and an updated list of historic residences and structures within 50 feet of the construction right-of way;

- for all residences identified within 25 feet of a construction work area, a final site specific construction plan that includes all of the following: a dimensioned site plan that clearly shows the location of the residence in relation to the pipeline, the boundaries of all construction work areas, the distance between the edge of construction work areas and the residence and other permanent structures, and equipment travel lanes; a description of how and when landowners will be notified of construction activities;
- Despite all of the missing information and inaccuracies submitted by PennEast specifically addressing issues around historical and cultural impacts of the project, the DEIS states, “with implementation of PennEast’s proposed impact avoidance, minimization, and mitigation plans, and our recommendations, we conclude that overall impacts on land use and visual resources would be adequately minimized. How is this possible? With so many information gaps, incorrect information and omission of important historical sites and structures, it is impossible to see how FERC can conclude that this pipeline won’t have any impacts to our historical and cultural heritage. It is against NEPA for FERC to make/favor a decision prior to having all the information needed to make an informed decision!

3. PENNEAST DISREGARDS IRREFUTABLE SAFETY DATA REGARDING TRAP ROCK QUARRY, AND INSTEAD RELIES UPON PREVIOUSLY SUBMITTED INACCURATE DATA.

The DEIS relies upon previously submitted, inaccurate data regarding safety and impacts pertaining to Delaware Township’s Trap Rock Quarry, while disregarding previously provided, irrefutable, competent analysis of its deficiencies. Trap Rock Quarry is a plain example of PennEast’s attempts to evaluate a “written record” with “selective hearing” to avoid accountability for significant impacts for which it is unable to respond or mitigate.

DTCAP remains very concerned about the lack of accurate information regarding the proximity of an active quarry (Trap Rock) and the impacts of blasting.

PennEast has submitted inaccurate information to FERC on multiple occasions. In its early filings to FERC, PennEast provided the following inaccurate information: 1) that the Trap Rock Quarry was inactive (untrue); 2) that it was located .75 miles from pipeline (untrue, it is 1300 feet with future quarry expansion); and 3) that PennEast received expansion and blasting data from Trap Rock representatives who also said they had no concerns about the pipeline (not true as Trap Rock representatives did not even speak to PennEast representatives prior to December 2015). Such misrepresentations draw heightened scrutiny upon the integrity and ethic of all PennEast representations, and amounts to fraud, as PennEast intends for FERC to rely upon such inadequate and misleading information to the detriment of our constituents, and for Penn East’s economic benefit.

The referenced PPV (peak particle velocity) comes from misinformation provided by PennEast regarding blasting charge weights. Actual data has been supplied to FERC in a comment by Dr. Garofilini on July 15, 2016 (PRIOR to the issuance of the DEIS) regarding

PennEast's misleading information. The fact that this misinformation continues to be included in the DEIS demonstrates FERC's lack of evaluation of this project and apparent incompetence or collusion.

Additionally, in the DEIS, errors regarding quarry blasting at the Trap Rock Quarry exist on page ES-3 and in section 4.2.4, page 4-5. FERC again erroneously states that there is no quarry in New Jersey within 0.25 mile of the Project. Then, in the SAME document, FERC states in Section 4.2.4, page 4-5, that this quarry could expand to within 1300 feet of the pipeline.

From the DEIS Section 4.2.4, page 4-5: The DEIS quotes a peak particle velocities (PPV) of 0.0026 inches per second (ips) at a separation distance of 2000 feet. It also quotes a PPV of 0.005 ips at 1300 feet, and allows for the pipeline to be safely within 32 feet of the quarry. These numbers are completely incorrect.

Penn East's response to FERC's data request on June 21, 2016 included the Hatch Mott MacDonald (HMM) report that has multiple errors relating to the peak particle velocities (PPV) emanating from the quarry. To reiterate points expressed in prior submissions to FERC and ignored by both FERC and PennEast, the DEIS regurgitates the PennEast and the HMM Report's PPV of 0.0026 ips at 2000 feet, accepts a safety distance of 32 feet, and includes a potential distance of 1300 feet. However, the author of the HMM report produces the equation to determine the ips (inches per second) vibrations from blasting, but incorrectly uses a charge weight per delay, W, of 1 lb. This charge weight is completely incorrect regarding Trap Rock's own report of blasting at the quarry and, importantly, the more accurate blasting charge weight used in mining the quarry.

Based on data submitted by Trap Rock Industries to the NJ Dept. of Labor that monitors all blasting, actual blasts to commercially quarry at this site uses blasting charge weights three orders of magnitude higher – that's 1000 times larger charge weights per delay than given in the HMM report! The NJ Department of Labor has the March 6, 2008 Trap Rock report showing a charge weight of 1124 lbs/delay. This is clearly the normal charge weight for commercial blasts during active quarrying at this Trap Rock quarry and significantly modifies the 'safety factor' submitted by HMM to PennEast, and PennEast sent to FERC, and FERC sent to the nation via the DEIS.

HMM submitted that an average limit of 0.5 ips (inches per second) would be used for safety by PennEast. With the highly inaccurate charge weight of 1 lb/delay charge weight, HMM and PennEast report an ips of 0.0026 at 2000 feet. However, given the correct charge weight used for commercial quarrying at Trap Rock, 1124 lbs/delay, the actual ips at 2000 feet would be 0.72 ips. This is higher than the limit set by HMM of 0.5 ips for safety reasons. This is 276 times higher than the value given in the DEIS. Assuming that the pipeline could be within 32 feet of the quarry, blasts based on the incorrect HMM calculation would be dangerous. Using the correct blast charge weights, the ips at 32 feet would be 539 ips! This would clearly be higher than any acceptable PPV on the pipeline, and 100 times higher than that recommended as a maximum by the Pipeline Engineering Journal reported by PennEast (HMM).

At the 1300 ft separation distance admitted by FERC in the DEIS, and an actual charge blasting weight used by Trap Rock quarry at the Delaware Township site, the actual PPV would be 1.436 ips. This is nearly 3 times the safety level considered by PennEast in their June 21, 2016 report to FERC. This type of gross miscalculation by HMM and PennEast and accepted by FERC poses a significant risk to the health and welfare of our residents.

All of the misinformation, inaccuracies, and incorrect information provided by PennEast and their hired consultants, indicates another failure of FERC to objectively and thoroughly evaluate the “written record” of misinformation provided by PennEast to FERC. What is most appalling is that PennEast and FERC appear to have no concern for the safety of the citizens of our Delaware Township community.

#### 4. THE DEIS AVOIDS ANALYSIS OF IMPACTS TO SURFACE WATER AND GROUNDWATER BY FAILING TO MAKE APPROPRIATE INQUIRIES

The DEIS fails to make meaningful, detailed inquiry into the project’s impacts on known, high resource-value river, stream, and wetland resources, and fails to address mobilization of arsenic in soils and impacts on drinking water.

The DEIS provides no construction plans for crossing 32 of New Jersey’s most pristine and highly regulated Category One(C1) streams including 12 crossings of forested C1 streams in Delaware Township. Pursuant to the New Jersey State Water Quality Standards (SWQS), C1 designation provides additional protections from any measurable change in water quality, including their aesthetic value (color, clarity, scenic setting) and ecological integrity (habitat, water quality and biological “exceptional aquatic community”). Both FERC and PennEast have been advised via scoping comments, a September 15, 2015 letter to FERC Chairman Norman Bay and comments of local citizens concerning the negative impacts of the numerous crossings of these protected streams and tributaries that PennEast proposes, including the specific impacts on Alexauken Creek with its steep gradients and multiple pipeline crossings.

Neither the DEIS, nor the recently submitted PennEast report (08/31/2016), adequately address plans for HDD (horizontal directional drilling) or other proposed methods for minimizing impacts to riparian buffers and water quality. Instead, PennEast engages in vague language and FERC allows it. For example, in Penn East’s 08/31 submission, they do not identify how they plan to cross the 12 forested C1 streams located in Delaware Township. Instead, we are left to guess which one of the three types of methods they will choose: dry-crossing with reduced workspace, trenchless, and trenchless with a travel land for construction equipment crossing of the waterbody. Penn East could have provided information on which methodology would be applied to which water crossing based on publically available data and the large volume of information they gathered during their numerous aerial data collection trips that they conducted last summer. Instead, residents are still left in the dark about which innocuous sounding method will be implemented. Upon further research regarding the potential impacts of these types of water crossings, it is apparent that the impact on our streams, our water, and riparian buffers will leave a permanent scar on the environmental integrity of our ecosystem and quality of life for generations to come.

As an example of the environmental degradation that will accompany Penn East's proposed crossing of our forested C1 waterways, this is the average footprint of the construction site for the trenchless methods:



The Wickecheoke Creek site of proposed pipeline crossing in Delaware Township:



The lack of specificity provided by Penn East and accepted by FERC in the DEIS forces residents to guess at which type of construction project awaits our community. Residents would most likely assume that in light of the site access required by HDD, the dry-crossing

methodology would be used in most of Delaware Township's streams; thus it would look like this:



The type of stream crossing techniques that would be implemented at each crossing should have been provided by Penn East to FERC **PRIOR** to the issuance of the DEIS and then made available for public comment. Publically available data and Google maps would provide enough information to Penn East about the feasibility of implementing a particular methodology in light of the publically accessible environmental, topographic, soil, and bedrock information. Instead, Penn East has decided to be vague and non-committal, insisting that they need to discuss these options at a later date – without the opportunity for public comment. This is bad faith and violates our communities and citizens rights under NEPA.

Additionally, In light of the fact that many streams, tributaries, and creeks within Delaware Township historically have been prone to flash flooding in heavy rain events and dry creek crossing methods are best suited for streams with flows less than 141 cubic feet per second<sup>1</sup>, it would seem prudent that FERC require Penn East to provide a measurement and computational analysis of stream flow as outlined by the United States Geological Service. This simple requirement would ensure that the dry creek construction methods do not place our residents in harm's way in light of a heavy rain event during the construction period<sup>2</sup>.

Moreover, the DEIS has not addressed the impacts of construction on water quality regarding these forested C1 streams, the Wickecheoke Creek, the Alexauken Creek, and federally protected Delaware River. In particular, the DEIS neglects to address the potential impact on

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<sup>1</sup> Pharris, TC and Kopla RL. Overview of the design, construction and operation of interstate liquid petroleum pipelines; Argonne National Laboratory (2007).

<sup>2</sup> Rantz and others, 1982, Measurement and computation of streamflow: Volume 2, computation of discharge: U.S. Geological Survey Water-Supply Paper 2175, p. 285-631. Rantz and others, 1982, Measurement and computation of streamflow: Volume 2, computation of discharge: U.S. Geological Survey Water-Supply Paper 2175, p. 285-631.

water quality with respect to the release of arsenic embedded in the soils within Delaware Township.

Trenching activity during the construction phase of the PennEast pipeline across streams and wetlands feeding streams could potentially release naturally occurring, but toxic and regulated arsenic into the surface water, exceeding the SWQS and requiring implementation of a Total Maximum Daily Load (TMDL). No information, however, is available on the arsenic concentrations of soils and sediments along the streams entering the Delaware River in Hunterdon County and no accurate data was submitted by PennEast Pipeline, LLC.

Analysis completed by Dr. Tullis Onscott (submitted to FERC on 8-29-16), concluded that the potential for release of organic carbon (which stimulates the growth of bacteria shown to mobilize arsenic, as well as direct mobilization of arsenic, exists with such disturbance as proposed by the PennEast project and is of imminent concern. The lack of evaluation and information about this potentially catastrophic release of arsenic from the soils into the stream water should have been a red light to FERC officials and the DEIS should not have been produced without this information.

Mobilization of arsenic is likely to additionally contaminate numerous drinking wells along the pipeline route.

#### Private Wells and the DEIS Assumptions

Delaware Township residents have special concerns in regards to drinking water wells due to the unique geology of the region, the nature of our aquifers and water sources, and the existence of bedrock at or near the surface of our land for most of the route in the Township. And PennEast has indicated that they will likely be blasting throughout much of the route. Our residents have a valid concern that blasting in the vicinity of wells may impact them - and that such impacts can radiate out well beyond the FERC-indicated 150' corridor, particularly in a community like ours where the vast majority of citizens rely on private wells for drinking water.

FERC has the ethical and legal responsibility to receive all the necessary factual data to evaluate this project before reaching any conclusions. Its disregard of the surface water and groundwater impacts, high-resource value water resources, and arsenic mobilization is unacceptable and, therefore, the DEIS may not be relied upon and should be withdrawn.

5. PERMANENT ALTERATION OF PRESERVED AND CONSERVED NATURAL AND AGRICULTURAL LANDS, IN CONTRADICTION TO THE PURPOSES OF THEIR RESTRICTIVE COVENANTS, IS AN IMPACT FOR WHICH NO ADEQUATE MITIGATION EXISTS, JUST COMPENSATION MAY NOT BE OBTAINED, AND OUR COUNTY, STATE, AND LOCAL LAWS ARE UNDERMINED WITHOUT ADEQUATE ECONOMIC JUSTIFICATION. THE DEIS FAILS TO ADDRESS THESE SIGNIFICANT IMPACTS ON THE HUMAN ENVIRONMENT, DESPITE ITS DIRECT MANDATE TO CONSIDER SUCH INTERRELATED RESOURCE VALUES.

PennEast's project will effectively undermine our county and state laws and programs, which preserve public and open spaces for our citizens and their children, utilizing tax-payer dollars. Just compensation may not be adequately computed for these easements. "When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment." 40 CFR 1508.14.

The DEIS entirely fails to address the fact that this proposed project impacts properties that are subject to conservation easements and/or deed restricted against development including properties purchased with New Jersey Department of Environmental Protection Green Acres Funds, New Jersey Department of Agriculture Funds, Hunterdon County Open Space Funds, Delaware Township Open Space Funds, Federal Farm and Ranch Protection Program Funds and New Jersey Water Supply Funds. Delaware Township, our neighboring communities within our County and the State of New Jersey, through its taxpayers, have specifically chosen to preserve open space in our most densely populated state in the nation. To allow a private, for-profit entity to "take" these public and preserved lands, where no public need has been convincingly established, violates the constitutional rights of our taxpayers, our municipality, our county and our state. This issue is not addressed in the DEIS and must be considered before any certificate of public need and convenience is considered in this matter.

## CONCLUSION

FERC's regulations require that the "siting, construction, and maintenance of facilities shall be undertaken in a way that avoids or minimizes effects on scenic, historic, wildlife, and recreational values." (18 CFR 380.15).

The primary purpose of an environmental impact statement is to serve as an action-forcing .... It shall provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. \* \* \* Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses. An environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions.

(40 CFR 1502.1.)(emphasis added).

DTCAP shares the strong concerns of our citizenry about the incompetence and bad faith exhibited by PennEast throughout this process and the indifference of FERC to the injustice being done here. Our homes, our historic and cultural treasures, our livelihoods and local

economy, our farms, our widely-utilized recreational areas, and our life-sustaining drinking water are at stake here. We are not just lot and block numbers on a desktop survey program. Our lands have been preserved and cherished by our citizens and taxpayers in the most densely populated state in the nation.

In closing, DTCAP urges FERC to wake up to the sea change that is occurring across our nation. Communities and citizens demand that our government and its agencies protect our environment, our homes and our cultural resources, even as we seek to meet the energy needs of our country. The PennEast pipeline project is an unnecessary, duplicative project that serves no one but the shareholders of this company. We urge you to withdraw the DEIS and reconsider the “No Build” option – it is the only option that makes sense for our future.

Respectfully submitted,  
Delaware Township Citizens Against the Pipeline  
(DTCAP)

Cc: President Barack Obama  
U.S. Senator Robert Menendez  
U.S. Senator Cory Booker  
U.S. Congressman Leonard Lance  
U.S. Congresswoman Bonnie Watson-Coleman  
N.J. Senator Kip Batemen  
N.J. Senator Shirley Turner  
N.J. Assemblyman Jack Ciattarelli  
N.J. Assemblyman Andrew Zwicker  
N.J. Assemblyman Reed Gusciora  
N.J. Assemblywoman Elizabeth Muoio  
NJ Department of Environmental Protection (NJDEP)