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Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

September 7, 2016

Re: PennEast Pipeline Company, LLC Docket No. CP15-558-000  
Comments of AMC on the Environmental Impact Statement

Dear Secretary Bose,

The Appalachian Mountain Club (AMC) is a non-profit organization whose mission is to “promote the protection, enjoyment, and understanding of the mountains, forests, waters, and trails of the Appalachian region.” The protection of our outdoor resources is of great importance to our over 200,000 members and supporters, who reside largely in the Northeast, including New Jersey and Pennsylvania.

On July 22nd, 2016, the Federal Energy Regulatory Commission (FERC) prepared a Draft Environmental Statement (DEIS) for the PennEast Pipeline Company (the project or the applicant).

The Appalachian Mountain Club (AMC) submits the following comments regarding the recently published DEIS. AMC has included as Attachment A, all previously submitted comments on this project by AMC, as a majority of the issues raised by AMC have not been addressed in the DEIS and are referenced herein under by their filing date.

AMC requests that the comments included in this filing be meaningfully addressed and incorporated into the DEIS, a supplement to the DEIS, or through a Supplemental Environmental Impact Statement (SEIS) as provided for under 23 CFR 771.130, such that AMC and the public can be provided an opportunity to review a thorough DEIS, including the inclusion of the comments and issues of AMC and other stakeholders, before a Final Environmental Impact Statement (FEIS) and Record of Decision is reached. AMC requests that the public comment period on this DEIS be considerably extended or that a subsequent public comment be provided before the issuance of an FEIS. AMC notes that many documents related to resources of interest to AMC that will be impacted by the project were filed as late as August 31, 2016, limiting the ability of AMC and the public to meaningfully review and comment on the DEIS.

**Concerns with the proposed Appalachian National Scenic Trail crossing and failure to evaluate alternatives that could avoid and minimize impacts**

AMC reiterates the concerns submitted on July 20, 2016<sup>1</sup>, in which AMC notes that the applicant and FERC have failed to conduct an appropriate alternatives analysis for the portion of the project that will cross the

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<sup>1</sup> Attachment A. Letter of AMC to FERC, dated July 20th, 2016.

Appalachian National Scenic Trail (Appalachian Trail). AMC asserts that the applicant's preferred crossing location poses a significant threat to the integrity of the Appalachian Trail and, if built as proposed, will degrade the experience of park visitors. Further, AMC asserts that alternatives suggested by AMC and other commenters, that would avoid or minimize impacts to the Appalachian Trail, have been dismissed or ignored outright. AMC, along with the National Park Service (NPS), Appalachian Trail Conservancy (ATC), and many other stakeholders have urged the applicant to evaluate co-locating the project across the Appalachian Trail within an existing utility right of way (ROW), which would prevent a new ROW from being established. The Appalachian Trail is a significant public resource that is eligible for listing in the National Register of Historic Places.

On June 8th, 2016, the applicant filed a response to an Environmental Information Request (EIR) regarding alternative crossing locations on the Appalachian Trail. AMC is especially concerned with the usage of the June 8, 2016, alternatives analysis in the DEIS. AMC asserts that the DEIS fails to meet the requirements of the National Environmental Policy Act in that an alternatives analysis for the Appalachian Trail crossing, including the evaluation of alternatives with a sufficient level of detail to be considered robust and valid, such as detailed information regarding connector pipelines to Blue Mountain Resort, comprehensive crossing plans including construction related information, and consideration of all alternative locations that had been previously suggested by stakeholders.

Additionally, AMC refutes the conclusion of the applicant regarding impacts of the project to the Appalachian Trail and its users, in which it is stated: "*Horizontal Directional Drill/Direct Pipe will be used to avoid impacts to the Appalachian Trail and the viewshed within the 400-foot-wide Appalachian National Scenic Trail Corridor.*"<sup>2</sup> AMC asserts that the project will not avoid impacts to the viewshed of the 400-foot-wide Appalachian Trail corridor and that opportunities to avoid and minimize impacts have not been appropriately evaluated. The project will create temporary and permanent impacts to the Appalachian Trail and its user experience as a result of the project's construction and operation.

Further, the map provided by the applicant on August 31, 2016, of the proposed Appalachian Trail crossing shows a bore length of approximately 262 feet, by which the project will be located under the Appalachian Trail, avoiding a trench cut type installation. Consistent with this filing, AMC notes that the 400-foot-wide Appalachian Trail corridor will be utilized for the construction and operation of the project creating negative impacts to the Appalachian Trail and its users. The applicant mistakenly suggests that impacts to the 400-foot-wide Appalachian Trail corridor will be avoided, yet clearly shows in the DEIS that construction and operation of the project will take place within the corridor, negatively impacting the Appalachian Trail and the experience of its users. This issue must be addressed and corrected in the DEIS.

The proposed Appalachian Trail crossing is located at a noteworthy overlook, known commonly on maps as Weathering Knob, characterized by large outcroppings of boulders and other exposed slab rock. This location has significantly steep slopes, concerning the AMC as the ROW is proposed to serve as the access for construction and maintenance related vehicles to the bore locations. Construction at this location will be within a few hundred feet of the Appalachian Trail at a popular overlook, creating temporary and permanent impacts to the Appalachian Trail viewshed and user experience.

**Cumulative impacts of the project as they relate to the planned developments at the Blue Mountain Resort have not been included**

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<sup>2</sup> Attachment 6 of the August 31, 2016 filing, titled "Recreation and Special Use Crossing Map Book", page 23, map item #2.

The addition of Blue Mountain Resort as a customer of PennEast at the Blue Mountain Interconnect relates directly to the planned development of the Blue Mountain Resort, including a host of lodging and non-lodging attractions that have been prefaced as dependent on the construction of the PennEast project<sup>3</sup>. The Blue Mountain Interconnect is proposed to provide service to a natural gas burning power plant on Blue Mountain Resort property which will create the conditions on site allowing future development plans to move forward.

Blue Mountain Resort has developed a Summit Concept Plan<sup>4</sup> that is dependent on the construction of the PennEast project. It includes the future construction of the Vista Lodge Hotel with 91 units; the Summit Village with 290, 2-bedroom units, 24 townhouses, and 1,300 parking spaces; residential living to include 50 duplex units; a new connector lift; an aquatic village of 195, 2-bedroom units, 7 cabins, a restaurant, an aquatic park, and 155 preferred parking spaces.

AMC has significant concerns about the proposed developments and their proximity to the Appalachian National Scenic Trail. The DEIS must evaluate these development plans as related, dependent actions, and must include a discussion of the impacts related to this planned development. The applicant must include within the DEIS, a cumulative analysis including the planned development of the Blue Mountain Resort, as well as discussing and addressing the air quality issues related to a proposed natural gas generation facility on Blue Mountain Resort property, and other related impacts.

**Parks, trails and other natural areas will be impacted by the project and alternatives to avoid and minimize these impacts have not been evaluated**

AMC believes that the usage of public lands for a large-scale energy transmission project, such as the proposed project, directly conflicts with the mission and procurement of public lands and open space, as the aesthetic and ecological value of public lands will be greatly affected by the introduction of new ROWs, construction crews, and staging areas. Numerous State Game Lands, Hickory Run State Park, Beltzville State Park, Sourlands Mountain Preserve, and the Ted Stiles Preserve would all be negatively impacted open space under the currently proposed project location. Additionally, the current project would cross the Lehigh River Water Trail and the Lower Delaware National Wild and Scenic River, along with numerous stocked and specially designated trout streams by the Pennsylvania Fish and Boat Commission. The proposed locations of the project within said areas are especially concerning due to the lack of a contracted construction company and therefore no detailed construction related information is available in the DEIS, such as construction timing, vehicle types, and construction-related procedures that will be implemented to minimize conflict for public lands users.

Additionally, the applicant has undermined the regulations set forth by both the Pennsylvania Department of Conservation and Natural Resources (PA DCNR) and New Jersey Department of Environmental Protection (NJDEP). In regards to disposal or diversion of open space the NJDEP regulations, for example, states that *“It is the Department's policy to strongly discourage the disposal or diversion of both funded and unfunded parkland. The use of parkland for other than recreation and conservation purposes should be a last resort, and should only be considered by a local government unit or nonprofit when the proposed disposal or diversion is necessary”*<sup>5</sup> As can be cited in the DEIS, the applicant has made no meaningful effort to identify and evaluate alternatives that would avoid or minimize impacts to public lands. Therefore, the applicant has not met the test of NJDEP in demonstrating that the project as proposed is cited across open space as *“a last resort”*.

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<sup>3</sup> Tatu, Christina, Morning Call, February 24, 2016, “Blue Mountain Ski Resort: PennEast pipeline key to its expansion plans”. <http://www.mcall.com/business/mc-blue-mountain-jobs-022316-20160224-story.html>

<sup>4</sup> Attachment B. June 2016 Summit Development Concept

<sup>5</sup> N.J.A.C. 7:36. <http://www.nj.gov/dep/greenacres/pdf/regs.pdf>

AMC asserts that the applicant must robustly evaluate alternative locations that avoid open space, and by doing so, ensure that the roughly \$2 billion allocated toward open space in the states of Pennsylvania and New Jersey to-date are not undermined<sup>6</sup>. Additionally, by relocating the project away from public lands, the aesthetic and ecological value of these places may stay intact and undisturbed.

**The applicant proposes to cross lands protected with funding from the federal Land and Water Conservation Fund (LWCF) yet consistency with related federal statutes is not discussed and conversion applications have not been submitted or referenced**

AMC has identified that the applicant's proposed preferred route would be built on a parcel of public land acquired with funding from the federal Land and Water Conservation Fund (LWCF). The property of Holland Township, New Jersey, Block 22, Lot 56, was acquired by New Jersey Department of Environmental Protection as open space with the assistance of LWCF under the Highlands Conservation Act with federal funding provided in 2012 under grant HCA-5-L-1(F13AP00113), known as the Silva property. Proposing to locate the project on this parcel requires consistency with The Land and Water Conservation Act, Public Law 88-578 (16 U.S.C. §§ 460L-4 -460L-11), signed into law on September 3, 1964. AMC notes that the DEIS does not reference this statute and AMC has been unable to locate any mention of planned compliance with the requirements of 36 CFR Part 59, regarding conversion to non-conservation purposes.

The LWCF Act of 1964 states:

SEC. 6(f)(3) No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.<sup>7</sup>

Under LWCF regulations, open space funded by the LWCF is to be "*maintained in public recreation use unless NPS approves substitution property of reasonably equivalent usefulness*".<sup>8</sup> Hence, the applicant must relocate the project location around the Silva property, as no "*practical alternatives to the conversion have been evaluated and rejected on a sound basis*", and the ROW created would not be "*restored to its original surface condition*".<sup>9</sup> The applicant should be required to re-evaluate their route with consideration to the LWCF, as other pipeline locations may encroach on existing LWCF locations.

**The applicant should be required to power the Kidder Compressor Station with electricity as a mechanism to minimize impacts.**

In a letter addressed to FERC dated May 31st, 2016, the Appalachian Mountain Club responded to PennEast's proposal to construct a natural gas powered compressor station in Kidder Township, Carbon County. In the letter, AMC suggested that the applicant utilize an electric powered compressor station as an alternative to the proposed natural gas source to minimize impacts, especially as they relate to localized air quality

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<sup>6</sup> A Handbook for Public Financing of Open Space in New Jersey. December 2001, and Public Finance for Open Space: A guide for Pennsylvania's Municipalities. 2008.

<sup>7</sup> National Park Service, Land and Water Conservation Fund, Compliance Responsibilities and Legal Protection, <https://www.nps.gov/ncrc/programs/lwcf/protect.html>

<sup>8</sup> Section 59.3 Conversion Requirements, [https://www.nps.gov/ncrc/programs/lwcf/post\\_completion\\_compliance\\_docs/36cfr59.3.pdf](https://www.nps.gov/ncrc/programs/lwcf/post_completion_compliance_docs/36cfr59.3.pdf)

<sup>9</sup> Land and Water Conservation Fund State Assistance Program: Federal Financial Assistance Manual. Chapter 8.4 & 8.5 <https://www.nps.gov/ncrc/programs/lwcf/manual/lwcf.pdf>

concerns<sup>10</sup>. In response, the applicant states in the July 22nd DEIS that “*use of electric motors as an alternative to natural gas-driven compressors would result in higher overall emissions, due to emissions created by generation of the needed electricity*” and then directs readers to section 4.10.1.4 of the DEIS.

The applicant’s response is injudicious in that AMC suggested an alternative to minimize local air quality impacts specifically. The response does not speak to local air quality impacts what-so-ever and demonstrates an approach of dismissing reasonable alternatives without adequate justification, which AMC finds troubling as it relates to meeting the requirements of the NEPA.

In the applicant’s response, section 4.10.1.4 “*compared emission rates from the proposed gas-fired compressor turbines against the equivalent emission rates published by the National Renewable Energy Laboratory (NREL) for eastern U.S. power generation in 2004*”.<sup>11</sup> Not only is the applicant’s citation to the NREL study omitted, but the presented data is outdated and results remain unclear and unexplained by the applicant. The applicant must be required by FERC to provide current evidence confirming that a natural gas powered compressor station is less polluting than its electric powered counterpart as it relates specifically to local air quality concerns.

AMC asserts that the applicant should be required to utilize an electric motor compressor station instead of the proposed natural gas turbine, to minimize impacts. As mentioned before in our May 31st letter to FERC, the proposed natural gas compressor station location would be located in close proximity to numerous popular outdoor recreation areas, thus emitting pollutants to a vulnerable population as those participating in outdoor activities are more susceptible to the negative impacts of poor air quality.

#### **Crossing plans for crossing the Francis E. Walter Dam and Beltzville State Park reservoirs concern AMC**

On June 14th, 2016, AMC had filed comments to Robert Phillips, Section 408 coordinator with the Army Corps of Engineers regarding the proposed trench crossings at the Francis E. Walter Dam and the proposed Horizontal Directional Drill/Direct Pipe at the Beltzville reservoirs. In the letter, AMC iterates that any construction must take place outside of the planned recreation season in these two areas and that any construction within the recreation season would compromise the authorized purposes of both FEW and Beltzville State Park.<sup>12</sup>

The applicant acknowledged in its August 31, 2016 filing that construction at the Francis E. Walter Dam facility would be limited to winter months, outside of the recreation season. Though AMC notes this acknowledgement, the applicant has failed provided a detailed crossing plan that discusses pre and post construction activities on site that may impact congressionally authorized recreational uses on site. Minimization techniques and mitigation for lost uses and property at the above mentioned facilities is not discussed. A detailed crossing plan should be required to be submitted at least 45 days before the close of the public comments on the DEIS.

AMC asserts that the construction schedule at Francis E. Walter must be explicit and limited to the period from mid-October to February. If improperly constructed, or not constructed within the appropriate

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<sup>10</sup> Attachment A. AMC letter to FERC dated May 31st, 2016

<sup>11</sup> Deru and P. Torcellini, Source Energy and Emission Factors for Energy Use in Buildings, National Renewable Energy Laboratory, Technical Report NREL/TP-550-38617, Revised June 2007. <http://www.nrel.gov/docs/fy07osti/38617.pdf>

<sup>12</sup> Attachment A. AMC letter to Army Corps of Engineers dated June 14th, 2016

timeframe, recreational releases on the Lehigh River may not be possible for an entire recreation season, causing a significant \$11.2 million<sup>13</sup> loss to the local whitewater and fishing industry.

### **The applicant fails to study the cumulative impacts of the project, in compliance with recent Council on Environmental Quality (CEQ) guidelines on greenhouse gas emissions**

As previously raised by AMC in comments to FERC, the applicant has failed to consider the cumulative impacts and dependent actions of the proposed project and failed to meet the standards of the CEQ's guidance on evaluating greenhouse gas (GHG) emissions related to the project. The applicant has failed to acknowledge the increased extraction and consumption of natural gas, as well as the increase in greenhouse gas emissions that would result from the project. FERC must require the applicant to judiciously analyze cumulative impacts of these actions to meet the standards set by CEQ.

As mentioned in February 27th, 2015 scoping comments, AMC suggests that FERC meaningfully evaluate the project's production of greenhouse gasses, as well as its effect on climate change. Robust analyses of this manner is now required for federal level agencies under CEQ guidelines published in the National Register on August 5, 2016, thus FERC would be practicing due diligence by including evaluations in the project's final EIS. AMC previously raised the pending CEQ guidelines and the need to address compliance in our scoping comments, dated February 27<sup>th</sup>, 2015 attached to this filing.

In accordance with the CEQ guidelines of 2016, the applicant *"should consider and disclose the reasonably foreseeable direct and indirect emissions when analyzing the direct and indirect effects of the proposed action"*<sup>14</sup>, but is not limited to, the upstream and downstream actions of natural gas extraction and consumption. PennEast and FERC have chosen in the past to not consider these impacts; however, it is obvious that the proposed project is part of a fossil fuel supply chain, thus contributing large quantities of GHGs into the atmosphere. Examples cited in the CEQ's final guidance suggests, *"most fossil fuel supply chain projects have reasonably foreseeable indirect GHG emissions that should be quantified and analyzed"*<sup>15</sup>. It would be prudent of the applicant and FERC to include detailed analysis on the project's GHG production as well as the social and environmental impacts that come along with them consistent with the guidance published by CEQ on August 5, 2016.

It is also worthy of mention that in an April 2016 response to an Environmental Impact Request (EIR), PennEast responds to questions about cumulative impacts under the guidance of the CEQ's 1979 guidelines. Seeing that the applicant has made efforts to respond under past guidelines, AMC believes that PennEast should be required to conduct cumulative impact analysis under the newly implemented CEQ guidelines as of August 5<sup>th</sup>, 2016. Additionally, the applicant has failed to assess the cumulative impacts of other, proximate energy projects in the July 22nd DEIS.

### **In response to data request #1, dated April 29, 2016, in listing nearby and adjacent projects, the applicants fails to acknowledge the proposed Penn Forest Wind Energy facility**

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<sup>13</sup> Blockus, Gary. "Rafting Industry Has Big Economic Impact on Lehigh Gorge Region." The Morning Call, July 2nd, 2013. [http://articles.mcall.com/2013-07-02/sports/mc-lehigh-river-rafting-impact-07012013-20130702\\_1\\_whitewater-challengers-river-rafting-jim-thorpe-river-adventures](http://articles.mcall.com/2013-07-02/sports/mc-lehigh-river-rafting-impact-07012013-20130702_1_whitewater-challengers-river-rafting-jim-thorpe-river-adventures)

<sup>14</sup> Final Guidance for Federal Departments and Agencies on Consideration of GHG Emissions and the Effects of Climate Change in NEPA Reviews, August 1, 2016 Pg. 16

<sup>15</sup> "White House Issues Final NEPA Guidance on Climate Change | Lexology." White House Issues Final NEPA Guidance on Climate Change. 4 Aug. 2016. [https://www.whitehouse.gov/sites/whitehouse.gov/files/documents/nepa\\_final\\_ghg\\_guidance.pdf](https://www.whitehouse.gov/sites/whitehouse.gov/files/documents/nepa_final_ghg_guidance.pdf)

Composed of 40 wind turbines, The Penn Forest Wind Energy Project is to be located between Route 903 and Towamensing Township on land owned by the Bethlehem Watershed Authority. The project is currently being pursued by Iberdrola Renewables, a subsidiary of Avangrid.

Construction of the project throughout the Water Authority's land may potentially conflict with the proposed wind project, as project locations are close by, and construction is proposed to take place over the same time period.

Even if the Penn Forest Wind Energy project as proposed by Iberdrola is not constructed, Bethlehem Watershed Authority maintains an interest in contracting with a wind developer to construct a project on their Penn Forest site in the foreseeable future. With the blasting and foundations needed to support large wind turbines, an underground pipeline would significantly constrain the site development opportunities. AMC recommends that the applicant include the Penn Forest Wind Energy Project into their EIS so that conflicts between the two projects may be avoided.

Thank you for your attention regarding the comments of the Appalachian Mountain Club. Please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Zakutansky', with a long horizontal flourish extending to the right.

Mark Zakutansky  
Mid-Atlantic Policy Manager  
Appalachian Mountain Club