

Concern: Construction of the Raritan Bay Loop, with its newly proposed shorter schedule, threatens the health of marinelife, habitats, benthic and shellfish communities, and the economy of the region due to (1) suspension and spreading of toxins from beneath the seafloor, (2) noise from construction, and (3) limited access to construction space in the Bay for fishing and recreational activities.

For accountability, public participation, and use of science-based decision-making, the following comments are provided for consideration during the current comment period for the January 2020 applications by Williams/Transco for the following permits for the proposed Northeast Supply Enhancement Project: Freshwater Wetlands Individual Permit with Section 401 Water Quality Certification, Flood Hazard Area Individual Permit and Verification, Waterfront Development Individual Permit with Section 401 Water Quality Certification, and Coastal Zone Management Act Consistency Determination. I also ask that you consider all previous comments submitted during the previous commenting periods.

To receive Water Quality Certification, Williams/Transco must provide reasonable assurance to the state that construction and operation of the NESE Project will not violate all applicable water quality standards. Williams/Transco has not met the burden of proof here since their modeling does not ensure that New Jersey's Surface Water Quality Standards will not be exceeded. According to the DEP's denial letter on June 5, 2019, the **applications violate the Coastal Zone Management Rules, N.J.A.C. 7:7-12.7** - *Transco has not sufficiently demonstrated how it would avoid adverse impacts to surface water quality ... the proposed dredging could adversely impact surface water quality ... Transco did not provide modeling to show that turbidity concentrations and water quality parameters for the identified chemicals of concern downstream and upstream of the dredging site will meet the SWQS.*

The construction of the proposed pipeline will result in significant negative impacts to marine fish and fisheries though:

- increased turbidity
- re-suspension of toxin-laden sediment
- noise impacts
- hydrostatic testing

Furthermore, Williams/Transco has **shortened its proposed in-water construction timetable** from 12 to 7-8 months, and does not appear to be able to comply with necessary time of year restrictions that exist to protect fisheries and marine fish, having requested and been granted some flexibility for constructing during time of year restrictions for threatened and endangered species.

- **Increases in turbidity** can affect fish physiology and behavior which may impair migration, breeding, spawning and development as well as avoiding prey.
- The proposal to build approximately six miles of pipeline under the Raritan Bay in NJ waters (out of a 23.49 mile pipeline in the NY Bight) will quite likely end up re-releasing arsenic, lead, PCBs and other toxic substances in the sediment back into the Bay. The **resuspension of toxic-laden sediments**, throughout the dredging and drilling process as well as through the discharge of drilling muds, hydrostatic testing, vessel anchoring and operations, will **significantly degrade the water quality** of the Raritan Bay and result in concentrations, harmful to fish and shellfish, that are detrimental in the short- and long-term.
- The redistribution of sediments that fall from suspension, will bury benthic and demersal species, resulting in mortality of eggs and other life stages, including winter flounder that spawn in shallow, inshore waters in the project area.
- The resuspension of toxic sediment will result in bioaccumulation for osprey and bald eagle populations through ingestion of contaminated marine life.
- There was no analysis provided to document anticipated synergistic effects of exposure to a combination of toxins to any marine species (benthic or pelagic, migratory or otherwise).
- The **noise** from inserting and removing 163 piles in the bay is expected to be damaging enough that Williams/Transco asked for permission to cause permanent hearing loss to seals as well as permission to disrupt behavioral patterns (including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering) of seals, whales, dolphins and porpoises. NOAA has already acknowledged, in their Incidental Harassment Authorization granted in March 2020, that this will likely happen.

- Williams/Transco plans to release water used in hydrostatic testing the pipeline into the bay. Their plan involves releasing 3.2 million gallons of seawater that was treated with the **toxic chemical CORRTREAT 15316**. According to the Environmental Protection Agency, CORRTREAT 15316 is a highly toxic substance harmful to humans.
- **The economic and social viability of the Bayshore community**, previously harmed by toxic dumping and Superstorm Sandy, would be adversely impacted by NESE. Though construction of the in-water Raritan Bay Loop of the NESE Project would last for seven to eight months, the impact from limiting access to the bay and its shore for navigation, commerce, and fishing and recreational activities like swimming, surfing, sport diving, bird watching, walking, boating and whale watching, was not assessed. Additionally, the negative impacts to the Bayshore economy could be felt for many years as a result of unearthed, suspended and redistributed toxins from the seafloor that would harm habitats and enter the food chain. Long-term impacts were not assessed or modeled, and effects on marinelife and the environment from exposure to multiple toxins at the same time was not assessed or modeled.

For the above reasons, I request that the DEP deny the January 21, 2020 permit applications referenced above, and maintain its authority to protect the environment of New Jersey.

Respectfully submitted,