



**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. <b>CENAP-OP-R-</b>	Date <b>September 14, 2017</b>
Application No. <b>CENAP 2014-00975</b>	File No.
In Reply Refer to: <b>REGULATORY BRANCH</b>	

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).

The Penneast project proposed by the applicant is to construct 120.2 miles of new 36-inch diameter natural gas pipeline. The PennEast 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 and ends at a terminal point along the existing Transco Pipeline in Hopewell Township, Mercer County, New Jersey. The proposed PennEast project also includes the proposed 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 (see attached plans E1 – E6).

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 five separate single and complete crossings of waters and/or wetlands associated with the PennEast project of constructing the proposed PennEast Pipeline. The PennEast 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 PennEast 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 five separate Individual Permit applications under the single Application Number referenced above for proposed work in jurisdictional areas of the PennEast project occurring within the Philadelphia District (Mile Post 14.4 to Mile Post 77.8). These five single and complete crossings do not meet the eligibility criteria of the Pennsylvania State Programmatic General Permit (PASPGP) – 5. If through the course of the continuing review of the PennEast project additional single and complete crossings are determined not to be eligible for the PASPGP-5 those crossings will be advertised in a separate Public Notice. A separate Public Notice has been issued by the USACE, Baltimore District for those single and complete projects 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/>.

On March 2, 1994, the State of New Jersey assumed the Federal Section 404 of the Clean Water Act permit program from the U.S. Army Corps of Engineers. On that date, the NJDEP became the agency responsible for regulating 404 activities in certain waters and wetlands within the State of New Jersey. This includes all of the pipeline route in New Jersey except for those areas immediately adjacent to the Delaware River. The NJDEP has issued Public Notice for the portion of the project from Mile Post 77.8 to its terminus.

APPLICANT: PennEast Pipeline Company, LLC (PennEast)  
One Meridian Blvd., Suite 2C01  
Wyomissing, Pennsylvania 19610

AGENT: AECOM Technical Services, Inc.  
625 West Ridge Pike, Suite E-100  
Conshohocken, Pennsylvania 19428

**WATERWAY:**

Individual Permit (IP) 1- Bear Creek & Unnamed Tributary to Bear Creek (Luzerne County).  
IP 2 - Lehigh River (Carbon & Luzerne Counties).  
IP 3 - Unnamed tributary to Laurel Run (Carbon).  
IP 4 - Unnamed Tributary to Stony Creek (Carbon).  
IP 5 - Delaware River and Delaware Canal (Bucks County, Pennsylvania and Hunterdon County, New Jersey).

**LOCATION:**

IP-1: Along the southwest side of the existing PPL distribution line approximately 13,800 feet north of the intersection of the State Route 115 and Meadow Run Road, Bear Creek Township, Luzerne Township, Pennsylvania. (Lat 41.217291, Lon -75.733473)

IP-2: Within the design pool of the Corps of Engineers Francis E. Walter Dam. Along the eastern side of the existing Buckeye Pipeline right-of-way crossing of the Lehigh River approximately 18,600 feet north of the intersection of State Route 940 and Walter Dam Road in Bear Creek Township, Luzerne County and Kidder Township, Carbon County, Pennsylvania. (Lat 41.130835, Lon -75.688089)

IP-3: Along the eastern side of the existing Buckeye Pipeline right-of-way approximately 5,700 feet northwest of the intersection of State Route 534 and North Old Stage Road in Kidder Township, Carbon County, Pennsylvania. (Lat 41.030856, Lon -75.624065)

IP-4: Along the eastern side of Butternut Road from approximately the intersection of Butternut Road and Lacewood Lane and North Sycamore Drive in the Hickory Run Forest residential subdivision located in Penn Forest Township, Carbon County, Pennsylvania. (Lat 40.982885, Lon -75.620252)

IP-5: The crossing of the Delaware Canal and Delaware River approximately 750 feet south of the intersection of State Route 611 and Durham Street in Durham Township, Bucks County, Pennsylvania. (Lat 40.584117, Lon -75.194811).

#### ACTIVITY:

IP-1: Pipeline crossing of Bear Creek, unnamed tributaries of Bear Creek, Palustrine Scrub Shrub (PSS) and Palustrine Forested (PFO) wetlands. The crossing will impact a total of 1.06 acres. Specifically, the crossing will impact 0.15 acre of waterways, 0.63 acre of PFO wetland and 0.28 acre of PSS wetland. The waterways will be crossed in a dry condition created by the 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 0.44 acre of PFO wetland and 0.11 acre of PSS wetland to Palustrine Emergent (PEM) wetlands. Compensatory mitigation has been offered by the applicant to offset the 0.55 acres of permanent conversation.

IP-2: Pipeline crossing of the Lehigh River. The crossing will impact a total of 1.01 acres of the waterway. The Lehigh River will be crossed in a dry condition created by construction of a coffer dam and bypassing the water around the construction 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 the waterway.

IP-3: Pipeline crossing of unnamed tributaries to Laurel Run. The crossing will impact a total of 1.83 acres of waters and wetlands. Specifically, the crossing will impact 0.10 acre of waterways, 1.35 acres of PFO wetland and 0.38 acre of PEM wetland. The waterways will be crossed in a dry condition 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 1.16 acre of PFO wetland to Palustrine Emergent (PEM) wetlands. Compensatory mitigation has been offered by the applicant to offset the 1.16 acres of permanent conversation.

IP-4: Pipeline crossing unnamed tributary to Stony Creek. The crossing will impact a total of 1.19 acres. Specifically, the crossing will impact 0.11 acre of waterways, 0.73 acre of PFO wetland and 0.35 acre of PEM wetland. The waterways will be crossed in a dry condition 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 0.58 acre of PFO wetland to Palustrine Emergent (PEM) wetlands. Compensatory mitigation has been offered by the applicant to offset the 0.58 acres of permanent conversation.

IP-5: Pipeline crossing of PFO wetlands, the Delaware Canal, and the Delaware River. The crossing will be constructed via Horizontal Directional Drill (HDD) methods. The HDD will extend from an upland field approximately 1,200 feet west of the Delaware River to a upland field approximately 1,100 feet east of the Delaware River. In addition to crossing under the

Delaware Canal, the Delaware River, and a PFO wetland the HDD will go under State Route 611 in Pennsylvania and Old River Road, the Riegelsville Milford Road and a railroad line New Jersey. PennEast has stated that no tree clearing will occur in the permanent 30 foot Right-Of-Way over the HDD within the PFO wetland. There are no surface impacts to waters and wetlands associated with this crossing.

#### PURPOSE:

PennEast natural gas, as described in the FERC Final Environmental Impact Study, has stated the purpose of the PennEast 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 PennEast 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 PennEast 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. As the evaluation of this application continues, additional information may become available which could modify this preliminary determination. The following preliminary information by species is provided for each IP;

- IP-1: Bog Turtle – Not Within a Watershed Known to Have an Occurrence of Bog Turtles  
Indian Bat and Northern Long Eared Bat – Time of Year Restrictions  
Dwarf Wedge Mussel – Not Within the Known Range  
Rusty Patch Bumble Bee – USFWS Assumes Species Not Present  
Northern Bull Rush – Wetlands Surveyed and Species Not Present
- IP-2: Bog Turtle – No Wetland Impacts Associated With Crossing  
Indian Bat and Northern Long Eared Bat – Time of Year Restrictions  
Dwarf Wedge Mussel – Not Within the Known Range  
Rusty Patch Bumble Bee – USFWS Assumes Species Not Present  
Northern Bull Rush – No Wetland Impacts Associated With Crossing
- IP-3: Bog Turtle – Wetlands Surveyed and Found Not To Be Potential Habitat  
Indian Bat and Northern Long Eared Bat – Time of Year Restrictions  
Dwarf Wedge Mussel – Not Within the Known Range  
Rusty Patch Bumble Bee – USFWS Assumes Species Not Present  
Northern Bull Rush – Wetlands Surveyed and Species Not Present
- IP-4: Bog Turtle – Wetlands Surveyed and Found Not To Be Potential Habitat  
Indian Bat and Northern Long Eared Bat – Time of Year Restrictions  
Dwarf Wedge Mussel – Not Within the Known Range  
Rusty Patch Bumble Bee – USFWS Assumes Species Not Present  
Northern Bull Rush – Wetlands Surveyed and Species Not Present
- IP-5: Bog Turtle – No Wetland Impacts Associated With Crossing  
Indian Bat and Northern Long Eared Bat – Time of Year Restrictions  
Dwarf Wedge Mussel – No Surface Impacts in Delaware River  
Rusty Patch Bumble Bee – USFWS Assumes Species Not Present  
Northern Bull Rush – No Wetland Impacts Associated With Crossing

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 PennEast 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 PennEast public interest of the proposed activity.

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 PennEast 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 five individual permits discussed in this Public Notice. The five individual permits described in this Public Notice result in a total of 2.29 acres of permanent conversion. Specifically, the following permanent conversion impacts occur at the following IP's: IP-1 = 0.55 acre, IP-2 = 0.00 acres, IP-3 = 1.16 acres, IP-4 = 0.58 acre, and IP-5 = 0.00 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 five Individual Permits discussed in this Public Notice occur within the Coastal Zones of the Commonwealth of Pennsylvania or the State of New Jersey.

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. The New Jersey Department of Environmental Protection (NJDEP) as of the time of this Public Notice has not issued a Water Quality Certificate for the portion of the project located in the State of New

Jersey. Any comments concerning the work described above which relate to Water Quality considerations should be sent to this office with a copy to the appropriate State in which the area of concern is located.

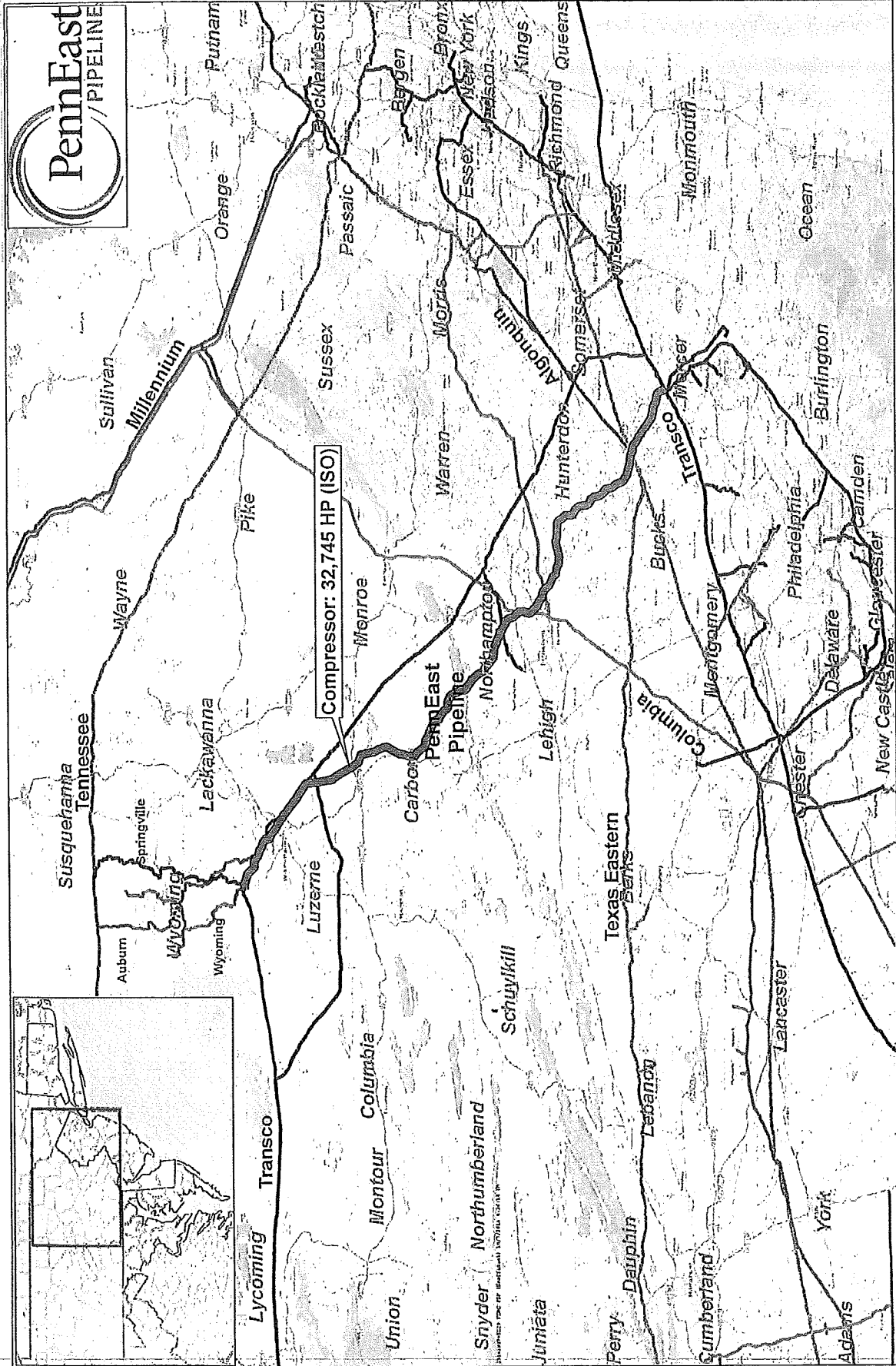
The evaluation of the impact of the work described above on the public interest will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act.

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 five 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.

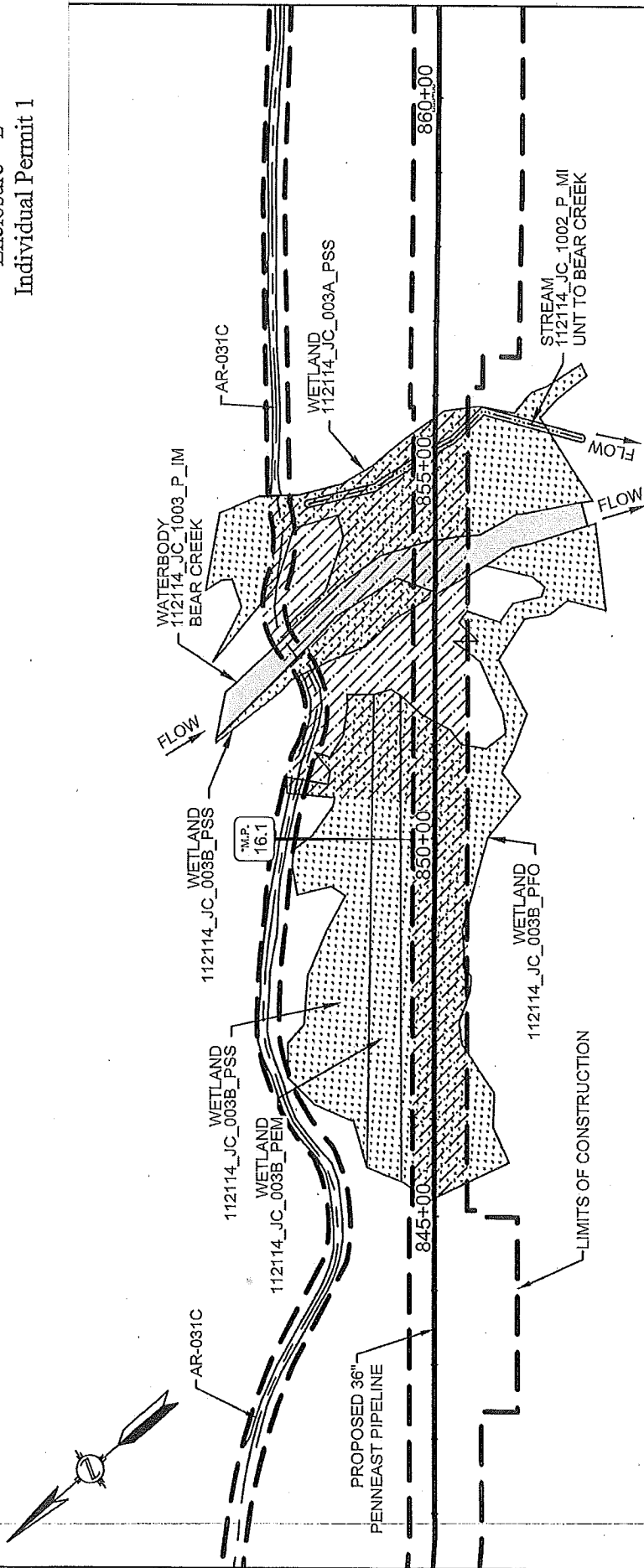
Comments on the proposed work or request for additional information should be submitted within 30 days to the District Engineer via email to [Penneast-Comments@usace.army.mil](mailto:Penneast-Comments@usace.army.mil), or in writing to "PennEast Public Comment, U.S. Army Corps of Engineers, Philadelphia District Regulatory Branch, 100 Penn Square East, Philadelphia, Pennsylvania, 19107.



Edward E. Bonner  
Chief, Regulatory Branch







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 SEPTEMBER 2016 FERC FILING.

PREPARED FOR



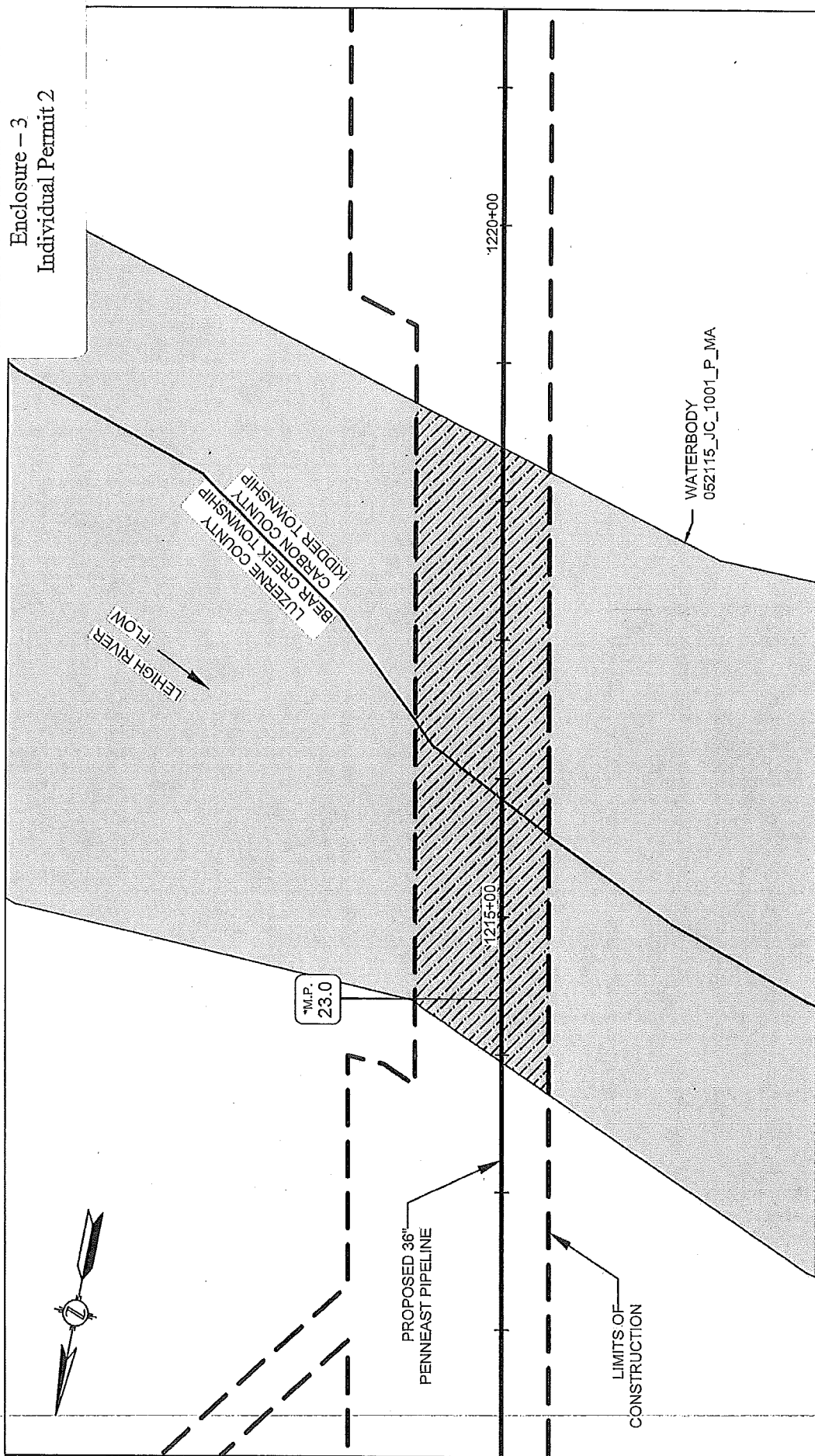
**PENNEAST PIPELINE PROJECT**

INDIVIDUAL PERMIT - M.P. 16.1

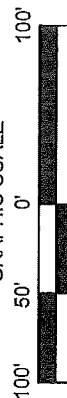
PROPOSED 36" PENNEAST PIPELINE  
 BEAR CREEK & UNT TO BEAR CREEK CROSSING  
 BEAR CREEK TOWNSHIP  
 LUZERNE COUNTY, PENNSYLVANIA

SCALE	DRAWING NO.	REVISION
AS SHOWN	IP-1	A

REV	DATE	ISSUED FOR PERMIT	REVISION DESCRIPTION	BY	CHKD	MUD	APP
A	8/2017			CAF	DOW		



GRAPHIC SCALE



DEPARTMENT OF THE  
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PREPARED FOR

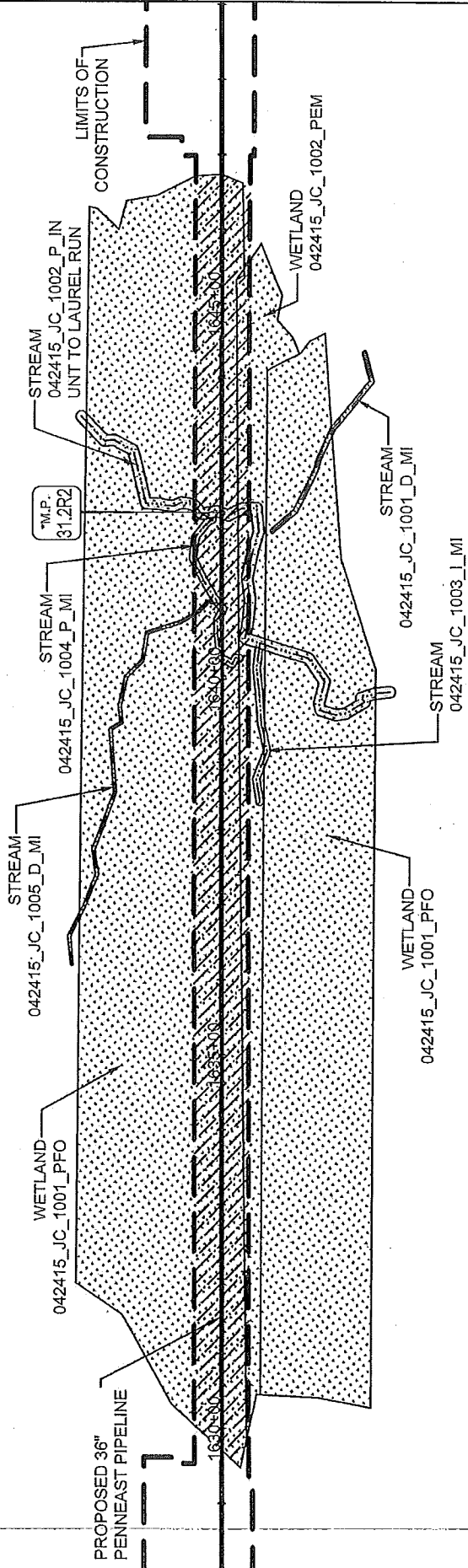


**PENNEAST PIPELINE PROJECT**

INDIVIDUAL PERMIT - M.P. 23.0  
 PROPOSED 36" PENNEAST PIPELINE  
 LEHIGH RIVER CROSSING  
 BEAR CREEK AND KIDDER TOWNSHIPS  
 LUZERNE AND CARBON COUNTIES, PENNSYLVANIA

SCALE	DRAWING NO.	REVISION
AS SHOWN	IP-2	A

REV	DATE	ISSUED FOR PERMIT	CAE	DOW	MAD
A	8/20/17				
		REVISION DESCRIPTION	BY	CKD	APP

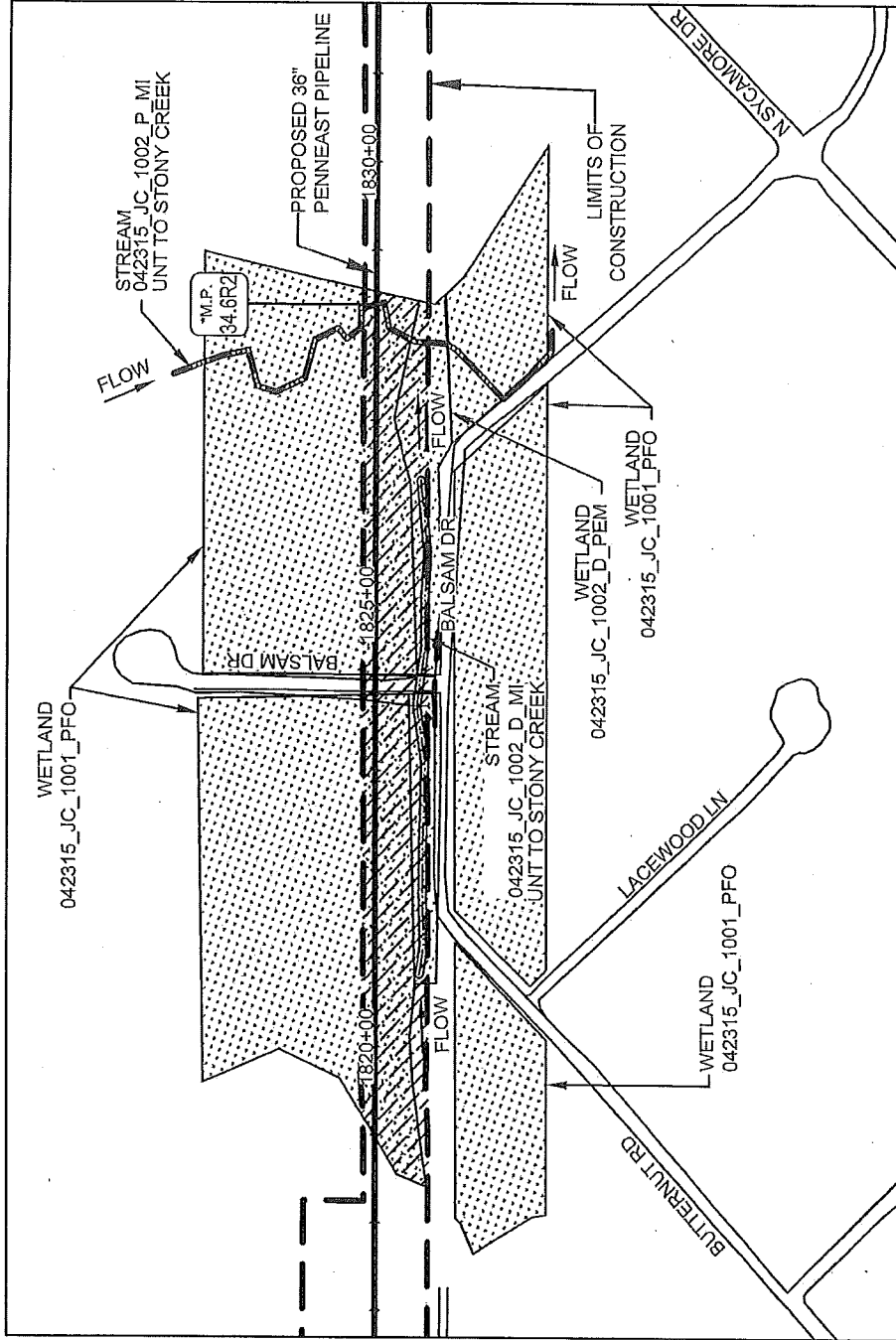
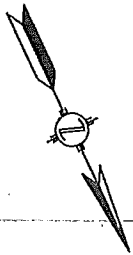


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PREPARED FOR



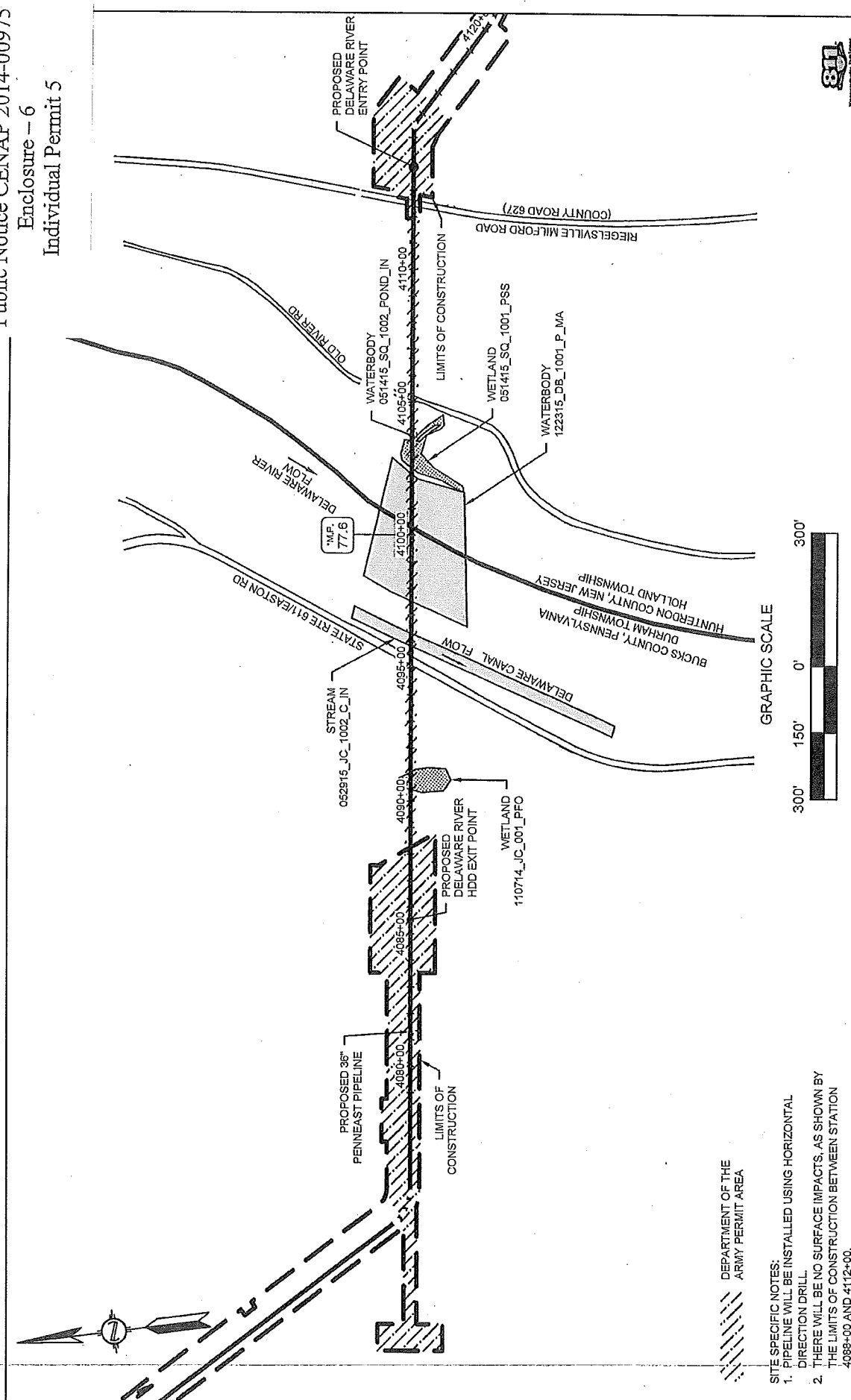
**PENNEAST PIPELINE PROJECT**

INDIVIDUAL PERMIT - M.P. 34.6R2  
 PROPOSED 36" PENNEAST PIPELINE  
 UNIT TO STONY CREEK CROSSING  
 PENN FOREST TOWNSHIP  
 CARBON COUNTY, PENNSYLVANIA

SCALE	DRAWING NO.	REVISION
AS SHOWN	IP-4	A

REV	DATE	ISSUED FOR PERMIT	REVISION DESCRIPTION	BY	CHK	MID	APP
A	8/2017			CAF			

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