

June 26, 2017

Kevin S. White, P.E.
Environmental Group Manager
Pennsylvania Department of Environmental Protection
Northeast Regional Office, Wetlands & Waterways
2 Public Square
Wilkes-Barre, PA 18701-1915

Re: PennEast Pipeline Company, LLC
Response to PADEP's Administrative Incompleteness Review Letter #3
APS ID 893363, AUTH ID 1111983
DEP Application No. E48-435
Lehigh Township, Moore Township, East Allen Township, Upper Nazareth Township,
Lower Nazareth Township, Bethlehem Township, Easton City, Lower Saucon
Township & Williams Township
Northampton County

Dear Mr. White:

Pursuant to the PennEast Pipeline Project (Project) and on behalf of PennEast Pipeline Company, LLC (PennEast), AECOM respectfully submits this response to the Pennsylvania Department of Environmental Protection's (PADEP) administrative incompleteness review letter, dated December 23, 2016. AECOM has addressed the items that the PADEP listed for resubmittal or submission of additional information to supplement PennEast's original application.

The PADEP's Items for Resubmittal or Submission of Additional Information

- 1. (Comment #1 from Incompleteness Review Letter #2)(Original Comment #3)
Please provide the resolution of potential impact to threatened and endangered species from the Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Fish & Boat Commission, Pennsylvania Game Commission and U.S. Fish and Wildlife Service. Please request/provide county specific letters from the agencies indicating that county specific impacts are resolved. [25 Pa. Code Section 105.14(b)(5)]**

To date, we have not received clearance letters from the Pennsylvania Department of Conservation and Natural Resources, Pennsylvania Fish & Boat Commission, Pennsylvania Game Commission, or U.S. Fish Wildlife Service. Please provide.

AECOM Response:

PennEast is working diligently to complete surveys for threatened and endangered species in Northampton County. To date, surveys have been completed for the Indiana bat (*Myotis sodalists*) and the northern long-eared bat (*Myotis septentrionalis*).

Surveys for the following species have been completed except where restricted by season constraints or landowner access: bog turtle (*Glyptemys mühlenbergii*), Allegheny woodrat (*Neotoma magister*), eastern small-footed bat (*Myotis leibii*), lesser snakeroot (*Ageratina aeromatica*), and spotted pondweed (*Potamogeton pulcher*). PennEast plans to complete rare plant surveys in summer 2017; the remaining outstanding surveys will be completed after PennEast gains legal authority to conduct surveys on 100% of the Project workspace.

In its recent letter dated February 15, 2017, the U.S. Fish and Wildlife Service (USFWS) requested that PennEast expand the northeastern bulrush surveys currently underway for wetlands above 1,300 feet in elevation in Northampton County to also include wetlands above 790 feet in elevation in Luzerne, Carbon and Northampton Counties. PennEast plans to complete these surveys in summer 2017.

PennEast continues to coordinate with the USFWS, Pennsylvania Department of Conservation and Natural Resources (PADCNR), Pennsylvania Fish & Boat Commission (PFBC), and Pennsylvania Game Commission (PGC) regarding potential impacts to threatened and endangered species. PennEast anticipates that it will receive a clearance letter from each agency that encompasses the entire Project area once all surveys have been completed and/or acceptable conservation measures have been agreed upon.

PennEast recognizes that its Joint Permit Applications (JPAs) may not be deemed administratively complete until the clearance letters are received per the PADEP's *Policy for Implementing the Department of Environmental Protection Permit Review Process and Permit Decision Guarantee* (Document Number 021-2100-001). However, the PADEP's *Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination during Permit Review and Evaluation* (Document Number 021-0200-001) allows for a concurrent review of the permit application while the permit applicant completes PNDI coordination. As discussed during the October 21, 2016 meeting with the PADEP, US Army Corps of Engineers (USACE), and PennEast representatives, PennEast respectfully requests that the PADEP conduct a concurrent review as described in the policy, with the understanding that PADEP cannot issue permits until after the PADCNR, PFBC, PGC, and USFWS provide clearance letters for the Project.

PennEast is committed to working with the USFWS, PADCNR, PFBC, and PGC to resolve potential adverse impacts to protected species. Surveys on currently inaccessible parcels will be conducted at the appropriate time of year so that potential impacts can be properly assessed, or appropriate mitigation measures will be discussed with each lead agency to avoid and minimize potential adverse impacts.

- 2. (Comment #3 from Incompleteness Review Letter #2) Upon further evaluation by the DEP and in accordance with the 25 Pa. Code Section 105.13(e), complete delineation of impacts to wetlands, streams, and floodways needs to be provided for DEP to perform the required environmental review of the application and make a proper permit decision. The impacts to wetlands, streams, and floodways cannot be based on remote sensing. Title 25 Pa. Code Section 105.13(e)(1)(i)(A)**

requires a complete demarcation of the floodplains and regulated waters of this Commonwealth on the site. This requirement will not be waived under 25 Pa. Code Section 105.13(k) as remote sensing or natural wetland inventory data alone may not identify all wetlands, streams, and floodways present, nor does it adequately identify any unique characteristics of the wetlands, or the functions they provide. As such, the remote sensed impacts for all resources will require in field verification, and all relevant portions of the application will need to be revised prior to making a permit decision. [25 Pa. Code Section 105.13(e)]

AECOM Response:

PennEast understands that the PADEP is unwilling to accept the JPAs as administratively complete until all required wetland and watercourse delineations are complete. At this time, PennEast has completed delineations for a majority of the workspace in Northampton County (79%), but is awaiting the issuance of a Certificate of Public Convenience and Necessity from the Federal Energy Regulatory Commission (FERC) to complete surveys on the remaining 6 miles of study corridor in Northampton County. Due to unanticipated delays in the FERC review process that are beyond PennEast's control, PennEast respectfully requests an extension to submit the modified permit applications until it has the legal authority to conduct surveys on 100% of the Project workspace. PennEast anticipates submitting revised permit applications by December 29, 2017.

Thank you for your time and effort in reviewing the JPA. We look forward to continue working with the PADEP in the coming months. Please feel free to call me at (610) 832-2713 if you need any additional information.

Sincerely,

AECOM



Sarah K. Binckley
Biologist

cc: Jeff England, UGI Energy Services
Glenn Weitknecht, US Army Corps of Engineers
John Hohenstein, PADEP Southeast Regional Office