



**US Army Corps  
of Engineers**  
Philadelphia District

Wanamaker Building  
100 Penn Square East  
Philadelphia, PA 19107-3390  
ATTN: CENAP-OP-R

# Public Notice

Public Notice No.  
**CENAP-OP-R-**

Date  
**May 23, 2019**

Application No.  
**CENAP 2014-00975**

File No.

In Reply Refer to:  
**REGULATORY BRANCH**

This District has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). This Public Notice is supplemental to the Public Notice issued on September 14, 2017 for the proposed PennEast Pipeline project.

The purpose of this notice is to solicit comments and recommendations from the public concerning issuance of Department of the Army permits for the work described below. This Public Notice concerns the work associated with four additional single and complete crossings of waters and/or wetlands associated with the overall project of constructing the proposed PennEast Pipeline. The four additional single and complete crossings discussed below were identified after revisions to the project alignment and after properties that were unable to be surveyed due to property owner refusal were surveyed. The overall project is under the jurisdiction of the Federal Energy Regulatory Commission (FERC) which issued a Final Environmental Impact Study (FEIS) on April 10, 2017 for the overall project. The Corps of Engineers is a cooperating agency on that document. The complete FEIS may viewed at <https://www.ferc.gov/industries/gas/enviro/eis/2017/04-07-17-FEIS.asp>

At this time, the Philadelphia District is evaluating four additional separate Individual Permit applications under the single application number referenced above for proposed work in jurisdictional areas of the overall project occurring within the Philadelphia District (Mile Post 14.4 to Mile Post 77.8). These four single and complete crossings do not meet the eligibility criteria of the Pennsylvania State Programmatic General Permit (PASPGP) – 5. A previous Public Notice issued by the Philadelphia District on September 14, 2017, sought comments on five single and complete crossings that were also deemed to be ineligible for the PASPGP-5. A copy of that Public Notice can be found at [https://www.nap.usace.army.mil/Portals/39/docs/regulatory/publicnotices/Public\\_Noteice\\_2014-0975-72.pdf](https://www.nap.usace.army.mil/Portals/39/docs/regulatory/publicnotices/Public_Noteice_2014-0975-72.pdf) A separate Public Notice has been issued by the USACE, Baltimore District for those single and complete crossings that have been determined ineligible for the PASPGP-5 in the Baltimore District's area of operation, Mile Post 0.0 to Mile Post 14.4. The Baltimore District's Public Notice can be found at <http://www.nab.usace.army.mil/Missions/Regulatory/Public-Notices/>.

APPLICANT: PennEast Pipeline Company, LLC (PennEast)

AGENT: AECOM Technical Services, Inc.

WATERWAY: The (IP) applications for single and complete crossings that are part of the overall pipeline project. Those IP applications were numbered consecutively 1 thru 5. The four IP applications that are the subject of this Public Notice will continue the previous numbering system and are numbered 6 thru 9.

IP 6 - Wetland complex (Carbon County).

IP 7 - Wetland complex (Carbon County).

IP 8 - Wetland complex and unnamed tributaries to Hokendauqua Creek (Northampton County).

IP 9 – Wetland complex and unnamed tributaries to Bull Run (Northampton County).

#### LOCATION:

IP-6: Along the eastern side of the existing Buckeye Petroleum line approximately 4,600 feet west of Birch Street and Timberline Drive in the Lake Harmony Resort in Kidder Township, Carbon County, Pennsylvania. (Lat 41.053412, Lon -75.629399)

IP-7: Along the eastern side of the existing Buckeye Petroleum line approximately 5,000 feet east of the intersection of State Route 903 and Church Road in Penn Forest Township, Carbon County, Pennsylvania. (Lat 40.955991, Lon -75.630704)

IP-8: Greenfield Right-Of-Way (ROW) in the southeast quadrant of the intersection of the Hokendauqua Creek and State Route 940 in Moore Township, Northampton County, Pennsylvania. (Lat 40.779378, Lon -75.456448)

IP-9: Greenfield ROW approximately 2,150 feet east of the intersection of Valley Lower Saucon Road in Lower Saucon Township and Williams Township, Northampton County, Pennsylvania. (Lat 40.623792, Lon -75.264075)

#### ACTIVITY:

The overall project proposed by the applicant is to construct 120.2 miles of new 36-inch diameter natural gas pipeline. The overall project will begin with two interconnects with existing intrastate natural gas pipelines (the Wyoming Interconnect at Mile Post 0.0 connects to a Energy Transfer Partners, L.P pipeline and the Springville Interconnect at Mile Post 0.3 connects to a Williams Partners pipeline) in Dallas Township, Luzerne County, Pennsylvania to a terminal point along the existing Transco Pipeline in Hopewell Township, Mercer County, New Jersey. The proposed overall project also includes the proposed 0.6 mile Blue Mountain lateral consisting of , the 2.1 mile Hellertown lateral consisting of 24-inch diameter pipe, the 0.6 mile Gilbert Lateral consisting of 12-inch diameter pipe, and the 1.5 mile Lambertville lateral consisting of 36-inch.

IP-6: Pipeline crossing of a Paulstrine Forested (PFO) wetland and Paulstrine Emergent Wetland (PEM). The crossing will impact a total of 1.437 acres of wetlands. Specifically, the crossing will impact 1.324 acres of PFO wetland and 0.113 acre of PEM wetland. Once the crossing is restored there will be no loss of wetland area, however, the crossing will result in the permanent conversion of 0.519 acre of PFO wetland to Palustrine Emergent (PEM) wetlands.

Compensatory mitigation has been offered by the applicant to offset the 0.520 acres of permanent conversation.

IP-7: Pipeline crossing of two Paulstrine Forested (PFO) wetlands. The crossing will impact 1.909 acres of wetlands. Once the crossing is restored there will be no loss of wetland area, however, the crossing will result in the permanent conversion of 0.770 acre of PFO wetland to Palustrine Emergent (PEM) wetlands. Compensatory mitigation has been offered by the applicant to offset the 0.770 acres of permanent conversation.

IP-8: Pipeline crossing of unnamed tributaries to the Hokendauqua Creek, PFO wetlands, and PEM wetlands. The crossing will impact a total of 1.150 acres of waters and wetlands. Specifically, the crossing will impact 0.007 acre of waterways, 0.815 acres of PFO wetland and 0.328 acre of PEM wetland. The waterways will be crossed in a dry condition either during a period of no flow or created by construction of a coffer dam and bypassing the water around the work area via pumps or a flume. Once a dry condition is established the pipeline will be installed via traditional open trench methods. Once the crossing is restored there will be no loss of waterway or wetland area, however, the crossing will result in the permanent conversion of 0.223 acre of PFO wetland to Palustrine Emergent (PEM) wetlands. Compensatory mitigation has been offered by the applicant to offset the 0.223 acres of permanent conversation.

IP-9: Pipeline crossing unnamed tributary to Bull Run and PFO wetlands. The crossing will impact a total of 1.284 acres. Specifically, the crossing will impact 0.096 acre of waterways, 1.284 acres of PFO wetlands. The waterways will be crossed in a dry condition either during a period of no flow or created by construction of a coffer dam and bypassing the water around the work area via pumps or a flume. Once a dry condition is established the pipeline will be installed via traditional open trench methods. Once the crossing is restored there will be no loss of waterway or wetland area, however, the crossing will result in the permanent conversion of 0.585 acre of PFO wetland to PEM wetland. Compensatory mitigation has been offered by the applicant to offset the 0.585 acre of permanent conversation.

#### PURPOSE:

PennEast, as memorialized in the FERC Final Environmental Impact Study, has stated the purpose of the overall project is to provide about 1.1 million dekatherms per day (MMDth/d) of year-round natural gas transportation service from northern Pennsylvania to markets in New Jersey, eastern and southeastern Pennsylvania, and surrounding states. PennEast's stated objectives are to:

- Provide low cost natural gas produced from the Marcellus Shale region in northern Pennsylvania to homes and businesses in New Jersey, Pennsylvania, and surrounding states;
- Serve markets in the region with firm, reliable access to Marcellus Shale natural gas supplies versus traditional, more costly Gulf Coast regional supplies and pipeline pathways;
- Provide enhanced competition among natural gas suppliers and pipeline transportation providers; and
- Satisfy the needs of shippers seeking: additional supply flexibility, diversity, and reliability; liquid points for trading in locally produced natural gas; direct access to

premium markets in the northeast and mid-Atlantic regions; ability to capture pricing differentials between the various interconnected pipelines; enhanced natural gas transportation system reliability; and direct access to affordable long-lived dry gas reserves. PennEast has executed long-term, binding precedent agreements with 12 shippers to deliver new natural gas to markets in New Jersey, eastern and southeastern Pennsylvania, and surrounding states. The precedent agreements with the Project shippers account for 90 percent of the Project capacity of 1.1 MMDth/d.

PennEast, acting as the FERC's non-federal representative for the purpose of complying with section 7(a)(2) of the ESA, initiated informal consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) through correspondence on August 12, 2014. On September 18, 2014, NMFS replied stating that no threatened or endangered species under its jurisdiction are known to occur in the overall project area, and no further consultation is necessary.

A preliminary review of this application indicates that the proposed work would not affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. The following Threatened or Endangered Species are known to exist within the portion of the overall project being reviewed within the Philadelphia District's Area of Operation; Bog Turtle, Northern Long Eared Bat, Indiana Bat, Dwarf Wedge Mussel, Rusty Patch Bumble Bee, and Northern Bull Rush. The USFWS issued a Biological Opinion (BO) for the PennEast Pipeline project on November 28, 2017;

IP-6: Bog Turtle – Not Within a Watershed Known to Have an Occurrence of Bog Turtles  
Indian Bat and Northern Long Eared Bat – Not Likely to Adversely Affect  
Dwarf Wedge Mussel – Not Likely to Adversely Affect  
Rusty Patch Bumble Bee – Not Addressed in BO, USFWS Assumes Species Not Present  
Northern Bull Rush – Not Likely to Adversely Affect

IP-7: Bog Turtle – Not Within a Watershed Known to Have an Occurrence of Bog Turtles  
Indian Bat and Northern Long Eared Bat – Not Likely to Adversely Affect  
Dwarf Wedge Mussel – Not Likely to Adversely Affect  
Rusty Patch Bumble Bee – Not Addressed in BO, USFWS Assumes Species Not Present  
Northern Bull Rush – Not Likely to Adversely Affect

IP-8: Bog Turtle – Wetlands Surveyed and Found Not To Be Potential Habitat  
Indian Bat and Northern Long Eared Bat – Not Likely to Adversely Affect  
Dwarf Wedge Mussel – Not Likely to Adversely Affect  
Rusty Patch Bumble Bee – Not Addressed in BO, USFWS Assumes Species Not Present  
Northern Bull Rush – Not Likely to Adversely Affect

IP-9: Bog Turtle – Wetlands Surveyed and Found Not To Be Potential Habitat  
Indian Bat and Northern Long Eared Bat – Not Likely to Adversely Affect  
Dwarf Wedge Mussel – Not Likely to Adversely Affect  
Rusty Patch Bumble Bee – Not Addressed in BO, USFWS Assumes Species Not Present  
Northern Bull Rush – Not Likely to Adversely Affect

FERC, being the lead federal agency responsible for the Section 106 process, evaluates historic resources within the "Area of Potential Effect". According to 33 CFR Part 325, Appendix C, 1, g, (1), the Department of the Army's jurisdiction for compliance with 54 U.S.C. § 306108 Section 106 of the National Historic Preservation Act of 1966 is limited to the proposed activities within the project's "Permit Area." The Corps Permit Areas are within the Area of Potential Effect for the overall project as reviewed by FERC, and the results of the cultural resources investigations will be coordinated with the SHPO and the Tribes. If any significant resources exist within the permit area, the USACE will work with the FERC, the SHPO and the Tribes to avoid, minimize or mitigate impacts.

The decision whether to issue a permit will be based on an evaluation of the activity's probable impact including its cumulative impacts on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and welfare of the people. A Department of the Army permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

#### COMPEMNSATORY MITIGATION:

The applicant has offered compensatory mitigation to offset the unavoidable loss of functions and services of wetlands caused by the permanent conversion of forested (PFO) and scrub/shrub (PSS) wetlands to herbaceous emergent (PEM) wetlands. The proposed mitigation plan provides mitigation for all of the impacts to aquatic resources located within the Philadelphia District area of operations, not just the five individual permit areas described in this Public Notice. The overall project will result in the permanent conversion of 5.98 acres of PFO and PSS wetlands to PEM wetlands within the Philadelphia Area of Operations. Specifically, the permanent conversion is associated with the 30-foot wide permanently maintained area over top of the proposed pipeline. All other PFO and PSS wetlands temporarily impacted by the project will be restored and left to revert back to their natural condition. There are no permanent impacts associated with the four additional individual permits discussed in this Public Notice. The four individual permits described in this Public Notice result in a total of 2.167 acres of permanent

conversion. Specifically, the following permanent conversion impacts occur at the following IP's: IP-6 = 0.519 acre, IP-7 = 0.770 acres, IP-8 = 0.293 acres, and IP-9 = 0.585 acre. The proposed mitigation plan will enhance 17.84 acres of PEM wetlands by the planting of trees and shrubs and protecting 0.49 acre of streams. This is an approximately 3 to 1 ratio which adequately address the temporal loss associated with the mitigation until it becomes established. The mitigation plan will meet the requirements of the 2008 Joint Environmental Protection Agency and Corps of Engineers Final Mitigation Rule.

In accordance with Section 307(c) of the Coastal Zone Management Act of 1972, applicants for Federal Licenses or Permits to conduct an activity affecting land or water uses in a State's coastal zone must provide certification that the activity complies with the State's Coastal Zone Management Program. None of the four Individual Permits discussed in this Public Notice occur within the Coastal Zones of the Commonwealth of Pennsylvania.

In accordance with Section 401 of the Clean Water Act, a Water Quality Certificate is necessary from the State government in which the work is located. The Pennsylvania Department of Environmental Protection (PADEP) issued Water Quality Certificate WQ02-005 to PennEast Pipeline Company, LLC for the proposed PennEast Pipeline on February 07, 2017. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the Pennsylvania Department of Environmental Protection.

The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

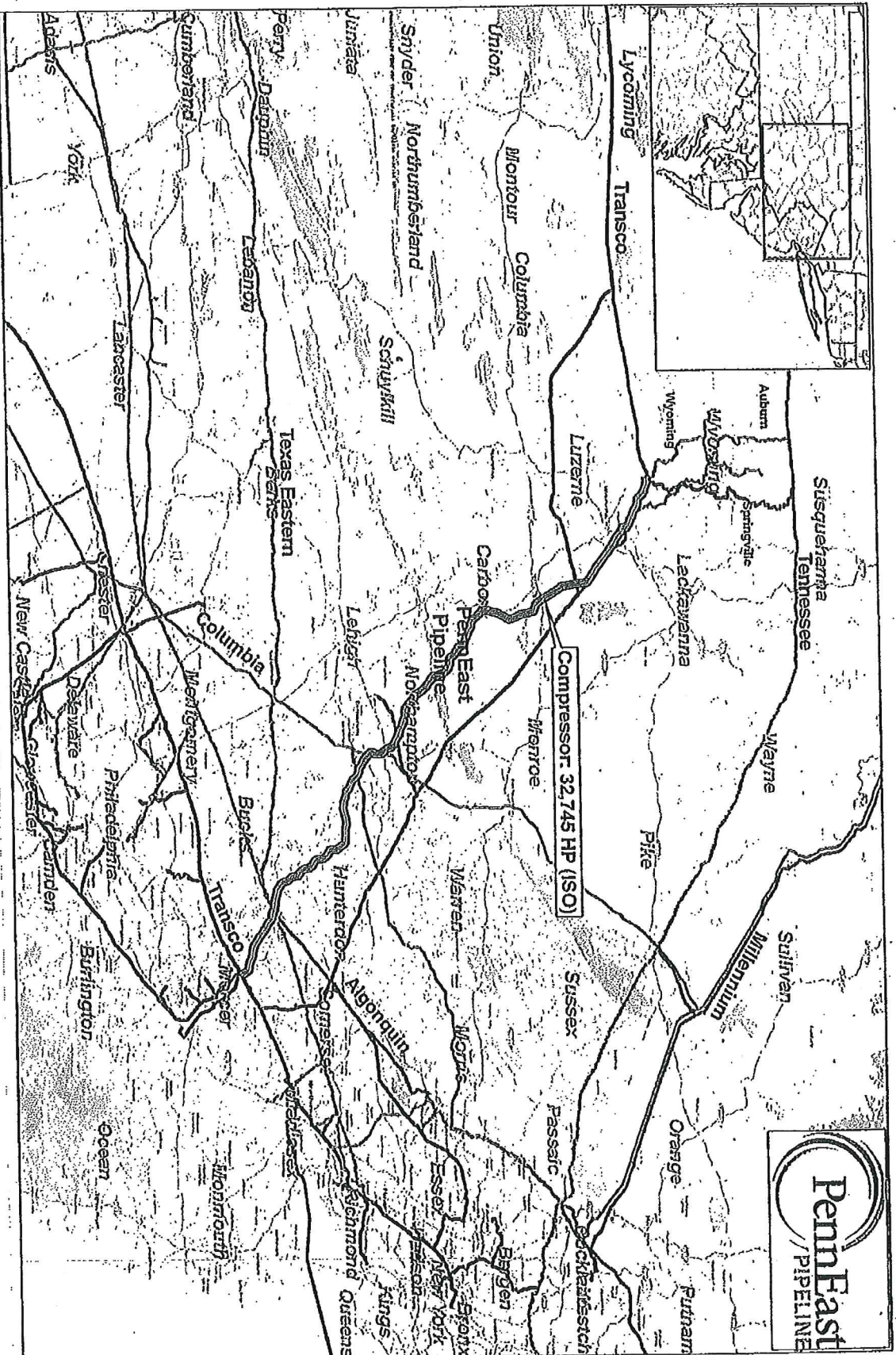
Any person may request, in writing, to the District Engineer, within the comment period specified in this notice, that a public hearing be held to consider the four Individual Permit crossings public noticed in this document. Requests for a public hearing shall state in writing, with particularity, the reasons for holding a public hearing.

Comments on the proposed work should be submitted within 30 days to the District Engineer via email to [Penneast-Comments@usace.army.mil](mailto:Penneast-Comments@usace.army.mil) or in writing to the U.S. Army Corps of Engineers, Philadelphia District, Pocono Regulatory Field Office, 253 State Route 435, Suite 4, Clifton Township, Pennsylvania, 18424.

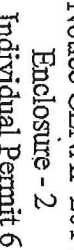


Edward E. Bonner  
Chief, Regulatory Branch









**PREPARED FOR**



INDIVIDUAL PERMIT - M.P. 29.7/2  
PROPOSED 36" PENNINEAST PIPELINE  
WEITLAND "030115\_JC\_1001 PFO & 042415\_JC\_1005 PELM" CROSSING  
KIDDER TWP.  
CARBON COUNTY, PENNSYLVANIA

INDIVIDUAL PERMIT - M.P. 29.7R2 PROPOSED 36" PENNEAST PIPELINE WELLAND "050115_JC_1001_PFO & 042415_JC_1005_PEN" CROSSING KIDDER TWP. CARBON COUNTY, PENNSYLVANIA	DRAWING NO.	IP-1A	REVISION	A
SCALE	1" = 200'			





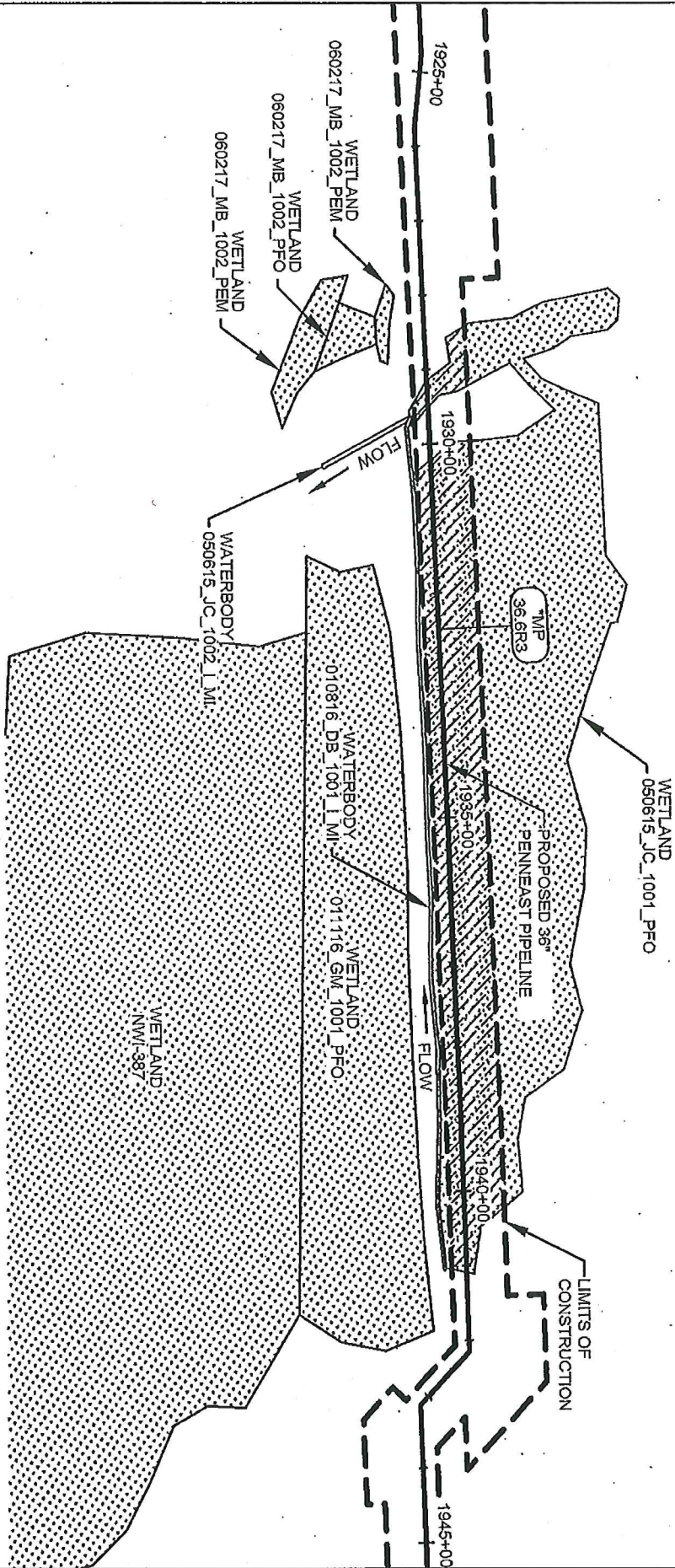
DEPARTMENT OF THE  
ARMY PERMIT AREA

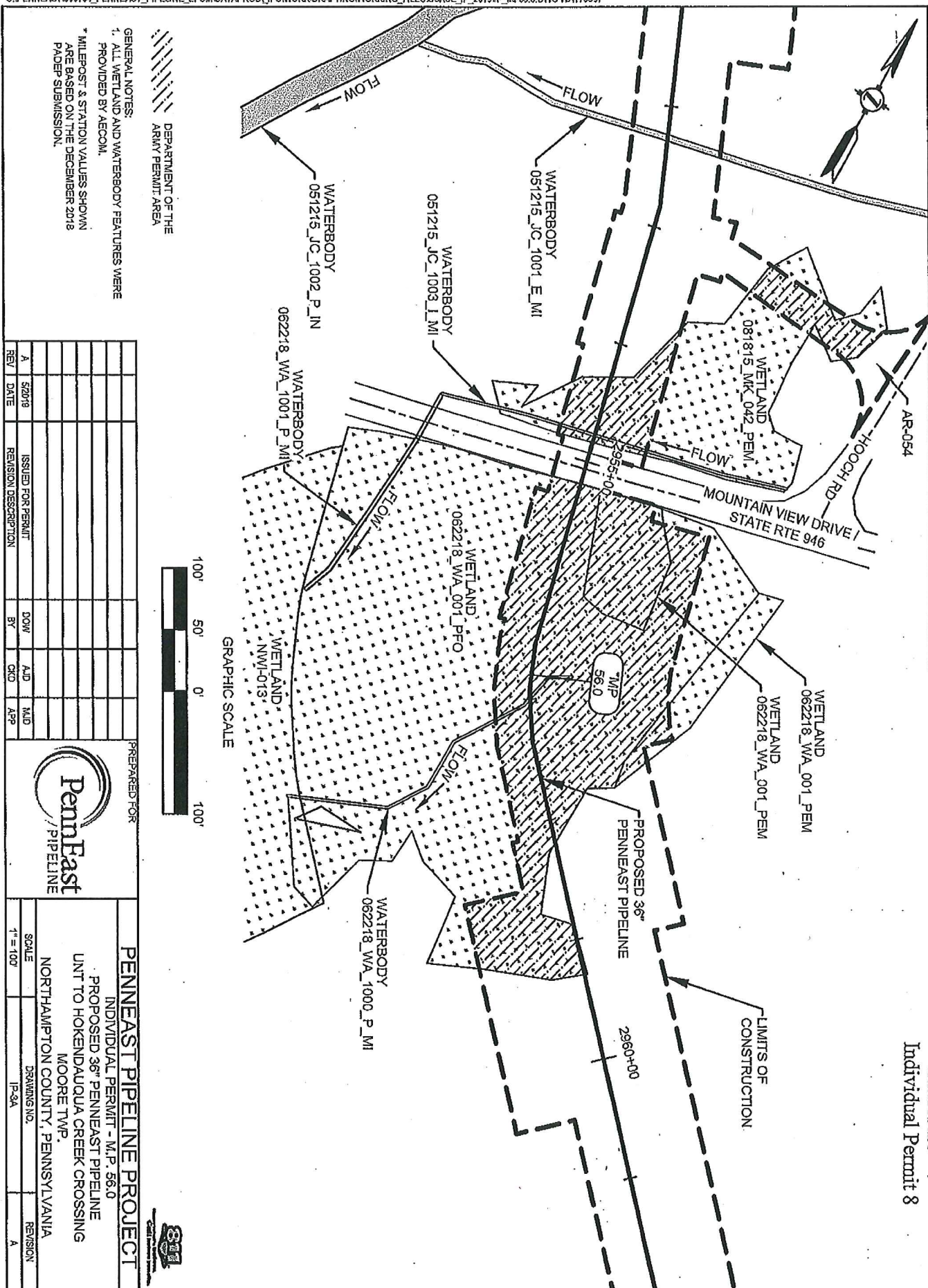
GENERAL NOTES:  
1. ALL WETLAND AND WATERBODY FEATURES WERE PROVIDED BY AECOM.  
\* MILEPOST & STATION VALUES SHOWN ARE BASED ON THE DECEMBER 2018 PADEP SUBMISSION.



GRAPHIC SCALE

REV	DATE	REVISION DESCRIPTION	BY	CMD	APP	PREPARED FOR	PENNEAST PIPELINE PROJECT
A	5/20/18	ISSUED FOR PERMIT	DDW	AJD	YAD	PennFast PIPELINE	INDIVIDUAL PERMIT - M.P. 36.6R3 PROPOSED 36" PENNEAST PIPELINE UNT TO YELLOW RUN CROSSING PENN FOREST TWP. CARBON COUNTY, PENNSYLVANIA
						SCALE 1" = 200'	DRAWING NO. IP-2A
							REVISION A







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Enclosure - 5

Individual Permit 9

