

P.O. Box 45, Springtown, PA 18081

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*"To protect, preserve and improve the quality of water, land, and life in the Cooks Creek Watershed"*

October 9, 2017

District Engineer  
US Army Corps of Engineers  
Philadelphia District  
Regulatory Branch  
100 Penn Square East  
Philadelphia, PA 19107

**RE: PennEast Public Comment, CENAP 2014-00975**

Dear Sir:

We have reviewed the Public Notice regarding the above permit application and offer our comments herein. The Cooks Creek Watershed Association is a 501(c)3 not for profit environmental advocacy organization representing the 30 square mile Cooks Creek Watershed, located in upper Bucks, Northampton and Lehigh Counties, Pennsylvania. The Cooks Creek Watershed is a PA Exceptional Value watershed and the CCWA was established in 1974 to study, protect, and preserve its natural and cultural heritage. In October of 2015, the CCWA registered as an intervener in the FERC regulatory process regarding the PennEast pipeline and has been active in reviewing and commenting on PennEast submissions. Our comments and positions regarding the project are a matter of public record.

To begin, the CCWA strongly disagreed with the issuance of the FEIS, clearly showing that the applicant's submissions were incomplete and insufficiently addressed the impacts to water quality, particularly in the areas that crossed the Cooks Creek Watershed (mile posts 75.5 to 78). We were particularly concerned with the HDD crossing as insufficient data was provided on this procedure to allow us to fully understand the impacts and measures that would be used to mitigate those impacts. We have attached our most recent letter, submitted by our attorneys Curtin and Heefner, on our behalf, to support this assertion. The additional data provided in the FEIS, in our opinion did little, if anything, to alleviate our concerns, so we include it here in the hopes that at least our concerns regarding the IP-5 crossing proposed in your Public Notice can be properly addressed. Furthermore, while we appreciate reference to the FEIS in this Public Notice, it is neither fair nor accurate to assume that any commenter on this application be expected to or able to access, download and review the hundreds of pages of documentation, regardless of the level of accuracy or completion, and determine the sections of this document that are relevant to the stream crossings in their area of interest, in the 30 days provided. **We formally request that the USACE extract the sections of the FEIS relevant to the determination of impacts and mitigation measures proposed by the**

**applicant for the five IP areas referenced in this Public Notice and present them as addenda for public review. We also request that the public be given an additional 30 days to review and comment on this information, once provided.**

We are still uncertain as to the exact location and extent of the proposed project impact areas associated with the IP-5 crossing. It is not possible for us to determine, from the information provided in this PN, if the project, or any of its associated access points and roadways, equipment laydown and storage, soil disturbance or permanent infrastructure is in or near to the boundaries of the Cooks Creek Watershed. It is not possible for us to properly review the impacts of this project and/or effectiveness of the proposed mitigation, without this information. **We formally request that the USACE provide a USGS quadrangle (or equivalent) of appropriate scale and detail, that clearly shows the location of these features of the project and associated topographical information for us to make this determination.**

It is our understanding that a significant amount of water is needed to test the hydraulic integrity of the pipeline crossing once it has been placed. The Public Notice does not present information regarding the location for either withdrawal or discharge of this water. Since this temporary impact is directly related to the stream crossing, we believe they should be clearly shown on the project maps for each of the IPs included in this application. We strongly oppose any withdrawal of surface water or surrounding groundwater from the Cooks Creek due to the fact that baseflow losses over time have been well documented, as has the dependence of groundwater levels on the baseflow of the Creek. We are also concerned with the location and method of discharge of test water. We strongly opposed the discharge of test water into the Cooks Creek, or to a location that could potentially impact groundwater that will flow to the Cooks Creek. As our submissions have already documented, the limestone geology of the IP-5 project area contains many karst formations such as closed depressions and sinkholes. We are very concerned that the discharge of a large volume of water to the land surface could result in formation of sinkholes and that this could lead to direct discharge of test water to the Cooks Creek. **We formally request that the USACE provide the exact coordinates of proposed water withdrawal and discharge points, as well as the methods proposed by the applicant for both withdrawal and discharge.**

We are still uncertain as to the nature and extent of the procedure proposed for the stream crossing. The public and our constituency do not necessarily have the technical expertise to evaluate the proposed method for the purpose of determining the impacts associated with its implementation. It would also be impossible for the public to know whether or not significant departures from normal procedure are happening when observing the construction without a more complete description of all aspects of this activity. **We formally request that the USACE provide a full and complete description of the proposed activities associated with all aspects of the stream crossings referenced in this PN, including the equipment access, staging and use; associated clearing and grubbing activities; limits of soil disturbance; soil erosion and sediment control measures; water withdrawal and discharge; and any equipment or infrastructure that will be left in place.**

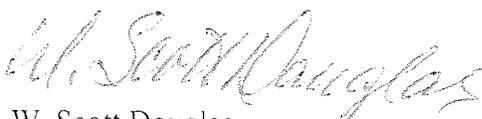
Since the Cooks Creek Watershed's Exceptional Value designation includes watershed and cultural resource protections, we need to understand the permanent aspects of the project and the distance to culturally sensitive resources and watersheds. The information provided in the

PN is insufficient for us to make these determinations. **We formally request that the USACE provide the public with a properly scaled elevation plan that clearly shows the project's permanent aspects and a properly scaled aerial plan that references the distance to roadways, walking trails, and historic structures in the vicinity.**

Finally, given the paucity of information provided in this Public Notice, the importance of this proposed activity, the potential for impact to valuable cultural and environmental resources, and the well documented public interest, **we formally request that the District Engineer schedule a public hearing for the project.** A formal hearing, which PennEast never provided for the community surrounding the IP-5 component of the project during the NEPA process, would provide an opportunity for the proponent to explain the activity and the public a chance to ask questions and provide comment.

We look forward to your prompt response to these requests.

Thank you,



W. Scott Douglas  
President

Encl.

c: Maya Van Rossum, Delaware Riverkeeper Network  
Hon. Brian Fitzpatrick, Congressman PA 8<sup>th</sup> District  
Durham Township Board of Supervisors  
Riegelsville Borough Council  
Lauren M. Williams, Curtin and Heefner

Document Content(s)

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