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Re: Additional Comment by Delaware Riverkeeper Network - DEP's Chapter 105 Water Obstruction and Encroachment Application – Williams/Transco Atlantic Sunrise Pipeline – FERC Docket No. CP15-138 (E58-315 (Susquehanna County), E40-769 (Luzerne County), E54-360 (Schuylkill County), E66-160 (Wyoming County), E36-947 (Lancaster County), E38-195 (Lebanon County), e-19-311 (Columbia County), E49-336 (Northumberland County)

Dear Mr. Buczynski:

Thank you for the extension of comment period to allow 60 more days for the public to review the 105 application by Transco/Williams for the 195-mile long Atlantic Sunrise (AS) natural gas pipeline, that would cut across nine counties in the Commonwealth if permitted. This comment supplements the comment Delaware Riverkeeper Network (DRN) submitted to the Pennsylvania Department of Environmental Protection (DEP) on May 30, 2016. DRN also requests that the DEP refer to and incorporate into the record DRN's past comments, expert reports, and FERC and state filings pertaining to the Atlantic Sunrise Pipeline project and the Transco Leidy Pipeline that are related and have been submitted on the FERC Docket and the DEP dated 8/16/14, 2/9/15, 3/23/15, and 7/24/15, as well as the May 5, 2016 lawsuit against DEP for its issuance of the Clean Water Act 401 Water Quality Certificate for the Atlantic Sunrise project.

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We are also enclosing additional comment and expert reports by Delaware Riverkeeper Network for similar pipeline projects that we believe includes additional information that should be considered – since the pipelines’ construction techniques are similar in nature to other pipeline applications being considered. According to the Draft FERC EIS, over 1,880 written comments were received by the public and 130 motions to intervene were filed on the FERC docket as of April 13, 2016 for this pipeline project – indicating a very strong concern for the impacts this pipeline would cause. These continued formal public process steps throughout the process by the PA DEP are critical since this pipeline would impact large habitats and waterbodies across the state along its expansive 195-mile path and since the current data is not yet complete on all accounts.

Delaware Riverkeeper Network (DRN) is writing to request for a second time, that the Pennsylvania Department of Environmental Protection (DEP) **deny the Chapter 105 application for Transco’s Atlantic Sunrise Pipeline project due to the irreparable harm it would cause to the state’s waterways and environment during construction and throughout its lifespan and beyond.** This project would have significant adverse environmental impacts, safety issues, air and climate change impacts, economic ramifications, permanent impacts on scenery and rural character of the region, and threaten drinking water sources, groundwater wells, wetlands, springs and seeps, water quality, and septic systems of the Commonwealth. As you know, the PADEP submitted a letter to Kimberly Bose/FERC dated June 27, 2016 indicating missing information and the need for better data and clarification for all state permits as well as flaws in the 401 process and cited the applicant’s and FERC’s inadequacies and missing pieces with the related Draft Environmental Impact Statement (DEIS) and the AS 401 Certification – this would indicate what we also believe, that the formal public comment period is being ended even though not all of the information is complete for all aspects of the applications. These large linear projects and impacts cannot be rushed, approved without complete information, or moved forward without the public being fully aware of a complete application that lays out all impacts. Pennsylvania has seen tremendous irreparable harm on past projects, like that of the Constitution pipeline, another Williams/Transco pipeline, where the PADEP allowed tree cutting before all state permits were issued – this gross error cannot be taken back for this past pipeline project – mature forests were cut, opening up waterways to thermal impacts and lack of riparian buffers along streams and local sustainable multi-generation PA maple syrup farmers were put out of business. PA DEP’s June 27, 2016 letter states (emphasis added):

*“PADEP’s primary concern with the draft (FERC) EIS is that it does not fully acknowledge the State law requirements that Transco must fulfill to meet its obligations under Section 401 of the Clean Water Act (33 U.S.C. § 1341).” ... “As noted above, the Section 401 of the Clean Water Act imposes an obligation*

*on Transco to obtain a certification from Pennsylvania that the discharges from the project will protect the quality of Pennsylvania's water resources. In Pennsylvania, that protection is assured through State law permits that PADEP has identified as conditions of the State Water Quality Certification. FERC's short-hand method of describing Pennsylvania's State Water Quality Certification and its State law permits required thereunder as permits issued under Section 401 of the Clean Water Act is misleading and should be corrected to accurately describe these requirements as applicable State law authorizations."*

*"Section 5.2 of the draft EIS identifies numerous instances in which Transco needs to provide additional information to FERC prior to the end of the draft EIS comment period or prior to construction. PADEP requests that FERC direct Transco to ensure that all pending applications for State permits and authorizations be updated with the current project data and information to ensure actions taken by PADEP are consistent with the project as authorized by FERC, including the State Water Quality Certification. PADEP also requests that FERC require Transco to provide copies of its weekly status reports required under condition 8 concurrently to PADEP."*

EPA submitted a letter to FERC on June 27, 2016 (enclosed) regarding major omissions and missing information they noted in the DEIS for AS, lack of public transparency and full detail, significant cumulative impact to water resources, and the lack of exploration of the alternatives to this pipeline not fully considered by FERC, including several other pipelines or proposed pipelines that had additional colocation possibilities or possibilities depending on impacts. EPA stated that pursuing fully only one alternative as FERC pursued is not appropriate and in keeping with the the NEPA rules.

EPA stated in their June 27, 2016 letter to FERC on the DEIS:

*"EPA is concerned about the amount of detailed information that has yet to be filed and is not evaluated in the DEIS. This includes surveys for land, rare species, historic resources, water supplies, air modeling, mitigation measures to manage and dispose of contaminated groundwater, proposed mitigation measures for source water protection areas, geotechnical feasibility studies for HOD crossing locations and mitigation measures to minimize drilling risks, and a detailed aquatic resource compensatory mitigation plan. This information is relevant and critical to evaluation of potential impacts. EPA is concerned that a fully informed decision may not be made without this information. EPA is interested in discussing with FERC when and how this information will be assessed and disclosed to the public."*

*"EPA is concerned about direct, secondary and cumulative impacts to aquatic resources, groundwater, and water quality. Aquatic resources have the potential to be impacted by many activities, including waterbody crossings, clearing, blasting, and water withdraws for hydrostatic testing. Some of the resources within the project are high quality and sensitive resources, including Exceptional Value (EV) and trout streams. The full assessment of these simultaneously occurring impacts to resources needs to be conducted. With the potential for complex impacts to occur, such as changes in recharge patterns and flow status, additional avoidance and minimization measures may be necessary to protect the aquatic ecosystem. Additional comments on aquatic resources can be found within the enclosures to this document."*

*"The EIS reports that a total of 50.4 acres of wetlands would be either crossed by the*

*Project, affected by temporary extra workspaces, or located within the construction right-of-way. The Project would involve 331 waterbody crossings. EPA believes additional information on aquatic resources should be included in the EIS, including impact breakdowns and compensatory mitigation concepts, which are provided in the Corps' PN, detailed stream and wetland assessment data on the quality or functions of the systems, and detailed, or at a minimum conceptual, compensatory mitigation plans. Additionally, as part of the Section 404, CWA permit process, a detailed compensatory mitigation needs to be prepared and submitted. Without more detailed information it is uncertain if the proposed mitigation will compensate for the functions lost."*

Since this pipeline would operate for decades in the state and require continual company oversight for safety and health and the environment and wellbeing of PA waterways and wetlands, it's important that the PA DEP consider the long term health of the operators looking to impact the state and their long term viability as businesses. See the news article here related to six directors and the Williams Chair resigning from the Williams company, <http://www.reuters.com/article/us-williams-board-idUSKCN0ZG35S> (June 30, 2016, Reuters). An April 4, 2016 expert report enclosed here and conducted by Jannette M. Barth, Ph.D., Pepacton Institute LLC, "Review of PennEast Pipeline Project Economic Impact Analysis" cites some of the many considerations needed for these large infrastructure projects and lays out claims made by the operators are often far from accurate on many accounts citing various pipelines considered in the recent years.

The Spencer Philips, Ph.D. report (enclosed), "Economic Costs of the Atlantic Coast Pipeline," February 2016 cites ecosystem services lost and taxpayer expenses over the life of a project from a similar pipeline project in Western and Central Virginia that is being considered by the agencies. In this report findings included:

- **Lost ecosystem service value, such as for water and air purification, recreational benefits, and others accounted for: Over the two-year construction period: between \$16.9 and \$61.0 million (a one-time cost); and annually for the life of the pipeline: between \$4.9 and \$17.8 million.**
- **Annual loss of recreation tourism expenditures of \$41.3 million that supports 387 jobs and \$7.4 million in payroll and generates \$1.8 million in state and \$1.3 million in local taxes.**

These are ecological services costs and recreational losses PA DEP should consider for similar pipeline projects like AS especially in light of the water impacts and park and public land impacts that would have irreparable and lasting impacts to so many of PA waterways and parks with the linear pattern of the project.

An expert report by Cathy Kunkel and Tom Sanzillo in April 2016, "Risks Associated with Natural Gas Pipeline Expansion in Appalachia," is another recent report that shines the light on considerations and habits

**Page 4 of 14**

such as overbuilding of this industry that need to be considered as the PA DEP weighs more pipeline proposals bringing with it more wetland and stream cuts for this pipeline. To highlight, the report finds:

- *“Existing natural gas pipeline capacity is going underutilized, even as companies propose new pipelines. A 2015 report by the Dept of Energy found that from 1998 to 2013, existing pipelines in the US had an average capacity utilization of 54%”.*
- *“Southwestern Energy in the Fayetteville shale of Arkansas and in Appalachia, predicts overbuilt pipeline capacity by 2018. And vice president for Marketing and Midstream Operations for Range Resources, one of the largest Appalachian shale drillers, has stated that Range expects that “the Appalachian Basin’s takeaway capacity will be largely overbuilt by the 2016-2017 timeframe”.*
- *FERC facilitates over building...there is a lack of comprehensive planning process for natural gas infrastructure which attracts more capital into pipeline development than is necessary.*
- *Kelcy Warren, CEO of Energy Transfer Partners (ETP), “the pipeline business will overbuild until the end of time. I mean that’s what competitive people do” In a subsequent earnings call, he provided the specific example of the Barnett shale in TX: “there is no question there are certain areas that are overbuilt. For example we overbuilt in the Barnett shale. The production peaked and its now down.” (Recall ETP is the company that Williams was looking to merge with.*

It is critical that the DEP consider the full cumulative impacts along the entire pipeline path as well as pipeline cuts that are within the same watersheds and regions with multiple companies vying for various markets and competing with one another with no concern over the multiple cuts they propose. This pipeline project if approved would span nine counties of the Commonwealth and parts of Virginia and cut across, according to the FERC Draft Environmental Impact Statement (EIS), 58 HQ-CWF, MF streams and a total of at least 331 waterbodies and 250 wetlands (approximately 50.4 wetland acres). DRN notes again as indicated in our last correspondence - that it is odd that, according to the Draft EIS, there are no Exceptional Value (EV) streams listed to be proposed to be cut along this pipeline path and requests that that information be verified by the applicant and checked by the agencies especially considering various upgrades have been approved over the last year by PA agencies. On May 16, 2016, DEP updated their existing use list that can be accessed here, for example as more streams are upgraded in the state:

<http://www.dep.pa.gov/Business/Water/PointNonPointMgmt/WaterQuality/Pages/ExistingUse.aspx#.VzXIhp3D92M> .

Data and increased protections and designations by other agencies are also occurring and streams changing designations must be fully considered since these changes impact our waterways and the recreation PA is known for. Sister agencies like the PA Fish and Boat Commission have spent the last few years designating hundreds of streams as Wild Trout and Class A Wild Trout waters which would require some upgrades to HQ designation. Cross verification between those designated and newly updated lists are needed to ensure no CWF streams in the pipeline path may in fact now be HQ waters. There was just another bundle of streams being considered by the FBC for changes - The Commission proposed and approved the addition of 102 deserving stream segments to the wild trout or Class A Wild Trout List at their July quarterly meeting. And as recently as the July 23, 2016 PA Bulletin - Fish and Boat Commission has proposed changes and upgrades to more Commonwealth streams:

Class A Wild Trout Waters changes: <http://www.pabulletin.com/secure/data/vol46/46-30/1268.html> and the list of streams proposed here: <http://www.pabulletin.com/secure/data/vol46/46-30/1272.html>

Wild Trout Streams additions and revisions on July 23, 2016 – PA Bulletin:

<http://www.pabulletin.com/secure/data/vol46/46-30/1269.html> ; and the list of streams here:

<http://www.pabulletin.com/secure/data/vol46/46-30/1270.html>. Trout require cold stream temperatures and pipeline cuts often denude and cut down the riparian buffer of streams they cross unless horizontal directional drilling (HDD) is employed. These cuts are long lasting since part of the pipeline is required to remain clear. These cuts bring with it management strategies that involve killing woody growth along the pipeline every few years – often adding herbicides to the mix of contaminants impacting these tributaries. Invasive plants often colonize along these stream corridors with pipeline cuts and studies on benthic health conducted by Stroud Water Research show that many benthics, like mayflies, do not thrive where plants like multi flora rose reside along the stream buffer. These stands of monotypic invasive plants may also mean less variety for benthic macroinvertebrates which impacts diversity in the stream and in turn this impacts nutrient cycling conducted by these stream animals.

Pipelines often cite work spaces near and adjacent streams and wetlands, and the same is being proposed by AS in their application and draft EIS, which leads to increased stormwater runoff which in turn can impact water quality and temperatures for trout.

These designations and trout and benthic health must help call for effective and timely protection of these diverse and important cold water habitats of the Commonwealth and the project and Chapter 105 review must consider these changes as required by the Clean Water Act. Furthermore, with the extent of wetlands that are proposed to be cut by the pipeline, it is unclear which of these 250 wetlands are considered EV wetlands as they may be located within a HQ watershed where native brook trout thrive. Pursuant to Chapter 105.18a(a), is that the project encroachment will not have an “adverse impact on the wetland”. In order to determine if an adverse impact has occurred, the function and values of the wetlands are evaluated (PA Code 105.14.b(13)). As indicated in past comment and expert reports submitted by DRN, forested wetlands are especially vulnerable to thermal impacts and permanent changes with pipeline cuts.<sup>1</sup> EV and HQ streams and wetlands that remain in Pennsylvania should not be sacrificed for a gas pipeline project like the Atlantic Sunrise that exacerbates climate change and causes irreparable direct harm to streams that the path would cut.

In addition to sensitive waterbodies, impaired streams would also be further impacted by this project, adding injury from pipeline cuts to at least 42 streams of which many are already polluted and on the 303(d) list already due to siltation problems which is often a direct impact from pipeline cuts with open trench wet crossings (8 waterbodies proposed) and dry crossings – dam and pump or flume methods (274 waterbodies proposed) as well as blasting streams (20 waterbodies proposed but it appears that this analysis of blasting is based on USDA soils data and/or field surveys so it is not fully complete since not all areas have not been field verified). Abandoned mine drainage, sink holes, possible dewatering of streams, mine subsidence, mine fires, and other hazards are also concerns in areas the pipeline would cut where anthracite mining has been conducted – according to the FERC Draft EIS, 3.9 miles of the proposed pipeline could be in a high, moderate or low risk for subsidence which could cause potential and irreparable harm to streams, wetlands and groundwater resources.

Stream science clearly indicates that when forests (and forested streams) are cut for a pipeline and soils compacted etc. - those impacts must be considered fully by the DEP for its Chapter 105 since this impact on the land impacts watershed health. FERC’s EIS notes that 45 interior forests in the Commonwealth would be cut by this pipeline across an estimated 19.3 miles of the pipeline path through these last remaining areas of interior forest. Science and reports submitted to the DEP by Delaware Riverkeeper Network shows that

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<sup>1</sup> The Effects of Converting Forest or Scrub Wetlands to Herbaceous Wetlands in Pennsylvania, Schmid & Company Inc. 2014.

with these pipeline cuts through forests comes an additional 300 feet on either side of the pipeline cut that impacts that sensitive interior forested habitat. DRN does not believe these numbers are fully nor adequately reflected or included in the current application – the FERC Draft EIS estimates 270.4 acres of habitat would be affected during construction to these interior forests.

DRN has submitted in the past various considerations to take into account about this project in regard to segmentation and related pipeline projects, like the Leidy Transco Pipeline that would interconnect with sections of the proposed Atlantic Sunrise pipeline. The Atlantic Sunrise project is at least one of three applications and pipelines FERC has certified or is reviewing that Transco has filed that will impact Pennsylvania since the Leidy Southeast Expansion. Each of these projects leap-frog on the Leidy Pipeline system and the planned Atlantic Sunrise project would add looping sections of pipeline filling in gaps along Transco's Leidy line system, which would be located along some of the same geographic corridor as the Project. DRN's scoping comments for Atlantic Sunrise (dated August 16, 2014) requested that FERC include a consideration of impacts resulting from all inter-related projects, including Cove Point, and their potential overlapping zones of impact, in its review of the Atlantic Sunrise Project. By considering the environmental impacts of these five inter-related and functionally inter-dependent projects in separate NEPA documents, rather than completing a full Environmental Impact statement to review upgrading the Leidy line system as a whole that includes the Atlantic Sunrise Project, FERC is unlawfully segmenting its analysis in violation of its obligations under NEPA. It is important and critical with such a proposed build out of pipelines in the Commonwealth to move natural gas abroad and to other markets, and with FERC's track record of this improper segmentation as evidenced in successful litigation brought by Delaware Riverkeeper Network, that DEP also consider these other pipeline projects and the environmental impacts they will cause cumulatively as part of the state's permitting and certification process in order to best protect the Commonwealth from the rampant gas pipeline projects that are being considered, already built, or being built in the state. The court held that the Commission (FERC) violated NEPA by: "(1) segmenting its environmental review of the Northeast Upgrade Project – i.e., failing to consider the Northeast Upgrade Project in conjunction with three other connected, contemporaneous, closely related, and interdependent Tennessee Gas pipeline projects – and (2) failing to provide a meaningful analysis of the cumulative impacts of these projects to show that the impacts would be insignificant" (Delaware Riverkeeper Network, et. al. v. Federal Energy Regulatory Commission, Tennessee Gas Pipeline Company). DRN argues that FERC has continued its practice of segmenting its environmental reviews of pipeline projects, including the Leidy Southeast Expansion Project and the Atlantic Sunrise Pipeline Project. It is critical with this lack of thorough oversight at the federal level and segmentation continuing, that DEP use all regulatory measures in

**Page 8 of 14**



its authority to consider the wetlands and stormwater impacts through, Chapter 105 and Chapter 102 regulations.

Because the Commonwealth has permitted 8,191 unconventional gas wells (since Jan 30, 2015) and the scientific community has published, since April 2015 over 400 peer reviewed papers indicating harm, it is also critical that DEP use its authority and consider these beginning of pipe and end of pipe impacts that fracking and related infrastructure is causing and will exacerbate if these additional pipelines are permitted by DEP. According to Physicians for Safe Energy, 72% of these original research studies on water quality indicate potential, positive association, or actual incidence of water contamination; and 95% of all original research studies on air quality indicate elevated concentrations of air pollutants. Air pollution impacts water so all of these cumulative impacts must be considered by the DEP as part of its 404 and Chapter 105 review. And air pollution in the state already is ailing on many levels, causing harm to our waterways and the public. For example, just last week two of the five consecutive days (5/25 and 5/26/16 for Bristol, PA DEP air station) had ozone way above the 70 ppb ozone standard (90 ppb and 85 ppb). In Tioga County, three of the five consecutive days (5/24, 25, 26/16) last week were in exceedance for ozone (73, 77, and 74 ppm). These exceedances were detected by DEP's ambient air quality monitoring program.

As indicated above, perhaps DEP is changing its procedures related to 401 certification (per recent correspondence cited above) and we hope that is the case. But to reiterate from our May comment, if this is not the case, the process DEP appears to be using with this proposed certification and notice to certify that the construction, operation and maintenance of the Atlantic Sunrise Project complies with the applicable provisions of the Federal Clean Water Act puts the cart-before-the horse since DEP appears to be relying on Transco's future actions – actions and permit applications that have not been completed, submitted, reviewed and approved by the DEP and other regulatory agencies. Standard procedure in granting Section 401 water quality certifications in Pennsylvania is for PADEP to issue the Section 401 water quality certification as part of the permitting process under the Dam Safety and Encroachments Act, which is Chapter 105 of the Pennsylvania Code. *See Pennsylvania Environmental Law and Practice*, ch. 6-4.4 (8th ed. 2015) (“DEP issues its section 401 certifications as part of the permits given under the Dam Safety and Encroachments Act”). To the extent PADEP issues a Section 401 Certification for a proposed pipeline project prior to issuing a Chapter 105 Water Obstruction and Encroachment permit, PADEP is acting in direct contravention of its own procedures. Indeed, there is no procedure recognized in the Pennsylvania Code that allows for separate review of a Section 401 water quality certification and Chapter 105 and/or Chapter 102 permits. As such, it is unlawful for PADEP to issue the Section 401 Certification before

receiving final plans and other critical information necessary to ensure that Pennsylvania's water quality standards have been complied with pursuant to Chapter 105 and Chapter 102. DRN filed a lawsuit against DEP's issuance of the 401 Water Quality Certification for the Atlantic Sunrise on May 5, 2016 and filed a prior suit against the DEP on May 5, 2015 alleging the DEP improperly issued a Clean Water Act Section 401 Water Quality Certification for the Leidy Southeast Pipeline – another Williams-Transco large scale natural gas pipeline project. Similar suits were also submitted by other concerned groups on the Atlantic Sunrise 401 Water Quality Certification.

We urge the DEP, in light of the large impacts and fragmenting nature of this extensive project that would cut through 9 counties of the to view and consider all aspects of the project. As also indicated by the EPA, the application materials submitted by Williams are incomplete and significant data and resources outlines are based on only remote sensed data which means the application is far from complete. For example, in accession # 20160505-4005 appendix K-1 water bodies crossed by the Atlantic Sunrise Pipeline , there are at least 23 streams along CPL North that are designated as being surveyed with remote sensing and for CPL South another 39 streams that appear to only be remote sensed. As indicated by PA DEP on the proposed Penn East Pipeline docket, another large pressure gas line that is proposed, these non-verified remote sensed resources need to be field verified by the applicant since a state cannot issue a permit based on remote sensed data. In multiple times in the past, DRN has also documented and field verified where resources or impacts on the ground do not match the pipeline companies' observations showing the real need for scrutiny and complete information and field verification conducted by the agencies of the applicant's information (March 12, 2013 DRN letter submitted to the USACE Re: TGP NEUP and others).

Furthermore, pipeline route variations and alternate pipeline routes and even landowners who will be greatly impacted by this project, still have many questions and have yet to have all the information they need to adequately respond and comment to the full impacts this pipeline is proposing to inflict on residents of Pennsylvania. Supplemental data packages and information is still being filed by Transco and agencies are still requesting additional information from Transco, which means again, the public does not have all the information they need to adequately comment on this project. This point was made clear through testimony at the FERC EIS hearings by residents and community leaders and EPA also made this point in their correspondence.

Additional concerns and issues DRN would like to include now for DEP to consider (some of which are more regional based in Schuylkill County only just due to time for review – a more thorough review certainly would have uncovered bigger gaps):

- Due to recent failures, explosions and problems, the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) is proposing vast changes to its safety regulations for the nation's proposed gas transmission pipelines – public comment was open until July 7, 2016. How can PA DEP proceed with this harmful project while new protections are being considered? The project should be put on hold, public period extended, to incorporate these sorely needed changes to avoid future harm to waterbodies and more.
- Bedrock conditions along 70% of the route for CPL South are shallow which means **blasting** may have to occur to dig and blast bedrock to dig the pipeline trench. This also means that top soils are fragile and very thin and the pipeline will cause major disruption to these delicate soils. Blasting in streams and spring areas is also detrimental.
- Endangered bog turtle - In Schuylkill County it appears that though parts of the pipeline would cut across the Swatara Watershed where bog turtle, a federally endangered species have been found, agencies are shirking responsibility to demand a bog turtle survey be done for this endangered species in Schuylkill County full cloth. This is unacceptable being that there are known occurrences of bog turtle in Schuylkill County as recent as 2007.
- Endangered Bats - FERC's analysis does not protect federally listed bat species like the northern long eared bat and Indiana bats that have been documented at 5 portals from the Abandoned Mine Land Inventory in Schuylkill County; FERC's EIS states at least 682 acres of suitable habitat for Indiana bats will be disturbed by the pipeline (cutting of forests where bats roost). An important hibernation area of bats was also documented by Williams/Transco in Schuylkill County during January 2015 surveys – yet FERC says there will be no long term impacts to these federally listed species that are important for our agriculture community and natural pest control. Transco completed mist netting surveys for bats at 312 sites. Of the 312 sites surveyed, 277 sites were targeted and required for survey for the current project alignment. All 277 target sites, which represents 100 percent of the current alignment, were surveyed. Transco captured 70 northern long-eared bats during the mist-netting surveys. Fifty-two of these captured northern long-eared bats were radio-tagged. All but one of the northern long-eared bats were captured along the pipeline route; one was captured along an access road. Plus the surveys and complete reports have not yet been filed – so again how can the public evaluate all information if Transco is still not completed these required reports? FERC's rationale of this project “may affect, but it not likely to adversely affect the Indiana bat” is false and not in line with the federal endangered species act.

- Bald Eagles – bald eagles are on the rise in Schuylkill County and they are to be protected by the Migratory Bird Act. At least one bald eagle nest in Schuylkill County was mapped by Transco within a 0.5 miles of the pipeline route. With blasting planned for much of this CPL South route, it is highly likely this nest would be impacted. Fish and Wildlife Service National Bald Eagle Nest guidelines note distances of: 330 feet if the activity would not be visible from the nest; 660 feet if the activity would be visible from the nest; and 0.5 mile from blasting activities. This blasting at this area would directly impact Schuylkill County’s bald eagle populations.
- Steep Slopes – 49.8 miles of the pipelines 197.7 miles are along steep slopes – about 25% of the entire pipeline route! On CPL South that would run through Schuylkill County--- 22.8 miles of steep slopes to be impacted with a total of 35.8 miles of 15-30 % steep slopes to be impacted for the entire AS route. And 14 miles of slopes greater than 30% --- that is a total of 49.8 miles of this pipeline crossing steep slopes ( that’s --- large chance of erosion and blowouts and pollution into local streams as have been documented time and time again when forests are cut and soils are eroded during heavy rain storms along similar pipeline construction routes in PA). One company was fined over \$300,000 by PA DEP for pollution to nearby waterways (no fines issued by FERC). In this instance the pipeline company had a 92% failure rate! This small fine is a slap on the wrist to these companies with such a gross failure rate and meanwhile the community and local water quality suffers permanent harm.
- Old Landfill ID’d at MP 66.8 –it was verified under the PADEP landfill database (2015) – old landfill – therefore FERC recommends Transco provides mitigation measures to reduce contamination. In Schuylkill County, there has been much illegal dumping over the decades. What has FERC and DEP required of Transco to document similar rural community harms that may be lurking below the surface along the route? These investigations are missing or grossly inadequate from the application.
- Nearby Swatara Creek Water Trail The Swatara Creek Water Trail is a 42-mile-long segment within Swatara Creek extending from Jonestown (Lebanon County) to the PFBC’s Middletown access in Middletown (Dauphin County). The PFBC designates water trails; however, individual trails are created and maintained by volunteers, property owners, and associations (PFBC, 2005). Water trails are boat routes suitable for canoes, kayaks, and small motorized watercraft. Like conventional trails, water trails are recreational corridors between specific locations. Water trails are comprised of access points, boat launches, day use sites, and overnight camping areas (PFBC, 2014). CPL South

would cross Swatara Creek near MP 49.3 on a parcel of land owned by the Commonwealth of Pennsylvania in Lebanon County. The waterbody is about 145 feet wide at the crossing site, which is about 0.5 mile from the nearest access point.

- According to testimony at a public hearing, the south Township engineer has requested directional boring across streams instead of the dam and pump method proposed to minimize impacts on streams and adjacent wetlands

As indicated in our May correspondence, DEP's own "Pipeline Taskforce" called for better and more meaningful public participation was needed with pipelines. "Pennsylvania will see as many as 30,000 miles of new pipeline built over the next 20 years to take...gas resources of the Marcellus and Utica Shales to market," the Department of Environmental Protection Secretary, John Quigley, said. Secretary Quigley stated he expects the industry to add 20,000-25,000 miles of gathering lines, smaller pipelines that connect gas wells to processing plants or main transmission lines. He said an additional 4,000 to 5,000 miles of interstate pipelines will be built over the next 20 years. According to StateImpact, the panel includes industry representatives, federal, state and local government officials, end-users, state lawmakers, farmers, and emergency preparedness officials. All of this gas development infrastructure would bring irreparable harm to our water resources for an unsustainable and heat trapping methane source that will exacerbate the impacts of climate change.

For these reasons and the outlined impacts, expert reports, testimony, agency correspondence, DRN objects to DEP's issuance of the Chapter 105 permit for the Atlantic Sunrise pipeline project and requests DEP deny the application outright. We also urge the PA DEP to formally issue more time for the public to contribute important and meaningful information as Williams -Transco continues to submit applications and supplemental information on the record on the harm it plans to inflict to the Commonwealth. A series of public meetings up and down the 195-mile pipeline path so the impacted landowners have the opportunity to comment would also still be very beneficial to the PA community in addition to the extension of comment that was provided. Thank you for your time and consideration.

Sincerely,



Maya K. van Rossum  
the Delaware Riverkeeper

Delaware Riverkeeper Network

Enclosures:

Spencer Philips, "Economic Costs of the Atlantic Coast Pipeline," February 2016.

Jannette M. Barth, Ph.D., Pepacton Institute LLC, "Review of PennEast Pipeline Project Economic Impact Analysis", April 4, 2016.

DEP Letter to FERC Re: Atlantic Sunrise 401 permitting dated June 27, 2016.

Cathy Kunkel and Tom Sanzillo, April 2016, "Risks Associated with Natural Gas Pipeline Expansion in Appalachia"

EPA Letter to FERC on AS DEIS dated June 27, 2016

Schmid & Company, The Effects of the Proposed PennEast Pipeline on Exceptional Value Wetlands in Pennsylvania, July 2016.

- cc. Federal Energy Regulatory Commission
- US Army Corps of Engineers
- US Fish and Wildlife Service
- PA DCNR
- PA Fish and Boat Commission
- EPA