

PREPARATION FOR SCOPING MEETINGS PENNEAST PIPELINE



Berks Gas Truth



SCOPING IS REQUIRED BY NEPA



NATIONAL ENVIRONMENTAL POLICY ACT -- NEPA

The stated purpose of NEPA

“To declare a national policy which will encourage productive and enjoyable harmony between man and his environment;

To promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man;

To enrich the understanding of the ecological systems and natural resources important to the Nation; and

To establish a Council on Environmental Quality.”



NEPA REQUIRES

All agencies of the federal government shall:

”...include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statementon –

- (i) The environmental impact of the proposed action,
- (ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) Alternatives to the proposed action”



NEPA IS PURELY PROCEDURAL

NEPA requires that federal agencies fully consider the environmental effects of **proposed major federal actions**, prior to undertaking that action.

NEPA regulations put in place **procedural requirements** to guide federal agencies in considering the environmental impacts of their proposals, projects and/or actions.

NEPA does not mandate any particular outcome.

NEPA simply ensures an informational exercise intended to inform decisionmaking..



EIS VS EA

Generally an Environmental Assessment is prepared in order to determine if the more complete and robust review of an Environmental Impact Statement is needed.

FERC has already determined an EIS is warranted for PennEast.



NEPA PROCESS FOR PENN EAST

Scoping

Draft EIS

Comment period

Final EIS

Review period (maybe more comment)

Decision

Record of Decision Issued



WHAT IS SCOPING



Scoping is held early in the NEPA process in order to:

- **Determine the scope** of the issues to be addressed in the EIS
- For **identifying significant issues** related to the proposed action that should be studied in depth
- **Narrow the scope of issues** to be studied by eliminating issues that are not significant or have been covered by prior environmental review

GENERALLY EIS INCLUDES:

- Statement of purpose and need
- Description of the affected environment
- Discussion of significant environmental impacts
- Information on reasonable alternatives
- The “No Action” alternative
- Discussion of environmental consequences – including both direct and indirect effects
- Mitigation measures not already a part of the proposal or alternatives reviewed to address impacts

THE FERC SCOPING MEETING

PREPARATION:

- 1) READ THE FERC NOTICE OF HEARING
- 2) ARE YOU UP TO DATE ON CURRENT FILINGS?
- 3) GENERAL INFORMATION:



You will be asked to state your name & address when you testify in person.

Bring a copy of your full written testimony to submit, but pare down your personal testimony [to 4-5 minutes](#) (5 minutes goes fast)

(Okay to submit written later if you choose)

The more specific your comments, the more useful they will be.

If you cannot attend a scoping meeting send your comments to the Commission before [February 27, 2015](#).

In written testimony include:

Project docket number (PF15-1-000)

Your Name

Street Address/Mailing Address

Phone #

Email Address



your testimony

If you don't testify in person there are 3 ways to submit comments to FERC:

1. Electronically using [eComment](#) - text only. A CD or written testimony by mail can include photos
2. Electronically using the eFiling - With [eFiling](#), you can provide attachments, files/photos etc.
3. New eFiling users must first create an account by clicking on "[eRegister.](#)" select "Comment on a Filing";
4. Paper copy of your comments by mailing them to the following address:

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Copy legislators, municipality officials and other interested parties

Good Start - Repetitive Reinforcement

Let's all open with the following:

Before giving testimony, I would like to state for the record:

These meetings are not serving the purpose of informing the NEPA process.

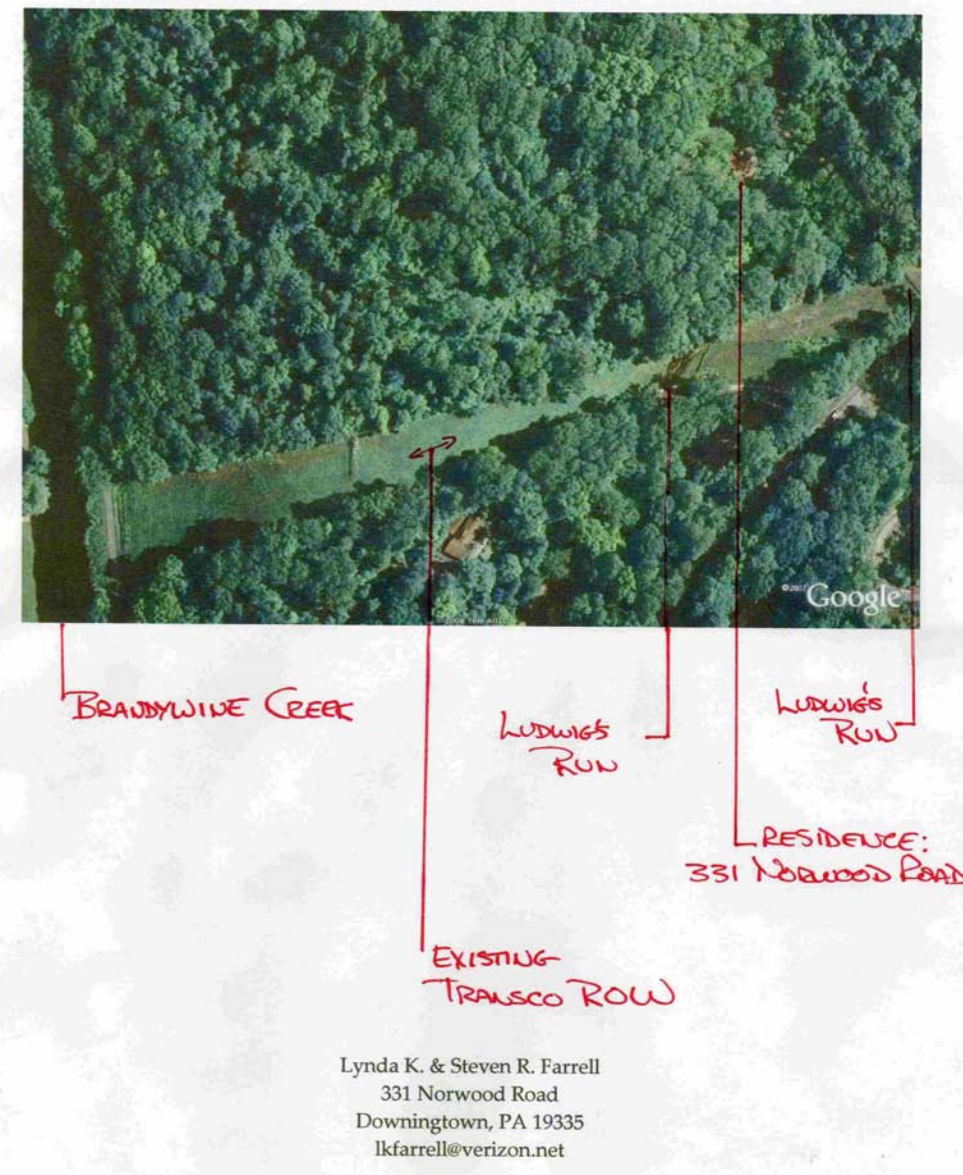
It is arbitrary and capricious to be holding these at this juncture; they are inappropriately timed and serve to further disenfranchise citizens with a lack of current siting proposals, mapping and accurate information.

Repetitive Reinforcement Other Positive Process Points Worth Making

In light of the alternative route, or routes, number of miles being proposed, combination of old and new routes, and lack of public information in regard to these alternatives, these meetings are capricious and premature:

- Per Penn East Alisa Harris' email correspondence, January 19, 2015 @ 11:56 AM: Penn East has "...reached out to the companies that own or lease land in the existing powerline corridor as well as private landowners. Those negotiations could result in several different outcomes: we could locate within the existing ROW, directly adjacent to the existing ROW or slightly farther away. That said, it is too early to say whether or not we will need to physically widen the existing ROW until we have agreements along that corridor"
- Ms Harris additionally stated, "You are correct, the NOI includes the original map. We are in the process of updating our website with a revised map."
- Information provided to citizens/stakeholders in the Notice of Intent announcing these meetings is inaccurate, incomplete and alone provides the necessary basis for postponing all scheduled scoping meetings for at least 30 days – or a second set of meetings to be set.
- As citizens exercising our rights as (landowner/muni) to participate in the FERC siting review process, we see a mockery of the system and further indication for total reform of the filing process.

- ★ Tell your own story...in your own words
- ★ Use photographs, data, diagrams - Report trespassing or any other egregious occurrences. (statements, threats of ED, letters, etc)
- ★ Tie your story to the things FERC must consider (to be discussed later)
- ★ Find Penn East's weakest links.... detail them
- ★ Detail the worst harms to be created



Issues to Focus on Specific to this Project:

- purpose and need for the Project;
- impacts on forested areas including fragmentation;
- impacts on agricultural areas and soils;
- impacts on residential areas and use of eminent domain;
- public safety and reliability;
- cumulative environmental impacts;
- impacts on recreational areas including parks and nature preserves

including Appalachian Trail, Sourland Conservancy, and other state managed and preserved lands;



Issues to Focus on Specific to this Project (cont.):

- geology;
- soils;
- water resources, including surface water and groundwater;
- wetlands;
- vegetation and wildlife, including migratory birds;
- fisheries and aquatic resources;
- threatened, endangered and other special status species
- land use, recreation, special interest areas, and visual resources;
- socioeconomics;
- cultural resources;
- impacts on air quality during construction and in operation

Issues to Focus on Specific to this Project (cont.):

- impacts on preservation easements on private lands or conservation easements and property values;
- impacts on surface water including Susquehanna, Delaware, and Lehigh Rivers;
- impacts on groundwater including wells and springs;
- impacts on wildlife and vegetation;
- impacts on federal and state-listed threatened, endangered, and sensitive species;
- geologic hazards including karst and seismic areas;
- assessment of alternative pipeline routes and compressor station locations;

Be sure to mention:

impacts that could occur as a result of the construction and operation and maintenance* of the planned Project

“Maintenance” should be discussed in terms of in perpetuity and include anticipated maintenance such as replacing/repairing lines or infrastructure.



Demand for public release, within 30 days of this hearing, the Potential Impact Radius disclosure for your property and the entire project, including for for:

- Private Homes
- Schools
- Hospitals
- Historic Sites
- Archeological or Artifact concerns
- Conservation / Open Space Easements
- Preserved Farmland
- Scenic/ recreational sites
- Wetland & Stream crossings
- Forests



BE SURE TO STRESS – THE RANGE OF IMPACTS

- » Ecological impacts
- » Impacts to the physical environment
- » Economic impacts
- » Social impacts
- » Impacts to community quality of life
- » Impacts to historic and cultural resources
- » Policy implications -- Possible conflicts with objectives of federal, regional, state, local land use plans, policies and controls for the area concerned

BE SURE TO INCLUDE – CONTEXT

The significance of the action on:

- Society as a whole
- The affected region
- The affected interests
- The locality



Picture by Wendy Selepouchin

BE SURE TO STRESS –

THE “NO ACTION” ALTERNATIVE



BE SURE TO STRESS –

IMPACTS FOR CLIMATE CHANGE

“December 18, 2014, CEQ released revised draft guidance for public comment that describes how Federal departments and agencies should consider the effects of greenhouse gas emissions and climate change in their NEPA reviews.”

“This guidance explains that agencies should consider both the potential effects of a proposed action on climate change, as indicated by its estimated greenhouse gas emissions, and the implications of climate change for the environmental effects of a proposed action.”

BE SURE TO STRESS –

CUMULATIVE IMPACTS

This includes “the impact on the environment which results from the incremental impact of the action when added to other **past, present and reasonably foreseeable future actions**” regardless of who undertakes them.

“Cumulative impacts can result from **individually minor but collectively significant** actions taking place over a period of time.”

When thinking about **PennEast** think about cumulative impacts across the project, the drilling it will induce (reasonably foreseeable) and the impacts of the end use (also reasonably foreseeable)

It is a

CRUCIAL TIME FOR CUMULATIVE IMPACTS – STRESS IT

We have explained that “a meaningful cumulative impact analysis must identify (1) the area in which the effects of the proposed project will be felt; (2) the impacts that are expected in that area from the proposed project; (3) other actions – past, present, and proposed, and reasonably foreseeable – that have had or are expected to have impacts in the same area; (4) the impacts or expected impacts from these other actions; and (5) the overall impact that can be expected if the individual impacts are allowed to accumulate.”

***Delaware Riverkeeper Network, NJ Sierra Club, NJ Highlands Coalition v. FERC
United States Court of Appeals for the District of Columbia, June 6, 2014***

BE SURE TO STRESS – DIRECT & INDIRECT EFFECTS



Direct – effects caused by the action and that occur at the same time and place

Indirect – caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable.

Example of indirect effects:

- » Inducing development that results in increased air or water pollution.
- » Induced or supported shale gas drilling and its resulting pollution and climate changing impacts are reasonably foreseeable indirect effects.
- » Erosion or flooding from increased stormwater runoff due to loss of trees and soil compaction.

BE SURE TO INCLUDE: INTENSITY

- The severity of the impact.
- The degree to which the proposal impacts public health or safety
- Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, ecologically critical areas.
- The degree to which the effects are to be highly controversial
- The degree to which the possible effects are highly certain or involved unique or unknown risks
- The degree to which the action sets precedent for future actions
- Degree to which affects districts, structures, or objects listed or eligible for listing in the National Register of Historic Places
- Degree to which may cause loss or destruction of significant scientific, cultural or historical resources.
- Degree to which may affect endangered or threatened species or its habitat



Consider Commenting on:

Where and how PennEast is NOT following protocol or not being specific in responses.

E.g. PennEast's Monthly Reports - question misleading, nonspecific reporting.

Approx 59 miles of the 108 miles of the mainline are available for survey activities.

WHAT DOES AVAILABLE MEAN, WHAT % OF THE PROJECT AND WHAT % HAS BEEN SURVEYED

WHAT % OF SURVEYS HAVE BEEN DENIED

Approximately 45 miles of biological survey have been completed.

IDENTIFY THOSE AREAS & FINDINGS - WHAT % OF THE PROJECT HAS BEEN COMPLETED AND

HOW DOES MUCH IS RELEVANT TO NEW PROPOSALS.

Approximately 40 miles of cultural resources have been surveyed.

IDENTIFY THOSE AREAS & FINDINGS - WHAT % OF THE PROJECT IS 40% HOW DOES MUCH IS

RELEVANT TO NEW PROPOSALS.

If the company is inaccurate, misleading, and/or does not follow the rules now, what can the community expect IF the pipeline is in the ground?

Ask FERC the questions FERC is asking Penn East

January 7, 2015 FERC issued Staff Comments on PennEast's November 10, 2014 Draft Resource Report I

ENVIRONMENTAL INFORMATION

Resource Report I

1. Provide PennEast's anticipated construction schedule.
2. Provide a table that identifies all counties crossed by the pipeline, including the length of crossing.
3. On page I-6, provide more detail on footnote (a).
4. In Section I.2.2, provide an approximate milepost for the compressor station.
5. Assess the feasibility of installing electric compressor station units instead of the three natural gas currently proposed. In Table I.2-3, provide an explanation for footnote I.
6. Section I.3.1 states that under certain conditions that are still being evaluated, additional workspace may be necessary beyond the standard construction right-of-way. Identify these extra work space locations, or provide a schedule for when this information would be available.
7. Section I.3.1, Access Roads, states that PennEast will require temporary staging areas along several access roads and that these areas will be identified during the design phase of the project. Indicate whether PennEast would provide agency consultation and resource surveys as appropriate for these staging areas as well as any additional workspace not previously identified.
8. In Section I.3.2 and Table I.3-4, provide the permanent land required for operation (acres) for all aboveground facilities, even if the aboveground facilities are located within the pipeline right-of-way.
9. Cumulative impacts can extend beyond the county boundary, especially when considering impacts on air and water resources. In Section I.4, include a cumulative impacts analysis for projects within the PennEast Pipeline Project air and watersheds. Also, provide an estimated size or area of impact (acres) for each project listed in Table I.4-1, and include any permits the proposed or potential projects have received.
10. Revise table I.4-1 to identify past, present, and reasonably foreseeable Marcellus shale wells in the potential resource area of impact that could be affected by the Project and any permit(s) the wells have obtained or applied for.

ENVIRONMENTAL INFORMATION REQUEST

11. Section 1.5.1 states that the Project E&SCP is consistent with the May 2013 versions of the FERC's Upland Erosion Control, Revegetation, and Maintenance Plan, and Wetland and Waterbody Construction and Mitigation Procedures. For any measures of the E&SCP that are not identical to the FERC's Plan and Procedures, identify each specific measure and provide an explanation for how the proposed alternative measure would provide an equal or greater level of protection.
12. Section 1.5.1 states that pipe welding will follow "required, specified techniques." Identify the techniques referred to.
13. In Section 1.5.1, Rock Removal and Blasting, provide a detailed description of how PennEast will manage or dispose of excess rock generated during trenching and/or right-of-way preparation. In addition provide a blasting plan.
14. Section 1.5.2 states that in some instances, re-fueling or lubrication of equipment may occur within 100 feet of a wetland or waterbody. Identify all areas where re-fueling or equipment lubrication may be required within 100 feet of a wetland or waterbody and provide site specific justification.
15. Section 1.5.2 states that extra temporary workspace may be required within 50 feet of wetlands or waterbodies. Identify all areas where extra temporary workspace may be required within 50 feet of a wetland or waterbody and provide site specific justification.
16. In Section 1.5.2 identify any waterbody timing restrictions or other crossing requirements for New Jersey.
17. Provide a horizontal directional drill contingency plan.
18. Define the industry standards referenced in Section 1.5.3.
19. In Section 1.8, confirm that the open house invite and other landowner Project material was sent to landowners within 0.5 mile of the proposed compressor station location.
20. In Section 2.1 of Appendix H, define "nationally recognized standards."

21. Section 2.2 of Appendix H states that “contractor shall file all inspections records.” Identify to whom and to what agency inspection records will be filed.
22. In Section 3.1.3 of Appendix H, discuss how it was determined that “a discharge from the construction site into waters of the state is unlikely to occur.” Indicate whether this would also be true for waters of the United States.
23. In Section 3.1.3 of Appendix H identify who the contractor would submit the secondary containment plan to for approval.
24. In Section 3.1.4 of Appendix H, specify what types of tanks and/or tank requirements would meet PennEast requirements for fuel and material storage.
25. Provide the PennEast Standard Operating Procedures referenced in Section 3.1.5 of Appendix H.
26. In Section 3.1.6 of Appendix H, define what constitutes a “moderate oil and/or fuel spill.”
27. In Section 3.1.7 of Appendix H, confirm that all concrete coating will be performed more than 100 feet from wetlands and waterbodies.
28. In Section 3.1.3 of Appendix H, identify any requirements in New Jersey regarding spills. Does PennEast plan to adhere to New Jersey requirements as well?
29. Section 5 of Appendix H only identifies Pennsylvania regulations; provide applicable regulations for New Jersey.
30. Appendix K (Unanticipated Discoveries Plan) only discusses New Jersey. Provide procedures and contact information for Pennsylvania. In addition, provide documentation of approval from both State Historic Preservation Offices.
31. Provide plot/site plans of the compressor stations showing the location of the nearest noise sensitive area.
32. Table I.7-1 does not indicate consultation on migratory birds with the U.S. Fish and Wildlife Service under the Migratory Bird Treaty Act. Confirm you have initiated this consultation and append the table accordingly.
33. Discuss potential project impacts on The Cooks Creek Watershed Protection Plan and measures PennEast has and/or would take to avoid or minimize impacts.
34. Discuss potential impacts from construction and operation of the project on the Borough of Riegelsville Wellhead Protection Zone.
35. Discuss impacts to the Rosemont Ridge Agricultural District and all other state protected lands in New Jersey. Provide all relevant correspondence with agencies and interested parties regarding these lands.
36. Discuss potential impacts to the Sourland Mountain Region and measures PennEast has and/or would take to avoid or minimize impacts.

Q&A

