

## RESPONSE TO DRAFT PENNEAST TO FERC RESOURCE RPT 3 (FISHERIES, WILDLIFE ETC) 04.21.15

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PennEast Pipeline's *Draft FERC Resource Rpt 3 (Fisheries, Wildlife, etc.)* is rife with errors and gaps.

**PENNEAST DOCTORED CITED INFORMATION** to downplay Baldpate's significance as an Important Bird Area.

PennEast ignored FERC documented testimony while selectively cherry-picking data from the Internet, then reported it out of context. PennEast continues to distort the scale, scope, and severity of their project's impacts.

### 3-11 | 3.3.1 | EXISTING RESOURCES

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#### **NOT TRUE—ENTIRE NEW JERSEY ROUTE IS IN THE PIEDMONT!**

PennEast proclaims: *"The NJ portion of the proposed Project lies within the mid-Atlantic coastal plain land form (Bailey 1998)."*

NJ DEP's own map states: *"The Piedmont Province... occupies all of Hunterdon, and parts of Mercer...major linear ridges are underlain by igneous rocks":* <http://www.nj.gov/dep/njgs/enviroed/infocirc/provinces.pdf> — not the Coastal Plain's gravelly or sandy *"unconsolidated deposits"* found in the Pine Barrens or the Jersey Shore. After three re-routes, PennEast still fails to grasp the foundations of their proposed project. Echoes repeated requests for County route maps in Pennsylvania met with maps from New Jersey 85 miles away.

### 3-25 | 3.4.1.2 | MIGRATORY BIRDS

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#### **PENNEAST BLOWS OFF A PENNSYLVANIA SPECIES IN SERIOUS TROUBLE NATIONALLY**

PennEast reports: *"The Natural Lands Trust indicated in verbal comments to field survey crews that habitat for the golden-winged warbler (*Vermivora chrysoptera*) is located within portions of the project in PA; this species is currently being reviewed for potential listing under the ESA by USFWS. PADCNr confirmed at a pre-survey meeting (March 18, 2015) that this species is of special concern in PA because it "may" become threatened (PADCNr 2015b). However, because the golden-winged warbler is not currently listed under the ESA as threatened, endangered, or candidate, it will be evaluated in the same manner as other migratory bird species of concern discussed in this report."*

PennEast omitted my Carbon County, PA Rhodora wetlands breeding site report while blithely dismissing the species' seriously imperiled status pending a Federal Threatened/Endangered listing—legal, but underhanded. Statistics show drastic decline, and Pennsylvania an important home to populations:

*"Golden-winged warbler populations have shown such a dramatic decline in recent years that the bird is currently being considered for listing as threatened under the Federal Endangered Species Act. Only four of these little songsters were banded at the museum's station in 2010... Pennsylvania is home to important populations of the golden-winged warbler, and may be critical for overall tracking of the species' stability.*

<http://www.carnegiemn.org/adopt/100/goldenwinged.html>

*"During the past 45 years, the Golden-winged Warbler [GWWA] has experienced one of the steepest declines of any North American songbird. The decline in the Appalachian Mountains is especially alarming—a 97.8% population loss from 1966 to 2010 and a 61.7% loss over the last decade..."* And <http://www.audubon.org/news/global-study-reveals-extent-habitat-fragmentation> *"For instance, "if you have less than 70 percent forest cover at a*

landscape scale, Golden-winged Warblers don't like it." The same is true for songbirds like Vesper Sparrows and Cerulean Warblers, who respectively seek territory that's at least 40 hectares and 200 hectares in size. There's also the entire "edge effect" to consider: The more habitat shrinkage that occurs, the more birds will be exposed to predators and contaminants lurking on the outskirts."

[http://www.allaboutbirds.org/bbimages/clo/pdf/GWWA-APPLRegionalGuide\\_130808\\_lo-res.pdf](http://www.allaboutbirds.org/bbimages/clo/pdf/GWWA-APPLRegionalGuide_130808_lo-res.pdf)

PennEast could have ATTEMPTED to avoid those sites, barring that propose measures to fully restore both temporary and permanently cleared ROW soils and wetlands. Restore vegetation to prior GWWA habitat. Carbon's Rhodora swamp site would require fully restoration with replanting of wetland and scrub barrens species in the temporary ROW, while allowing saplings to flourish in the permanent ROW, via minimal and well-timed mowing, without herbicides or pesticides, and agreeing to maintain habitat in virtual perpetuity.

3-25 | 3.4.1.2 | MIGRATORY BIRDS | NEW JERSEY

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### **PENNEAST FAILS TO CORRECTLY ACKNOWLEDGE TESTIMONY SOURCE**

*"The FERC received a comment from NJ Audubon Society about Baldpate Mountain and its importance to migratory birds. The project does cross this locale and it is discussed further under Important Bird Areas."*

**NOT TRUE!** Washington Crossing Audubon (WCAS) submitted both oral testimony and exhaustively documented comments to FERC on several occasions about the importance of Baldpate Preserve. WCAS is the local chapter of National Audubon. New Jersey Audubon Society has not commented, at least not as of late May.

3-25 | 3.4.1.2 | MIGRATORY BIRDS

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### **PENNEAST DEFIES USFWS'S REQUEST TO AVOID IBAs—15.4% OF ROUTE CROSSES IBAs**

PennEast acknowledges... *"Migratory birds are protected under regulations including the Migratory Bird Treaty Act (MBTA)... The Important Bird Area (IBA) program was started in Europe in the 1980s by...a global coalition of partner organizations... In the United States, the National Audubon Society administers the IBA program to identify and conserve a network of sites that provide critical habitat for birds"...*

...while quoting USFWS guidelines (below.) Yet PennEast fails to adhere to those guidelines by having 15.4% of their route cross six+ IBAs. 17 out 110 miles pass through Hickory Run State Park IBA, Kittatinny Ridge IBA, Musconetcong Gorge IBA, Everittstown Grasslands IBA, Baldpate IBA, and Pole Farm IBA, while just skirting the Green Pond Marsh IBA. In Baldpate's case PennEast deceptively pronounces they're "co-locating\*" while likely creating a second, parallel corridor for possible combined 267'-410'+ wide clearing (more later).

*"Avoid permanent habitat alterations in areas where birds are highly concentrated. Examples of high concentration areas for birds are wetlands, State or Federal refuges, Audubon Important Bird Areas [IBA], private duck clubs, staging areas, rookeries, leks, roosts, and riparian areas... To conserve area-sensitive species, avoid fragmenting large, contiguous tracts of wildlife habitat, especially if habitat cannot be fully restored after construction. Maintain contiguous habitat corridors to facilitate wildlife dispersal."*

From page 65, Appendix 3B, "USFWS Adaptive Management Practices for Conserving Migratory Birds"

## PENNEAST OBSCURES TRUE SIZE OF BALDPATE PRESERVE, DOWNPLAYING IMPACTS?

PennEast states: *“Baldpate Mountain is a 9,946 acre NJ Audubon Society designated IBA located in Mercer County. It is part of the overall Sourland Mountains region (which itself is also an IBA crossed in a small section at MP 98.2) and includes the Baldpate Mountain Preserve, which is crossed by the Project where indicated in Table 3.4-3. Moore’s Creek runs along the northern edge of the site and flows into the Delaware River at the IBA’s western border. Fiddler’s Creek runs slightly to the south and east of the site. The IBA is characterized by relatively steep, rocky and mostly forested slopes and includes orchards, fallow fields and a small man-made pond associated with an old farmstead. In March of 2007, local and state leaders renamed the preserve the Ted Stiles Preserve at Baldpate Mountain, to honor the relentless efforts of Edmund (Ted) Stiles to preserve 1100 acres of Baldpate Mountain (National Audubon Society, 2015).”*

PennEast failed to clearly—but critically—distinguish between the larger, fragmented 9,946 acre Baldpate Mountain “parent” IBA (mostly western end of main Sourland Mountains ridge)—and the much smaller, and isolated yet vital, 1,520 acre mountain preserve known as “Ted Stiles Preserve at Baldpate Mountain.” Were one to calculate size based on PennEast’s boundaries: *“Moore’s Creek runs along the northern edge of the site and flows into the Delaware River at the IBA’s western border. Fiddler’s Creek runs slightly to the south and east of the site”*, and logically assume the northeastern and eastern limits to be Pleasant Valley and Bear Tavern Roads, then that would yield only an estimated 1700-1800 acres for the entire mountain. PennEast further muddled the issue with their *“MP 98.3 to MP 105.2”* milepost measurements, probably correct for the IBA, but not the Preserve. PennEast also failed to note the mostly forested mountain itself is isolated—2.5 miles distant from similarly forested parts of the parent IBA. PennEast buried the part about the actual Preserve at Baldpate being 1,100 acres (now up to 1,520 acres thanks to decades-long efforts to prevent further development.)

Is PennEast suggesting that blasting and clear-cutting a 75'-125' wide, 2.63 long ROW beside a 285' easement with a cleared 100' ROW running up the mostly forested spine of Baldpate Mountain would ONLY be a minor cut to a nearly 10,000 acre IBA, rather than a major hit to the CORE of an isolated VIP Preserve?

## PENNEAST DELIBERATELY DOCTORS CITED TEXT TO MINIMIZE SIGNIFICANCE OF BALDPATE PRESERVE

PennEast copied and pasted from New Jersey Audubon’s website, then **ALTERED** key words that pointed out Baldpate’s “exceptional” and “significant” importance to breeding birds—hoping FERC wouldn’t notice?

PennEast: *“The deciduous forests of Baldpate Mountain provide breeding habitat for the state-endangered Red-shouldered Hawk as well as the state-special concern Cooper’s Hawk. Additional forest breeders include: Yellow-billed Cuckoos, Chimney Swifts, Northern Flickers, Eastern Wood-Pewees, Kentucky Warblers, Wood Thrushes and Gray Catbirds. Scrub-shrub species include the Wild Turkeys, Pine Warblers, Prairie Warblers and Eastern Towhees. Conservation priority species occurring at Baldpate Mountain include Hairy Woodpeckers, Carolina Chickadees and Brown Creepers. This site supports a wide variety of breeding landbirds and provides stopover habitat for migratory birds (NJ Audubon, 2014).”*

New Jersey Audubon’s website, and their IBA Guide © 2010, correctly state: *“This site supports an exceptional diversity of breeding landbirds and provides significant stopover habitat for migratory birds”*

<http://www.njaudubon.org/SectionIBBA/IBBASiteGuide.aspx?sk=3173>

## **PENNEAST OMITTS WASHINGTON CROSSING AUDUBON'S TESTIMONY TO FERC ABOUT BALDPATE PRESERVE**

PennEast omitted nearly all of Washington Crossing Audubon's (WCAS) copiously documented FERC testimony detailing the critical importance of Baldpate to migratory birds (inconvenient?), while inserting unsolicited data from New Jersey Audubon's website in 2014 (quoted above.)

PennEast failed to note WCAS's listing of "30 species of conservation concern" breeding at Baldpate. PennEast failed to include 10 of WCAS's reported Warbler species, three Vireos, a Thrush, and two Tanagers. PennEast failed to mention "sixty-one species of conservation concern" migratory species that use Baldpate as stopover habitat. PennEast failed to report Baldpate as wintering Long-eared Owl habitat.

*WCAS: "The alternate route bisects Baldpate Mountain, an outlier of the Sourland Mountain, which is largely forested with large areas of high quality understory, resulting in the largest concentration of understory or ground layer forest breeding birds in central New Jersey, including Hooded, Kentucky, and Worm-eating Warblers. Thirty species of conservation concern nest at Baldpate Mountain either in the interior forest or in the adjacent forest edges and old fields. Nesting species include thirteen species of Warblers, the Yellow-breasted Chat, three vireo species, and two tanager species. Many more species use Baldpate as a migratory stop, including sixty-one species of conservation concern, including fifty species of Nearctic-neotropical migrants. The New Jersey threatened Long-eared Owl has winter roosts at Baldpate Mountain."*

## **BALDPATE MTN., OUR MERCER COUNTY PARK JEWEL, HAS LARGEST CONTIGUOUS FOREST TRACT IN THE COUNTY!**

Baldpate Mountain's 1,480 contiguous acres of forest, with its many 100-120 year old trees, is the largest unbroken forest in all of Mercer County. JCP&L's ROW bisected Baldpate's forest longitudinally by slicing diagonally up Baldpate's spine with current 100' wide cleared corridor. PennEast would compound that insult by taking another, nearly adjacent, 75-125' wide, 2.6 mile long construction ROW on JCP&L's SOUTH side, closer to the forest core, razing 27-38 acres of forest in the process. The combined JCP&L and PennEast ROWs would leave a wider 267'-410' swath marching up the mountain (Baldpate Mohawk?\*\*), further separating two forested mountain halves. The 300' deep deleterious "edge effect" would not just affect Baldpate's summit, but reach down into its southern flanks.

### **\*NOT IN REPORT, BUT RELEVANT: WHY PENNEAST CANNOT CO-LOCATE WITHIN JCP&L ROW AS ADVERTISED**

While JCP&L's cleared ROW on Baldpate is only 100', their entire easement is 285' wide. JCP&L reportedly reserves the remaining 185' for possible second, "twin" set of transmission towers. Thus two 92.5' wide uncleared strips line their cleared corridor. Since safety concerns prohibit gas pipelines from passing BENEATH high voltage lines, PennEast must instead run OUTSIDE of JCP&L by taking an entirely new 50' permanent ROW, with a 75-125' construction ROW\*\*\*.

Thus the EFFECTIVE cleared and blasted ROW will be closer to a **COMBINED 267.5'** (100'+ 92.5'+ PE's 75') – **317.5' ROW** (100'+ 92.5'+ PE's 125'), or even ultimately a **410' WIDE ROW** (should JCP&L expand), 2.63 mile long swath (with possible 92' wide strip of mangled trees in between—\*\*Baldpate Mohawk?) Currently PennEast proposes to run their ROW on the SOUTHERN, UPSLOPE side of JCP&L's and POSSIBLY ON THE RIDGE TOP thus blasting and cutting ever deeper into the forest core. Baldpate stands to lose at least 32 acres if construction ROW width is 100', 40 acres if width is 125'\*\*\*.

Moreover PennEast has failed to explain how they would ascend this steep diabase ridge diagonally while trenching laterally up steeply angled slopes. Extensive blasting be required? Demand access roads? Lobby for huge staging areas, possibly on flatter ridgetop for easier access to JCP&L's south side = further intrusions into summit's forested core? With breeding territories already saturated, wildlife would have nowhere to go. This 267.5' to potentially 400' wide, 2.6 mile long swath of devastation could spell the death knell to one of New Jersey's most vital migratory bird stopover and breeding sites, not to mention its uncommonly rich flora, fauna, history, and treasured recreational opportunities.

\*\*\*PennEast has been very vague —100s of ROW feet are in play within 400' survey corridor whose center runs south of Pleasant Valley Parking lot—see last page

## **PENNEAST FAILS TO REPORT ON ROCK HOPPER TRAIL/UNITED WATER AREA IN THE SOURLANDS, W. AMWELL**

PennEast ignored its Migratory Birds of various concern and Eastern Box Turtle, NJ Reptile Species of Concern.

**3-27 | 3.4.1.2 | MIGRATORY BIRDS | NEW JERSEY | POLE FARM (MP 110.3-110.9)**

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### **PENNEAST CHERRY-PICKED DATA FROM THE NJ AUDUBON'S WEBSITE—AGAIN!**

PennEast on the Pole Farm IBA: *“The Pole Farm IBA, located in Mercer County, is 1,602 acres in size. State species of concern northern harriers have been observed to winter here. The Pole Farm section of Mercer Meadows was originally the location of the American Telephone and Telegraph (AT&T) shortwave international telecommunication station from 1929-1975. To create their facility, AT&T purchased several family farms, relocated the farmhouses, and clear-cut much of the property. Two transmitter buildings were constructed on the southern end of the property, and the remaining fields housed the steel antenna arrays and later, many rhombic antennas. These fields were grazed by a local farmer’s livestock. Farming continued on much of the property until Mercer County purchased the land in 1998. A small portion of the Pole Farm was leased to farmers, but the majority of the fields are currently native grasslands. Today, the park consists of 435 acres of grassland, including wetland meadows, and approximately 380 acres of shrubland and second growth forest (NJ Audubon, 2014).*

<http://www.njaudubon.org/SectionIBBA/IBBASiteGuide.aspx?sk=2938>

**IF PENNEAST HAD ONLY REPORTED THE NEXT, FOLLOWING PARAGRAPH TO FERC,** they would know why the Pole Farm (incl. Reed/Bryant side—both part of Mercer Meadows) is a critical Grasslands IBA:

*“As many as 11 Northern Harriers have been observed wintering at the Pole Farm. Northern Saw-whet Owls, Long-eared Owls and Short-eared Owls also winter at this site. Regional responsibility species regularly breeding in forested habitats at the Pole Farm include Wood Thrush, Eastern Wood-Pewee, Chimney Swift, Gray Catbird, Sharp-shinned Hawk, Northern Flicker and Wild Turkey. Shrub/scrub species include Blue-winged Warbler, Field Sparrow, Eastern Towhee and Wild Turkey. Grasshopper Sparrows, Bobolinks, American Woodcocks and American Kestrels nest within the site’s grassland habitats.”*

NJ State Threatened Bobolinks, Grasshopper Sparrows, American Kestrels and State Species of Concern Eastern Meadowlarks breed at the Pole Farm now. I’ve observed territorial Meadowlarks singing June and July 2014 from triangle of land on the western corner of Blackwell and Federal City Rds.

Besides NJ State Threatened Northern Harriers, Long-eared Owls, and Short-eared Owls wintered at the Pole Farm and Mercer Meadows in 2014-2015. Rough-legged Hawks and Northern Saw-whet Owls also wintered here in 2014-2015. Short-eared Owls were reported over Federal City and Blackwell Road fields this past winter. .

PennEast is again duping FERC and the public by ignoring data?

**3-33 | TABLE 3.5-1 | FEDERALLY AND STATE LISTED SPECIES | MAMMALS | BOBCAT**

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*“Bobcat (Lynx rufus), currently an endangered species in the state of NJ... However, given the developed and fragmented nature of the areas crossed by the proposed Project, it is unlikely that the large tracts of habitat necessary to support this species are present or that bobcat would be expected in the Project area.”*

PennEast dismisses this NJ State Endangered species as “unlikely”, yet Bobcats have been reported in the project area’s vicinity and documented with photographs.

**PENNEAST CLAIMS NO NEED TO SURVEY NORTHERN COPPERHEAD BECAUSE NOT ON PUBLIC LAND—NOT TRUE!**

*“ENSP stated no surveys required as all occurrences are on private land.”*

I testified to FERC at Ewing hearing about my documented record of this NJ State Listed Reptile Species of Concern (ENSP) breeding at Baldpate Preserve in 9/2014, Hopewell Twp. Followed up with comments. But NJ ENSP accidentally told PennEast “none on public land, so need to survey” forgetting PennEast changed their route yet again and last minute. Given I informed PennEast TWICE, that’s no excuse. ENSP has since asked for a survey. ENSP also reports this species at Goat Hill, thus possible near Rock Hopper Trail/United Water area above Lambertville.

*ENSP CONFIRMED THIS IS “VERY LIKELY” SOUTHERNMOST SITE IN ALL OF NJ and “surprising” news. Experts confident only known occurrence in all of Mercer County, likely first verified report in 30-40 yrs. Exciting news indeed for an “extremely rare” NJ species...*

*Baldpate is a very narrow forested rocky ridge ONLY ABOUT .625 MILES WIDE MOST OF ITS LENGTH.... Species requires large territories over 1 mile wide. Baldpate is too narrow already. Cannot afford to lose more rocky forest...*

*CAN'T RELOCATE SINCE OVERWHELMING DEN SITE FIDELITY...*

*DENS VERY VULNERABLE TO BLASTING...if blasting is in close proximity to dens in our mountainous regions, there is always the chance that the subsurface den structure/cavity may shift. This shift could lead to deaths by direct impact or could bury snakes alive. The blasting that is done around already existing pipes is often at a lower level (I forget the term used) in order to not damage the existing pipes. However, I've seen those blasts and they do not appear to be very subtle and I have serious concerns about structural shifts...*

*VEGETATION MANAGEMENT: Poses great risk to all reptiles, amphibians and small mammals...*

*HAWK GAUNTLETS: “Predators/scavengers: The clearing and potential widening of the ROWs creates a “hawk gauntlet” that these terrestrial bound critters must navigate. Reptiles and amphibians are creatures of habitat. If they normally travel east to west from dens to foraging grounds, they'll continue to do so even with a new habitat bisection. This is why we see amphibians dying on roads - they move from their hibernacula to their breeding pools en masse....*

*SUN DAMAGE & FOREST MICRO-CLIMATE CHANGES: “The ROW has limited cover and therefore, amphibians traversing the ROW will likely have greater exposure to the sun and/or intense heat and therefore, risk desiccation. Even if they plant grasses on the ROW, that takes time and during drought years (which we see more and more of), will provide little assistance...Loss of adjacent forest: The widening of the easement (both temporary work space and permanent easement), decreases the foraging habitat for our forest-dwelling reptiles and amphibians.”*

*CANNOT MITIGATE: Baldpate is a rocky island of forest surrounded by fields, farms, and high speed, high volume roads. Cannot travel 3 plus miles to reach other suitable habitat north of Rt. 518 in Lambertville where PennEast would also be blasting diabase.*

**PENNEAST—BOTH ATLANTIC & SHORNOSE STURGEON ARE FEDERALLY ENDANGERED**

PennEast’s table shows:

*“Atlantic Sturgeon—Federal status—Not Listed”*

*“Shortnose Sturgeon—Federal status—Not Listed”*

Atlantic Sturgeon became Federally Endangered in 1/31/2012. Shortnose Sturgeon listed as Endangered March 11, 1967 by the Endangered Species Preservation Act of 1966 and again Endangered Species Act of 1973.

Elsewhere PennEast reports *“PFBC requiring HDD for Delaware River crossing to avoid sturgeon impacts.”*

**PENNEAST FAILS TO REPORT FEDERALLY PROTECTED ROSEDALE BALD EAGLE NEST IN HOPEWELL, NJ**

PennEast says of Federally Protected Bald Eagles: *“In NJ... One nest is known from an electric transmission line tower in the vicinity of Lambertville, NJ; this is several miles away from the Project corridor.”*

**Not True! NJ ENSP confirmed Bald Eagle nest in Hopewell Township near proposed terminus on March 22, 2015 with report sent to USFWS.** Sharyn Magee of Washington Crossing Audubon testified about this Federally protected and NJ State Endangered species at February’s FERC hearing and sent comments and nest photos to FERC in February 2015. Mating photos at Rosedale sent to NJ ENSP. The Eagles use Rosedale Lake area for nesting, Rosedale Lake and Stony Brook corridor for hunting, courtship and mating, and Honey Lake, Curlis Lake near Curlis Woods, Pole Farm and Blackwell Road fields (proposed Terminus) for hunting and courtship.

**PENNEAST FAILS TO CONFIRM MANY NJ STATE LISTED SPECIES, FOR EX....**

*“The American Kestrel (*Falco sparverius*) is a NJ threatened species that was identified by the NJ Natural Heritage Program (NJDEP-NHP) as potentially occurring within the Project area (NJDEP NHP 2014, NJDEP-NHP 2015). Areas of concern include along the NJ sections of the PennEast Pipeline Project in Hunterdon County and Mercer County, NJ.”* The American Kestrel is a NJ ENSP documented breeder in the Pole Farm and Reed Bryant sections of Mercer Meadows.

*The Bobolink (*Dolichonyx oryzivorus*) is listed as threatened in the state of NJ. This species was identified by NJDEP-NHP as potentially occurring within the NJ portion of the Project area in Hunterdon County and Mercer County, NJ (NJDEP-NHP 2015).* The Bobolink is currently breeding in the Pole Farm now and is an NJ ENSP documented breeder there.

*“The grasshopper sparrow (*Ammodramus savannarum*) is listed as having a threatened population in NJ... The NJDEP-NHP listed the grasshopper sparrow as potentially occurring in suitable open areas along the NJ sections of the project in Hunterdon County and Mercer County, NJ... Although grasshopper sparrows may use small grasslands, open areas of over 100 acres are favored... In addition... lespedeza (*Lespedeza spp.*)... provide sparrow habitat. Habitats may become unsuitable for nesting grasshopper sparrows if shrub cover becomes too dense. Consequently, the presence and density of grasshopper sparrows at breeding sites varies annually due to habitat changes.”*

Grasshopper Sparrows (GRSP) are documented and current breeders at the Pole Farm including Federal City fields near Blackwell. PennEast should avoid inadvertently suggesting that ROWs and invasive lespedeza will be beneficial to GRSP. Chinese lespedeza must be prevented from colonizing ROWs without use of herbicides. Chinese lespedeza crowds and out-competes native species, is virtually worthless to native wildlife, and deer won’t browse so spreads uncontrollably. Am unaware of Grasshopper Sparrows using Chinese lespedeza in Central Jersey ROWs.

**PENNEAST FAILS TO CORRECTLY CHECK OFF SPECIES IN APPENDIX 3C-1**

Bald Eagle missing from “*NJ Mile Post/ County/State of Potential Occurrence within Project Area*” check box  
 Kentucky Warbler missing from “*NJ Mile Post/ County/State of Potential Occurrence within Project Area*” check box  
 Short-eared Owl missing from “*NJ Mile Post/ County/State of Potential Occurrence within Project Area*” check box  
 Osprey missing from Mercer County check box—regular summer visitor to Rosedale Lake, pair seen Spring 2015

**PENNEAST FAILS TO CORRECTLY CHECK OFF SPECIES IN APPENDIX 3C-2**

Short-eared Owl missing from “*NJ—County/State of Potential Occurrence within Project Area*” check box  
 Kentucky Warbler missing from “*NJ—County/State of Potential Occurrence within Project Area*” check box  
 Veery missing from “*PA—County/State of Potential Occurrence within Project Area*” check box (seen by me in Carbon)

**FERC, PLEASE NOT AN ‘ENVIRONMENTAL ENRON’...**

*PennEast to FERC Resource Rpt 3 (Fisheries, Wildlife etc) 04.21.15* at best reads like a ‘Recycled Resource Report’ from an entirely different pipeline project. At its worst, and I think more accurately, it reeks of company policy to downplay and cloak impacts before FERC notices. By cutting corners, altering cited data, rushing, and now showering cash in the guise of “grants” to those with influence—PennEast has demonstrated it will do whatever it takes to win approval—and get ‘there’ (overseas?) first. Should PennEast’s habitual sloppiness be a predictor of future construction performance, then woe betide public safety.

FERC—This report shows PennEast takes your approval for granted, regardless of how poorly the draft EIS is prepared. Absolute ‘eminent domain power’ has corrupted absolutely—PennEast brandishes their “done deal” to recalcitrant parties. Unless FERC slaps PennEast with a well-earned “F”, PennEast won’t clean up its act. Only unprecedented denial will create incentive for filers to STOP fudging data, seizing prized natural resources on public lands, bullying stakeholders, cutting corners—for the betterment of all. FERC—please intervene lest another Enron Scandal looms, granted on a new stage, in a new era:

*“In these four cases, FERC’s oversight ranged from naive at best, to negligent at worst,” Lieberman said. “Oftentimes, FERC seemed to view itself not as a regulator but as a facilitator—not as a market cop, but as a market cheerleader, which left consumers without protection.” Particularly “ironic and irresponsible,” Lieberman said, is that FERC exhibited no vigilance to ensure that everyone obey rules of fair play in the deregulated marketplace that FERC itself had helped to create.”*

<http://www.hsgac.senate.gov/media/minority-media/ferc-oversight-of-enron-ranged-from-naive-to-negligent>

All three of PennEast’s ill-conceived routes pose significant, permanent, deleterious impacts to both New Jersey and Pennsylvania. Trusting this time you’ll do the right thing. Your only alternative is the “No Build Alternative.”

Sincerely and optimistically yours,

*Fairfax Hutter*