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October 24, 2019

VIA EMAIL AND U.S. MAIL

Joslin C. Tamagno
Division of Land Use Regulation
Department of Environmental Protection
Mail Code 501-02A
P.O. Box 420
Trenton, NJ 08625-0420

Re: Reply to Transco's Responses to Comments on the Proposed Northeast Supply Enhancement Project's Potential Impacts to Onshore Water and Barred Owls (Program Interest #: 0000-01-1001.3)

- Freshwater Wetlands Individual Permit (Activity #: LUP 190001)

We are aware that Transco has submitted to the New Jersey Department of Environmental Protection ("DEP") its Responses to Public Comments (dated September 4, 2019 and September 9, 2019) regarding its permit applications under the Program Interest number listed above. On behalf of our clients (NY/NJ Baykeeper, Food & Water Watch – New Jersey, Central Jersey Safe Energy Coalition, and the Princeton Manor Homeowners Association), we attach here a report by our clients' water experts at Princeton Hydro that specifically analyzes Transco's September 9, 2019 Responses to Public Comments on the Northeast Supply Enhancement ("NESE") Project's potential onshore water impacts. This report also includes a discussion of Transco's responses to comments regarding the Freshwater Wetlands Protection Act ("FWPA") Rule on "extraordinary hardship." We are also aware that Transco submitted to DEP revised permit plans (dated October 11, 2019) related to the Compressor Station 206 site. We ask that DEP consider this expert report as it reviews Transco's Responses to Public Comments as well as Transco's October 11, 2019 submission.

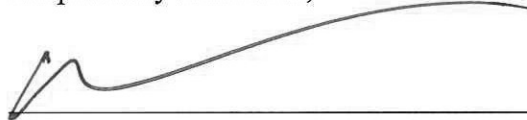
As detailed in this expert report, "it remains our [clients' experts'] professional opinion that the onshore portion of the NESE project -- including the Madison Loop and Compressor Station 206 -- has significant deficiencies regarding full compliance with New Jersey's environmental statutes and regulations, including the Freshwater Wetlands Protection Act ("FWPA")...(and its related regulations) and the Stormwater Management Act Rules" (pg. 1). We further note that our clients' experts at Wander Ecological Consultants reviewed Transco's responses to comments on Barred Owl (Response # 6) and Vernal Pool (Response #7). They found that Transco did not dispute the most important issues: that Barred Owl habitat is present, that the wetland transition area is 150 feet, and that vernal habitat is present near (if not on) the site.¹ Moreover, Transco cited no literature to support its opinion of no impacts and Transco's

¹ We note here that the Vernal Pool data sheets that were associated with Wander Ecological Consultants' April 30, 2019 Report were submitted by Wander Ecological Consultants via email on September 10, 2019 to Brian Zarate of

expert, Amy S. Greene, did not issue a supporting report. Thus, in light of Princeton Hydro's expert report and the views of Wander Ecological Consultants – as well as our prior comments and expert reports to DEP on Transco's new and prior Land Use permit applications for the NESE Project – DEP must deny Transco's Freshwater Wetlands Individual Permit application (listed above).

We reserve the right to submit additional comments and expert reports regarding other aspects of Transco's Responses to Public Comments on its permit applications for the NESE Project.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Daniel Greenhouse', is written over a horizontal line. The signature is fluid and cursive, with a prominent initial 'D'.

Daniel Greenhouse, Esq.
William D. Bittinger, Esq.
Eastern Environmental Law Center

Enclosures:

- Princeton Hydro's Analysis of Transco's Responses to Public Comments on Its Freshwater Wetlands Individual Permit application for the Proposed NESE Project (October 24, 2019)

cc: Ruth Foster (DEP)
Virginia Kop'kash (DEP)
Christopher Jones (DEP)

DEP's Division of Fish and Wildlife, Endangered and Nongame Species Program. These Vernal Pool data sheets had originally been mailed to an inactive address provided by DEP (the now-defunct Clinton, NJ office) in May 2019.