# TRANSCONTINENTAL GAS PIPE LINE COMPANY, LLC
# NORTHEAST SUPPLY ENHANCEMENT PROJECT

**COMPRESSOR STATION 206**
**FRANKLIN TOWNSHIP, SOMERSET COUNTY, NJ**

**MADISON & RARITAN BAY LOOPS**
**OLD BRIDGE TOWNSHIP AND SAYREVILLE BOROUGH, MIDDLESEX COUNTY, NJ**

**APPLICATION FOR**

## FRESHWATER WETLANDS INDIVIDUAL PERMIT, COASTAL WETLANDS INDIVIDUAL PERMIT, WATERFRONT DEVELOPMENT PERMIT, FLOOD HAZARD AREA INDIVIDUAL PERMIT AND WATER QUALITY CERTIFICATE

# COMPLIANCE STATEMENT

**Submitted to:**

**New Jersey Department of Environmental Protection**
**Watershed & Land Management**
**Division of Land Resource Protection**

**Submitted by:**

**Prepared By:**

**NOVEMBER 2026**

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# PART I. INTRODUCTION

Transcontinental Gas Pipe Line Company, LLC (Transco), a subsidiary of The Williams Companies, Inc.(Williams), is proposing the Northeast Supply Enhancement (NESE) Project (Project) to expand its existing interstate natural gas pipeline system in Pennsylvania and New Jersey and its existing offshore natural gas pipeline system in New Jersey and New York waters. The purpose of the Project remains consistent with the 2025 applications – to provide 400,000 dekatherms per day of incremental firm transportation capacity from Transco's Station 195 in York County, Pennsylvania, to the existing Rockaway Delivery Point (located approximately three miles offshore of the Rockaway Peninsula in Queens Borough, New York) to serve the Brooklyn Union Gas Company, d/b/a National Grid NY, and KeySpan Gas East Corporation, d/b/a National Grid (collectively, National Grid or Project Shippers).

Transco is submitting this application for the construction of Project components including Compressor Station 206 in Franklin Township, Somerset County, New Jersey, and pipeline facilities known as Madison Loop and Raritan Bay Loops (onshore and offshore) in Old Bridge Township and Sayreville Borough, Middlesex County.

**This Compliance Statement demonstrates the Project's compliance with various New Jersey Department of Environmental Protection (NJDEP) Division of Land Resource Protection (DLRP) regulations applicable to the Project.** The Environmental Report (submitted under separate cover) provides detailed information regarding the Project including project location, proposed activities, existing conditions and proposed impacts are included in the Environmental Report. Proposed construction activities are shown on the Freshwater Wetland Permit Plans, Waterfront Development Plans and the Flood Hazard Area Plans.

Under the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A), the NJDEP DLRP regulates activities within freshwater wetlands, transition areas and State open waters. Proposed activities that do not meet the requirements of an authorization under a general permit-by-certification, an authorization under a general permit, or a transition area waiver will require authorization under a Freshwater Wetlands Individual Permit pursuant to N.J.A.C. 7:7A-9.

The NJDEP DLRP regulates the use and development of coastal resources though the Coastal Area Facility Review Act of 1973 (CAFRA) (N.J.S.A. 13:19-1 et seq.), the Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.), the Waterfront Development Law (N.J.S.A. 12:5-1 et seq.) and the Coastal Zone Management Rules (N.J.A.C. 7:7). The Project is located outside of the geographic regulatory limits of CAFRA.

The Wetlands Act of 1970 regulates the draining, dredging, excavation, or deposition of material, and the erection of any structure, driving of pilings or placing of obstructions in any coastal wetlands that have been mapped or delineated pursuant to the Coastal Wetlands Act of 1970. Areas identified as the Upper Wetlands Boundary (UWB) by the NJDEP, Office of Information Resources Management (OIRM), Bureau of Geographic Information Systems (BGIS) (2002) were delineated under the Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq). Impacts to mapped coastal wetlands are proposed as part of this Project. The project will comply with various coastal zone management policies defined in the Coastal Zone Management Rules (N.J.A.C. 7:7).

Through the authority of the Waterfront Development Act, the NJDEP regulates development in the waterfront area. Pursuant to N.J.A.C. 7:7-2.4, for areas located outside of the CAFRA zone, the NJDEP regulates the following areas:

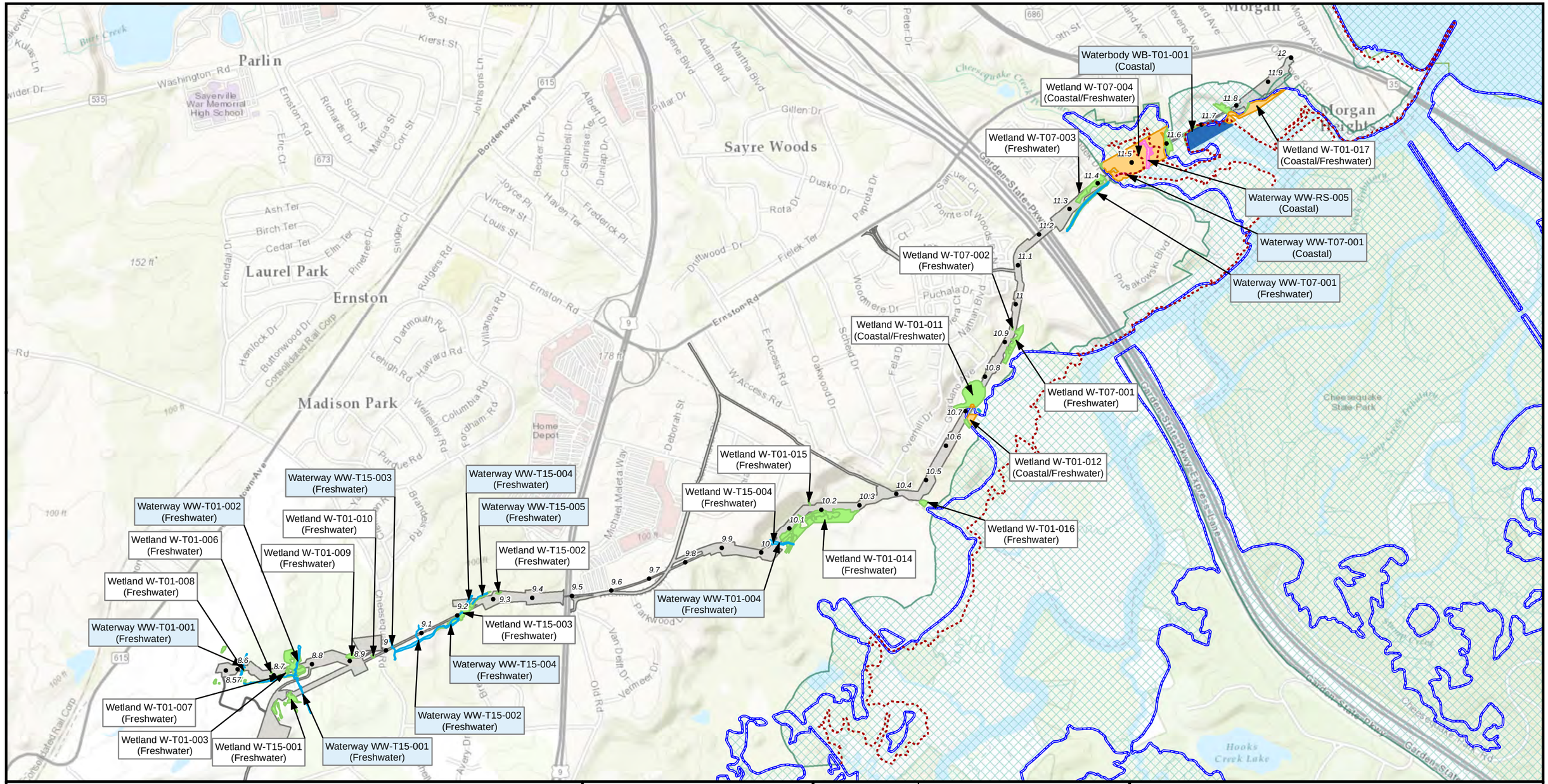
- All tidal waterways and all lands lying thereunder up to and including the mean high-water line.
- Adjacent upland areas within 100 feet of the mean high-water line. For properties within 100 feet of the mean high-water line that extend beyond 100 feet, the regulated waterfront area extends inland to the following:
- 500 feet from the mean high-water line; or
- The first paved public road, railroad or property line that existed in September 1980.

Portions of the Project area are located within 500 feet of the mean high-water line and therefore regulated by the Waterfront Development Act. The Project will comply with various coastal zone management policies defined in the Coastal Zone Management Rules (N.J.A.C. 7:7). **Figure 1** depicts the freshwater wetlands, coastal wetlands and New Jersey Coastal Zone for the Madison Loop.

The Flood Hazard Area Control Act Rules (N.J.A.C. 7:13) set standards for the development within flood hazard area and riparian zones. Flood Hazard Area regulations govern human disturbance to the land and vegetation in flood hazard area of a regulated water and riparian zone of a regulated water. No person shall engage in a regulated activity within a regulated area without a flood hazard area authorization of permit as required by N.J.A.C. 7:13 or a coastal permit as required by N.J.A.C. 7:7. Portions of the proposed Madison Loop and Raritan Bay Loop, which are subject to the Coastal Zone Management Rules (pursuant to NJ Waterfront Development Law), do not require authorization of a Flood Hazard Area Permit. However, the Applicant is required to demonstrate compliance with the Flood Hazard Area Control Act Rules as part of the Waterfront Development Permit application. For all other areas, impacts to flood hazard areas will require authorization under a Flood Hazard Area Individual permit. In addition, Transco is requesting verification of the flood hazard area for the Compressor Station 206 property.

**Transco is applying to the NJDEP DLRP for the following permit approvals, authorizations and certification for activities associated with the NESE Project.**

- **Freshwater Wetlands Individual Permit;**
- **Coastal Wetlands Individual Permit;**
- **Waterfront Development Individual Permit;**
- **Flood Hazard Area Individual Permit with Verification; and**
- **Water Quality Certificate.**




## Legend

- Milepost
- Mean High Waterline
- Upper Wetlands Boundary
- New Jersey Coastal Zone
- Proposed Limit of Disturbance

Waterbodies Crossed by the Project

Waterways Crossed by the Project
- Coastal
- Freshwater

Wetlands Crossed by the Project
- Coastal
- Freshwater

0 0.25 0.5 Miles

N

Note: Coastal and Freshwater designation per N.J.A.C. 7:7 and N.J.A.C. 7:7A

SITE LOCATION




| DRAWING NO. | REFERENCE TITLE |
|---|---|
| | 6 |

| NO. | DATE | BY | REVISION DESCRIPTION | W.O. NO. | CHK. | APP. |
|---|---|---|---|---|---|---|
| A | 6/13/2017 | AL | USACE Permit Application | 1000891 | MK | |

TRANSCONTINENTAL GAS PIPE LINE COMPANY LLC
FRESHWATER AND COASTAL WATERS/WETLANDS
CROSSED BY THE MADISON LOOP
NORTHEAST SUPPLY ENHANCEMENT PROJECT
NEW JERSEY

Williams

| | | | |
|---|---|---|---|
| DRAWN BY: AL | DATE: 6/13/2017 | ISSUE FOR BID: N/A | SCALE: 1:15,320 |
| CHECKED BY: MK | DATE: 6/13/2017 | ISSUE FOR CONSTRUCTION: N/A | Project features ver15 |
| APPROVED BY: | DATE: | DRAWING NUMBER: | FIGURE 1 |
| WO: 1000891 | FIELD DATA: 3/3/2017 | 1:09 PM 6/13/2017 | |

Data Sources: Williams 2017; E&E 2017; ESRI 2012, 2017; USGS Surficial Geology Quad Maps, 1996.

L:\Buffalo\Williams_NYRE\Map\MXDs\Permit_Request\CoastalZoneConsistency\Fig06_FreshAndCoastal_Waters_Wetlands.mxd

# PART II. COMPLIANCE STATEMENT FOR FRESHWATER WETLANDS INDIVIDUAL PERMIT

## 1.0 INTRODUCTION

This document presents information in support of a NJDEP DLRP application for a Freshwater Wetlands Individual Permit. Proposed activities shall meet the standards for a Freshwater Wetlands Individual Permit at N.J.A.C. 7:7A-10 and mitigation in accordance with N.J.A.C. 7:7A-11. In conformance with the Freshwater Wetlands Protection Act Rules, Transco is applying for a Freshwater Wetlands Individual Permit for the Project and all associated necessary construction activities. A detailed description of the existing on-site conditions within the project area including geomorphology, soils, hydrology, uplands and wetlands, threatened and endangered species, and cultural resources is included in the Environmental Report (submitted under separate cover).

## 2.0 FRESHWATER WETLANDS AND STATE OPEN WATERS

A total of 31 wetlands, 15 watercourses and 1 waterbody were delineated within the Project area. The boundaries of delineated wetlands, watercourses and waterbodies were marked in the field by sequentially numbered flags and subsequently surveyed. The wetland communities identified and delineated within the project area are described in the Environmental Report (submitted under separate cover).

## 3.0 AFFECTED WETLANDS AND STATE OPEN WATERS

Following extensive efforts to first avoid and then minimize impacts to jurisdictional wetlands and open waters, the proposed Project will permanently impact approximately 1.064 acres of freshwater wetlands, including 0.843 acres for construction of the Compressor Station 206 and 0.221 acres for construction of the Madison Loop. In addition, the proposed Project will result in 1.325 acres of permanent impacts to freshwater wetland transition areas. Permanent impacts to transition areas include 0.491 for construction of Compressor Station 206 and 0.834 acres for construction of the pipeline (Madison Loop). No permanent impacts to State open waters are proposed.

The proposed project will result in approximately 8.061 acres of temporary impacts that are less than six months in duration, including 2.796 acres of freshwater wetlands, 5.085 acres of transition areas and 0.180 acres of State open waters. These temporary impacts will occur as a result of construction access, work locations and construction laydown areas. Temporary disturbance to transition areas is within an existing maintained ROW and/or vacant fields and are not expected to result in significant impacts to adjacent freshwater wetlands.

**Part IV of the Environmental Report**, including **Tables 21 and 22,** provides more detail on the proposed Project's anticipated freshwater wetland impacts, as well as the wetland mitigation proposal to adequately compensate for these impacts.

## 4.0 GENERAL PROVISIONS AND STANDARD REQUIREMENTS FOR INDIVIDUAL PERMITS (7:7A-10.1 AND 10.2)

### 4.1 N.J.A.C. 7:7A-10.1 General Provisions for Individual Permit

The information provided in this section is for the entire Project for which unavoidable impacts to freshwater wetlands and aquatic resources are proposed. Transco has designed and engineered the Project to avoid and minimize impacts to aquatic resources to the extent feasible, while still meeting the Project Purpose and Need.

To compensate for unavoidable impacts to wetlands and aquatic resources, Transco will work with the NJDEP DLRP Mitigation Unit to develop an acceptable mitigation plan for the 1.064 acres of permanent wetland impacts. The proposed activities shall meet all the requirements set forth in N.J.A.C. 7:7A-10.2, 7:7A-10.4, 7:7A-10.5.

## 4.2 N.J.A.C. 7:7A-10.2(B) AND 10.2(C) STANDARD REQUIREMENTS FOR ALL INDIVIDUAL PERMITS

*The NJDEP will issue an Individual Permit only if the proposed activity complies with the following:*

1. *The proposed project has no practicable alternative which would meet the following requirements:*
   - *i. The alternative would have a less adverse impact on the aquatic ecosystem or would not involve a freshwater wetland or State open water,*
   - *ii. The alternative would not have other significant adverse environmental consequences, i.e., it shall not merely substitute other significant environmental consequences for those attendant on the original purpose.*

Extensive evaluations were conducted during and after the Alternative Analysis (**Environmental Report Part III, Sections 8.0 and 9.0 and Appendix C**) to identify alternatives that minimize environmental impacts to the maximum extent practicable while achieving the Project's Purpose (**Environmental Report Part II. Section 6.0**). Please note that Transco's Alternatives Analysis includes a discussion of, and responses to comments and recommendations made by NJDEP to evaluate alternatives to the Project.

2. *Will result in the minimum feasible alteration or impairment of the aquatic ecosystem including existing contour, vegetation, fish and wildlife resources, and aquatic circulation of the freshwater wetland and hydrologic patterns of the HUC 11 in which the activity is located;*

Due to the Project's linear requirements and association with exist rights-of-way (ROWs) and pipeline tie-ins, construction activities could not be designed to avoid all aquatic ecosystems identified within the vicinity of the Project. As a result, the Project will result in alteration (temporary and permanent) of the aquatic ecosystem.

The Project will result in 1.064 acres of freshwater wetlands, including 0.843 acres for construction of Compressor Station 206 and 0.221 acres for construction of the Madison Loop. The Project does not propose any permanent impacts to existing stream channels. In addition, the proposed Project will result in 1.325 acres of permanent impacts to freshwater wetland transition areas. Permanent impacts to transition areas include 0.491 for construction of Compressor Station 206 and 0.834 acres for construction of the pipeline (Madison Loop). Impacts associated with the proposed Project are discussed in the Environmental Report, Part V.

A New Jersey Alternative Analysis was prepared in January 2020 and revised in February 2020 to identify and evaluate alternatives that have been considered for the proposed Project. Please note that Transco's Alternatives Analysis includes a discussion of, and responses to comments and recommendations made by NJDEP to evaluate alternatives to the Project. A complete copy of the Alternatives Analysis is included as **Appendix C** of the **Environmental Report.** A summary of the Alternatives Analysis is provided in **Part III, Sections 8.0 and 9.0** of the **Environmental Report.** Avoidance and minimization measures implemented during the design are outlined below:

- Madison Loop
  - Transco minimized impacts by co-locating the pipeline facilities with Transco's existing ROW to the maximum extent practicable. In general, Transco maintains a 25-foot offset between co-located pipelines. This offset allows for safe construction adjacent to the existing pipeline and allows for rights-of-way to overlap, reducing the overall impact. In general, attempts to re-route the pipeline around regulated features increases impacts as the benefit of co-location with existing, previously disturbed areas is lost. Co-location also consolidates the disturbance across private property, thereby reducing impacts to property owners.
  - Transco narrowed workspaces from 90 feet wide to 75 feet wide at wetland crossings and waterbody crossings within the Project area. Workspace narrowing was not practicable at a number of wetland crossings because Transco either proposes to cross these features via horizontal directional drill (HDD), or crossings are limited to facility workspaces or additional temporary workspace areas

(ATWS), or the features are contained entirely within the workspace. Transco also avoided placing ATWS within wetlands and forested areas, where practicable, to minimize impacts.

- Transco completed several minor workspace adjustments to avoid or minimize wetland impacts. Transco has revised the limit of disturbance around wetland W-T07-001 to avoid impacts and has modified ATWS to reduce impacts to wetlands W-T01-007, W-T01-014, W-T07-004, and W-T15-002, and the associated transition areas.
- Transco relocated a pipeline crossover to eliminate the need for new permanent ROW within an NJDEP conservation easement (MP11.23 to MP11.42). Transco reduced the standard permanent ROW width for the Madison Loop near Gondek Drive, thus eliminating a total of 0.02 acre of permanent ROW within the conservation easement. Additional adjustments were made to relocate all temporary workspace outside of the conservation easement, eliminating impacts to the conservation easement altogether.
- As discussed in **Part III, Sections 8.0 and 9.0** of the **Environmental Report**, trenchless construction methods were evaluated for wetland and stream crossings to evaluate if disturbance could be minimized.

- Compressor Station 206
  - In response to NJDEP's November 27, 2019 letter and consistent with Transco's 2025 application, Transco is proposing an access road on an adjacent parcel to eliminate impacts to wetlands and waterways associated with the access road. Transco's access road (Higgins Farm access road) will generally overlap the pre-existing access road, now utilized by the U.S. Environmental Protection Agency (EPA)to reach a groundwater treatment plant. In designing the Higgins Farm access road, Transco committed to eliminating impacts to NJDEP regulated wetlands and waterbodies associated with the Compressor Station 206 access road.
  - Transco minimized the overall wetland impacts associated with the suction and discharge piping and tie-in, to the maximum extent practicable. Typically, the ROW width to install suction and discharge piping ranges from 100 to 120 feet. At Compressor Station 206, Transco has reduced the construction ROW width for "Utility Crossing D" to 80 feet.
  - In response to NJDEP comments, Transco has reduced the impacts of Utility Crossing D by redesigning the suction and discharge piping workspaces to reduce the length from approximately 700 to 550 feet. Although the tie-in was sited within a wetland, the associated workspace was sited in an adjacent upland area, to the maximum extent practicable.
  - Transco has redesigned the infiltration basin and further reduced the limits of disturbance of the suction and discharge piping and tie-in to limit transition area impacts to minimize impacts to "exceptional" resource value wetlands.

Temporarily disturbed areas (access roads, workspaces, etc.) will be restored to their pre-existing conditions to the extent practicable. All disturbed areas will be provided with a permanent vegetative cover in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and a project specific Soil Erosion and Sediment Control Plan approved by the Somerset -Union Soil Conservation District (Compressor Station 206), Freehold Soil Conservation District (Madison Loop and Raritan Bay Loop (onshore)), or as directed by the Transco Environmental Management.

The Project has been designed to minimize impacts to the greatest extent practicable while still achieving the Project goals and objectives. Reduction of wetland and transition area impacts makes the current proposed plan the most environmentally responsible and practicable alternative. Impacts to wetlands and transition area have been minimized by reducing disturbance areas to the greatest extent practicable while still allowing for activities necessary for successful implementation of the proposed Project.

*3. The proposed project will not destroy, jeopardize, or adversely modify a present or documented habitat for threatened or endangered species; and shall not jeopardize the continued existence of a local population of threatened or endangered species,*

Information regarding the historic or current presence of Federal and/or State-listed endangered, threatened, special concern, proposed, or candidate species, or habitat to support those species located in the vicinity of the Project area is summarized in the **Environmental Report, Part IV, Section 6.0**.

A request for information regarding the threatened and endangered species within the vicinity of the Project was submitted to the NJ Natural Heritage Program (NHP) on May 6, 2025. According to the NJ NHP response letter, dated June 3, 3025, for the Madison and Raritan Bay (onshore) Loops, potential habitat for the following threatened and endangered species is mapped within or immediately adjacent to the Project: Atlantic sturgeon (migration corridor – adult sighting), shortnose sturgeon (migration corridor – adult sighting), black-crowned nigh-heron (foraging), yellow-crowned night-heron (foraging – immediate vicinity), northern harrier (breeding sighting), saltmarsh sparrow (breeding sighting), leatherback sea turtle (occupied habitat), and loggerhead sea turtle (occupied habitat) (letters included in **Appendix A** of the **Environmental Report**).

Previous NJ NHP database letters for the Madison Loop, dated July 8, 2019 and May 19, 2017 indicate the presence of suitable habitat for the bald eagle (foraging and nesting habitat), the State-threatened black-crowned night-heron (foraging habitat), and the osprey (foraging and nesting habitat) within areas located to the east of Route 9 and generally in association with Cheesequake Creek and its adjacent wetlands. In January 2025, the bald eagle and osprey were removed from the state's list of endangered species.

According to the Landscape Project (Version 3.4) habitat is mapped for saltmarsh sparrow and black-crowned night-heron between Gondeck Drive and the Raritan Bay (MP11.45 to MP12.15). Impacts to the majority of wetlands and threatened and endangered species habitat will be avoided through the use of an HDD from MP11.49 to MP11.84. The Project will impact areas of wetland that are identified as foraging habitat for black-crowned night-heron and breeding habitat for saltmarsh sparrow, however, the Project will not result in impacts to any mapped suitable habitat for the listed breeding population. It is anticipated that impacts to suitable habitat will be minor and temporary in nature and will not represent any significant, long-term, adverse impact to black-crowned night-heron, salt marsh sparrow or habitat.

According to the NJDEP NHP response letter, dated June 5, 2025, for the Compressor Station 206 site, potential habitat for the barred owl (non-breeding sighting) is present within and immediately adjacent to the site (letters included in **Appendix A** of the **Environmental Report**). In 2017, no endangered or threatened species were identified by the NHP on the proposed Compressor Station 206 site (and previously proposed Trap Rock access road) in Franklin Township (letter dated June 23, 2017). However, in response to a report of a State-threatened barred owl near Compressor Station 206, NJDEP biologists conducted an inspection of the site and contiguous forested area on April 4, 2019. The site visit resulted in NJDEP's acceptance of the sighting report as valid due to the presence of suitable forested habitat conditions on site and the larger contiguous forested area. Transco has conducted additional detailed engineering to reduce the impacts to the potential onsite habitat for the barred owl which comprises the exceptional value forested wetlands and transition areas. As a result, Transco has eliminated the impacts to exceptional resource value forested wetland transition areas and wetlands associated with the access road and compressor station facility.

Due to the potential presence of suitable barred owl habitat within the vicinity of the Compressor Station 206, a barred owl presence/absence survey was conducted for Block 5.02, Lot 25. Direct surveys to determine the presence or absence of barred owl from the site or vicinity during the breeding season were conducted on April 14, April 17, April 23, April 30, and May 13, 2025. The methodology used for the presence/absence survey was the technique/survey methodology outlined in the *Protocols for the Establishment of Exceptional Resource Value Wetlands Pursuant to the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 Et Seq.) Based on Documentation of State or Federal Endangered or Threatened Species*, last updated January 2013, as prepared by the NJDEP Land Use Regulation Program, Office of Natural Lands Management, Division of Parks & Forestry and The Division of Fish, Game & Wildlife Endangered and Nongame

Species Program. The survey methodology also followed the methodologies outlined within the Woodland Raptor Survey Protocol developed by the NJDEP Division of Fish and Wildlife and the Conserve Wildlife Foundation of New Jersey.

**Call Playback Vocalization Survey Results:** There were neither return calls nor visual observations of barred owl during any of the call playback surveys on the site. Marginal levels of anthropogenic noise audible from surrounding areas including distant cars and dogs from nearby residences barking in response to call playbacks were noted during the surveys. Although this noise had no bearing on the ability to hear nocturnal animal calls emanating from the site or vicinity, it provides further evidence of habitat degradation of the site for this forest-interior sensitive species. Natural responses were dominated by coyotes and amphibians, although a great horned owl was heard off-site to the west during the April 17 survey. Although the site is primarily associated with undeveloped forest, anthropogenic features dominate the immediate vicinity including an active quarry. It is likely that these features and existing operations have diminished habitat suitability for the barred owl. Despite the call playback vocalization surveys being conducted during the appropriate season and under optimal weather conditions, no barred owls were heard or observed on the site during our survey. The negative survey results suggest that the site and vicinity are absent of habitat critical to the survival of a local population of barred owl.

**Nesting Survey Results:** The survey for potential nest trees resulted in the observation of several trees of sufficient size (i.e., +/- 20" dbh) for barred owl; however, most of these features do not contain suitable interior cavities or platform stick nests to support potential nesting by barred owl. Additionally, there was no observation of scat, cough pellets, prey remains or feathers at the bases of these trees or any other trees within the site. Several small dbh snags were observed on-site that fall well under the typical dimension of a barred owl host tree, and these were also absent of potential nesting cavities. Portions of the site which have been historically associated with the utility easement are primarily comprised of emergent vegetation and early successional sweet gum stands. No evidence of nesting activities were observed on site. The results of our nesting survey conclude that the site is absent of barred owl nest trees. The negative survey results suggest that the site is absent of habitat critical to the survival of a local population of barred owl.

A full presence/absence survey resulted in the absence of barred owl from the site and immediate vicinity. Based on the surveys and investigations performed, the following findings are made in support of the conclusion that critical habitat for a local population of barred owl is absent from the site:

- A full presence/absence call playback survey (five visits) during the latter portion of the breeding season resulted in the absence of barred owl from the site and vicinity;
- Four full site nesting investigations resulted in the absence of potentially critical nest trees from the site;
- A portion of the site was historically developed/disturbed and currently occupied by a utility easement which is routinely maintained
- Trafficked roadways, dogs, coyotes and other residential disturbances produce noise levels that are unfavorable for this forest-interior dwelling species;

The negative vocalization survey results provide strong evidence that the subject site and vicinity do not provide critical habitat for barred owl.

In total, the construction and operation of Compressor Station 206 will result in the removal of 0.538 acres of NJDEP identified suitable barred owl foraging habitat. Transco does not have access to the private properties surrounding the compressor station site and was therefore unable to conduct surveys for the purpose of identifying the full extent of potentially suitable habitat for the barred owl. In lieu of field surveys, Transco applied the methodology outlined in Appendix V of the New Jersey Landscape Project, Version 3.3, to calculate the total area of potentially suitable habitat surrounding the Compressor Station 206 site. When the barred owl sighting is added to the Landscape Project, Transco expects NJDEP will apply the same methodology to identify suitable foraging habitat in this area. In Appendix V of the New Jersey Landscape Project, Version 3.3, 20 different Land Use / Land Classification types have been identified as

potentially suitable habitat for barred owl. Additionally, the appendix notes that the patches should be contiguous as barred owls tend to reside in larger forest patches. The Landscape Project also identifies upland forest types as potentially suitable habitat. Using these methods, Transco determined that the total contiguous area of potentially suitable barred owl habitat surrounding the Compressor Station 206 site is more than 800 acres, with 381 acres being forested wetlands. The project will only impact a small percentage of this potentially suitable barred owl habitat. Given the placement of the compressor station site on the western edge of this potential habitat block, the removal of 0.538 acres of forested wetland habitat is unlikely to jeopardize or adversely modify the foraging opportunities available for the barred owl as the conversion will occur along the very edge of the contiguous forest block. Additionally, the removal of the 0.538 acres of foraging habitat will not jeopardize the continued existence of the local population of the barred owl, as more than 800 acres of contiguous forested habitat will remain available to foraging owls. As described throughout this application, Transco has implemented a detailed engineering design process to minimize impacts on existing forest, PFO wetlands, and potential barred owl habitat to the maximum extent practicable.

Finally, operation and maintenance of Compressor Station 206 will not jeopardize the continued use of the site by the barred owl. The design of Compressor Station 206 includes measures such as directional lighting and sound-attenuating insulation, which will minimize disturbance to wildlife. Additionally, human and vehicle activity associated with the operation and maintenance of the site are not expected to have a significant impact on the barred owl and are consistent with activities on the surrounding residential, commercial, and industrial properties.

To minimize potential construction related impacts to state-listed plant and wildlife species, Transco would adhere to permit conditions imposing seasonal work restrictions based on sensitive life stages. Construction activities likely to cause adverse effects will not be performed during certain restricted time periods. Proposed mitigation and Best Management Practices (BMPs) will ensure the continued existence of a local population of threatened or endangered species will not be jeopardized by the proposed Project.

4. *The proposed project will not be likely to result in the destruction or adverse modification of a habitat which is determined by the Secretary of the United States Department of the Interior or the Secretary of the U.S. Department of Commerce, as appropriate, to be a critical habitat under the Endangered Species Act of 1973, 16 USC §1531 et seq.*

Federal critical habitat, designated under the Endangered Species Act of 1973, is not present within the project area; therefore, no such habitat would be impacted.

5. *The proposed project will not cause or contribute to a violation of any applicable State water quality standards.*

It is anticipated that the proposed Project will not contribute to a violation of any State water quality standards. To avoid temporary impacts to water quality, a Soil Erosion and Sediment Control Plan will be adopted, and Best Management Practices will be implemented during construction of the proposed Project. A detailed list of these controls is included in the Environmental Report, Part III, Section 9.0, Best Management Practices.

Pursuant to the New Jersey Stormwater Management Rules (N.J.A.C. 7:8-5.2(d)) construction of an underground utility line, provided that the disturbed areas are revegetated upon completion, are exempt from the regulations set by N.J.A.C. 7:8 for groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements.

Measures to address stormwater management for Compressor Station 206 have also been developed and are outlined in the Stormwater Management Report prepared by AECOM, dated November 2026 and included with this application submission (**Appendix E**). There should be no significant impacts to water quality during construction or following completion of the Project.

6. *The proposed project will not cause or contribute to a violation of any applicable toxic effluent standard or prohibition imposed pursuant to the Water Pollution Control Act.*

The proposed Project will not result in the discharge of toxic effluent as defined by the Water Pollution Control Act. Any discharge of fill material shall consist of clean, suitable material free from toxic pollutants in toxic amounts.

However, since the Compressor Station 206 access road (Higgins Farm access road) would cross a Superfund site, Transco is working with the EPA in addressing its concerns relative to Transco's use of the Higgins Farm access road. By letter dated March 8, 2017, the EPA set forth several measures Transco should take if it were to acquire an interest in the Higgins Farm access road (**Appendix A** of the **Environmental Report**). Transco will comply with these measures and will work with the EPA during the construction process so that Transco does not interfere with the integrity of the remedy. In a letter dated December 19, 2019, EPA affirmed that Transco's use and extension of the Higgins Farm access road is not expected to interfere with EPA's ongoing remediation activities associated with the Higgins Farm Superfund site. Transco will address any contaminated soils encountered during construction in accordance with its Unanticipated Discovery of Contamination Plan, as well as all other applicable laws and regulations. If contaminated soils are uncovered, Transco will coordinate with NJDEP and EPA regarding site remediation and soil disposal activities.

In addition, accidental releases from construction vehicles will be contained by the installation of soil erosion and sediment control devices. These devices will help prevent any overland flow of discharges to a wetland or open water area. Discharges to bare soil will be addressed through the Soil Erosion and Sediment Control Plan and emergency response protocols that are a part of BMPs.

7. *The proposed project will not violate any requirement imposed by the United States government to protect any marine sanctuary designated pursuant to the Marine Protection, Research and Sanctuaries Act of 1972, 33 USC §§1401 et seq.*

The Project is not located in an area designated as a Marine Protection, Research and Sanctuaries Act of 1972 and therefore, no such impacts would occur.

8. *The proposed project will not cause or contribute to a significant degradation, as defined at 40 CFR 230.10(c) of ground or surface waters.*

In accordance with 40 CFR Part 230.10 "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences."

To demonstrate compliance with the requirements of the Clean Water Act, extensive evaluations were conducted to identify alternatives that minimize environmental impacts to the maximum extent practicable while achieving the Project Purpose. Alternatives evaluated are described in the Environmental Report, Part II Sections 8.0 and 9.0.

The proposed Project represents the alternative with the least environmental impacts, while still achieving the Project Purpose and Need. No other alternatives were identified that would meet the Project Purpose and Need and result in fewer impacts to wetlands or aquatic resources.

9. *The proposed project will not adversely affect a property which is listed or is eligible for listing on the National Register of Historic Places. If the permittee, before or during authorized work, encounters a probable historic property that has not been listed or determined eligible for listing on the National Register, but which may be eligible for listing in the National Register, the permittee shall immediately notify the NJDEP and proceed as directed by the NJDEP.*

Detailed information regarding cultural resources is included in Part IV, Section 8.0 of the Environmental Report.

The Madison and Raritan Bay (onshore) loops will be installed under three linear resources that are currently eligible for listing on the National Register of Historic Places. The Garden State Parkway, the Old Spye Road, and the New York and Long Branch Railroad will be traversed using HDD and conventional boring techniques; as a result, all surface impacts to these resources are expected to be avoided. Seven built resources 50 years of age or older were also identified as part of the architectural investigation. These seven resources were evaluated as not possessing the qualities of significance and/or integrity in accordance with the National Register Criteria for Evaluation (36 CFR 60.4[a-d). No historic properties were found to be affected by the proposed Project. No further architectural investigations appear warranted or are recommended for the Madison Loop or the Onshore Raritan Bay Loop. The NJ Historic Preservation Office (HPO) concurred with this assessment on March 22, 2017. Transco reviewed the NJDEP LUCY online database

in May 2025 and confirmed that there were no new properties since 2020 that have been identified as eligible or potentially eligible for listing as historic properties under the NHRP.

On the Compressor Station 206 parcel in Somerset County, a ruined early 20th century domestic building (Site 28-SO-166) was identified. Both architectural and archeological investigations were conducted for the house ruin and its associated parcel; the archaeological findings are related below. The house ruin and the parcel were analyzed applying the National Register Criteria for Evaluation for significance and integrity (36 CFR 60.4[a-d]). As such, Site 28-SO-166 does not possess those qualities of significance and integrity defined in the National Register of Historic Places Criteria for Evaluation (36 CFR 60.4 [a-d]), and does not represent an historic property, as defined in 36 CFR 800.16(l). The study area for the APE for visual effects around the Compressor Station 206 parcel initially was proposed as a 0.5-mile radius from the parcel boundaries. However, the viewshed surrounding the proposed compressor station was found to be limited due to tree buffers that will be retained around the new station and the existing tree cover on adjoining parcels. Large areas surrounding the Compressor Station 206 parcel currently are devoid of built resources. No further architectural investigations appear warranted or are recommended for Compressor Station 206. The NJ HPO concurred with the assessment of the Compressor Station 206 parcel on July 2, 2025. Transco reviewed the NJDEP LUCY online database in May 2025 and confirmed that there were no new properties since 2020 that have been identified as eligible or potentially eligible for listing as historic properties under the NHRP.

One newly identified historic archeological site (Site No. 28-SO-166) at the Compressor Station 206 parcel and one previously recorded multi-component (historic and prehistoric) archaeological site (Site No. 28-MI-169) along the onshore portion of the Raritan Bay Loop were identified during cultural resource surveys. Within the survey corridor, Site No. 28-SO-166, yielded 14 historic artifacts associated with a ruined house and a concrete foundation. Site No. 28-MI-169 yielded 3 prehistoric lithic artifacts and 45 historic artifacts. Elsewhere, no historic properties, as defined in 36 CFR 800.16(l), will be affected by the proposed Project.

Site No. 28-SO-166 does not possess those qualities of significance and integrity defined in the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]), and does not represent an historic property, as defined in 36 CFR 800.16(l). As a result, no further archeological investigation is recommended. The NJ HPO concurred with this assessment on March 30, 2017.

For Site No. 28-MI-169, Transco evaluated the potential risks associated with an inadvertent release during the proposed HDDs as part of the feasibility analysis and design process. Transco's evaluation indicated the HDD will have a much lower relative risk of inadvertent release and therefore Transco does not expect impacts upon the geologic matrix at Site No. 28-MI-169. The NJ HPO concurred with this assessment on June 8, 2017.

10. *The proposed project will not violate the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., or implementing rules at N.J.A.C.. 7:13.*

The proposed project includes the installation of a pipeline and removal of vegetation within regulated Flood Hazard Areas. Compliance with the Flood Hazard Area Control Act is provided in Part VI of this Compliance Statement.

11. *The proposed project is otherwise lawful.*

The applicant agrees to comply with all laws and regulations that apply to the proposed Project.

12. *The proposed project is in the public interest, as determined by the NJDEP in consideration of the following:*

Transco is reviving the Project at the request of the federal administration and in consideration of the President's Executive Orders, *Declaring a National Energy Emergency* and *Unleashing American Energy,* issued on January 20, 2025. These Executive Orders make clear that infrastructure development, particularly in the Northeastern United States, is desperately needed. Transco's Project will enhance reliability, flexibility, and efficiency on a critical part of Transco's system and provide access to crucial supplies of natural gas. As recently highlighted in the Northeast Power Coordinating Council's *Northeast Gas/Electric System Study*, existing gas infrastructure in New York is unable to meet the demand for

most electric generators during a cold snap.[1] While many generators in downstate New York—where the Project is intended to serve—are dual-fuel capable, very few electric generators have firm transportation entitlements, exposing electric generation to risk in the event of an extreme weather event or a pipeline outage.[2]

- The New Jersey facilities will provide enhanced system flexibility during planned and unplanned maintenance activities on Transco's natural gas infrastructure within the State.
    - The Project is designed to provide 400,000 Dth/d under peak conditions, however, shippers (especially local distribution company type shippers) do not typically require their full contractual volume except during an abbreviated time period during extreme weather conditions. Under normal conditions, the facilities constructed as part of the Project will enable Transco to manage maintenance outages and repairs; thus, minimizing impacts or interruption to all shippers on the system, especially those in New Jersey.
- In the event that the permits for the Project are denied and the Project is not constructed, the anticipated increase in the average system utilization off of the Transco system could result in material degradation of delivery pressures at existing delivery points and increased challenges associated with delivering existing firm shipper entitlements in New Jersey.
    - Without the Project, utility providers would continue signing up customers to their service territory because they are obligated by the New York State Public Service Commission to provide safe, reliable energy service upon request.
    - This could, in turn, result in an increase in the normal load from the interstate pipeline transmission grid, resulting in an overall increase in average deliveries off the Transco pipeline system in New Jersey.
    - An increase in the average system utilization would lead to increased operational challenges related to the scheduling of maintenance activities and a greater chance of impacts to all shippers in the northeast region, including those in New Jersey.
    - As noted in Transco's Alternatives Analysis for the Project (see **Appendix C** of the **Environmental Report**), the purpose of the new CS 206 is to offset the pressure drop associated with transporting the additional volume of natural gas flowing through the pipeline.

It should also be noted that because the Project arises under Section 7(c) of the Natural Gas Act of 1938, authorizing the FERC to issue certificates of "public convenience and necessity" for "the construction or extension of any facilities…for the transportation in interstate commerce of natural gas," the Energy Policy Act of 2005 (EPAct) designates FERC as the lead agency for coordinating applicable Federal authorizations and for National Environmental Policy Act (NEPA) compliance. In order to satisfy its NEPA obligations for the Project, FERC prepared both a draft and final EIS including a statement of the Projects purpose and need, and description of all reasonable alternatives to meet that purpose and need, a description of the environment that would be affected by those alternatives, and an analysis of the direct and indirect effects of the alternatives, including cumulative impacts.

As the lead agency, FERC solicited and obtained input from other agencies, including NJDEP, with jurisdiction by law or special expertise regarding any environmental impact associated with the Project. In this context it is important to recognize that FERC makes its determination of public convenience and necessity based on a variety of factors as required by its Policy Statement, including but not limited to whether the Project will provide the following public benefits: meeting unserved demand, eliminating bottlenecks, access to new supplies of natural gas, lower costs to consumers, providing new interconnects that improve the electrical grid, providing completive alternative, increasing electric reliability and advancing clean air objectives. This project will advance all of these public needs.

The NJDEP has historically found that the FERC Certificate satisfies the regulatory requirement that an interstate natural gas pipeline project is in the public interest. This is because FERC, as the lead agency, goes through a similar and arguably more extensive public interest analysis that includes both an economic and environmental review of the

1 Northeast Power Coordinating Council, *Northeast Gas/Electric System Study*, at 5 (Jan. 21, 2025).
2 *Id.* at 5-6.

Project. As set forth in the May 3, 2019 FERC Certificate in paragraphs 12 through 18, the Certificate Policy Statement establishes criteria for determining whether there is a need for a proposed project and whether the proposed project will serve the public interest. The Commission balances the public benefits against the potential adverse consequences. Among other things, FERC must determine whether (1) the pipeline company can financially support the project without relying on subsidization from existing customers and (2) the pipeline company has made efforts to eliminate or minimize any adverse effects the project might have on its existing customers, existing pipelines in the market and their captive customers, or landowners and communities affected by the proposed route or location of the new pipeline facilities. If the benefits outweigh the adverse effects on economic interests, then FERC will proceed to complete the environmental analysis where other interests are considered.

FERC ultimately concluded that based on the benefits the project will provide and the minimal adverse impacts on existing shippers, other pipelines and their captive customers, and landowners, surrounding communities, and the environment, that the public convenience and necessity required approval of the Project.

Transco's current application sets forth, in great detail, information that addresses each of the above public interest factors set forth in the FWW Rules. This information, coupled with FERC's determination that the Project is in the public interest, is sufficient for the NJDEP to determine that the Project is in the public interest.

On May 3, 2019, FERC issued to Transco a Certificate, which was amended by an Order Amending Certificate, dated July 16, 2020, for the Project, finding that Transco sufficiently demonstrated that there is a sufficient purpose and need for the Project. FERC noted that Transco has entered into long-term precedent agreements with National Grid for 100% of the capacity created by the project and that "Transco has sufficiently demonstrated that there is market demand for the project."

Despite the lapse in the Certificate Order, the need for the Project, including the more affordable and reliable energy it can make available to New York, has only increased over the last five years. Reliability concerns continue to plague downstate New York and the urgent need exists for additional natural gas supply to serve families and businesses in the region. Projects that were anticipated to obviate the need for the Project have not come to fruition while demand continues to grow in New York. Accordingly, Transco plans to file a Petition with the FERC requesting the reissuance of the certificate of public convenience and necessity (Certificate), as amended, authorizing Transco to construct and operate the Project.

*i. The public interest in preservation of natural resources and the interest of the property owners in reasonable economic development. In determining whether a proposed activity is in the public interest, the NJDEP shall consider, as one source of guidance, the goals, strategies, policy objectives and policies of the New Jersey State Development and Redevelopment Plan, adopted and/or readopted by the State Planning Commission pursuant to the New Jersey State Planning Act N.J.S.A. 52:18A-196 et seq., and the State Planning Act Rules, N.J.A.C.. 17:32.*

Specifically, as to the first factor, which deals with balancing the public's interest in preservation of natural resources and the applicant's interest in reasonable economic development, the NJDEP has found on past interstate natural gas pipeline projects that the property chosen by the pipeline company for its proposed facilities "holds high economic value" when it is in close proximity to the company's existing pipeline system. See NJDEP Review and Decision Summary for Transco's Garden State Expansion Project, DLUR File No. 0300-15-0002.2 FWW150001, p. 9. Here, the location of Transco's proposed facilities, including proposed Compressor Station 206, Madison Loop, and Raritan Bay Loop were selected, in part, due to their proximity to Transco's existing pipeline system. As to the impacts on natural resources, the Project was designed to avoid impacts to wetlands and other regulated features. Where Transco could not reasonably avoid impacts to regulated features, Transco minimized impacts to the greatest extent practicable.

For instance, in connection with the Madison Loop, Transco started from the position that co-location of the new pipeline within its existing pipeline ROW would reduce environmental impacts when compared to a route that would deviate around regulated features, which is consistent with the NJDEP's policy favoring co-location. To that end, Transco minimized impacts by co-locating the pipeline facilities with Transco's existing ROW to the maximum extent

practicable. Transco also analyzed the use of trenchless construction methodologies, including HDD and conventional bore, along the route of the Madison Loop in order to avoid or minimize direct impacts to regulated areas, including wetlands and transition areas. Transco also reduced the width of its workspace at wetlands crossings from 90 feet to 75 feet where practicable. See the discussion above (response to N.J.A.C. 7:7A-10.2(b)2) for a discussion of the avoidance and minimization evaluation conducted for the Madison Loop.

In addition, Transco continued to refine its Project design to further minimize impacts where impacts could not be avoided. By way of example, Transco was able to shift the location of the suction and discharge piping for Compressor Station 206 to minimize impacts to the wetland and transition area.

As a result of the last-minute barred owl determination by the NJDEP in connection with Transco's previous permit application, the intermediate resource value wetlands that were present at the Compressor Station 206 site were "upgraded" to exceptional resource value, thereby substantially impacting the previously proposed access road by increasing the width of transition areas at these wetlands. Despite these changes, Transco was able to redesign the infiltration basin to completely avoid impacts to these transition areas resulting from the infiltration basin. Further, as previously described, in response to NJDEP's November 27, 2019 letter outlining regulatory deficiencies associated with Transco's June 2019 application for FWW IP, Transco is proposing an access road on an adjacent parcel (Higgins Farm access road) that eliminates impacts on wetlands, wetland transition areas, and waterways associated with the previously proposed Trap Rock access road included in Transco's June 12, 2019 FWW IP application. As a result of Transco's continued refinement of the Compressor Station 206 workspaces to reduce impacts on regulated features, the only impacts to regulated features at the site are those related to the suction and discharge piping and tie-in to Transco's mainline. These impacts have been minimized to the greatest extent practicable.

Given the significant lengths that Transco has taken to avoid and minimize impacts, and the significant public and private need for the natural gas to be conveyed by the Project, Transco respectfully submits that it has addressed the first public interest factor.

*ii. The relative extent of the public and private need for the proposed regulated activity.*

As to the second factor, pertaining to the relative extent of the public and private need for the Project, Transco and the Project Shippers are in discussions to reinstate the precedent agreements in their entirety. Just as before, these precedent agreements would represent 100% of the firm transportation capacity created by the Project, which show strong market need for the Project. Transco plans to file a Petition with FERC requesting the reissuance of the Certificate Order authorizing Transco to construct and operate the Project. In addition to meeting needs of downstate New York, the Project will provide an important benefit to natural gas shippers and consumers in New Jersey:

- The New Jersey facilities will provide enhanced system flexibility during planned and unplanned maintenance activities on Transco's natural gas infrastructure within the State.
  - The Project is designed to provide 400,000 Dth/d under peak conditions, however, shippers (especially local distribution company type shippers) do not typically require their full contractual volume except during an abbreviated time period during extreme weather conditions. Under normal conditions, the facilities constructed as part of the Project will enable Transco to manage maintenance outages and repairs; thus, minimizing impacts or interruption to all shippers on the system, especially those in New Jersey.
- In the event that the permits for the Project are denied and the Project is not constructed, the anticipated increase in the average system utilization off of the Transco system could result in material degradation of delivery pressures at existing delivery points and increased challenges associated with delivering existing firm shipper entitlements in New Jersey.
  - Without the Project, utility providers would continue signing up customers to their service territory because they are obligated by the New York State Public Service Commission to provide safe, reliable energy service upon request.

- This could, in turn, result in an increase in the normal load from the interstate pipeline transmission grid, resulting in an overall increase in average deliveries off the Transco pipeline system in New Jersey.
- An increase in the average system utilization would lead to increased operational challenges related to the scheduling of maintenance activities and a greater chance of impacts to all shippers in the northeast region, including those in New Jersey.
- As noted in Transco's Alternatives Analysis for the Project (see **Appendix C** of the **Environmental Report**), the purpose of the new CS 206 is to offset the pressure drop associated with transporting the additional volume of natural gas flowing through the pipeline.

On May 3, 2019, FERC issued to Transco a Certificate for the Project, finding that Transco demonstrated that there is a sufficient purpose and need for the Project. FERC Certificate, ¶16. FERC noted that Transco has entered into long-term precedent agreements with National Grid for 100% of the capacity created by the project and that "Transco has sufficiently demonstrated that there is market demand for the project." Id. The Certificate was later amended by Order Amending Certificate dated July 16, 2020. Transco plans to file a Petition with the FERC requesting the reissuance of the certificate of public convenience and necessity (Certificate), as amended, authorizing Transco to construct and operate the Project.

Accordingly, there is significant public and private need for the additional supply of natural gas and the Project facilities.

*iii. Where there are unresolved conflicts as to resource use, the practicability of using reasonable alternative locations and methods, to accomplish the purpose of the proposed regulated activity.*

In addressing the practicality of reasonable alternative locations and methods, as required by the third factor, Transco provided the NJDEP with a robust alternatives analysis (**Appendix C** of **Environmental Report**) that analyzed different options for avoiding and minimizing impacts to regulated features. Transco provided the NJDEP with a detailed discussion of Transco's interstate natural gas pipeline system, and how the existing system and hydraulic constraints informed the basis for the design of the Project and meeting the Project's purpose. Transco analyzed the use of various system alternatives, including a pipeline looping-intensive alternative that would have obviated the need for Compressor Station 206, but would have resulted in greater environmental impacts; the expansion of Transco's existing compressor station facilities; and even the use of electric motors at Compressor Station 206, as opposed to gas turbines.

In addition to system alternatives, Transco performed a comprehensive analysis of alternate sites for Compressor Station 206 using a multi-tiered approach that focused on parcel configuration and logistical constraints, availability, and the presence of wetlands and transition areas (**Environmental Report, Appendix C, Section 4.1**). As stated above, in response to NJDEP's November 27, 2019 letter outlining regulatory deficiencies associated with Transco's June 2019 application for a FWW IP, Transco is proposing an access road on an adjacent parcel to eliminate impacts on wetlands, wetland transition areas, and waterways associated with the previously proposed access road included in Transco's June 12, 2019 FWW IP application.

Given that the impacts to regulated features are only associated with the Compressor Station 206 suction and discharge piping area, Transco considered, and, where practicable, implemented alternatives that would avoid or minimize these impacts (**Environmental Report, Appendix C, Section 4.2**). As noted above, Transco also considered and implemented certain minimization measures to reduce impacts, including reduction in the width and length of the suction and discharge piping ROW, thereby reducing the impacts of these facilities on regulated features. See response to N.J.A.C. 7:7A-10.2(b)2 above for measures to avoidance and minimization measures.

Lastly, Transco minimized impacts caused by the Madison Loop by co-locating the pipeline facilities with Transco's existing ROW to the maximum extent practicable. Transco also analyzed the use of HDD and conventional bore along the route of the Madison Loop in order to avoid or minimize direct impacts to regulated areas, including wetlands and transition areas. Transco also reduced the width of its workspace at wetlands crossings from 90 feet to 75 feet where practicable.

Thus, Transco has sufficiently addressed the practicability of using other alternative locations and methods in connection with the construction of the Project.

*iv. The extent and permanence of the beneficial or detrimental effects which the proposed regulated activity may have on the public and private uses for which the property is suited.*

Transco has also sufficiently addressed the "extent and permanence of the beneficial or detrimental effects of the Project on public and private uses for which the propert[ies] [are] situated." N.J.A.C. 7:7A-10.2(b)12iv. Transco considered both the temporary and permanent impacts of the Project and, based on extensive discussions between Transco and the NJDEP (see copies of correspondence with NJDEP in **Appendix A** of the **Environmental Report**), both permanent and temporary impacts to freshwater wetlands have been substantially reduced to the greatest extent practicable.

Disturbances to wetlands and wetland transition areas include both temporary and permanent impacts. Impacts to these regulated areas have been avoided and/or minimized to the greatest degree practicable to allow for the successful construction of the Certificated Project. Transco's commitment to implementing BMPs, such as soil erosion and sediment control measures and the timely restoration of vegetated areas following construction activities, are anticipated to reduce the potential for significant short or long-term adverse impacts resulting from the Project. See Del. Riverkeeper Network v. Sec'y, Pa. Dep't of Envntl. Prot., 833 F.3d at 382 (holding that the NJDEP appropriately considered this factor where the pipeline company was required to implement BMPs during construction and restoration).

*v. The quality and resource value classification pursuant to N.J.A.C.. 7:7A-3.3 of the wetland which may be affected and the amount of freshwater wetlands to be disturbed.*

Pursuant to the fifth factor, Transco addressed the resource value classification of the impacted wetlands. Transco identified each wetland impacted by the Project, and indicated the location, wetland type, and the resource value classification required under the FWPA Rules. As described above, Transco determined one is considered "exceptional" because it is located within habitat documented to contain threatened or endangered species; four wetlands have been identified as "ordinary", and 12 have been identified as "intermediate". Additionally, two wetlands are a combination of "exceptional/intermediate" resource value as it includes areas with both suitable habitat for threatened or endangered species as well as areas lacking suitable threatened and endangered species habitat. Transco has identified and thoroughly documented these resources as part of this Application. It should also be noted, as described above, Transco eliminated impacts on "exceptional" resource value wetlands and transition areas associated with the Compressor Station 206 access road. See Section 8 of Transco's Supplemental Wetland Delineation Report in **Appendix E** of the **Environmental Report**.

*vi. The economic value, both public and private, of the proposed regulated activity to the general area.*

As to the sixth factor, there are several reasons why the Project would have both public and private economic value. FERC analyzed the economic impacts of the Project and concluded in the FEIS that the Project would have beneficial economic effects on state and local economies. Specifically, FERC found that the Project will create "a short-term stimulus to the affected areas through payroll expenditures, local purchases of consumables and project-specific materials, and sales tax" and that "operation of the Project would result in long-term property tax and submerged land easement fee benefits in the counties and localities in New Jersey and New York in the Project area." Final EIS, p. 4-278. For New Jersey, the Project will create: 2,400 union jobs and generate $240 million in additional economic activity.

Additionally, the Project would provide additional natural gas supply during periods of increased peak demand resulting from increased residential and commercial usage related to population and market growth and the phase-out of fuel oil in New York City. In addition, the Project would add to the reliability of the New York City area's natural gas system by diversifying the transportation pathways used to supply New York City with natural gas. See Del. Riverkeeper Network v. Sec'y, Pa. Dep't of Envntl. Prot., 833 F.3d at 382 (holding that the NJDEP appropriately "found that the

project would provide public and private economic value by expanding Transco's pipeline system capacity and serving end-users").

*vii. The functions and values provided by the freshwater wetlands and probable individual and cumulative impacts of the regulated activity on public health and fish and wildlife.*

Transco thoroughly addressed the functions and values of the wetlands impacted by the Project and impacts on the public health and fish and wildlife.

As noted by Transco, given the actively managed nature of the areas along the majority of the Madison Loop, certain habitat functions and values would be expected to be somewhat diminished in these areas, when compared to the extent provided by the surrounding, undisturbed, emergent, scrub/shrub, or forested wetland communities.

Alteration to habitat functions provided by PFO and PSS wetlands will occur due to disturbances of these wetland communities. Such alterations will result in changes such as vegetation composition and structure, increased exposure to wind, light, and temperature fluctuations. In locations where the proposed Project is not co-located with other, existing utility or roadway corridors, these changes will also result in new habitat fragmentation. These changes will likely modify the species composition of wildlife using these areas. Permanent conversion of PFO/PSS wetlands could also potentially alter flood storage capacity of wetlands, particularly in floodplain wetlands. Permanent conversion of PFO wetlands could also result in an aesthetic effect to these areas and to users who access these areas.

Transco has sought to minimize impacts to wetlands and transition areas by avoiding and/or reducing disturbance areas to the greatest extent practicable. While the disturbance of wetlands during construction of the Project may have negative impacts on wetland functions and other secondary impacts, Transco has demonstrated that it designed the Project to avoid and minimize these impacts to the greatest extent practicable. Transco will implement BMPs such as soil erosion and sediment control measures and the timely restoration of vegetated areas following construction activities, which are anticipated to reduce the potential for significant short or long-term adverse impacts resulting from the Project. In PFO/PSS wetlands located in temporary workspaces outside of the permanent maintenance corridor, vegetation clearing will consist of cutting vegetation flush to the ground, and no grubbing of stumps is proposed. This clearing method will serve to preserve vegetation composition and effectuate regeneration of said vegetation. Additionally, these temporary workspaces will be restored in-place, in accordance with a NJDEP approved restoration plan. Over time, these temporary workspaces will recapture functions and values lost during construction of the proposed Project.

As to impacts on fish and wildlife, Transco consulted with NJDEP and USFWS to determine potential impacts to certain threatened and endangered species. These impacts and any timing restrictions are discussed within Transco's application.

Transco will retire NOx Emission Reduction Credits which, following completion of temporary construction activities, will perpetually offset by more than 25 times the ongoing operational NOx potential to emit each year at Compressor Station 206.

For the reasons set forth above, Transco respectfully submits that the Project is in the public interest.

*13. The proposed project will not involve a discharge of dredged material or a discharge of fill material, unless the material is clean, suitable material free from toxic pollutants in toxic amounts, which meets NJDEP standards for use of dredged or fill material.*

Construction of the suction and discharge piping and tie-in for Compressor Station 206 site will require the placement of fill materials; the fill materials shall comply with this condition.

*14. The proposed project is consistent with the applicable approved Water Quality Management Plan (208 Plan) adopted under the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., unless the activities are not subject to the NJDEP's Water Quality Management Planning rules at N.J.A.C. 7:15.*

Not applicable. The proposed Project consists of installing new pipeline infrastructure.

15. *In accordance with N.J.A.C. 7:7A-2.7, is part of a project that in its entirety complies with the Stormwater Management rules at N.J.A.C. 7:8.*

Both the Madison Loop and Compressor Station 206 portions of the project are classified as "major development" under the Stormwater Management Rules. Activities related to construction of the Madison Loop will not result in any physical improvements or the introduction of new impervious surfaces. Linear development projects, including construction of an underground utility line provided disturbed areas are revegetated upon completion are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements pursuant to N.J.A.C. 7:8-5.2(d). As proposed, all areas impacted for construction of the proposed pipeline will be returned to existing grade and will be stabilized and or restored in accordance with soil erosion and sediment control measures and/or a restoration plan prepared for the project. Other than implementation of soil erosion and sediment control measures, no additional stormwater management are proposed for installation of the Madison Loop.

Measures to address stormwater management for Compressor Station 206 have been developed and are outlined in the Stormwater Management Report prepared by AECOM, dated November 2026 and included with this application submission (**Appendix E).** The proposed Project is in compliance with the Stormwater Management Rules.

*When considering whether an alternative is practicable under N.J.A.C. 7:7A-10.2(b)1, the following will apply:*

1. *An alternative shall be practicable if it is available and capable of being carried out taking into consideration cost, existing technology, and logistics in light of overall project purposes,*
    i. *In considering cost, the NJDEP will consider the acquisition history of the property as a whole and the amount, nature and date of investments that the applicant has made in the property as a whole; and*
2. *An alternative shall not be excluded from consideration under this provision merely because it includes or requires an area not owned by the applicant that could reasonably have been or be obtained, utilized, expanded, or managed in order to fulfill the basic purpose of the proposed activity.*

An Alternatives Analysis is provided in the **Environmental Report Part III Sections 8.0 and 9.0** and **Appendix C.** Areas not owned by Transco, were analyzed to determine if these areas fulfilled the basic purpose of the Project. Based upon the evaluation, Transco has demonstrated that there are no additional alternative measures that can be implemented to reduce impacts to environmental resources and that meet the Purpose and Need of the Project.

## 5.0 ADDITIONAL REQUIREMENTS FOR A NON-WATER-DEPENDENT ACTIVITY IN A WETLAND OR SPECIAL AQUATIC SITE (N.J.A.C 7:7A-10.3)

*In addition to meeting the requirements of N.J.A.C. 7:7A-10.2, a non water-dependent activity in a freshwater wetland or special aquatic site shall meet the requirements of this section.*

*There shall be a rebuttable presumption that there is a practicable alternative to a non water-dependent activity in a freshwater wetland or in a special aquatic site, which alternative does not involve a freshwater wetland or special aquatic site, and that such an alternative would have less of an impact on the aquatic ecosystem.*

*In order to rebut the presumption established above, an applicant must demonstrate all of the following:*

1. *That the basic project purpose cannot reasonably be accomplished using one or more other sites in the general region that would avoid or reduce the adverse impact on an aquatic ecosystem,*

By design, looping is when one pipeline is laid parallel to another and is used as a method to increase capacity along an existing ROW. Based on the Project purpose and need to increase capacity, the Madison Loop was sited adjacent to existing pipelines and to the extent practicable in the existing pipeline ROW to avoid and minimize impacts to surrounding resources. As detailed in **Part III, Sections 8.0 and 9.0** of the **Environmental Report** and in Transco's Alternatives Analysis (**Appendix C** of the **Environmental Report**), there is no other location or route for the Madison Loop that would avoid or reduce adverse impacts on the aquatic ecosystem.

As discussed **Part III, Sections 8.0 and 9.0** of the **Environmental Report** and in Transco's Alternatives Analysis (**Appendix C** of the **Environmental Report**), Transco performed a comprehensive siting analysis for Compressor Station 206. This analysis took into consideration parcel availability, parcel configuration and presence of regulated freshwater wetlands, transition areas, and state open waters. After applying these criteria, Transco was able to narrow its search to five potential sites. Transco then applied additional considerations to these sites to further refine its analysis. Specifically, Transco analyzed impacts associated with operation and construction workspaces, access road requirements, suction and discharge piping requirements, workspace needed for tie-in to Transco's Mainlines, and whether a pig launcher and receiver would be needed at each site. There are no other sites in the region that would both satisfy the basic Project purpose and avoid or reduce the adverse impact on the aquatic ecosystem.

In response to NJDEP's November 27, 2019 letter outlining regulatory deficiencies associated with Transco's June 2019 application for a FWW IP, Transco is proposing an access road (Higgins Farm access road) on an adjacent parcel to eliminate impacts on wetlands, wetland transition areas, and waterways associated with the previously proposed access road (Trap Rock access road) included in Transco's June 12, 2019 and January FWW IP application. Transco has demonstrated through its Alternatives Analysis that there are no alternative sites or locations for the access road that would have lesser impacts on the aquatic ecosystem.

As set forth in the Alternatives Analysis, the proposed Project and its individual components cannot reasonably be accomplished using one or more other sites in the general region.

2. *That the basic project purpose cannot reasonably be accomplished if there is a reduction in the size, scope, configuration, or density of the project as proposed,*

Since Transco's initial application for the Project in June 2017, Transco has undertaken multiple engineering design revisions to reduce the size, scope and configuration of the proposed Project to the maximum extent practicable while still meeting the needs of the Northeast Supply Enhancement Project. See **Part III, Sections 8.1 and 8.2** of the **Environmental Report** for a description of the changes to the limits of disturbance and facility configurations that have been made in response to environmental constraints and comments made by the NJDEP. Further reductions to the size and/or configuration of currently proposed Project components, would be such that the basic purpose of the Project could not be reasonably accomplished. Measures to avoid, reduce and/or minimize impacts to regulated areas have been employed to the greatest degree practicable while still allowing for successful Project implementation.

3. *That the basic project purpose cannot reasonably be accomplished by an alternative design that would avoid or reduce the adverse impact on the aquatic ecosystem,*

There are no alternate designs that would avoid or reduce the adverse impact to regulated areas while still accomplishing the basic needs and purpose of the proposed Project. Impacts to wetlands, wetland transition areas and State open waters are unavoidable due to the required location, configuration, and size of the proposed Project and its related elements. Alternatives and avoidance and minimization measures have been considered as discussed in the **Environmental Report Part III, Sections 8.0 and 9.0 and Appendix C**. It has been determined that only the preferred alternative will allow for the successful implementation of the proposed activities in their goal to meet the considered purpose and need for the Northeast Supply Enhancement Project.

While the proposed design is required to accomplish the project purpose and need, the proposed construction activities have been designed to avoid, reduce and/or minimize impacts to the aquatic ecosystem to the greatest extent practicable while still allowing for successful implementation of the Northeast Supply Enhancement Project. Transco has made the following workspace modifications to reduce permanent and temporary impacts on regulated features:

Associated with the Madison Loop:

- Reduced the ATWS requested at MP9.31 to reduce impacts on wetland W-T15-002A-1. This has resulted in a reduction of 0.018 acre of PEM wetland impacts.
- Reduced the ATWS requested at MP10.08 to reduce impacts on wetlands W-T01-014A-1 and W-T01-014B1. This has resulted in a reduction of 0.014 acres of PEM and 0.009 acres of PSS wetland impacts.
- Reduced the ATWS requested at MP11.46 to reduce impacts on wetland W-T07-004D-1. This has resulted in a reduction of 0.105 acres of E2EM wetland impact.
- Reduced the ATWS requested at MP8.71 to reduce impacts on wetland W-T01-007A-1. This has resulted in a reduction of 0.005 acres of PEM wetland impacts.

Associated with Compressor Station 206:

- Change the proposed access road to use the Higgins Farm access road instead of the previously proposed Trap Rock access road. This change has resulted in the elimination of impacts on NJDEP regulated wetlands, wetland transition areas, and waterbodies associated with the access road.
- Modified the alignment of the suction and discharge piping and thereby reduced the total length of piping from approximately 700 to 550 feet. This has resulted in a reduction of 0.220 acre of wetland impacts.
- Reduced the footprint of the infiltration basin through the modification of impervious surfaces within Compressor Station 206 to eliminate impacts to exceptional resource value wetland transition areas from the infiltration basin footprint.

4. *That in cases where the applicant has rejected alternatives to the project as proposed due to constraints such as inadequate zoning, infrastructure, or parcel size, the applicant has made reasonable attempts to remove or accommodate such constraints, and*

Please refer to the Alternatives Analysis which describes the attempts made by Transco to remove and accommodate constraints that led Transco to reject alternatives to the proposed Project (**Appendix C** of the **Environmental Report**). Transco's June 2019 permit applications detailed its previous attempts to remove constraints associated with its use of the Higgins Farm access road. However, in light of NJDEP's November 27, 2019, letter, Transco sought and received approval from the FERC, through the amendment of the Certificate of Public Convenience and Necessity (Certificate), to use the Higgins Farm access road. Given the presence of a Deed of Easement that prohibits the conveyance of an easement for non-agricultural purposes, Transco filed a condemnation action to acquire the necessary rights in the Higgins Farm access road.

5. *If any portion of the proposed activity will take place in an exceptional resource value wetland or in trout production waters, that the requirements of N.J.A.C. 7:7A-10.4 are met.*

The only Project components that impact exceptional resource value wetlands are the Compressor Station 206 suction and discharge piping area and a very small portion of the Madison Loop. As set forth in more detail in Section 6.0 below, Transco has demonstrated that these components, and Project as a whole, satisfy a compelling public need and that denial of the permit would impose an extraordinary hardship on Transco.

# 6.0 ADDITIONAL REQUIREMENTS FOR A NON-WATER-DEPENDENT ACTIVITY IN EXCEPTIONAL RESOURCE VALUE WETLANDS OR TROUT PRODUCTION WATERS (7:7A-10.4)

*If an applicant proposes a non-water-dependent activity in wetlands of exceptional resource value or in trout production waters, the applicant, in addition to complying with all other requirements, shall also demonstrate either:*

1. *That there is a compelling public need for the proposed activity greater than the need to protect the freshwater wetland or trout production water, and that the need cannot be met by essentially similar projects in the region which are under construction or expansion, or which have received the necessary governmental permits and approvals, or*

By letter, dated November 27, 2019, NJDEP acknowledged Transco's withdrawal of its applications for a Freshwater Wetlands Individual Permit, Flood Hazard Area Individual Permit and Verification, and Waterfront Development Individual Permit, and set forth statutory and regulatory deficiencies associated with the withdrawn applications that Transco would need to address in the event Transco reapplied for these same permits. Among these deficiencies, NJDEP stated that, in order to establish a compelling public need for the Project, Transco would need to demonstrate concurrence from New York that the additional natural gas capacity to be supplied by the Project is needed.

By letter dated May 15, 2020, the NJDEP denied Transco's January 21, 2020 application for a Freshwater Wetlands Individual Permit, Flood Hazard Area Individual Permit, Waterfront In-Water Individual Permit, Waterfront Upland Individual Permit, Coastal Wetlands Individual Permit and Water Quality Certificate. The denial was based on the NJDEP's determination that because the New York State Department of Environmental Conservation (NYSDEC) denied Transco's application, Transco could not demonstrate a compelling public need for the Project. NJDEP also stated that, without NYSDEC's approval, "Transco's application has been rendered effectively moot and any grant of its permit applications by the Department would be futile."

Importantly, the Rules require only that an applicant establish either a compelling public need or extraordinary hardship. Transco's application establishes both.

A. The FERC's Reissuance of a Certificate of Public Convenience and Necessity, As Amended, Will Conclusively Establish a Compelling Public Need for the Project

The NJDEP has historically relied on FERC's issuance of the Certificate to satisfy the requirement set forth in N.J.A.C. 7:7A- 10.4, that there be a compelling public need for the regulated activity. For instance, on Transco's Leidy Southeast Expansion Project, the NJDEP specifically relied on the FERC Certificate, stating:

> FERC has issued an Order dated December 18, 2014 which determined that 'the project is required by the public convenience and necessity,' therefore, there is need for the project. The NJDEP concurs that there is a compelling public need for the project that cannot be met with similar projects in the region. [April 6, 2015 Staff Summary Report, DLUR File No. 0000-13-0012.1.]

This determination was challenged at the U.S. Court of Appeals for the Third Circuit and was ultimately upheld. See Del. Riverkeeper Network v. Sec'y Pa. Dept. of Envtl. Prot., 833 F.3d 360, 380 (3d Cir 2016)(holding that NJDEP appropriately determined that the compelling public need for the project outweighed the impact on exceptional resource value wetlands).

The NJDEP's historic reliance on the FERC Certificate is not limited to the review of applications for Land Use Regulation Program permits. The NJDEP has also relied on FERC's issuance of a Certificate in the context of Green Acres diversions for interstate natural gas pipeline projects. Similar to the FWPA Rules, the Green Acres Rules require that a project for which a disposal or diversion of parkland is proposed fulfill a compelling public need. N.J.A.C. 7:36-26.1(d). For over the past 10 years, the NJDEP has pointed to FERC's issuance of a Certificate as satisfying this requirement. See e.g. December 29, 2014 State House Commission Summary of Montgomery Township's diversion

request in connection with Transco's Leidy Southeast Expansion Project (conditioning approval of the diversion on FERC's issuance of a Certificate to Transco); May 14, 2012 State House Commission Summary of Ringwood Borough's diversion request in connection with Tennessee Gas Pipeline Company, L.L.C.'s Northeast Upgrade Project (same).

On May 3, 2019, FERC issued a Certificate to Transco finding that "the public convenience and necessity requires approval of the project." Certificate at ¶18. Accordingly, FERC's determination should be all that is required to satisfy the compelling public need requirement under N.J.A.C. 7:7A-10.4 since it is consistent with the NJDEP's longstanding interpretation of its regulations and reliance on the FERC Certificate in satisfaction of the applicable regulations.

Every issued permit includes a standard condition that the permittee must obtain all applicable federal, state and local permits. N.J.A.C. 7:7A-20.2(b)3. This condition would address the NJDEP's concerns regarding construction occurring in New Jersey before New York has acted on Transco's request for federal authorizations. The NJDEP could also require, through a pre-construction permit condition, that Transco not begin construction in New Jersey without having received the necessary federal authorizations from New York.

To the extent the NJDEP requires New York's concurrence before it can issue the permits as it did previously , such a requirement is outside the bounds of well-established law. FERC has exclusive authority to determine whether an interstate natural gas pipeline project is in the public convenience and necessity, and FERC has spoken. See Schneidewind v. ANR Pipeline Co., 485 U.S. 293, 300-301 (1988) (holding that where state regulation affects the ability of the FERC to regulate interstate natural gas, the state regulation will be preempted); See also Islander East Pipeline v. Conn. Dept. of Envtl. Prot., 467 F.3d 295, 305 (2d Cir.2006) ("Congress wholly preempted and completely federalized the area of natural gas regulation by enacting the NGA"); and National Fuel Gas Supply Corp. v. Public Service Com'n of State of N.Y., 894 F.2d 571, 579 (1990)(holding that issues sought to be regulated by the New York Public Service Commission, including the basis for the need for the proposed facilities, were "directly considered by the FERC [and] [u]nder Schneidewind, such direct consideration is more than enough to preempt state regulation").

In fact, "FERC may reasonably rely on the pipeline company's binding contracts as evidence of market need and proof that the Project is self-supporting." Twp. of Bordentown v. FERC, 903 F.3d 234, 262-63 (3rd. Cir. 2018). As numerous courts have held, FERC need not "look beyond the market need reflected by the applicant's existing contracts with shippers." Id. at 263 (citation and quotations omitted). Here, FERC relied on the binding agreements between Transco and National Grid in finding a public need for the gas. FERC's word on this issue is conclusive.

In connection with its review of Transco's 2020 permit applications, the NJDEP required that New York concur with the need for the gas transported by the Project. However, this was a collateral attack on the Certificate. It is well established that disputes over the validity of the FERC's issuance of a Certificate, as well as the procedures used for its issuance, must be brought to the FERC via an application for rehearing. Tennessee Gas Pipeline v. 104 Acres in Prov. Cty., 749 F.Supp. 427, 430 (D.R.I. 1990) citing 15 U.S.C. §717r(a). For these reasons, once FERC reissues the Certificate to Transco, the Certificate will establish hat there is the compelling public need for the Project, consistent with the NJDEP's longstanding interpretation of its regulations.

B. The FWPA Rules are Preempted to the Extent they Exceed New Jersey's Authority Under the Clean Water Act

In addition, the NJDEP Rules pertaining to compelling public need exceed the scope of its authority under the Clean Water Act and are preempted to the extent they will conflict with the reissued FERC Certificate.

In passing the Energy Policy Act of 2005 (EPAct), Pub. L. No. 109-58, 119 Stat. 594 (2005), Congress amended the Natural Gas Act to, among other things, grant federal Courts of Appeals jurisdiction to review permitting decisions over actions taken by State administrative agencies acting pursuant to federal law to issue, condition or deny a permit or other approval required under federal law for interstate natural gas pipeline projects. Furthermore, as amended by the EPAct, the Natural Gas Act designates FERC as "the lead agency for purposes of coordinating all applicable Federal authorizations and for the purposes of complying with the National Environmental Policy Act of 1969." 15 U.S.C. § 717n(b)(1). However, Congress made clear that, except as specifically provided for in the Natural Gas Act, the law

would not affect "the rights of States" under the Coastal Zone Management Act, Clean Air Act or the Clean Water Act. 15 U.S.C. §717b(d). This "savings clause" effectively exempts States from the preemptive effect of the Natural Gas Act if they are acting pursuant to their authority under these federal laws. See Del. Riverkeeper Network v. Sec'y Pa. Dept. of Envtl. Prot., 833 F.3d 360, 368 (3d. Cir. 2016) citing 15 U.S.C. §717b(d).

The NJDEP's authority to review this portion of Transco's Project derives from Sections 401 and 404 of the Clean Water Act. While a State's environmental review under the Clean Water Act is "carved out" from the preemptive effect of the Natural Gas Act, regulations that exceed that authority would be preempted. See Del. Riverkeeper Network v. Sec'y Pa. Dept. of Envtl. Prot., 833 F.3d at 368, citing 15 U.S.C. §717b(d). See also AES Sparrows Point LNG, LLC v. Smith, 527 F.3d 120, 127 (4th Cir. 2008) (Williams, concurring)(expressing doubt about whether a local law that bans liquified natural gas terminal siting "can ever be a 'right of States under' the Coastal Zone Management Act", even if incorporated into the State's federal program).

During the NJDEP's review of Transco's previous permit applications, the Eastern Environmental Law Center (EELC) argued that the FWPA regulations are not preempted since federal regulations governing New Jersey's assumption of authority under Section 404 of the Clean Water Act give NJDEP the discretion to impose more stringent requirements than federal law, citing 40 C.F.R. § 233.1(c). Specifically, the EELC relied upon language in the federal regulation which provides that "[n]othing in this part precludes a State from adopting or enforcing requirements which are more stringent or from operating a program with greater scope, than required under this part." As Transco previously noted, the EELC cherrypicked this language and ignored the order in which this language appears in the regulation. In other words, the EELC failed to read 40 C.F.R. § 233.1(c) in its entirety and in the correct sequence.

Specifically, 40 C.F.R. § 233.1(c) provides in its entirety that "[n]othing in this part precludes a State from adopting or enforcing requirements which are more stringent or from operating a program with greater scope, than required under this part. Where an approved State program has a greater scope than required by Federal law, the additional coverage is not part of the Federally approved program and is not subject to Federal oversight or enforcement." (emphasis added). Thus, the federal regulation makes clear that while a State may adopt requirements that are more stringent than a federal program, these requirements are not part of the State's delegated federal authority.

Again, while a State program may have a greater scope than the federal program, "the additional coverage is not part of the Federally approved program". [40 C.F.R. § 233.1(c).] While the federal 404 program requires the Corps to perform a similar public interest review to the one performed by the NJDEP, compare 33 C.F.R. § 320.4(a) with N.J.A.C. 7:7A-10.2(b)12, nowhere is the Corps required to find a benefit to the municipality in which a project is located in order to approve a permit. Similarly, regulations pertaining to transition areas are not part of the federal program.

Furthermore, whether a project or regulated activity benefits the municipality is irrelevant to whether the project or activity complies with New Jersey's water quality standards. The NJDEP's review of whether the Project serves the municipality in which it is located therefore exceeds the scope of its authority under Section 401 of the Clean Water Act.

Accordingly, the NJDEP's regulations are preempted to the extent they exceed its authority under the Clean Water Act.

C. The Compelling Public Need Requirement, as Defined Under the FWPA, Constitutes an Undue Burden on Interstate Commerce.

The Commerce Clause provides that Congress has the power "to regulate Commerce…among the several States…" U.S. Const. art. I, §8, cl. 3. The Commerce Clause not only authorizes Congress to enact laws for the protection and encouragement of commerce among the states, but also prevents interference by states on matters pertaining to interstate commerce. Under the negative or dormant implications of the Commerce Clause, "a state is…precluded from taking any action which may fairly be deemed to have the effect of impeding the free flow of trade between the states." Western Oil & Gas Assoc. v. Cory, 726 F.2d 1340, 1342 (9th Cir. 1984) quoting Hughes v. Oklahoma, 441 U.S. 322, 325-26 (1979)(internal quotations omitted).

The analysis of whether a state regulation violates the dormant Commerce Clause has been set out by the Supreme Court in Pike v. Bruce Church, Inc., 397 U.S. 137, 142 (1970). Under the "two- tiered approach," a state regulation that directly regulates or discriminates against interstate commerce or has the effect of favoring in-state economic interests over out-of-state economic interests, will be struck down. If, however, a state statute has only indirect effects on interstate commerce and regulates evenhandedly, the court looks to whether the state's interest is legitimate and whether the burden on interstate commerce clearly exceeds the local benefits. Id. Determining whether a State law "discriminates" for purposes of the negative Commerce Clause analysis turns on whether the law gives "differential treatment of in-state and out-of- state economic interests that benefits the former and burdens the latter." Oregon Waste Sys. v. Dep't. of Envtl. Prot., 511 U.S. 93, 99 (1994). "If a restriction on commerce is discriminatory, it is virtually *per se* invalid" unless the state can show that the law "advances a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory alternatives." Id. at 99, 100. Furthermore, even if there is no overt discriminatory purpose, a law that has a discriminatory effect must also meet this higher level of scrutiny. Maine v. Taylor, 477 U.S. 131, 138 (1986).

During the NJDEP's review of Transco's previous permit applications, the EELC disagreed with Transco's position that the compelling public need requirement of N.J.A.C. 7:7A-10.4(a)1 constitutes an undue burden on interstate commerce. Specifically, EELC argued that the burden on interstate transportation of natural gas from N.J.A.C. 7:7A-10.4(a)1 is incidental, and not affirmative. Transco disagrees.

At first glance, the additional burden placed on permittees proposing non-water dependent activity within an exceptional resource value wetland is evenhanded and requires, among other things, a showing that the compelling public need for the regulated activity outweighs impacts to the wetlands. However, the FWPA Rules define "compelling public need" to mean that "the proposed regulated activity will serve an essential health or safety need of the municipality in which the proposed regulated activity is located, that the public health and safety benefit from the proposed use and that the proposed use is required to serve existing needs of the residents of the State." N.J.A.C. 7:7A-1.3. The EELC itself notes that "'compelling public need' is only satisfied if the proposed project will serve the health or safety need of the particular municipality in which the regulated activity is located." See EELC August 2, 2019 comment at p. 6.

Contrary to the EELC's characterization of the FWPA Rules, N.J.A.C. 7:7A-10.4(a)1 is not meant to protect the public health and safety of the state, but to ensure that exceptional resource value wetlands are not impacted by development without good reason. The regulations limit the instances that justify impacts to exceptional resource value wetlands to those that have essential local benefits and serve the needs of the State. And therein lies a violation of the Commerce Clause. The EELC claims that the Rule regulates all natural gas pipelines the same way, but this is clearly not correct. Several commenters have argued that the Project does not serve the existing needs of the residents of the State and, therefore, cannot fulfill a compelling public need. If this interpretation were correct, only those pipeline projects that service the state or municipality would be able to satisfy the "compelling public need" requirement of N.J.A.C. 7:7A-10.4(a)1, meaning interstate natural gas pipeline companies that transport gas to states other than New Jersey are treated differently than those regulated by the New Jersey Board of Public Utilities, which only provide natural gas for consumption in New Jersey. The Rule therefore has a discriminatory effect on interstate commerce and must pass "strict scrutiny", i.e. it must advance a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory alternatives." Oregon Waste Sys. v. Dep't. of Envtl. Prot., 511 U.S. at 100.

While the protection of exceptional resource value wetlands may be a legitimate local purpose, there are other reasonable nondiscriminatory alternatives that could be employed to adequately protect these resources. For one, the definition of "compelling public need" under the FWPA Rules can easily be revised to remove the references to the municipality and state without sacrificing the protections for exceptional resource value wetlands. There is simply no need for such limiting language.

Even assuming, as the EELC argues, that N.J.A.C. 7:7A-10.4(a)1 regulates evenhandedly, the Rule's burden on interstate commerce clearly exceeds the local benefits. Courts have held that state and local regulations that prohibit facilities authorized under the Natural Gas Act constitute an undue burden on interstate commerce.

For instance, in Transcontinental Gas Pipe Line Corp. v. Hackensack Meadowlands Development Commission, 464 F.2d 1358 (3d Cir. 1972), the Third Circuit held that the Hackensack Meadowlands Development Commission's ("Commission") outright prohibition of Transco's proposed Liquefied Natural Gas ("LNG") facilities pursuant to a regional master plan was an "unlawful interference with interstate commerce". Id. at 1363. In that case, Transco sought to construct facilities for the processing and storage of LNG within an area designated as the "Planning Area" on the Commission's Master Plan and, pursuant to the Hackensack Meadowlands Reclamation and Development Act, was required to obtain a building permit from the Commission prior to beginning construction. Id. at 1361. However, the Commission refused to issue the building permits to Transco, as Transco's proposed facilities were not a "permitted use." Transco sought a variance, but the Commission denied the variance, concluding that Transco's construction would "seriously restrict the range of possible uses in the surrounding areas" and that it would "fail to meet applicable planning and safety regulations." Id. at 1362. Transco brought suit in the U.S. District Court for the District of New Jersey to enjoin the Commission from interfering with Transco's project. Id. The District Court issued an order enjoining the Commission from interfering with construction and the Commission appealed.

On appeal, the Third Circuit noted that "[i]t is well established that the interstate transmission and sale of natural gas is within the regulatory ambit of the Commerce Clause of the constitution." Id. The Court reasoned that "[a]lthough the states are not precluded from imposing reasonable restraints and restrictions on interstate commerce, and although the authority to enact zoning ordinances under the state's police power is clear, it is equally settled that a state may not exercise that police power where the necessary effect would be to place a substantial burden on interstate commerce." Id. (internal citations omitted). The Court noted that "[a]lthough we are cognizant of the tremendous importance of sound community and regional planning, we must also consider the needs of the New York-New Jersey metropolitan area for the adequate and efficient supply and delivery of natural gas." Id. at 1363 (internal citation omitted). The Court ultimately affirmed the District Court's findings that Transco's facilities would be built in accordance with all current federal safety standards and the District Court's determination that the Commission's denial was "'arbitrary', and 'an unwarranted imposition upon interstate commerce.'" Id.

N.J.A.C. 7:7A-10.4(a)1 would prohibit a federally authorized interstate natural gas pipeline project simply because the gas being transported would not be consumed in New Jersey. New Jersey cannot prevent impacts to exceptional resource value wetlands on the grounds that the regulated activity does not benefit the State. This is repugnant to the Commerce Clause.

D. The Project as a Whole Serves a Compelling Public Need That Outweighs the Minor Impacts to Wetlands

Under the FWPA regulations, "compelling public need" means:

> that based on specific facts, the proposed regulated activity will serve an essential health or safety need of the municipality in which the proposed regulated activity is located, that the public health and safety benefit from the proposed use and that the proposed use is required to serve existing needs of the residents of the State, and that there is no other means available to meet the established public need. [N.J.A.C. 7:7A-1.3]

The Project will provide an important benefit to natural gas shippers and consumers in New Jersey.

Transco is proposing to expand its existing interstate natural gas pipeline system in Pennsylvania and New Jersey and its existing offshore natural gas pipeline system in New Jersey and New York waters. The purpose of the Project remains consistent with the 2020 applications – to provide 400,000 dekatherms per day of incremental firm transportation capacity from Transco's Station 195 in York County, Pennsylvania, to the existing Rockaway Delivery Point (located approximately three miles offshore of the Rockaway Peninsula in Queens Borough, New York) to serve

the Brooklyn Union Gas Company, d/b/a National Grid NY, and KeySpan Gas East Corporation, d/b/a National Grid (collectively, National Grid or Project Shippers).

By way of background, Transco previously executed binding precedent agreements with the Project Shippers for 100% of the firm transportation service to be provided under the Project. The Federal Energy Regulatory Commission (FERC) ultimately issued a certificate of public convenience and necessity on May 3, 2019, which was amended by an Order Amending Certificate, dated July 16, 2020 (collectively, "Certificate Order"). However, given the permit denials in 2020 by the New York State Department of Environmental Conservation (NYSDEC) and New Jersey Department of Environmental Protection (NJDEP), and the eventual lapse in the Certificate Order, the precedent agreements were terminated in accordance with their terms.

Despite the lapse in the Certificate Order, the need for the Project, including the more affordable and reliable energy it can make available to New York, has only increased over the last five years. Reliability concerns continue to plague downstate New York and the urgent need exists for additional natural gas supply to serve families and businesses in the region. Projects that were anticipated to obviate the need for the Project have not come to fruition while demand continues to grow in New York.

As recently highlighted in the Northeast Power Coordinating Council's (NPCC) *Northeast Gas/Electric System Study*, existing gas infrastructure in New York is unable to meet the demand for most electric generators during a cold snap. The same is true for extreme heat waves. While many generators in downstate New York—where the Project is intended to serve—are dual-fuel capable, very few electric generators have firm transportation entitlements, exposing electric generation to risk in the event of an extreme weather event or a pipeline outage. The addition of new firm transportation capacity would immediately improve the resiliency and reliability of gas service to residential and commercial loads—and help to reduce gas prices—in New York City, including during peak demand days. It would also reduce the need for electric generators to rely on oil as a backup.

This fact is reinforced by the President's Executive Order, *Unleashing Energy* and *Declaring a National Energy Emergency*, issued on January 20, 2025. The urgent need for energy transportation infrastructure must be met, as detailed in the Executive Order, with actions to facilitate and support infrastructure development, including the permitting and construction of interstate pipelines—particularly in regions lacking such development in recent years—i.e., the northeastern United States. This is why the Administration is looking to New York, as well as New Jersey and Pennsylvania, to permit the Proposed Project without delay.

Transco and the Project Shippers are in discussions to reinstate the precedent agreements in their entirety. Just as before, these precedent agreements would represent 100% of the firm transportation capacity created by the Project, which show strong market need for the Project. Transco plans to file a Petition with FERC requesting the reissuance of the Certificate Order authorizing Transco to construct and operate the Project.

The Project will enhance the reliability of the local, state, and regional natural gas supply system and is designed to improve public health and enhance the environment by improving existing air quality, replacing less environmentally friendly fuels such as heating oil, and integrating an impact avoidance and minimization premise into all Project component siting and design while mitigating any remaining impacts to the surrounding environment. The existing Transco system delivers **one half** of the natural gas consumed in the Garden State and the Project improves the reliability/resiliency of the system in New Jersey and therefore benefits local residents and businesses. The system has reliably served New Jersey since 1951 providing fuel to heat and cool homes, cook food, and address other basic public needs.

- The New Jersey facilities will provide enhanced system flexibility during planned and unplanned maintenance activities on Transco's natural gas infrastructure within the State.
  - The Project is designed to provide 400,000 Dth/d under peak conditions, however, shippers (especially local distribution company type shippers) do not typically require their full contractual volume except during an abbreviated time period during extreme weather conditions. Under normal conditions, the

facilities constructed as part of the Project will enable Transco to manage maintenance outages and repairs; thus, minimizing impacts or interruption to all shippers on the system, especially those in New Jersey.

- In the event that the permits for the Project are denied and the Project is not constructed, the anticipated increase in the average system utilization off of the Transco system could result in material degradation of delivery pressures at existing delivery points and increased challenges associated with delivering existing firm shipper entitlements in New Jersey.
  - Without the Project, utility providers would continue signing up customers to their service territory because they are obligated by the New York State Public Service Commission to provide safe, reliable energy service upon request.
  - This could, in turn, result in an increase in the normal load from the interstate pipeline transmission grid, resulting in an overall increase in average deliveries off the Transco pipeline system in New Jersey.
  - An increase in the average system utilization would lead to increased operational challenges related to the scheduling of maintenance activities and a greater chance of impacts to all shippers in the northeast region, including those in New Jersey.
  - As noted in Transco's Alternatives Analysis for the Project (see **Appendix C** of the **Environmental Report**), the purpose of the new CS 206 is to offset the pressure drop associated with transporting the additional volume of natural gas flowing through the pipeline.

The Project would also have economic benefits to the State and local communities. Transco's formal economic impact study concluded that the Project would, in 2020 dollar equivalents:

- Generate approximately $240 million in additional economic activity (GDP) in New Jersey,
- Support more than 2,400 local New Jersey jobs and 3,186 regional jobs during the project construction period. Generating approximately $172 million in potential income for New Jersey workers,
- Add $418,300 in local tax revenues in Somerset County and $16 million total in new local and state tax revenue,
- Have minimal impact on surrounding neighbors and the environment. In its proposed location the facilities will be largely out of sight, with virtually zero impact on noise or air quality.

FERC analyzed these economic impacts of the Project and concluded in the Final Environmental Impact Statement (FEIS) that the Project would have beneficial economic effects on state and local economies. FERC specifically found that the Project will create "a short-term stimulus to the affected areas through payroll expenditures, local purchases of consumables and project-specific materials, and sales tax" and that "operation of the Project would result in long-term property tax and submerged land easement fee benefits in the counties and localities in New Jersey and New York in the Project area." Final EIS, p. 4-278.

In addition, the Project will result in more than double the permanent offset of temporary construction emissions and the ongoing operational emissions at Compressor Station 206, a significant health and safety benefit to the surrounding area in New Jersey.

For these reasons, the Project will serve a compelling public need as defined under the FWPA Rules.

### E. The Suction and Discharge Piping and Tie-In Area of Compressor Station 206 Serve a Compelling Public Need for the State and Municipality

By relocating the CS 206 access road to the Higgins Farm property, Transco has eliminated all impacts to freshwater wetlands, transition areas, and riparian zones associated with access to CS 206. Accordingly, the only impacts associated with the construction and operation of CS 206 are a result of the proposed tie-in and suction and discharge piping. The only other Project component that impacts exceptional resource value wetlands would be a very small portion of the Madison Loop.

As thoroughly detailed in Transco's Alternatives Analysis, there is no practicable alternative to the location of these facilities that would have fewer impacts to regulated features. CS 206 cannot function without tying into Transco's

existing pipelines. Siting the tie-in assembly at a different location along the existing pipelines would either be impracticable or increase the length of suction and discharge piping and associated wetland impacts. The current location of these essential facilities is the least impactful site available, and the location fulfills the Project need and provides necessary system redundancy, which will benefit New Jersey and the municipality. The suction and discharge piping and tie-in area are essential to the Project, its safe operation, and the health and safety of the neighboring community.

The compelling public need for the Project and the individual Project components outweigh the minor amount of impacts to exceptional resource value wetlands.

2. *That denial of the permit would impose an extraordinary hardship on the applicant brought about by circumstances peculiar to the subject property.*

By using the Higgins Farm access road, Transco has eliminated impacts to wetlands, wetland transition areas, waterbodies, and riparian areas (including exceptional resource value wetlands and transition areas) associated with access to Compressor Station 206. However, the circumstances peculiar to the Compressor Station 206 site, namely the location of the exceptional resource value wetlands and limited points of connection to the Transco Mainline, make it impossible for Transco to construct the Project without impacting these wetlands and their associated transition areas. As set forth above, Transco has established that it has avoided and minimized impacts to regulated areas, including wetlands and transition areas, to the greatest extent practicable.

The denial of the permit imposes an extraordinary hardship on Transco due to circumstances peculiar to the Compressor Station 206 site. N.J.A.C. 7:7A-10.4(a)2.

- The only impacts to wetlands (exceptional or otherwise) associated with Compressor Station 206 is the proposed suction and discharge piping area. This is necessary for the construction, operation, and maintenance of Compressor Station 206 and, therefore, the Project as a whole.
- Compressor Station 206 must tie into Transco's existing pipelines. There are specific requirements for siting the tie-in assembly, and it cannot be located at another place along Transco's existing pipelines as doing so would either be impracticable or create greater wetlands impact. There is no practicable alternative location or design of the tie-in and suction and discharge that would have fewer impacts to regulated features.

Accordingly, the location of Transco's existing pipelines on the Compressor Station 206 site and the fact that here are no practicable alternative locations for the suction and discharge piping and tie-in area that would have lesser environmental impacts, necessarily requires the limited impacts to these wetlands and transition areas. Transco has established that it has avoided and minimized impacts to regulated areas, including wetlands and transition areas, to the greatest extent practicable.

In addition, Transco sought to co-locate the Madison Loop with existing utility corridors and ROWS as the use of co-location reduces impacts. Transco cannot route the Madison Loop around exceptional value wetlands without creating additional land use impacts.

In addition, the State of New Jersey will suffer a hardship without the Project with impacts to system reliability and a loss of opportunity to realize the economic and air quality benefits from the construction and operation of the Project. As noted throughout this permit application, these benefits include system reliability and redundancy, additional jobs, additional local and state tax revenue, reduced ozone precursors, reduced carbon emissions from the project itself, and the implementation of emissions reductions projects and the retiring of Emissions Reductions Credits.

On May 3, 2019, FERC issued to Transco, in its Docket No. CP17-101-000, a Certificate authorizing Transco to construct, operate, and maintain the Project, which Certificate was amended July 16, 2020. Transco will be filing a Petition with the Federal Energy Regulatory Commission (FERC) requesting the reissuance of the Certificate, as amended, authorizing Transco to construct and operate the Project.

Transco is reviving the Project at the request of the federal administration and in consideration of the President's Executive Orders, *Declaring a National Energy Emergency* and *Unleashing American Energy,* issued on January 20, 2025. These Executive Orders make clear that infrastructure development, particularly in the Northeastern United States, is desperately needed. Transco's Project will enhance reliability, flexibility, and efficiency on a critical part of Transco's system and provide access to crucial supplies of natural gas. As recently highlighted in the Northeast Power Coordinating Council's *Northeast Gas/Electric System Study*, existing gas infrastructure in New York is unable to meet the demand for most electric generators during a cold snap.[3] While many generators in downstate New York—where the Project is intended to serve—are dual-fuel capable, very few electric generators have firm transportation entitlements, exposing electric generation to risk in the event of an extreme weather event or a pipeline outage.[4]

Given the urgent need for affordable natural gas supplies, Transco is respectfully requesting that the NJDEP expedite its review of these permit applications. Transco has also submitted applications to both the New York State Department of Environmental Conservation and the Pennsylvania Department of Environmental Protection and requested expedited reviews by these agencies.

Transco is suffering an extraordinary hardship as a result of the NJDEP's denial of the permits. If the NJDEP were to deny Transco's permit applications after Transco has further reduced impacts by using the Higgins Farm access road, Transco will be unable to construct and operate Compressor Station 206 and meet the need of its customer for natural gas, which FERC has determined to be in the public convenience and necessity. As set forth above the access road is necessary for Transco to safely operate and maintain its pipeline and facilities in accordance with US Department of Transportation safety regulations, and the only other alternative, the Trap Rock access road, was rejected by the NJDEP.

## 7.0 ADDITIONAL APPLICATION REQUIREMENTS FOR AN AUTHORIZATION UNDER A GENERAL PERMIT, FOR AN INDIVIDUAL PERMIT, OR FOR A TRANSITION AREA WAIVER (7:7A-16.7)

*In addition to meeting the requirements at N.J.A.C. 7:7A-16.2, an application for an authorization under a general permit, for an individual permit, or for a transition area waiver shall include the following material, in the number and format specified in the appropriate application checklist:*

1. *A completed Property Owner Certification form.*

The signed Property Owner Certification form is included in **Appendix A**. A signed Property Owner Certification for each private property is not required as Transco has provided copies of the perpetual permanent easements which were recorded with the respective County Clerks and run with the land. These easements were acquired in 2017, 2018, and 2020 for this Project. As such, these easements are currently valid and demonstrate that Transco has the legal authority to construct the Project. The updated landowner spreadsheet which now includes numbers for each identified landowner/property and the corresponding documentation evidencing Transco's legal authority to perform the regulated activity on the property is submitted herewith as part of **Appendix A**.

Under these agreements, the NJDEP has the right to access the right-of-way on these properties. The NJDEP has historically accepted these agreements as evidence of consent and legal authority to access the site and notably did so on past applications submitted for this Project.

2. *Documentation that public notice of the application has been provided in accordance with N.J.A.C. 7:7A-17.*

Proof of public notice documentation is provided in ***Appendix B***. **Appendix B** includes the Public Notice form, sample notification letter, newspaper notification, list of municipal and county officials to be notified, certified list of property owners and white certified mail receipts.

3 Northeast Power Coordinating Council, *Northeast Gas/Electric System Study*, at 5 (Jan. 21, 2025).
4 *Id.* at 5-6.

*3. The appropriate fee, set forth at N.J.A.C. 7:7A-18.*

Fee calculations for all NJDEP permits required for this Project is outlined below. The appropriate fee has also been provided.

| PERMIT | FEE | ACREAGE OF IMPACT | ESTIMATE TOTAL FEE |
|---|---|---|---|
| Freshwater wetland or open water fill individual permit for any other activity | $5,000 plus $2,500 per acre of disturbed regulated area (or fraction thereof) | 3.86 (4) AC | $15,000 |
| Coastal wetlands individual permit for any other development | $3,000 per acre of wetlands to be disturbed (or fraction thereof) | 1.534 (2) AC | $6,000 |
| Waterfront development individual permit for any other development located waterward of the mean high water line | $3,000 per acre of water area impacted by the development (or fraction thereof) (fee cap $30,000) | 19.54 (20) AC | $30,000 |
| Waterfront development individual permit for a commercial, industrial, or public development located landward of the mean high water line | $3,000 per acre of the site (or fraction thereof) | 1 AC | $3,000 |
| Flood Hazard Individual Permit | $3,000 base fee + $1,000 per crossing of a regulated water | 9 crossings | $12,000 |
| Verification | $1,000 | | $1,000 |
| Stormwater Management Review | $3,000 base fee + $250 per acre per review of groundwater calculations, runoff quantity calculations and water quality calculations | 20.4 AC | $18,750 |
| **Total NJDEP Application Fees** | | **$85,750** | |

*4. Site plans, certified in accordance with N.J.A.C. 7:7A-16.7(a), which include the existing features, existing and proposed topography and all proposed regulated activities.*

Proposed and existing conditions as well as all regulated activities are shown on the NJDEP Freshwater Wetland Permit Plans.

*5. Color photographs depicting the existing site conditions and the location of the proposed disturbance.*

Site photographs are provided in **Appendix D** of the **Environmental Report**.

*6. An environmental report prepared in accordance with N.J.A.C. 7:7A-16.9(b)4 including:*

*i. A narrative that describes the basic Project purpose of the proposed activity including whether it is water dependent;*

An Environmental Report including a detailed description of the Project, purpose and need, schedule total area of wetlands and proposed impacts is submitted under separate cover.

*ii. A copy of the deed and/or other legal documents pertaining to the site*

The proposed project is located within existing Transco ROW or Transco owned property. Easements are provided as **Appendix A.** With its application, Transco has submitted the legal documents to demonstrate its legal authority to perform the regulated activities crossed by the Project. Specifically, Transco is providing the deeds for those properties

subject to the permit applications that are owned in fee by Transco. Where the Project will cross other privately owned properties, Transco provided easement agreements.

Copies of the deeds are not required to confirm ownership for each lot crossed by the Project under the NJDEP's regulations, especially since this is a linear project. However, the Freshwater Wetlands Protection Act regulations provide that "[a]n application for an individual permit shall include the following: … [a] copy of the deed and/or other legal documents pertaining to the site." N.J.A.C. 7:7A-16.9 (emphasis added). The FWPA Rules define the "site" as "the area within the legal boundary of the property(ies) or right-of-way for which a letter of interpretation is requested, or upon which a regulated activity is proposed, is occurring, or has occurred, plus any contiguous land owned or controlled by the same person(s). N.J.A.C. 7:7A-1.3. Similarly, the FHACA Rules define the "site" as "the area within the legal boundary of the property, properties or right-of-way upon which any action under this chapter is requested, proposed, occurring or has occurred, plus any contiguous land owned or controlled by the same person(s)." N.JA.C. 7:13-1.2. Taken together, it is clear that the rules require that an applicant have the legal authority to perform the regulated activity on the property subject to the permit application.

The only road crossings within an NJDEP-regulated area are Manzo Boulevard, a private paper street owned by Manzo Industrial Park Association, Inc. in Old Bridge Township, and Gondek Drive, a public road, in the Borough of Sayreville. A copy of the Supplemental Right of Way Agreement dated January 30, 2018 is provided along with Transco's application within **Appendix A** of the Compliance Statement evidencing Transco's rights to use Manzo Boulevard. As to Gondek Drive, Transco obtained a road opening permit from the Borough of Sayreville, a copy of which is included in **Appendix A**.

*iii. Maps (such as freshwater wetlands maps and USDA soil surveys) that provide an environmental inventory of the site;*

The following maps are included in the Environmental Report

- Project Overview Map (Figure 1)
- New Jersey Project Overview (Figure 2)
- USGS Topographic Map (Figure 3)
- Local Road Map (Figure 4)
- NRCS Soils Map (Figure 5),
- FEMA Floodplain Map (Figure 6)
- NJDEP Wetland Map (Figure 7)
- Delineated Wetlands and Watercourses (Figure 8)
- NJDEP Landscape Project Map (Figure 9).

*iv. Information regarding special aquatic sites, public lands, critical habitat, and other relevant environmental features of the site.*

The proposed Project area contains aquatic sites (including wetlands), public lands and threatened and endangered species habitat. Existing conditions within the project area are discussed in the **Environmental Report Part IV**.

*v. An analysis of any potential temporary and/or permanent adverse environmental impact(s), whether onsite or offsite, of the proposed regulated activity or project on freshwater wetlands, State open waters, transition areas, fishery resources, and threatened or endangered species and their habitat.*

Impacts to freshwater wetlands, transition areas and State open waters are described in the Environmental Report Part V. Potential impacts to threatened or endangered species and their habitat is discussed in the **Environmental Report Part III Section 6.0**.

*vi. If a site is known or suspected to be contaminated with toxic substances, and if the Department requests it, a laboratory analysis of representative samples of the soil or sediment on the site;*

Transco obtained federal and state search reports from Environmental Data Resources, Inc., (EDR) to determine the presence and location of potential groundwater contamination near all proposed onshore pipeline facilities and new

aboveground facilities in Pennsylvania and New Jersey. The search area for the EDR reports was based on a 2-mile radius extending from the centerline of the pipeline routes and from the compressor station property boundaries. Additional records were identified using the New Jersey Open Public Records Act database. Two active sites (E.I. Dupont Denemours & Company and Global Sanitary Landfill) were identified with confirmed contamination within 0.25-mile of the Madison Loop and appear to cross wetlands, and one active site (Higgins Farm Superfund Site) was identified within 0.25 of Compressor Station 206. **Table 1** includes wetlands crossed by Madison Loop that could potentially encounter contamination during construction activities.

**E.I. DUPONT DENEMOURS AND COMPANY SITE**

The E. I. Dupont Denemours and Company property contains an active NJDEP Classification Exception Area (CEA) and Well Restriction Area (WRA) that overlaps the Madison Loop from approximately MP9.20 to MP10.31. A CEA is established to ensure the uses of an aquifer are restricted until constituent standards are achieved. When contaminant concentrations in a CEA exceed maximum contaminant levels, and designated aquifer use based on classification includes potable use, the NJDEP will identify the CEA as a WRA. The WRA functions as the institutional control by which potable use restriction can be affected. The CEA for the site is divided into two areas; groundwater use in the eastern area is restricted at a depth from the ground surface to 150 feet below ground surface (bgs), and in the western area groundwater use is restricted at a depth from the ground surface to 190 feet bgs. The contaminated groundwater at this site contains volatile organic compounds and metals.

Project facilities in this area (MP9.20 to MP10.31) will be installed using conventional trenching and HDD to depths up to 75 feet bgs. The Unanticipated Discovery of Contamination Plan outlines practices Transco will employ in the event of an unanticipated discovery of contamination in soil, groundwater, or sediment when excavating during construction and/or maintenance activities, as well as debris or waste materials deposited on the pipeline ROW. In addition, Transco developed a Materials Management Plan to address areas of known contamination.

**GLOBAL SANITARY LANDFILL**

The Global Sanitary Landfill is located along Ernston Road in Old Bridge Township, New Jersey, and is less than 0.1 mile south of MP10.13 to MP10.38 of the Madison Loop. This site has a historical record of groundwater, soil, sediment, and surface water contamination. The Global Sanitary Landfill is a 57.5-acre area used for solid waste disposal from 1968 to 1984 by the Global Landfill Reclaiming Corporation. Operations ceased in 1984 after a landfill side-slope failure destroyed several acres of adjacent wetlands. In 1989, the site was placed on the EPA National Priorities List (NPL) due to the presence of contaminated leachate and the discovery of buried drums containing hazardous waste in a portion of the landfill. The EPA issued a Record of Decision, which included remedial action objectives for addressing contaminant migration (volatile and semi-volatile organic compounds, pesticides, and metals) from the landfill into groundwater, surface water, sediment, and soil. The remedy selected in the Record of Decision contained several components, including placement of a CEA, which also acts as a WRA for both the upper and lower water-bearing zones in the areas where contaminants were detected and five-year reviews of the site to determine whether additional action is required to protect groundwater quality. The CEA has a groundwater restriction depth from the ground surface to 25 feet bgs in the upper water-bearing zone and from the ground surface to 150 feet bgs, depending on contamination depth, which is in the lower water bearing zone.

The first five-year review was completed in July 2015 and determined that the remedy is currently protecting human health and the environment because all human and ecological exposure routes have been addressed. However, in order for the remedy to be protective in the long-term, trends from additional rounds of data collection will continue to be evaluated to ensure that groundwater contamination in the lower water-bearing zone is responding to natural attenuation, as expected after the completion of the landfill cap construction. No HDD is planned in this area, only trenching to approximately 8 feet bgs. If contamination is unearthed, Transco will adhere to its Unanticipated Discovery of Contamination Plan, Materials Management Plan, and the General Groundwater Remediation Clean-up permit (BGR).

## TABLE 1. POTENTIAL CONTAMINATION WITHIN WETLANDS CROSSED BY THE PROJECT

| WETLAND IDENTIFICATION | NEAR MILEPOST | POTENTIAL CONTAMINATION |
|---|---|---|
| W-T01-003 | 8.76 | Not Applicable |
| W-T15-003 | 9.21 | E.I. Dupont Denemours & Company CEA. |
| W-T15-004 | 10.05 | E.I. Dupont Denemours & Company CEA. Also is just north of the Global Sanitary Landfill CEA and a historic fill area (starts near MP10.11). |
| W-T01-014 | 10.08 | E.I. Dupont Denemours & Company CEA. Also is just north of the Global Sanitary Landfill CEA and a historic fill area (starts near MP10.11). |
| W-T01-011 | 10.75 | Not Applicable |
| W-T07-003 | 11.35 | Not Applicable |
| W-T07-004* | 11.45 | Not Applicable |
| W-T01-017 | 11.78 | Near a historic fill area that ends just east of MP11.77 |
| W-T01-008 | 8.61 | Not Applicable |
| W-T01-006 | 8.70 | Not Applicable |
| W-T01-007 | 8.71 | Not Applicable |
| W-T15-001 | 8.73 | Not Applicable |
| W-T01-009 | 8.90 | Not Applicable |
| W-T15-002 | 9.32 | E.I. Dupont Denemours & Company CEA |
| W-T01-015 | 10.17 | E.I. Dupont Denemours & Company CEA. Also is just north of the Global Sanitary Landfill CEA and a historic fill area (MP10.11 to MP10.44). |
| W-T01-012 | 10.68 | near historic fill area which is located south (approximately 0.02 mile) of MP10.65 to MP10.68 |
| W-T07-002 | 10.94 | Not Applicable |
| **Madison Loop HDD** | | |
| W-T01-010 | 8.96 | Not Applicable |
| W-T15-003 | 9.21 | E.I. Dupont Denemours & Company CEA |
| W-T07-004 | 11.46 | Not Applicable |
| W-T01-017 | 11.77 | Historic fill from approximately MP11.62 to MP11.77. |

Notes:
*= Portion of wetland has been graded and filled with Marina Basin Sediment.
CEA= New Jersey Department of Environmental Protection Groundwater Contamination Classification Exception Area

Historic Fill= The NJDEP GeoWeb database includes historic fill covering more than approximately 5 acres as of January 2016. Historic fill is a non-indigenous material placed on a site in order to raise the topographic elevation of the site. No representation is made as to the composition of the fill or presence of contamination in the fill. Some areas mapped as fill may contain chemical-production waste or ore-processing waste that exclude them from the legislative definition of historic fill. The Brownfield and Contaminated Site Remediation Act requires NJDEP to map regions of the state where large areas of historic fill exist.

**COMPRESSOR STATION 206**

Transco completed an environmental site assessment in which publicly available data was reviewed as it pertains to the Compressor Station 206 site immediately south of the Higgins Farm Superfund Site in Franklin Township, Somerset County. As part of this assessment, the environmental conditions of the adjacent superfund site were reviewed for potential impacts on the proposed compressor station site.

Prior to 1985, the Higgins Farm Superfund Site was used for the non-permitted disposal of hazardous waste materials. Contamination at the Higgins Farm site was initially discovered in 1985, when a nearby residential well was found to contain elevated levels of chlorobenzene. NJDEP investigated the source of the contamination and discovered the presence of a drum dump area in the northwestern portion of the Higgins Farm site, about 40 yards from the contaminated well.

Environmental sampling revealed groundwater and soils contaminated with volatile organic compounds (VOCs), pesticides, metals, and dioxins. The EPA took over site investigations from the NJDEP and the site was added to the NPL. Drums and contaminated soil were removed from the site. Later, during construction of the access road on site for the groundwater treatment plant, additional drums were discovered. These additional drums, containers, and contaminated soils were removed, and the access road was constructed.

Currently, remedial activities at the Higgins Farm Superfund Site are limited to treating contaminated groundwater. There have been no soils/sediment remedial activities since the completion of the groundwater treatment facility construction.

The Higgins Farm access road will be used along the existing portion of the road and extended where it diverges from the existing access road toward the compressor station facility. The existing Higgins Farm access road will be repaired, as necessary, to support the continued use of the road. The extension will be constructed using conventional road construction techniques. The Unanticipated Discovery of Contamination Plan outlines practices Transco will employ in the event of an unanticipated discovery of contamination in soil, groundwater, or sediment when excavating during construction and/or maintenance activities. In the event that contaminated soils are uncovered, Transco will coordinate with NJDEP and EPA regarding site remediation and soil disposal activities.

*vii. An alternatives analysis that allows the NJDEP to evaluate whether the requirements of N.J.A.C. 7:7A-10.2 are met, including:*

1. *A description of all other alternatives considered, including offsite alternatives as well as onsite alternatives that could minimize environmental impacts and the reasons for rejecting them, and*
2. *Information regarding the history of the property as a whole, as necessary to evaluate the cost to the property owner of various alternatives; and*

Results from the Alternative Route Analysis Report are summarized in the Environmental Report Part III, Sections 8.0 and 9.0. A complete copy of the Alternative Route Analysis Report is provided in the **Environmental Report Appendix C**.

*viii. If the site is located in a municipality with the endangered plant known as swamp pink (Helonias bullata), which are listed in Known Locations of Swamp Pink in NJ, a signed statement from the applicant certifying that the proposed activities will not result in any direct or indirect adverse impacts to swamp pink or its documented habitat;*

Portions of the Madison Loop and the Raritan Bay Loop (onshore) are located within Sayreville Borough, identified as a municipality with known locations of swamp pink. Correspondence with the USFWS indicated that there was historical occurrence of the federally threatened swamp pink within the vicinity of the Madison Loop. However, surveys of suitable habitat did not document occurrence of swamp pink. Therefore, the Project will not affect swamp pink. The USFWS, in a letter dated January 27, 2026, concurred the proposed Project will have no effect on swamp pink (see **Appendix A** of the **Environmental Report**). A signed statement from the applicant certifying that the proposed

Project will not result in direct or indirect adverse impacts to swamp pink or its documented habitat is included in **Appendix C**.

*ix. If the site is located in a municipality with the endangered bog turtle (these municipalities are listed in Known Locations of Bog Turtles in NJ), a signed statement from the applicant, certifying that the proposed activities will not result in any direct or indirect adverse impacts to bog turtles or to their documented habitat; and*

According to NJDEP's "Known Locations of Bog Turtle In New Jersey" (October 2008), the Madison Loop (Sayreville Borough) and Compressor Station 206 (Franklin Township) are located within a municipality or county with known populations of bog turtles.

NJDEP Landscape Project mapping (version 3.4) does not identify suitable habitat for bog turtle within the vicinity of the Project. Suitable habitat for bog turtle was not observed within the Project area and the proposed limit of disturbance. A signed statement certifying that the proposed Project will not result in direct or indirect adverse impacts to bog turtles is included as **Appendix D**.

*x. If the site is located in an area designated a Wild and Scenic River, or under study for such designation, a letter from the National Park Service approving the proposed activities.*

Not Applicable. The proposed Project is not located in an area designated as a Wild and Scenic River or under study for such designation.

*7. Color copies of the tax map for the property, county road map and USGS quad map.*

The following figures are included Environmental Report: Tax Map (Appendix B), County Road Map (Figure 4) and USGS Quad Map (Figure 3).

*8. Location of wetlands including all information necessary for a line delineation.*

An LOI has not been issued for the Project. Existing conditions, including results from the wetland delineation, are described in the Environmental Report, Part IV. The supplemental wetland delineation report is provided as **Appendix E** of the **Environmental Report**. Wetland boundaries are shown on the Freshwater Wetland Permit Plans and Waterfront Development Plans. Boundaries of wetlands and open waters were delineated in April and May 2025 and verified during NJDEP site inspections conducted in October 2025. Field surveys were previously conducted from June 2016 to August 2016, from November 2016 to January 2017, in April and May 2017 and 2019.

*9. Calculations and analyses to demonstrate compliance with the requirement of the Stormwater Management Rules (N.J.A.C. 7:8).*

Information regarding the Project's compliance with the Stormwater Management Rules is included in **Part V** of this Compliance Statement. Pursuant to the New Jersey Stormwater Management Rules (N.J.A.C. 7:8-5.2(d)) construction of an underground utility line, provided that the disturbed areas are revegetated upon completion, are exempt from the regulations set by N.J.A.C. 7:8 for groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements. Measures to address stormwater management for Compressor Station 206 have also been developed and are outlined in the Stormwater Management Report prepared by AECOM, dated November 2026 and included with this application submission (**Appendix E**). There should be no significant impacts to water quality during construction or following completion of the Project.

*10. Natural Heritage Program Letter including a Landscape Map report.*

A request for information regarding the threatened and endangered species within the vicinity of the Project was submitted to the NJ NHP on May 6, 2025. Response letter for the Madison Loop and Raritan Bay (Onshore) Loop, dated June 3, 2025, Raritan Bay (Offshore) Loop, dated June 3, 2025, and Compressor Station 206, dated June 6, 2025, **Appendix A** of the **Environmental Report**. In addition, previous NJ NHP database letters for the Madison Loop, dated July 8, 2019 and May 19, 2017 as well as NJ NHP letter for the Compressor Station 206, dated June 23, 2017 are

also provide in **Appendix A** of the **Environmental Report**. The Landscape Maps are provided as **Figure 9** of the **Environmental Report.**

11. *For an activity that requires mitigation in accordance with N.J.A.C. 7:7A, the applicant may submit a mitigation proposal as part of the application for the individual permit.*

The proposed Project will permanently impact 1.064 acres of freshwater wetlands. Approximately 0.843 acres of permanent wetland impacts are the result of construction of the Compressor Station 206 and an additional 0.221 acres of permanent wetland impacts are the result of the construction of the Madison Loop. The proposed Project is considered a smaller disturbance (i.e., <1.5 acres) as defined at NJAC 7:7A-11.9. The Project spans the two major drainage basins in WMA9 and WMA12 on the Madison Loop. Since 87% of the wetland impacts on the Madison Loop are located within WMA9, Transco understands that there is a compelling need to provide compensatory mitigation within WMA9. Transco will purchase wetland mitigation credits to satisfy the compensatory mitigation required for the project from existing NJDEP approved banks within WMA9 and in WMA12 as needed for the Madison Loop and in WMA 10 for the Compressor Station 206 portion of the project. Transco is in the process of purchasing the credits necessary to offset the permanent impacts from WMAs 9 and 10 from Cranbury Mitigation Bank and the Evergreen Marsh Bog Brook Mitigation Bank for WMA 12. Copies of the purchase agreement will be provided to the NJDEP Mitigation Unit once finalized.

12. *Additional requirements including proof of ownership, Phase IA historical and archaeological survey, Highlands applicability determination, conservation restrictions, written consent for gas pipelines in municipally-owned right-of-way.*

Results of cultural resource investigation are discussed in the Environmental Report, Part IV, Section 8.0. Proof of ownership including copies of ROW easements is provided in **Appendix A**.

# PART III. PROJECT COMPLIANCE WITH THE RULES ON COASTAL ZONE MANAGEMENT (N.J.A.C. 7:7)

Decisions on uses and development of coastal resources require the consideration of a project regarding its compliance with the Rules on Coastal Zone Management. These decisions will be made using the three-step process consisting of 1) Location Rules, 2) Use Rules, and 3) Resource Rules. Depending on the proposed project's location, purpose, design, and the surrounding region, different specific rules in each of the three steps may be applicable in the decision-making process. Areas under jurisdiction of the Rules on Coastal Zone Management include:

1. The coastal area defined in the Coastal Area Facility Review Act (CAFRA). The inland limit of the CAFRA zone follows an irregular line drawn along public roads, railroad tracks, and other features, varying in width to a maximum of 8.83 miles for the Project. The CAFRA zone begins at the Delaware Bay in Lower Alloways Creek Township, Salem County and extends upstream along Hope Creek and Alloways Creek. The CAFRA zone extends northeast from the Delaware Bay, inland, to New Bridge Road; continuing northeast along Beasley Neck Road, Sickler Street, and terminating its northern boundary along Quinton Marlboro Road, Quinton Township, Salem County.
2. Coastal waters of the State of New Jersey extending from the mean high-water line out to the three-mile limit of the New Jersey territorial sea.
3. All lands, located outside of the CAFRA area, which extend from a tidal water body to the first paved public road, railroad or 500 feet.
4. All areas containing tidal wetlands.
5. The Hackensack Meadowlands District as defined by N.J.S.A. 13:17-4.

Portions of the Madison Loop and Raritan Bay Loop under the jurisdiction of the Rules on Coastal Zone Management are depicted on **Figure 2**. **Table 2** summarizes the Project components subject to these Rules. Project activities and proposed impacts are depicted on the Waterfront Development Permit Plans.

Acceptable development in the coastal zone must comply with the Rules on Coastal Management. **Table 3** presents the Coastal Zone Management Rules and identifies the applicability of each of these to the proposed activity.

## 1.0 WATERFRONT DEVELOPMENT IMPACT SUMMARY

Pursuant to N.J.A.C. 7:7-2.4, the regulated waterfront area within the CAFRA zone shall include any tidal waterway of New Jersey and all lands lying thereunder, up to and including the mean high water line (MHWL). Outside of the CAFRA area, regulated waterfront areas are within 500 feet of the MHWL or the first paved road, railroad or surveyable property line that existed prior to September 26, 1980.

The proposed Project will result in approximately 0.581 acres of vegetative non-wetland/transition area uplands and 0.055 acres of tidelands. Impacts to freshwater wetlands and transition areas are authorized under the Freshwater Wetlands Individual Permit application.

## 2.0 COASTAL WETLAND IMPACT SUMMARY

Coastal wetlands are those areas identified by the coastal wetland limit line (upper wetland limit boundary) as regulated by the Coastal Wetlands Act of 1970. This line is identified as the Promulgated Coastal Wetland Line 1970.

The Project will permanently impact 0.165 acres mapped coastal wetlands and approximately 1.369 acres of temporary impacts that are less than six months in duration to coastal wetlands. These temporary impacts will occur as a result of construction access and work locations.

Raritan Bay Loop (Onshore)

Raritan Bay Loop (Offshore)

Morgan M&R Station

MP 12.00

MP 11.90

MP 11.80

MP 11.70

MP 11.60

MP 11.50

MP 11.40

MP 11.30

MP 11.20

MP 11.10

MP 11.00

MP 10.90

MP 10.80

MP 10.70

MP 10.60

MP 10.50

MP 10.40

MP 10.30

MP 10.20

MP 10.10

MP 10.00

MP 9.90

MP 9.80

MP 9.70

Sayreville Borough

Madison Loop

MIDDLESEX

Old Bridge Township

9

35

## Legend

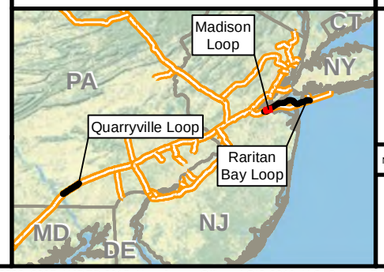
- Milepost
- Existing Meter & Regulating Station
- Proposed Pipeline
- Construction Workspace
- Existing Transco Pipeline
- City/Town Boundary
- Upper Coastal Wetlands Boundary for New Jersey
- Approximate MHWL
- NJ Inland Waterfront Development Zone
- NJ Coastal Zone
- CAFRA Area

N

0 500 1,000

Feet

SITE LOCATION




| DRAWING NO. | REFERENCE TITLE |
|---|---|
| | 2 |

TRANSCONTINENTAL GAS PIPE LINE COMPANY LLC
COASTAL ZONE
NORTHEAST SUPPLY ENHANCEMENT PROJECT
NEW JERSEY

Williams

| NO. | DATE | BY | REVISION DESCRIPTION | W.O. NO. | CHK. | APP. |
|---|---|---|---|---|---|---|
| A | 11/17/2016 | CE | ISSUED FOR FERC DRAFT FILING | 1000891 | MK | SM |
| B | 3/22/2017 | CE | ISSUED FOR FERC FILING | 1000891 | MK | SM |
| C | 6/13/2017 | RH | ISSUED FOR FERC SUPPLEMENTAL FILING | 1000891 | MK | |

| | | | |
|---|---|---|---|
| DRAWN BY: RH | DATE: 6/13/2017 | ISSUE FOR BID: N/A | SCALE: 1:10,000 |
| CHECKED BY: MK | DATE: 6/13/2017 | ISSUE FOR CONSTRUCTION: N/A | Project features ver15 |
| APPROVED BY: | DATE: | DRAWING NUMBER: FIGURE 2 | SHEET 2 OF 2 |
| WO: 1000891 | | 12:36 PM 6/13/2017 | |

Data Sources: Williams 2015; Williams 2017; E&E 2017; ESRI 2012, 2017; NJDEP, Office of Information Resources Management, Bureau of Geographic Information Systems 2002, 2007; NJDEP 2015; New Jersey Office of GIS 2016; U.S. Census Bureau 2016; BOEMRE 2010.

L:\Buffalo\Williams_NYRE\Map\MXDs\Permit_Request\CoastalZoneConsistency\Fig02_Coastal_Zones_pg2.mxd

## TABLE 2. NEW JERSEY COASTAL ZONE MANAGEMENT AREAS WITHIN THE PROJECT

| Project Component | Approximate Milepost | Proposed Activity | Regulated Area(s) | Surface Water Crossing(s) | Permit Plan Set | Plan Sheet ID |
|---|---|---|---|---|---|---|
| Madison Loop | 10.69–10.74 | Pipeline Installation (trenching & associated workspace) | Mapped Coastal Wetlands | N/A | Waterfront Development – Madison Loop | 4 |
| Madison Loop | 10.87–10.94 | Pipeline Installation (trenching & associated workspace) | Mapped Coastal Wetlands | N/A | Waterfront Development – Madison Loop | 4–5 |
| Madison Loop | 11.43–11.50 | Pipeline Installation (HDD, entry point & associated workspace) | Mapped Coastal Wetlands; Upland Waterfront Development; Waterfront Development below MHW. | N/A | Waterfront Development – Madison Loop | 7 |
| Madison Loop | 11.50–11.83 | Pipeline Installation (HDD – Foot traffic/hand trimming only) | Mapped Coastal Wetlands; Upland Waterfront Development; Waterfront Development below MHW | Unnamed Tributary to Cheesequake Creek, Crossway Creek | Waterfront Development – Madison Loop | 7–8 |
| Madison Loop | 11.75 | Hydrotest Withdrawal and Discharge Location | Mapped Coastal Wetlands; Waterfront Development below MHW | Unnamed Tributary to Cheesequake Creek | Waterfront Development – Madison Loop | 8 |
| Madison Loop | 11.81–11.85 | Pipeline Installation (HDD, exit point & associated workspace) | Mapped Coastal Wetlands; Upland Waterfront Development | N/A | Waterfront Development – Madison Loop | 8 |
| Madison Loop | 11.85–11.96 | Pipeline Installation (trenching & associated workspace) | Mapped Coastal Wetlands; Upland Waterfront Development | N/A | Waterfront Development – Madison Loop | 8–9 |
| Raritan Bay Loop | 12.08–12.50 | Pipeline Installation (HDD) | Upland Waterfront Development; Waterfront Development below MHW | Raritan Bay | Waterfront Development – Raritan Bay Loop | 3 |
| Raritan Bay Loop | 12.50–14.02 (NJ/NY State Boundary) | Pipeline Installation (trenching and associated workspace) | Waterfront Development below MHW | Raritan Bay | Waterfront Development – Raritan Bay Loop | 3 |
| Raritan Bay Loop | 26.55–30.40 | Pipeline Installation (trenching and associated workspace) | Waterfront Development below MHW | Raritan Bay/Ambrose Channel | Waterfront Development – Raritan Bay Loop | 4–5 |
| Raritan Bay Loop | 30.40 | Pipeline Installation (HDD entry pit and associated workspace) | Waterfront Development below MHW | Raritan Bay/Ambrose Channel | Waterfront Development – Raritan Bay Loop | 5 |

| Project Component | Approximate Milepost | Proposed Activity | Regulated Area(s) | Surface Water Crossing(s) | Permit Plan Set | Plan Sheet ID |
|---|---|---|---|---|---|---|
| Raritan Bay Loop | 30.40–30.64 (NJ/NY State Boundary) | Pipeline Installation (HDD) | Waterfront Development below MHW | Raritan Bay/Ambrose Channel | Waterfront Development – Raritan Bay Loop | 5 |

Key
HDD horizontal directional drill
ID identifier
MHW mean high water
N/A not applicable
NJ New Jersey
NY New York

## Table 3. APPLICABILITY OF COASTAL ZONE MANAGEMENT RULES

| SUBCHAPTER 9 - SPECIAL AREAS | | Factor Potentially Applicable | Factor Not Applicable |
|---|---|---|---|
| 7:7-9.2 | Shellfish Habitat | X | |
| 7:7-9.3 | Surf Clam Areas | X | |
| 7:7-9.4 | Prime Fishing Areas | X | |
| 7:7-9.5 | Finfish Migratory Pathways | X | |
| 7:7-9.6 | Submerged Vegetation Habitat | X | |
| 7:7-9.7 | Navigation Channels | X | |
| 7:7-9.8 | Canals | | X |
| 7:7-9.9 | Inlets | | X |
| 7:7-9.10 | Marina Moorings | X | |
| 7:7-9.11 | Ports | X | |
| 7:7-9.12 | Submerged Infrastructure Routes | X | |
| 7:7-9.13 | Shipwrecks and Artificial Reef Habitats | X | |
| 7:7-9.14 | Wet Borrow Pits | | X |
| 7:7-9.15 | Intertidal and Subtidal Shallows | X | |
| 7:7-9.16 | Dunes | | X |
| 7:7-9.17 | Overwash Areas | | X |
| 7:7-9.18 | Coastal High Hazard Areas | X | |
| 7:7-9.19 | Erosion Hazard Areas | X | |
| 7:7-9.20 | Barrier Island Corridors | | X |
| 7:7-9.21 | Bay Islands | | X |
| 7:7-9.22 | Beaches | X | |
| 7:7-9.23 | Filled Water's Edge | | X |
| 7:7-9.24 | Existing Lagoon Edge | | X |
| 7:7-9.25 | Flood Hazard Area | X | |
| 7:7-9.26 | Riparian Zones | X | |
| 7:7-9.27 | Wetlands | X | |
| 7:7-9.28 | Wetland Buffers | X | |
| 7:7-9.29 | Coastal Bluffs | | X |
| 7:7-9.30 | Intermittent Stream Corridors | | X |
| 7:7-9.31 | Farmland Conservation Areas | | X |
| 7:7-9.32 | Steep Slopes | X | |
| 7:7-9.33 | Dry Borrow Pits | | X |
| 7:7-9.34 | Historic and Archaeological Resources | X | |
| 7:7-9.35 | Specimen Trees | X | |
| 7:7-9.36 | Endangered or Threatened Wildlife or Plant Species Habitats | X | |
| 7:7-9.37 | Critical Wildlife Habitat | X | |
| 7:7-9.38 | Public Open Space | X | |

| SUBCHAPTER 9 - SPECIAL AREAS | | Factor Potentially Applicable | Factor Not Applicable |
|---|---|---|---|
| 7:7-9.39 | Special Hazard Areas | X | |
| 7:7-9.40 | Excluded Federal Lands | | X |
| 7:7-9.41 | Special Urban Areas | | X |
| 7:7-9.42 | Pinelands National Reserve and Pinelands Protection Area | | X |
| 7:7-9.43 | Meadowlands District | | X |
| 7:7-9.44 | Wild and Scenic River Corridors | | X |
| 7:7-9.45 | Geodetic Control Reference Marks | X | |
| 7:7-9.46 | Hudson River Waterfront Area | | X |
| 7:7-9.47 | Atlantic City | | X |
| 7:7-9.48 | Lands and Waters Subject to Public Trust Rights | X | |
| 7:7-9.49 | Dredged Material Management Areas | X | |

| SUBCHAPTER 10 - STANDARDS FOR BEACH & DUNE ACTIVITIES | | Factor Potentially Applicable | Factor Not Applicable |
|---|---|---|---|
| 7:7-10.2 | Standards Applicable to Routine Beach Maintenance | | X |
| 7:7-10.3 | Standards Applicable to Emergency Post-Storm Beach Restoration | | X |
| 7:7-10.4 | Standards Applicable to Dune Creation and Maintenance | | X |
| 7:7-10.5 | Standards Applicable to the Construction of Boardwalks | | X |

| SUBCHAPTER 11 - STANDARDS FOR CONDUCTING & REPORTING THE RESULTS OF AN ENDANGERED OR THREATENED WILDLIFE OR PLANT SPECIES HABITAT ASSESSMENT AND/OR ENDANGERED OR THREATENED WILDLIFE SPECIES HABITAT EVALUATION | | Factor Potentially Applicable | Factor Not Applicable |
|---|---|---|---|
| 7:7-11.2 | Standards for Conducting Endangered or Threatened Wildlife or Plant Species Habitat Assessment | | X |
| 7:7-11.3 | Standards for Conducting Endangered or Threatened Wildlife Species Habitat Evaluation | | X |
| 7:7-11.4 | Standards for Reporting the Results of Impact Assessment and Habitat Evaluations | | X |

| SUBCHAPTER 12 - GENERAL WATER AREAS | | Factor Potentially Applicable | Factor Not Applicable |
|---|---|---|---|
| 7:7-12.2 | Shellfish Aquaculture | | X |
| 7:7-12.3 | Boat Ramps | | X |
| 7:7-12.4 | Docks and Piers for Cargo & Commercial Fisheries | | X |
| 7:7-12.5 | Recreational Docks and Piers | | X |
| 7:7-12.6 | Maintenance Dredging | | X |
| 7:7-12.7 | New Dredging | X | |
| 7:7-12.8 | Environmental Dredging | | X |

| SUBCHAPTER 12 - GENERAL WATER AREAS | | Factor Potentially Applicable | Factor Not Applicable |
|---|---|---|---|
| 7:7-12.9 | Dredged Material Disposal | X | |
| 7:7-12.10 | Solid Waste or Sludge Dumping | | X |
| 7:7-12.11 | Filling | | X |
| 7:7-12.12 | Mooring | X | |
| 7:7-12.13 | Sand and Gravel Mining | | X |
| 7:7-12.14 | Bridges | | X |
| 7:7-12.15 | Submerged Pipelines | X | |
| 7:7-12.16 | Overhead Transmission Lines | | X |
| 7:7-12.17 | Dams and Impoundments | | X |
| 7:7-12.18 | Outfalls and Intakes | | X |
| 7:7-12.19 | Realignment of Water Areas | | X |
| 7:7-12.20 | Vertical Wake or Wave Attenuation Structures | | X |
| 7:7-12.21 | Submerged Cables | | X |
| 7:7-12.22 | Artificial Reefs | | X |
| 7:7-12.23 | Living Shorelines | | X |
| 7:7-12.24 | Miscellaneous Uses | | X |

| SUBCHAPTER 13 – REQUIREMENTS FOR IMPERVIOUS COVER & VEGETATIVE COVER FOR GENERAL LAND AREAS & CERTAIN SPECIAL AREAS | | Factor Potentially Applicable | Factor Not Applicable |
|---|---|---|---|
| 7:7-13.3 | Impervious Cover Requirements that Apply to Sites in the Upland WFD and CAFRA Areas | | X |
| 7:7-13.4 | Vegetative Cover Requirements that Apply to Sites in the Upland WFD Areas and CAFRA Areas | | X |
| 7:7-13.5 | Determining if Site is Forested or Unforested | | X |
| 7:7-13.6 | Upland WFD Area Regions & Growth Rating | | X |
| 7:7-13.7 | Environmental Sensitivity in the Upland WFD Area | | X |
| 7:7-13.8 | Development Potential in the Upland WFD Area | | X |
| 7:7-13.9 | Development Potential for Residential or Minor Commercial Development Site in the Upland WFD Area | | X |
| 7:7-13.10 | Development Potential for Major Commercial or Industrial Development Site in the Upland WFD Area | | X |
| 7:7-13.11 | Development Potential for Campground Development Site in the Upland WFD Area | | X |
| 7:7-13.12 | Development Intensity in the Upland WFD Area | | X |
| 7:7-13.13 | Impervious Cover Limits for a site in the Upland WFD Area | | X |
| 7:7-13.14 | Vegetative Cover percentages for a site in the Upland WFD Area | | X |
| 7:7-13.15 | Coastal Planning Areas in the CAFRA Area | | X |
| 7:7-13.16 | Boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores, CAFRA Nodes; Non-Mainland Coastal Centers | | X |
| 7:7-13.17 | Impervious Cover Limits for a site in the CAFRA Area | | X |

| SUBCHAPTER 12 - GENERAL WATER AREAS | | Factor Potentially Applicable | Factor Not Applicable |
|---|---|---|---|
| 7:7-13.18 | Vegetative Cover percentages for a site in the CAFRA Area | | X |
| 7:7-13.19 | Mainland Coastal Centers | | X |

| SUBCHAPTER 14 - GENERAL LOCATION RULES | | Factor Potentially Applicable | Factor Not Applicable |
|---|---|---|---|
| 7:7-14..1 | Rule on Location of Linear Development | X | |
| 7:7-14.2 | Basic Location Rule | X | |
| 7:7-14.3 | Secondary Impacts | X | |

| SUBCHAPTER 15 - USE RULES | | Factor Potentially Applicable | Factor Not Applicable |
|---|---|---|---|
| 7:7-15.2 | Housing | | X |
| 7:7-15.3 | Resort/Recreational | | X |
| 7:7-15.4 | Energy Facility | X | |
| 7:7-15.5 | Transportation | | X |
| 7:7-15.6 | Public Facility | | X |
| 7:7-15.7 | Industry | | X |
| 7:7-15.8 | Mining | | X |
| 7:7-15.9 | Port | | X |
| 7:7-15.10 | Commercial Facility | | X |
| 7:7-15.11 | Coastal Engineering | | X |
| 7:7-15.12 | Dredged Material Placement on Land | | X |
| 7:7-15.13 | National Defense Facilities | | X |
| 7:7-15.14 | High Rise Structures | | X |

| SUBCHAPTER 16 - RESOURCE RULES | | Factor Potentially Applicable | Factor Not Applicable |
|---|---|---|---|
| 7:7-16.2 | Marine Fish and Fisheries | X | |
| 7:7-16.3 | Water Quality | X | |
| 7:7-16.4 | Surface Water Use | X | |
| 7:7-16.5 | Groundwater Use | X | |
| 7:7-16.6 | Stormwater Management | X | |
| 7:7-16.7 | Vegetation | X | |
| 7:7-16.8 | Air Quality | X | |
| 7:7-16.9 | Public Access | X | |
| 7:7-16.10 | Scenic Resources and Design | X | |
| 7:7-16.11 | Buffers and Compatibility of Use | X | |

| SUBCHAPTER 16 - RESOURCE RULES | | Factor Potentially Applicable | Factor Not Applicable |
|---|---|---|---|
| 7:7-16.2 | Traffic | X | |
| 7:7-16.3 | Subsurface Sewage Disposal Systems | | X |
| 7:7-16.14 | Solid & Hazardous Waste | X | |

| SUBCHAPTER 17 - MITIGATION | | Factor Potentially Applicable | Factor Not Applicable |
|---|---|---|---|
| 7:7-17.2 | General Mitigation Requirements | X | |

## 3.0 SUBCHAPTER 9 – SPECIAL AREAS COMPLIANCE

### 7. 7-9.2 SHELLFISH HABITAT

*Shellfish habitat is defined as an estuarine bay or river bottom which has a history of production for hard clams (Mercenaria mercenaria), soft clams (Mya arenaria), eastern oysters (Crassostrea virginica), bay scallops (Argopecten irradians), or blue mussels (Mytilus edulis). Areas that are determined by the NJDEP to be contaminated by toxins or are located at any boat mooring facility are excluded from this definition. Construction of docks, piers or boat moorings, and new dredging is prohibited. Maintenance dredging within shellfish habitat is conditionally acceptable provided disturbance to shellfish habitat is minimized to the greatest extent possible. New dredging adjacent to shellfish habitat is discouraged, but may be acceptable if it can be demonstrated that the proposed activities will not adversely affect shellfish habitat, population, or harvest. The activity should not result in significant turbidity and sedimentation, re-suspension of toxic chemicals, or otherwise interfere with the natural functioning of the shellfish habitat.*

According to the NJDEP Safe Shellfish Harvesting NSSP Monitoring Network interactive map (https://www.arcgis.com/home/webmap/viewer.html?webmap=5f6e08fc9e354467a2fd455790ef114a&extent=-76.286,38.8572,-73.0505,40.5141) the Project crosses waterways that are designated as prohibited and restricted shellfish habitat.

Per N.J.A.C. 7:7-9.2(b), areas determined by the NJDEP to be contaminated by toxins are excluded from the definition of "shellfish habitat" (N.J.A.C. 7:7-9.2 (b)). The List of Water Quality Limited Segments (known as the 303(d) list) identifies these known contaminated areas. The offshore portion of the Project will cross three state-designated impaired assessment units (AUs) in New Jersey listed on the 303(d) List of Quality Limited Waters in New Jersey[5]. In particular, the Raritan Bay Loop route crosses the area identified as the "deep water" portion of Raritan Bay (MP26.55 to MP28.40), which the 2022 303(d) list identifies as impaired/non support for shellfish harvesting (AU NJ02030104910030-01)[6]. The 2022 303(d) list identifies the area of Raritan Bay crossed by the offshore Project route west of Thorns Creek (MP12.16 to MP14.02) as impaired/non support for shellfish harvesting (AU NJ 02030104910010-01)[7]. Therefore, the special area definition for "shellfish habitat" does not apply to portions of the offshore Project area within New Jersey waters. This conclusion was confirmed by the NJDEP on March 19, 2018; a copy of this correspondence is included in **Environmental Report, Appendix A**.

Notwithstanding the above, Project effects on hard clam (*Mercenaria mercenaria*) populations crossed by the Project can be considered in the context of prior studies that investigated potential effects on hard clam life stages due to a range of suspended sediment concentrations for various durations (**Table 4**).

[5] https://dep.nj.gov/wms/bears/integrated-wq-assessment-report-2022/statewide-water-quality-2022/#303d-list-and-sublist-4
[6] https://experience.arcgis.com/experience/9318a1f6ae5a4d4aafe9a3e3abebbeda/page/Shellfish#data_s=id%3AdataSource_30-2022_Shellfish_Harvesting_Unit_Assessment_9279%3A474
[7] https://experience.arcgis.com/experience/9318a1f6ae5a4d4aafe9a3e3abebbeda/page/Shellfish

**Consistency Finding:** Considering the statements above, Transco concludes that the Project does not cross shellfish habitat; therefore, the Shellfish Habitat Rule does not apply.

## TABLE 4. DOCUMENTED RESPONSES OF ATLANTIC SURF CLAM AND HARD CLAM TO SUSPENDED SEDIMENTS

| SPECIES | AGE | UNITS | COMMENT | REFERENCE |
|---|---|---|---|---|
| **Atlantic Surf Clam *(Spisula solidissima)*** | Adult | 100 to 1,000 mg/L for 3 days | No effect | Robinson et al. 1984 |
| | | 100 mg/L for 21 days | No effect | |
| | | 500 mg/L for 21 days | Reduced growth | |
| **Northern Quahog (a.k.a. hard clam; *Mercenaria mercenaria*)** | Adult | 6 mg/L for 14 days | No effect | Murphy 1985 |
| | | 27 mg/L for 14 days | Reduced growth | |
| | | 100 to 193 mg/L for 2 days | Reduced growth | Turner and Miller 1991 |
| | Juvenile | 10 to 25 mg/L for 21 days | No effect | Bricelj et al. 1984 |
| | | 44 mg/L for 21 days | Reduced growth | |
| | Larval | 100 to 500 mg/L for 10 days | No effect | Cardwell et al. 1976 |
| | | 750 to 2,000 mg/L for 10 days | 10% mortality | |
| | | 56 to 560 mg/L for 0.5 to 2 days | No effect | Huntington and Miller 1989 |
| | | 2,200 mg/L for 0.5 to 1 day | No effect | |
| | | 2,200 mg/L for 2 days | Reduced growth | |

Notes:
1) Table adapted from Tables A.3 and A.4 in Wilber, D.H. and Clarke, D.G. (2001) Biological Effects of Suspended Sediments: A Review of Suspended Sediment Impacts on Fish and Shellfish with Relation to Dredging Activities in Estuaries, *North American Journal of Fisheries Management*, 21: 4, 855 — 875. http://dx.doi.org/10.1577/1548-8675(2001)0212.0.CO;2.
2) See referenced literature for type of sediment applied in each study.

Key: mg/L = milligrams per liter

### 7. 7-9.3 SURF CLAM AREAS

*Surf clam areas are coastal waters which can be demonstrated to support significant commercially harvestable quantities of surf clams (Spisula solidissima), or areas important for recruitment of surf clam stocks. This includes areas where fishing is prohibited for research sanctuary or conservation purposes by N.J.A.C. 7:25-12.1(d)4. Surf clams are a marine fish and therefore are also subject to the marine fish and fisheries rule, N.J.A.C. 7:7-16.2. Development which would result in the destruction, condemnation, or contamination of surf clam areas is prohibited except for the following: development that is of national interest; sand and gravel mining to obtain material for beach nourishment.*

The offshore Project route crosses documented Atlantic surf clam areas. In 2014, the NJDEP conducted shellfish surveys in Raritan Bay and Lower New York Bay. The shallower seabed near the tip of the Sandy Hook Peninsula (Flynn's Knoll) supports a surf clam bed (Dacanay 2016). In "prohibited" shellfish growing waters crossed by the Project north of Sandy Hook, the NJDEP issues permits that allow surf clam harvesting for bait only (N.J.A.C. 7:12-9). This New Jersey harvest area is defined in Title 50, New Jersey Statutes §2-6.1 as the area of the Atlantic Ocean seaward of "a line from the west point of Sandy Hook to Romer Shoal Lighthouse." This line extends beyond the limits of the surf clam beds identified in the NJDEP 2014 shellfish survey maps (Dacanay 2016). However, benthic sampling conducted by Transco in late 2016 confirmed that surf clams are present along the entire segment of the Raritan Bay

Loop route in New Jersey waters between Chapel Hill Channel and the state boundary northeast of Ambrose Channel (MP26.55 to MP30.64), excluding Ambrose Channel itself.

The Raritan Bay Loop route and temporary construction workspace avoids the surf clam bed identified by the NJDEP on Flynn's Knoll. However, the Project will directly disturb benthic habitat containing surf clam in New Jersey waters mentioned above. Surf clams in the seabed adjacent to the disturbed area may also be impacted by construction of the Raritan Bay Loop because of elevated levels of suspended sediments and additional sedimentation. These impacts are anticipated to be temporary, and surfclam populations are expected to recover within a short period (one to three years) following completion of backfill activities, similar to the benthic recolonization that was documented during the post-construction benthic surveys for Transco's Rockaway Delivery Lateral project. For example, the third-year post-construction survey report for the Rockaway Delivery Lateral project indicated no significant differences between benthic macroinvertebrate communities at pipeline installation impact sites and nearby reference sites considering metrics such as density, richness, diversity, and evenness (E & E 2018). Based on surveys conducted by the USACE in the New York/New Jersey Harbor and other studies cited by the USACE, benthic communities physically disturbed by dredging or smothering may naturally recolonize to pre-disturbance conditions within approximately one to five years, where longer periods are required if physical characteristics remain altered and/or different species recolonize (USACE 2011[8]). Similar variability in benthic recovery rates is noted by Johnson, et. al. (2025[9]). However, following construction, Transco will restore the NESE Project workspaces to pre-construction contours using clean, sandy backfill material that will supplement natural sediment infill in areas where surf clams are present; this will promote faster recovery of surf clam and other native benthic populations.

The results of Transco's hydrodynamic sediment modeling indicate that sedimentation resulting from the Project will not extend into mapped "special restricted" shellfish harvest areas, which include a portion of the surf clam areas that will be crossed by the Project. Additionally, Transco conducted a literature review and compared the predicted sedimentation resulting from offshore Project activities (**Table 18, Comprehensive Sedimentation Impacts** in the **Environmental Report**) with known biological limitations for Atlantic surf clams. Robinson et al. (1984[10]) observed that short-term exposure (three days) to 100 to 1,000 mg/L had no effect on growth (**Table 4**). These thresholds are within the predicted limits of the TSS plumes that would be generated as a result of offshore Project activities (**Table 15, Select Summary Of Sediment Transport Simulation Results And Compliance Monitoring Considerations** and **Table 17, Comprehensive Summary of Simulation Results** in the **Environmental Report**). Furthermore, Atlantic surf clams are a fast-burrowing bivalve and if they were to be covered by sediment, they would be able to reposition themselves within the sediment. A study by Ellis and Heim (1985) suggests that the benchmark for smothering of Atlantic surf clam resulting from natural events is 5 cm (2.0 inches) and is likely comparable to the effects of maritime construction activities as well. In comparison, modeling indicates that average Project-related sedimentation would not exceed 3 cm (1.2 inches) in thickness at distances greater than 525 feet from the source for the selected construction scenarios (**Table 17, Comprehensive Summary of Simulation Results** in the **Environmental Report**). Therefore, the related habitat disturbance would be short term and limited primarily to active in-water pipeline and equipment installation locations.

Transco will provide notice to licensed bait clam harvesters prior to Project commencement to allow for surf clam harvest in the temporary construction workspaces north of Sandy Hook.

8 United States Army Corps of Engineers (USACE). (2011) Benthic Recovery Monitoring Report Contract areas: S-AM-1, S-AN-1a, and S-KVK-2. December 2011. https://www.nan.usace.army.mil/Missions/Navigation/New-York-New-Jersey-Harbor/Harbor-Program-Reports/.

9 Johnson DS, Pant M, Nemeth A, Foster E, Gartelman A, Calhoun-Grosch S, et al. (2025) Recovery of benthic macroinfauna six years after dredging. PLoS One 20(9): e0332089. https://doi.org/10.1371/journal.pone.0332089 Published: September 17, 2025

10 Robinson WE, Wehling WE, Morse MP. (1984) The effect of suspended clay on feeding and digestive efficiency of the surf clam, *Spisula solidissima* (Dillwyn). Journal of Experimental Marine Biology and Ecology. Volume 74, Issue 1, 5 January 1984, Pages 1-12. https://www.sciencedirect.com/science/article/abs/pii/0022098184900340

Transco is consulting with the NJDEP Bureau of Shellfisheries to determine the appropriate amount of mitigation to be provided. Transco will likely mitigate any unavoidable impact on surf clam between MP26.55 and MP30.64 through a monetary contribution to the NJDEP's dedicated fund for shellfish habitat mitigation, in accordance with N.J.A.C. 7:7–17.9.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Surf Clam Areas rule.

### 7. 7-9.4 PRIME FISHING AREAS

*Prime fishing areas include tidal water areas and water's edge areas which have a demonstrable history of supporting a significant local intensity of recreational or commercial fishing activity. These areas include all coastal jetties, groins, public fishing piers or docks, and artificial reefs. Prime fishing areas also include features such as rock outcroppings, sand ridges or lumps, rough bottoms, aggregates such as cobblestones, coral, shell and tubeworms, slough areas and offshore canyons. Prime fishing areas also include areas identified in "New Jersey's Recreational and Commercial Fishing Grounds of Raritan Bay, Sandy Hook Bay and Delaware Bay and The Shellfish Resources of Raritan Bay and Sandy Hook Bay" Figley and McCloy (1988) and those areas identified on the map titled, "New Jersey's Specific Sport Ocean Fishing Grounds." This map is available through the Coastal Management Program's website at https://www.nj.gov/dep/cmp.*

The offshore Project area hosts a moderate amount of commercial fishing for finfish species (NYDOS 2013; NJDEP 2016a). Additionally, according to traffic-recording data, a substantial number of recreational fishing charter boats are active in the vicinity of the Raritan Bay Loop route. Further, the Raritan Bay Loop will cross two popular offshore recreational fishing areas (Tin Can and Ambrose Channel Grounds), known as "sport ocean fishing grounds," between Sandy Hook and the Rockaway Peninsula (NJDEP 2003). These are designated as "prime fishing areas" by New Jersey (N.J.A.C. 7:7–9.4). The NJDEP surveyed charter boat, party boat, and private boat captains to identify sport ocean-fishing grounds (NJDEP 2003). These areas may be subject to greater seasonal vessel congestion in the vicinity of the Raritan Bay Loop route intersection with the Ambrose Channel.

Construction of the offshore pipeline could impact fishing in the Project area by reducing the abundance of harvested fish communities. Transco recognizes that there will be some impact on commercially important fish and bivalve species in the Project area; however, impacts on fish and shellfish are expected to be largely temporary (e.g., hours to days for a suspended sediment plume) or short term (e.g., one to three years for complete benthic community recovery – see 7:7-9.3 above for further discussion). Operational activities will have negligible effects on the abundance of fish and benthic communities, including commercially important species, in the Project area.

Vessel traffic in the Raritan Bay and Lower New York Bay will increase temporarily during construction of the Project, potentially affecting commercial fishers' access to commercial and recreational fishing grounds by interrupting their typical vessel transit routes or schedules or causing them to reduce their vessel speeds. However, this Project-related vessel increase will be negligible compared with the number of vessels currently operating in the busy New York–New Jersey Harbor and adjacent waterways on a daily basis. Thus, construction vessel traffic associated with the Project will have a negligible effect on commercial fishing vessels' ability to maneuver and transit through the Project area.

As a potential obstruction to vessel traffic, the fixed platform will be roughly analogous to the lift boat, which was previously proposed to support Morgan Shore HDD construction. The temporary fixed platform will be lighted appropriately to maintain safe navigation around it. Picket boats will be present during construction to direct traffic away from active construction zones and associated structures, including the platform. Given the impermanence of the fixed platform, and mitigation measures requiring other vessels to be alerted of the presence of the fixed platform, the offshore platform impact on commercial fishing vessels' ability to maneuver and transit through the Project area will be negligible.

Construction within the offshore pipeline ROW could limit commercial fishers' access to fishing grounds associated with both mobile and stationary bottom gear fisheries. Transco proposes a safety zone around active construction areas that will be marked by lighted buoys appropriately spaced to alert non-Project vessels. Only relatively short portions of

the entire Raritan Bay Loop will be under construction at any given time during the nine-month construction period. Picket boats will discourage commercial fishing vessels from entering active workspaces, but fishers will have undeterred access to the inactive portions of the temporary workspaces. Moreover, prior to construction in any major bottom-gear fishery areas (e.g., clam harvest areas), Transco will coordinate the timing of construction with the NJDEP, such that commercial fishers have the opportunity to harvest those areas before construction begins. Transco will notify commercial fishing operators via a Local Notice to Mariners and/or direct notice (e.g., mailed letter) within required timeframes before beginning construction to allow commercial fishermen to harvest and/ or remove any fixed fishing gear from the construction area before construction begins.

The Project does not involve prohibited uses described at N.J.A.C. 7:7-9.4, which include sand or gravel submarine mining that would alter existing bathymetry to a significant degree so as to reduce the high fishery productivity of these areas. Bathymetric changes associated with construction in New Jersey waters will be temporary in nature. Disposal of domestic or industrial wastes must meet applicable state and federal effluent limitations and SWQSs.

Overall, construction activities could temporarily discourage commercial and recreational fishing over portions of fishing grounds crossed by the Raritan Bay Loop during the nine-month construction period. However, compared with the fishing grounds available throughout Raritan Bay, Lower New York Bay, and the proximal areas of the Atlantic Ocean, the areas where fishing will temporarily be discouraged at any given time will be negligible. In addition, the notification and coordination measures described above will help ensure that temporary discouragement of commercial fishing within portions of the offshore safety zone has a negligible effect. Following construction, no fishing restrictions will be associated with the Project, and mobile and stationary bottom-gear fishing will be able to resume at the fishers' discretion following completion of offshore Project construction.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Prime Fishing Areas Rule.

### 7. 7-9.5 FINFISH MIGRATORY PATHWAYS

*Finfish migratory pathways are rivers, streams, creeks, bays and inlets, which serve as a passageways for diadromous fish to or from seasonal spawning areas. Finfish migratory pathways include waterways used by juvenile anadromous fish that migrate in autumn. Species of concern include: alewife or river herring (Alosa pseudoharengus), blueback herring (Alosa aestivalis), American shad (Alosa sapidissima), striped bass (Morone saxatilis), Atlantic sturgeon (Acipenser oxyrinchus oxyrinchus), Shortnose sturgeon (Acipenser brevirostrum) and American eel (Anguilla rostrata). Structures that create a physical barrier to movement of fish along these pathways, such as dams, dikes, tide gates, and intake pipes are prohibited unless acceptable mitigating measures are utilized. Activities which lower water quality to an extent as to interfere with the movement of fish along these pathways or violate water quality standards are also prohibited.*

All of the diadromous species of concern listed in 7:7–9.5 are expected to occur in the Project area for at least a portion of their life history. These species include river herring (alewife and blueback herring, *Alosa pseudoharengus* and *Alosa aestivalis*, respectively), American shad (*Alosa sapidissima*), striped bass (*Morone saxatilis*), Atlantic sturgeon (*Acipenser oxyrhynchus*), shortnose sturgeon (*Acipenser brevirostrum*), and American eel (*Anguilla rostrata*).

River herring migrate up Cheesequake Creek to spawn, but that migration is partially impeded southeast (upstream) of the Madison Loop by an artificial dam used to create Hooks Creek Lake, a freshwater lake in Cheesequake Creek State Park (NJDEP 2005; Durkas and Goldfarb 1991).

Adult herring are present in low numbers in the New York–New Jersey Harbor year-round except for a period of high abundance during the spawning period from March through May (Tanski et al. 2014). Eggs are pelagic and are known to settle into all substrate types of the New York–New Jersey Harbor from April through June. In spring and the early summer, juveniles are typically found in estuarine and tidal freshwater habitats (USFWS 2001). Juveniles move downstream into freshwater tributaries and river ends in the late summer as water temperatures drop (ASMFC 2017a) and are unlikely to be found within the Project construction area. Adults typically are present in low numbers year-round in the Project area except for a period of high abundance during March through May (Tanski et al. 2014). In

accordance with the New Jersey Flood Hazard Area Control Act Rules at N.J.A.C. 7:13 and the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A, the anadromous fish timing restriction implemented for all unimpeded tidal regulated waters open to the Atlantic Ocean or any coastal bay is from April 1 to June 30. The following time of year (TOY) restriction and area of concern were identified by the NJDEP and the NOAA National Marine Fisheries Service (NOAA Fisheries), during an April 9, 2018, meeting:

- March 1 through June 30 (period of migration), between MP12.2 and MP 15.3 (within 3 miles of Raritan River and Cheesequake Creek).

American shad are an anadromous fish species typically found offshore from Maine down through Virginia (Kahnle and Hattala 2010). The species migrates through the New York–New Jersey Harbor in the spring to spawn in fresh waters in the Hudson River (New Jersey Sea Grant Consortium n.d.[a]; Kahnle and Hattala 2010). Starting around April, American shad will remain in the Hudson River, and after completing spawning activities (typically in the first week of June), the species returns to the ocean through the New York–New Jersey Harbor as eggs drift through Hudson River currents (New Jersey Sea Grant Consortium n.d.[a]). As eggs develop and reach juvenile age, they often prefer waters with colder temperatures and higher salinities, and they often remain in the Hudson Estuary until the fall, then migrate to the ocean (New Jersey Sea Grant Consortium n.d.[a]). Once they reach adulthood, American shad spend a majority of their lives offshore (ASMFC 2017a). American shad are therefore most likely to be present within the Project area in the spring and early summer when adults migrate to and from spawning locals and in the fall when juveniles migrate to the ocean.

Striped bass, although historically small in number, are now one of the most abundant species occurring within the New York–New Jersey Harbor (New Jersey Sea Grant Consortium n.d.[b]). In response to past declining numbers in population, striped bass were given strict recreational limits and have since become an important recreational species in the area (New Jersey Sea Grant Consortium n.d.[b]). Striped bass typically reside in offshore Atlantic waters but move inland to the Hudson River, Delaware River, and Chesapeake Bay to spawn. Adult striped bass are found within the Hudson River and Estuary from late March to early June, moving through the New York – New Jersey Harbor before and after spawning activities (New Jersey Sea Grant Consortium n.d.[b]).

The shortnose sturgeon is federally and New Jersey-listed as endangered (NJDEP 2016b). The shortnose sturgeon is anadromous, spawning in freshwater systems and spending the majority of its adult life in rivers and estuaries. The presence of the shortnose sturgeon in the Project area is rare because its range is typically limited to the Hudson River north of Manhattan; however, small numbers have consistently been collected since 2004 during annual winter trawl sampling from November to March in the Upper New York Bay (Shortnose Sturgeon Status Review Team 2010).

The Atlantic sturgeon is an anadromous species. The federally listed endangered New York Bight distinct population segment is also listed as endangered in New Jersey (NJDEP 2016b). Adults spend the majority of their lives in estuaries and oceans but migrate along the coastline and return to the rivers they were born in to spawn (NOAA Fisheries 2016a). The Atlantic sturgeon is thought to be found in the Project area year-round, with higher concentrations during the spring and fall migration periods, particularly in apparent aggregation areas seaward of the Rockaway Peninsula and the Sandy Hook Peninsula (Laney et al. 2007; Dunton 2014; Dunton et al. 2010, 2015). The aggregations here were found to occur at water depths of less than 50 feet (15 meters) (Dunton et al. 2010, 2015). Many of the sturgeon in these aggregation areas are likely move to and from the Hudson River, where a large population of Atlantic sturgeon spawn (NOAA Fisheries n.d.[a]; Bain et al. 1998). A separate set of juveniles, sub-adults, and non-breeding adults continue their migration northeast along the Long Island coast and spend the summer in Long Island Sound (Dunton 2014; Dunton et al. 2012; O'leary et al. 2014). The peak Atlantic sturgeon concentrations typically occur in the aggregation areas from April through June (spring) and October through November (fall), although this varies annually and may begin as early as March (spring) and September (fall) (Laney et al. 2007; Dunton 2014; Dunton et al. 2010, 2015). Federal Critical Habitat for Atlantic sturgeon was designated on August 17, 2017 (82 Federal Register 39160). The critical habitat closest to the Project area is the Hudson River, "where the main stem river discharges at its mouth into New York City Harbor" (82 Federal Register 39160), more than 2 miles from the nearest anticipated vessel route. The

following TOY restriction and areas of concern were identified by the NJDEP and NOAA Fisheries, during an April 9, 2018, meeting:

- March 1 through June 30 and October 1 through November 30, between MP12.0 and MP14.25 (Morgan Shore to New Jersey/New York Border—spring only), and between MP30.0 and MP35.5 (Ambrose Channel to Rockaway Transfer Point).

Juvenile and adult American eels may occur within the Project areas during migration or when foraging. American eels are a catadromous fish species, spending the majority of their life in freshwater and estuarine environments before traveling to the ocean as adults to reproduce (ASMFC 2017b). Juvenile life-stage American eels are present in large numbers in the New York–New Jersey Harbor from February through April. Juveniles occur at all depths, but typically burrow in mud in the daytime or winter and are commonly associated with eelgrass and sandy bottom sediment. Adult American eels are present in low to medium numbers in the New York–New Jersey Harbor throughout the year. Adults are found in a wider range of depths and habitats (Tanski et al. 2014).

### PROJECT EFFECTS ON FINFISH MIGRATORY PATHWAYS

Activities associated with offshore pipeline construction will potentially affect fish inhabiting or migrating through areas near the offshore construction activities. Proposed construction activities include trenching, pipelay, anchor placement, backfilling, concrete mattress installation, and associated vessel/barge transits. Temporary effects on finfish migratory pathways will result from sediment disturbance, increased turbidity, increased noise and visual disturbances, and water withdrawal and discharge. Potential impacts include direct mortality or injury, sensory disturbance, habitat loss and/or modification, and changes in predator/prey relationships. Potential mitigation (i.e., avoidance and minimization) measures, such as species-specific construction timing restrictions, are described below.

Although physical impacts on fish during offshore Project construction are possible, most individuals (particularly juveniles and adults) have the ability to avoid construction activities. Because spawning of the migratory species identified above takes place outside of Raritan Bay and Lower New York Bay, early life stages (i.e., eggs and larvae) are not expected to be affected by the Project. Demersal migratory species (e.g., Atlantic sturgeon) transiting and/or feeding on or near the seafloor are more vulnerable, but while temporary behavioral disturbance may occur, Transco does not anticipate Project-related mortality or injury of these species.

Excessive noise, in particular, may disturb fish migrating through the Project area, and pile installation near the HDD entry and exit pits (including the installation of the temporary fixed platform near MP12.50) is expected to be the loudest source of Project-related in-water noise. Both vibratory and impact pile driving noise are considered low frequency noise sources (Blackwell 2005; Reinhall and Dahl 2011; Dahl et al. 2015). Recognizing that noise impacts to sensitive species are an ongoing concern with regulatory agencies, Transco has performed sound propagation modeling to determine the potential for sound associated with in-water construction activities (pile installation and removal) to injure or behaviorally disturb fish. Transco used criteria that the NOAA Fisheries Greater Atlantic Regional Fisheries Office (GARFO) (2018, 2024) has developed to determine potential injury and behavioral impacts specifically for fish species listed under the Endangered Species Act of 1973 (ESA). Copies of noise modeling memos are provided in **Appendix F**.

Offshore excavation for the Raritan Bay Loop will disturb the seabed, causing sediment resuspension and corresponding increases in turbidities. Taking into account sediment type, duration of sediment-disturbing activities, and the strong river and tidal currents in the offshore Project area, ambient turbidity levels are expected to return quickly following completion of each proposed offshore excavation activity. This assumption is based, in part, on monitoring results from several dredging events associated with the recent deepening of the New York/New Jersey Harbor (USACE 2015b). Turbidity plumes generated during the harbor dredging activities dissipated to ambient levels within 200 meters (656 feet) and 800 meters (2,625 feet) in the upper and lower portions of the water column, respectively, even when sediments were predominantly silt and clay (50% to 95%) (USACE 2015b).

Suspended sediments from offshore Project dredging activities can interfere with gas absorption in fish gills (Clarke and

Wilbur 2000; Germano and Cary 2005) and cause a decrease in dissolved oxygen (Johnston 1981). Transco does not expect these conditions to cause adverse physiological effects on fish migrating through the Project area due to the temporary nature of the offshore excavation and the short duration of fish exposure to these conditions. However, migrating fish may generally avoid areas with elevated levels of suspended sediment (ASMFC Shad and River Herring Plan Development Team 2009), so the Project-related suspended sediment plumes may have a temporary behavioral effect, but the plumes are not expected to interfere with overall movement of fish along their migratory pathways.

Transco's hydrodynamic sediment model indicated that the extent of predicted sediment plumes and TSS concentrations varied in magnitude and scale along the entire offshore route. Modeling results indicate that plumes with TSS concentrations 100 mg/L above ambient conditions may extend up to 2,444 feet from the source in the most extreme case near the mouth of the Raritan River (i.e., backfilling the trench between the Morgan HDD exit pit [MP12.50] and MP16.60), with TSS returning to ambient conditions within 1.5 hours. However, a majority of the modeled activities (**Table 15, Select Summary Of Sediment Transport Simulation Results And Compliance Monitoring Considerations** and **Table 17, Comprehensive Summary of Simulation Results** in the **Environmental Report**, will not result in significant water quality impacts because the predicted plumes would be temporary, with TSS concentrations returning to ambient conditions within 12.5 hours after the associated dredging or trenching has ceased. Therefore, only localized and short-term impacts on water quality are expected from construction of the Raritan Bay Loop. Additionally, through adherence to TOY restrictions associated with anadromous fish, Transco expects that suspended sediment plumes resulting from the Project will not adversely affect the migration of anadromous and catadromous species, particularly near the mouth of the Raritan River and Cheesequake Creek. See the discussion under Rule 7:7-16.3, for additional information about the Project's potential effects on offshore water quality.

In a July 26, 2018, meeting with NJDEP and NOAA Fisheries, staff from both agencies agreed that regarding the river herring TOY restriction between MP12.5 and MP14.0, dredging and pile installation would likely be allowed in June. In a letter dated November 7, 2018, the NJDEP Bureau of Marine Fisheries (BMF) stated that "Anadromous timing restrictions can be modified to allow for clamshell dredging start dates of June 1 at MP12.5 to 14.5, 25 and 30.4" and that "In June, herring will likely have made it up the rivers and out of the area of effect of [platform pile and goal post installation] activities." Transco has also committed to installing the platform pile and goal posts (located between MP 12.5 and MP 12.6) starting at the furthest MP from the shore and will work inland towards MP 12.5 so that nearshore work will occur later in the construction period to further limit impacts to river herring. Transco formally requested approval from the NOAA Fisheries Habitat Conservation Division (HCD) on February 11, 2019, to conduct certain construction activities during limited portions of the river herring TOY restriction periods (**Appendix A of the Environmental Report**). These TOY restriction flexibility requests, along with justifications for the requests, are summarized below in **Table 5**. Transco's understanding is that the flexibility requests presented below are acceptable based on consultations to date with NJDEP and NOAA Fisheries. On July 28, 2019, Transco received formal approval from NOAA HCD for requested EFH TOY restriction flexibility for river herring and blue crabs (**Appendix A of the Environmental Report**).

Federal Critical Habitat for Atlantic sturgeon was designated in the Hudson River, "where the main stem river discharges at its mouth into New York City Harbor" (82 Federal Register 39160), more than 2 miles from the nearest anticipated vessel transit route for Project-related vessels and more than 10 miles from the nearest Project workspace. Therefore, the designated critical habitat does not overlap with the Project area. In a November 7, 2018, letter to FERC, the NJDEP BMF deferred to NOAA regarding sturgeon timing restrictions for pile installation, clamshell dredging, hand jet, submersible pump, HDD, spool and pipeline installation, jet trenching, hydrotest, and reinstatement activities.

Transco formally requested approval from the NOAA Fisheries Protected Resources Division (PRD) on February 11, 2019, to conduct certain construction activities during limited portions of the TOY restriction periods (see **Appendix A** of the **Environmental Report** for Transco's formal request). These TOY restriction flexibility requests, along with justifications for the requests, are summarized above in **Table 5**. Transco's understanding is that the flexibility requests

presented in **Table 5** are acceptable based on consultations to date with NJDEP and NOAA Fisheries. On April 10, 2019, Transco received informal concurrence from NOAA Fisheries PRD regarding the TOY restriction flexibility requests for Atlantic sturgeon (**Appendix A** of the **Environmental Report**). The TOY restrictions may serve as protection measures and may help protect other aquatic species in the area. Transco continues to be engaged in a Federal Section 7 Consultation under the ESA regarding Atlantic sturgeon (see Rule 7:7-9.36 below).

Transco will work with the NJDEP (and NYSDEC) to evaluate additional BMPs that can be implemented to further reduce impacts, to the maximum extent practicable. Following construction, Transco will restore the offshore workspaces by backfilling excavated areas with suitable material in accordance with applicable permit requirements. Thus, the Project will not create any permanent physical barrier to the movement of fish along finfish migratory pathways, and routine operation of the Project is not expected to affect aquatic resources within the Project area.

## TABLE 5. SPECIES-RELATED TIME OF YEAR (TOY) RESTRICTION FLEXIBILITY REQUESTS

| ACTIVITY | LOCATION | REQUEST | REQUESTED ACTIVITY START DATE[A] | REQUESTED ACTIVITY END DATE[A] | APPLICABLE SPECIES TOY RESTRICTION | JUSTIFICATION | POTENTIAL IMPACT ON SPECIES |
|---|---|---|---|---|---|---|---|
| Clamshell Dredging | **New York and New Jersey** - MP12.5 to MP15.3 | Allow dredging to overlap with river herring and Atlantic sturgeon TOY restriction in June, or based on temperature threshold | 6/1 | 6/30 | River herring (and Atlantic sturgeon in NJ) (3/1 – 6/30) | Adherence to the current TOYR would push construction campaign into the fall sturgeon TOYR. | Sediment disturbance, suspended sediment, and deposition |
| Platform Pile and Goal Post Installation | **New Jersey** - Morgan HDD Pit (MP12.5) | Allow pile/platform installation during river herring and Atlantic sturgeon TOY restriction in May, or based on temperature threshold | 6/9 | 6/30 | River herring (and Atlantic sturgeon in NJ) (3/1 – 6/30) | Adherence to the current TOYR would push construction campaign into the fall sturgeon TOYR. | Noise from pile driving/vibratory hammer |
| Spool Installation | **New Jersey** - Ambrose East HDD Pit (MP30.4) | Allow low-impact installation activities during Atlantic sturgeon fall TOY restriction | 10/1 Duration of activity: ~7 days | 10/31 | Atlantic sturgeon (10/1 – 11/31) | Allowance of low-impact activities would minimize the overall duration of construction activities. | Limited impacts; no sediment disturbance |

[a] The start/end dates identify the portion of the activity work period that would overlap with a species' TOY restriction.

**Key:**

HDD = Horizontal Directional Drill
MP = Milepost
TOY = Time of year

Within the coastal zone along the Madison Loop, Transco will cross two waterways (WB-T01-001) and (WW-RS-005) that are connected to Cheesequake Creek using HDD. Further, Transco will implement sediment- and erosion-control measures at onshore temporary workspaces, including the edge of waterway WW-T07-001. These measures will prevent any Project-related increase in suspended sediments within these waterways and avoid associated effects on migratory finfish that may use these waters.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Finfish Migratory Pathways Rule.

### 7. 7-9.6 SUBMERGED VEGETATION HABITAT

*Submerged vegetation habitat special areas consist of water areas supporting, or documented as previously supporting rooted, submerged vascular plants such as widgeon grass (Ruppia maritima), sago pondweed (Potamogeton pectinatus), horned pondweed (Zannichellia palustris) and eelgrass (Zostera marina). In New Jersey, submerged vegetation is most prevalent in the shallow portions of the Navesink, Shrewsbury, Manasquan, and Metedeconk Rivers, and in Barnegat, Manahawkin, and Little Egg Harbor Bays. Development in submerged vegetation beds is prohibited except for trenching for utility pipelines and submarine cables, new dredging of State and Federal navigation channels, maintenance dredging, new dredging of previously authorized marinas and access channels to such marinas, construction of a single noncommercial dock, and the extension of existing piers. Development in uplands or water areas adjacent to, or in, submerged vegetation habitat that results in an increase of erosion and/or turbidity is prohibited unless mitigation measures are provided.*

The New Jersey Submersed Aquatic Vegetation Distribution Map for the Sandy Hook, NJ Quadrangle indicates that the proposed offshore Project workspace does not cross any areas of mapped submerged aquatic vegetation (SAV) (Macomber and Allen 1979). The NJDEP does not have SAV maps available for the South Amboy, NJ Quadrangle. The only potential New Jersey area suitable to support SAV is the shallow nearshore area at the Morgan shoreline. Recent shoreline surveys by the American Littoral Society suggest that sea lettuce is still prevalent near the Morgan, New Jersey, shoreline, but the offshore extent is not delineated (NorthJersey.com 2015) and this species is not classified as SAV because it is an alga that lacks roots and a vascular system. Furthermore, this area will be crossed by HDD; therefore, the Project will not disturb the substrate that could potentially support SAV.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Submerged Vegetation Habitat Rule.

### 7. 7-9.7 NAVIGATION CHANNELS

*Navigation channels are tidal areas with sufficient water depth to provide safe navigation. Included within this area is the Atlantic Ocean, inlets, bays, rivers and tidal guts. Navigation areas include all areas between the top of the channel slopes on either side. Development that would cause terrestrial soil and shoreline erosion and siltation in navigational channels must utilize appropriate mitigation measures. Development that would result in loss of navigability in navigation channels and construction that would extend into a navigational channel is prohibited. The placement of structures within 50 feet of any authorized navigation channel is discouraged, unless it can be demonstrated that the proposed structure will not hinder navigation.*

The offshore portion of the Raritan Bay Loop will pass through Raritan Bay, Lower New York Bay, and the Atlantic Ocean. Lower New York Bay is heavily trafficked by vessels transiting in and out of the Port of New York and New Jersey's terminals and marinas, which are located along Upper New York Bay and Newark Bay. Commercial vessels access the Port primarily via Ambrose Channel and, to a lesser degree, Chapel Hill Channel. Additional marine traffic such as oil tankers and fishing vessels access other docks and marinas in New York and New Jersey through the Raritan Bay Channel. All three of these channels are crossed by the Raritan Bay Loop route. However, the pipeline will be installed at depths that will avoid interference with potential maintenance dredging of the channels, in accordance with USACE requirements for burial. HDD techniques will be used to install the pipeline beneath the highly trafficked Ambrose Channel in New Jersey waters, which will avoid all impacts on vessels transiting Ambrose Channel during both construction and operation.

The Project route also generally avoids the designated anchorage areas in Raritan Bay and Lower New York Harbor, but the route does cross the northern extension of an anchorage area near the junction of Chapel Hill Channel and Ambrose Channel in New York waters. This is an area that The Harbor Safety, Navigation and Operations Committee of the Port of New York and New Jersey identified during a meeting on June 13, 2016, as rarely used, and the location would be shown on nautical charts so mariners could avoid anchoring over or near the pipeline. Nonetheless, Transco will install the pipeline at depths that sufficiently minimize the potential for impact due to anchoring, in accordance with USACE requirements.

Vessel traffic in the Raritan Bay and Lower New York Bay will increase temporarily during construction of the Project. In addition, Transco has identified a contractor yard, an existing equipment storage facility (Construction and Marine Equipment Co., Inc. [C&ME] facility) located in Elizabeth, New Jersey, and an existing contractor yard (Weeks Marine Contractor Yard [Weeks Yard]) in Jersey City, New Jersey, for use during construction of the Raritan Bay Loop. Traffic will increase temporarily in Arthur Kill and Kill Van Kull and the Upper New York Bay when Project construction and support vessels navigate between the C&ME facility and the temporary offshore workspace. However, the automatic identification system shows that the Lower New York Bay and Raritan Bay are heavily trafficked by vessels transiting in and out of the Port of New York and New Jersey's terminals and marinas (BOEM and NOAA 2016). An average of approximately 20 Project-related vessels will be employed at any given time during construction of the Raritan Bay Loop. Several of the larger vessels will remain offshore for the majority of the construction period, transiting to dock only occasionally to resupply or possibly to avoid severe sea conditions. In comparison, the number of vessel arrivals in the Port of New York and New Jersey between June 7 and June 20, 2017, ranged from 133 to 204 per day (Marinetraffic.com 2017). This is in addition to numerous recreational and commercial vessels that arrive and depart from more than 30 other local marinas in the vicinity of the Project. Thus, the number of vessel transits associated with construction of the Project will be negligible compared with the number of vessels currently operating in the busy New York–New Jersey Harbor and connected waterways on a daily basis.

Commercial and recreational vessels with itineraries crossing the offshore Raritan Bay Loop outside of the Ambrose Channel during construction may need to adopt minor re-routes to avoid active construction workspaces, including the Raritan Bay Channel and Chapel Hill Channel crossings. Transco will closely coordinate with the USCG to minimize impacts on vessels attempting to transit through the temporary workspace and nearby waters. These coordination efforts will include maintaining regular communication with the USCG Waterways Management Coordinator throughout the construction period and circulating information about work schedules and locations through the Local Notice to Mariners, local newspapers, and notices posted in local marinas in and near the Project area. These measures will limit the number of vessel re-routes, resulting in negligible impacts on shipping-related economic productivity in the region. See additional discussion below regarding Project effects on vessel traffic under Rule 7:7-16.12.

Waterbodies along the Madison Loop that are connected to Cheesequake Creek will be crossed using HDD; therefore, Madison Loop construction will not affect navigation channels.

Following the completion of construction, routine operations of the Raritan Bay Loop will not have an effect on navigation and navigation channels. No transit restrictions will be enacted over the operational ROW (tidelands license) associated with the pipeline.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Navigation Channels Rule.

### 7:7-9.10 MARINE MOORINGS

*Marina moorings are areas of water that provide mooring, docking and boat maneuvering room as well as access to land and navigational channels for five or more recreational boats. Non-water dependent development in a marina mooring area is prohibited. Any use that would detract from existing or proposed recreational boating use in marina mooring areas is discouraged.*

A portion of the Madison Loop in the onshore coastal zone crosses Lockwood Marina in Cheesequake Creek. However, impacts on the marina and associated moorings will be avoided by crossing this section via HDD from approximately MP11.48 to MP11.83.

**Consistency Finding:** Considering the statement above, Transco concludes that the Project complies with the Marina moorings Rule.

### 7:7-9.11 PORTS

*Ports are water areas having, or lying immediately adjacent to, concentrations of shoreside marine terminals and transfer facilities for the movement of waterborne cargo (including fluids), and including facilities for loading, unloading, and temporary storage.*

1. *Port locations in New Jersey include, among others, Newark, Elizabeth, Bayonne, Jersey City, Weehawken, Hoboken, Woodbridge, Perth Amboy, Camden, Gloucester City, Paulsboro and Salem.*
2. *Standards for a docking facility or concentration of docks for a single industrial or manufacturing facility are found at N.J.A.C. 7:7-12.4, Docks and piers for cargo and commercial fisheries.*

*Any use which would preempt or interfere with port uses of this water area is prohibited. Shellfish aquaculture and dumping of solid waste or semi-solid waste is prohibited. Boat ramps for recreational boating are conditionally acceptable provided the ramp complies with all special area rules at N.J.A.C. 7:7-9 and provided it does not interfere with the port use. Docks and piers for cargo movements are encouraged.*

The offshore portion of the Raritan Bay Loop passes through Raritan Bay, Lower New York Bay, and the Atlantic Ocean. Lower New York Bay is heavily trafficked by vessels transiting in and out of the Port of New York and New Jersey's terminals and marinas along Upper New York Bay and Newark Bay. The most active port on the East Coast, the Port of New York and New Jersey, has multiple active terminals in several counties in both states.

The Port of Belford in nearby Sandy Hook Bay, Monmouth County, New Jersey, is also considered a "major U.S. port" in terms of dollar value of commercial fishery landings. It was ranked number 122 of all major U.S. ports in 2014 by NOAA Fisheries (2014). Automatic identification system data show that the main volume of vessel traffic to and from the Port of New York and New Jersey passes through Ambrose Channel (BOEM and NOAA 2016). Transco will use HDD to cross under the channel, thereby avoiding impact on the majority of port traffic. Additional port traffic transiting through Chapel Hill Channel or Raritan Bay Channel may be subject to temporary, minor re-routes to avoid active construction workspaces. However, to reduce effects on port-related traffic, Transco will maintain regular communication with the USCG Waterways Management Coordinator throughout the construction period and circulate information about Project work schedules and locations through the Local Notice to Mariners, local newspapers, and notices posted in local marinas in and near the Project area. Therefore, construction of the Project is expected to have negligible impacts on the Port of New York and New Jersey and the Port of Belford. Further discussion of Project-related effects on navigation channels and port-related traffic can be found above under Rule 7:7-9.7.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Ports Rule.

### 7:7-9.12 SUBMERGED INFRASTRUCTURE ROUTES

*A submerged infrastructure route is the corridor in which a pipe or cable runs on or below a submerged land surface. Any activity which would increase the likelihood of infrastructure damage or breakage, or interfere with maintenance operations is prohibited.*

Installing the proposed pipeline will require crossing the Neptune Cable located at approximately MP13.88 within New Jersey waters. A desktop review indicates that this cable is buried approximately 9 feet below the seafloor near MP13.88. In accordance with 49 CFR Part 192, the crossing will be installed in such a way as to provide a minimum of 18 inches of separation between each active cable and the pipeline. Transco has developed a detailed installation plan for the cable crossing and will submit the plans to the cable owners for review and approval before beginning pipeline construction.

Once the Neptune Cable has been exposed at the offshore crossing location, pre-formed concrete mattresses will be placed in excavated areas on both sides of the cable. The mattresses will be lowered into place by a barge-mounted crane, assisted by divers to ensure proper positioning. The mattresses will form a bridge over which the pipeline is laid to maintain vertical separation between the new pipeline and existing cable.

If feasible, pipe will be installed at the cable crossings with sufficient room to allow the minimum depth of cover over the pipeline required by the USACE. If sufficient depth cannot be achieved because of existing cable depth and the separation required between the Neptune Cable and the Raritan Bay Loop, the pipeline will be covered with concrete mattresses to provide equivalent protection. (Each foot of mattress thickness is comparable to 2 feet of unconsolidated backfill [e.g., sand]).

Any additional active cables that are identified during construction will be handled in the manner described above for the Neptune Cable. The Raritan Bay Loop route is also sited at least 2,000 feet away from Transco's existing Lower New York Bay Lateral natural gas pipeline, except near the Rockaway Transfer Point tie-in. Therefore, the Project will not impact currently operational submerged infrastructure.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Submerged Infrastructure Routes Rule.

### 7:7-9.13 SHIPWRECK AND ARTIFICIAL REEF HABITATS

*The shipwreck and artificial reef habitats special area includes all permanently submerged or abandoned remains of vessels and other structures, including, but not limited to, artificial reefs, anchors, quarry rocks or lost cargo, which serve as a special marine habitat or are fragile historic and cultural resources. An artificial reef is a man-made imitation of a natural reef created by placing hard structures on the sea floor for the purpose of enhancing fish habitat and fish stock. In time, an artificial reef will attain many of the biological and ecological attributes of a natural reef. Artificial reefs do not include shore protection structures, pipelines and other structures not constructed for the sole purpose of fish habitat. Known sites include those shown either on National Ocean Survey (N.O.S.) charts or listed in the following publications: W. Krotee and R. Krotee, Shipwrecks Off the New Jersey Coast (1966); B.L. Freeman and L.A. Walford, Angler's Guide to the United States Atlantic Coast Fish, Fishing Grounds, and Fishing Facilities (1974); B. Preim, J. Carlson, B. Figley, A Guide to Fishing and Diving New Jersey Reefs, (2000); and the NJDEP Fisherman Magazine and the Artificial Reefs Association publication, Shipwrecks of New Jersey's Reefs (2003). In addition to known sites, unidentified remains of vessels may exist within tidal waters. Shipwrecks may also be considered historic or archaeological resources pursuant to N.J.A.C. 7:7-9.34. Acceptable uses of shipwreck and artificial reef habitats include finfishing, shellfishing, and scuba diving. Any use, except archeological research, which would significantly adversely affect the usefulness of this special area as a fish habitat is prohibited. Persons conducting archeological research which significantly affects the usefulness of a shipwreck for fisheries purpose shall compensate for this loss by creation of an artificial reef of equal habitat value.*

Transco reviewed available archives and conducted a remote-sensing field survey to determine the known and potential presence of cultural and historical resources within the proposed Project workspaces, including shipwrecks. A summary of the investigation is provided under Rule 7:7-9.34, below.

The proposed Raritan Bay Loop route does not cross any identified shipwrecks. Based on analysis of the results of the surveys, Transco has developed recommendations for suitable buffers around potentially significant cultural resources such as shipwrecks, in consultation with the New Jersey Historic Preservation Office (HPO), which will be incorporated as part of an anchor-handling plan to avoid physical damage of the wrecks due to the Project.

The New Jersey recreational use survey conducted in 2012 did not identify scuba diving areas, including artificial reefs, in proximity to the offshore loop (MARCO n.d.). However, Rockaway Reef, an artificial reef managed by the NYSDEC Marine Artificial Reef Program, is approximately 1 mile northeast of the Raritan Bay Loop tie-in with the RDL (MP35.49) and, although located in New York waters, is identified in the map of New Jersey's Specific Sport Ocean Fishing Grounds (referenced under Rule 7:7-9.4, above). During Project construction, increased turbidity and sedimentation could affect the hard-bottom substrate at this site. Based on the results of Transco's Project-specific sediment modeling for TSS and deposition, and previous sediment modeling of RDL project excavation activities at the

Rockaway tie-in location (HDR-Hydroqual 2013), Project-related TSS levels at Rockaway Reef are not expected to be more than 50 mg/L above background conditions. Therefore, Transco does not expect the Project to have adverse impacts on this artificial reef or fish species using the reef structures.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Shipwreck and Artificial Reef Habitats Rule.

### 7:7-9.15 Intertidal and Subtidal Shallows

*Intertidal and subtidal shallows are areas that are permanently or temporarily submerged from the spring high tide to a depth of four feet below mean low water. Development, filling, new dredging or other disturbances are discouraged, but may be permitted if the activity complies with the applicable rules on General Water Areas (N.J.A.C. 7:7-12.2 through 12.24).*

Construction of the Raritan Bay Loop includes the Morgan Shore Approach—an HDD crossing from an entry point west (landward) of the shoreline in Sayreville, New Jersey (MP12.00), to an offshore exit point located approximately 1,795 feet east-northeast of the shoreline (MP12.50). This HDD construction method will mostly avoid disturbance of intertidal and subtidal shallows between the shoreline at MP12.16 and the HDD exit point 0.34 mile away. Temporary disturbance of intertidal and subtidal shallows may occur due to barge anchoring, the specific locations of which will be determined during construction.

A separate, smaller HDD hole will be used to install the CP cable for the pipeline to an anode sled approximately 1,200 feet north of the pipeline. This use of HDD will also minimize disturbance of intertidal and subtidal shallows. However, installation of the anode sled may result in short-term disturbance of the intertidal and subtidal shallows.

Waterways along the Madison Loop route that are connected to Cheesequake Creek within the Coastal Zone will also be crossed using HDD technology, which will avoid disturbance of intertidal and subtidal shallows.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Intertidal and Subtidal Shallows Rule.

### 7:7-9.18 Coastal High Hazard Areas

*Coastal high hazard areas are flood prone areas subject to high velocity waters (V zones) as delineated on FEMA flood mapping, and areas within 25 feet of oceanfront shore protection structures, which are subject to wave run-up and overtopping. The coastal high hazard area extends from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The inland limit of the V zone is defined as the V zone boundary line as designated on FEMA flood mapping or the inland limit of the primary frontal dune, whichever is most landward. Flood hazard areas are the floodway and flood fringe area around rivers, creeks, and streams as delineated by the Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq) or delineated as an A, or V Zone by FEMA. Where flood hazard areas meet the definition of another Special Water's Edge type, the Special Water's Edge policy applies in terms of location acceptability and the flood hazard area rules apply in terms of setback and flood proofing requirements.*

The Project will not affect any coastal high-hazard areas because it crosses the Morgan shoreline via HDD (see the discussion under Rule 7:7-9.15, above, for details). The onshore HDD entry point at approximately MP12.00 is landward of the coastal high-hazard zone identified by the Federal Emergency Management Agency.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Coastal High Hazard Areas Rule.

### 7:7-9.19 Erosion Hazards Areas

*Erosion hazard areas are shoreline areas that are eroding and/or have a history of erosion, causing them to be highly susceptible to further erosion, and damage from storms. Erosion hazard areas extend inland from the edge of a stabilized upland area to the limit of the area likely to be eroded in 30 years for one to four unit dwelling structures, and 60 years for all other structures, including developed and undeveloped areas. This distance is measured from the crest of a bluff for coastal bluff areas, the most seaward established dune crest for unvegetated dune*

*areas, the first vegetation line from the water for established vegetated dune areas, and the landward edge of a beach or the eight foot North American Datum (NAD), 1983, contour line, whichever is farther inland, for non-dune areas.*

The Project will not affect any erosion hazard areas because it crosses the Morgan shoreline via HDD (see discussion under Rule 7:7-9.15, above, for details).

**Consistency Finding:** Considering the statement above, Transco concludes that the Project complies with the Erosion Hazard Areas Rule.

### 7:7-9.22 BEACHES

*Beaches are gently sloping areas of sand or other unconsolidated material, found on all tidal shorelines, including ocean, bay, and river shorelines that extend landward from the mean high water line to either:*

1. *A man-made feature generally parallel to the ocean, inlet, or bay waters such as a retaining structure, seawall, bulkhead, road or boardwalk, except the sandy areas that extend fully under and landward of an elevated boardwalk are considered beach areas; or*
2. *The seaward or bayward foot of dunes, whichever is closest to the bay, inlet or ocean waters.*

*Development is prohibited on beaches, except for development that has no prudent or feasible alternative in an area other than a beach, and that will not cause significant adverse long-term impacts to the natural functioning of the beach and dune system, either individually or in combination with other existing or proposed structures, land disturbances, or activities.*

This Project will not affect any beaches because it crosses the Morgan shoreline via HDD (see discussion under Rule 7:7-9.15, above, for details).

**Consistency Finding:** Considering the statement above, Transco concludes that the Project complies with the Beaches Rule.

### 7:7-9.25 FLOOD HAZARD AREAS

*Flood hazard areas are the floodway and flood fringe area around rivers, creeks, and streams as delineated by the Flood Hazard Area Control Act (N.J.S.A. 58:16A-50 et seq) or delineated as an A, or V Zone by FEMA. Where flood hazard areas meet the definition of another Special Water's Edge type, the Special Water's Edge policy applies in terms of location acceptability and the flood hazard area rules apply in terms of setback and flood proofing requirements.*

The Project will be constructed in Tidal Flood Hazard Areas as identified in the New Jersey Flood Hazard Area Control Act Rules at N.J.A.C. 7:13. Construction of the proposed Project in tidal flood hazard areas below MHW is permitted in accordance with this Coastal Zone Management rule because it does not include the development of habitable buildings or construction of railroads, roadways, bridges, or culverts.

According to the FEMA Preliminary Flood Hazard Area Maps (panels 34023C0157G, issued 1/30/20215, 34023C0158G issued 1/30/2015, and 34023C0152G issued 1/30/2015) portions of the Madison and Raritan Bay Loops cross FEMA mapped floodplains. Mapped FEMA floodplains are associated with the Raritan Bay (tidal), Cheesequake Creek (tidal), Crossway Creek (tidal) and Tennent Brook (non-tidal). Fluvial floodplains associated with Tennent Brook are located outside of the jurisdiction of Coastal Zone Management Rules. Since regulated floodplains within the Coastal Zone are tidally controlled, any temporary increase of flooding or loss of flood storage as a result of the proposed project will not affect the elevation or extent of the 100-year tidal floodplain.

Pursuant to N.J.A.C. 7:13-2.3, a flood hazard area and a riparian zone exist along every regulated water that has a drainage area of 50 acres or more. If a regulated water has a drainage area of less than 50 acres, the water does not have a flood hazard area that is regulated under the FHA rules. Project-related impacts to floodplains and open waters have been avoided to the maximum extent possible and practicable. Where impacts could not be avoided, measures have been implemented to minimize those impacts.

Construction of the Project is also proposed within flood hazard areas located both within and more than 100 feet landward of navigable waters. The majority of these areas are disturbed, primarily due to the existing Transco pipeline ROW, with which the proposed Madison Loop will be 100% co-located. Although the Project activities are not specifically defined as a "water dependent use" at N.J.A.C. 7:7-1.5, the route must cross flood hazard areas to reach its terminus (the Rockaway Transfer Point) in New York. The use of HDD technology along the Madison Loop and Raritan Bay Loop avoids and minimizes disturbances to flood hazard areas.

As part of this permit application, Transco is requesting the issuance of a Flood Hazard Area Individual Permit. **Part IV** of this Compliance Statement demonstrates the Project's compliance with the with all standards of N.J.A.C. 7:13, including those that relate to tidal flood hazard area referenced in the Flood Hazards Areas Rule.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Flood Hazard Areas Rule and demonstrates compliance with the New Jersey Flood Hazard Area Control Act Rules at N.J.A.C. 7:13.

### 7:7-9.26 RIPARIAN ZONES

*A riparian zone is the land and vegetation within and adjacent to a regulated water. A riparian zone exists along both sides of every regulated water and includes the regulated water itself, except as provided in (b) below. The extent of a riparian zone is determined in accordance with N.J.A.C. 7:7-9.26(c), (d), and (e). Development in riparian zones shall conform with the requirements of the Flood Hazard Area Control Act Rules for a permit-by-rule at N.J.A.C. 7:13-6 and 7, a general permit-by-certification at N.J.A.C. 7:13-6 and 8, a general permit at N.J.A.C. 7:13-6 and 9, or an individual permit at N.J.A.C. 7:13-10, 11, and 12, as applicable.*

Riparian zone width for regulated streams within the Project Area was determined pursuant to N.J.A.C. 7:13-4.1. Tributaries associated with Category 1 water were assigned a riparian width of 300 feet; while streams flowing through an area that contains a threatened or endangered species was assigned a riparian width of 150 feet and other regulated waters not identified with the previous ones were assigned a riparian width of 50 feet. Riparian widths for regulated streams within the Project Area are included as **Tables 16** in the **Environmental Report**.

The Project will result in both temporary and permanent impacts on a riparian zone (**Table 23** of the **Environmental Report**). A large majority of these impacts are temporary and/or will occur in previously disturbed areas. Temporarily impacted areas will be revegetated to match their preconstruction condition or better in the same location as the disturbance. Temporary impacts will be a result of construction access, including roads and workspace areas located outside the operational easement, and HDD activities. Permanent impacts will be associated with the widening and ongoing maintenance of the operational easement along the Madison Loop route.

As part of this permit application, Transco is requesting the issuance of a Flood Hazard Area Individual Permit. **Part IV** of this Compliance Statement demonstrates the Project's compliance with the with all standards of N.J.A.C. 7:13, including those that relate to tidal flood hazard area referenced in the Flood Hazards Areas Rule.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Riparian Zone Rule and demonstrates compliance with the New Jersey Flood Hazard Area Control Act Rules at N.J.A.C. 7:13.

### 7:7-9.27 WETLANDS

*Wetlands are areas that are inundated or saturated by surface water or groundwater at a frequency and duration to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Activities in freshwater wetlands are typically regulated under the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A). Coastal wetlands are mapped pursuant to the Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.).*

*Development is prohibited in coastal wetlands unless the activity is water dependent, has no prudent or feasible alternative, and will result in minimum alteration or impairment of natural tidal circulation, contour or the natural vegetation in the wetland.*

Following extensive efforts to first avoid and then minimize impacts to jurisdictional wetlands and open waters, the proposed Project will result in impacts to freshwater wetlands and coastal wetlands. The proposed Project will disturb wetlands regulated under both the New Jersey Freshwater Wetlands Protection Act at N.J.A.C. 7:7A and the New Jersey Coastal Wetlands Act of 1970. Authorization for disturbance of wetlands regulated under N.J.A.C. 7:7A is being requested through an Application for a Freshwater Wetlands Individual Permit. Part II of this Compliance Statement demonstrates the Project's compliance with N.J.A.C. 7:7A. The proposed Project requires water access as a central purpose of the basic function of the activity; although the Project activities are not specifically defined as a "water dependent use" at N.J.A.C. 7:7-1.5, the alignment must cross tidal waterways and their associated wetlands in order to reach the Project terminus in New York.

Within the New Jersey coastal zone, Project workspace for the Madison Loop will overlap three delineated wetlands, identified as W-T07-003, W-T07-004, and W-T01-017. These wetlands are regulated as both mapped coastal wetlands under the New Jersey Coastal Wetlands Act of 1970 and unmapped coastal wetlands under the New Jersey Freshwater Wetlands Protection Act because a portion of each lies landward of the New Jersey upper wetland boundary. All are tidally influenced. No wetlands have been identified within the onshore portion of the Raritan Bay Loop.

The Project will permanently impact 0.165 acres mapped coastal wetlands and approximately 1.369 acres of temporary impacts that are less than six months in duration to coastal wetlands. These temporary impacts will occur as a result of construction access and work locations. These disturbances are illustrated on the Waterfront Development Permit Plans.

The proposed Project has no prudent or feasible alternative on a non-wetland site, will result in minimum feasible alteration or impairment of natural tidal circulation, and will result in minimum feasible alteration or impairment of natural contour or the natural vegetation of the wetlands. Disturbances of wetlands W-T07-004 and W-T01-017 will be minimized through the implementation of HDD technology. Specifically, Transco will cross wetland W-T07-004 using HDD, although a portion of the wetland will be impacted to accommodate HDD workspace at the entry point near MP11.45. Transco will also cross wetland W-T01-017 using HDD, although a portion of the wetland will be impacted to accommodate HDD workspace at the exit point near MP11.85. It is not practicable to avoid the wetland impacts at the HDD entry and exit points due to equipment space requirements and other constraints, such as the proximity of the route to a residential neighborhood near MP11.40, southwest of Gondek Drive, and a residential neighborhood near MP11.80, northeast of Lockwood Marina. The portions of wetlands crossed by HDD may be subject to temporary impacts from foot traffic only in order to lay HDD tracking wires and/or a hydrostatic test water withdrawal hose. Transco will use a conventional open-cut method in the remaining wetland areas in the New Jersey coastal zone.

To minimize impacts on the remaining wetland areas within the construction workspace, Transco will adhere to the Transco Procedures, included with Transco's application for a USACE Permit. Procedures for construction in wetlands that are unsaturated at the time of construction will be similar to those used in upland areas. Transco will temporarily store onshore trench spoil in a ridge along the pipeline trench, leaving gaps at appropriate intervals to provide natural circulation or drainage of water. Topsoil will be segregated in unsaturated wetlands adjacent to the trench to preserve the seed bank and allow for successful revegetation. Construction will proceed in saturated wetlands, potentially when standing water is present, but topsoil will not be segregated because saturated topsoil will be difficult to isolate. Before crossing wetlands that are saturated or that contain soils unable to support construction equipment without considerable soil disturbance, Transco will stabilize the ROW using equipment mats to help ensure stable, safe working conditions and to prevent significant rutting/soil disturbance.

To minimize erosion and promote revegetation within the wetland, removing the root mats of woody vegetation will be allowed only directly over the trench area or where required to ensure safe working conditions. This serves to enhance regeneration of vegetation on the construction and permanent ROW. Transco will not install permanent erosion-control structures that could alter hydrology (e.g., slope breakers) within wetlands, but such structures may be used in the adjacent upland areas to control erosion and sedimentation.

All disturbances to mapped coastal wetlands will be temporary, and the wetlands will be restored following construction in accordance with the Transco Procedures and an NJDEP-approved restoration plan. In accordance with the Transco Procedures, wetlands will be revegetated with an approved seed mix or annual ryegrass, where standing water is not present, to stabilize disturbed soils. Affected wetland areas will be allowed to revegetate naturally from existing adjacent seed banks. Wetland areas will not be amended with fertilizer, lime, or mulch unless required by appropriate federal and state agencies. Wetlands will be monitored for a period of three to five years after construction is completed to ensure successful revegetation of the Project area. Revegetation will be considered successful when the vegetative cover returns to at least 80% of the type, density, and distribution of the native vegetation in adjacent, undisturbed portions of the wetland. Transco will mitigate unavoidable degradation of the wetlands as necessary in accordance with N.J.A.C. 7:7-17.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Wetlands Rule and demonstrates compliance with the New Jersey Freshwater Wetland Rules at N.J.A.C. 7:7A

### 7:7-9.28 WETLAND BUFFERS

*Wetland buffers are areas of upland adjacent to wetlands, which ameliorate impacts to wetlands and serve as an integral part of the wetland ecosystem. For coastal wetlands, the buffer can extend up to 300 feet. Activities in freshwater wetland buffers are typically regulated under the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A). Development is prohibited in coastal wetland buffers unless the activity is water dependent, has no prudent or feasible alternative, and will result in minimum alteration or impairment of natural tidal circulation, contour or vegetation in the wetland.*

To protect wetland buffers along the Madison Loop and prevent erosion and runoff into the adjacent wetlands, Transco will implement the Soil Erosion and Sediment Control Plans approved by the local soil conservation district. For example, sedimentation in wetlands will be minimized by installing temporary sediment-control measures between the upland construction areas and the wetlands. Transco will install temporary erosion controls immediately after initial disturbance of the soil. Temporary slope breakers will be used to reduce runoff velocity and divert water off the construction ROW. The slope breakers will be installed on slopes greater than 5% where the base of the slope is less than 50 feet from wetlands and waterbodies. Energy-dissipation devices may be installed at the down-slope end of slope breakers to minimize erosion of soil off the ROW into wetlands. Trench plugs will be installed in upland slopes adjacent to wetlands to prevent trench erosion. Trench plugs also will be spaced in accordance with the applicable state and federal regulations and installed at the edges of the wetland. Temporary sediment barriers will be used to stop the flow of sediments and prevent deposition of sediments beyond the workspace.

Temporary erosion controls will be properly maintained throughout construction and reinstalled as necessary until they are replaced with permanent erosion controls or until restoration is complete. To ensure that appropriate erosion and sediment control measures are maintained, an environmental inspector will inspect all disturbed areas of the construction spreads that have not been permanently stabilized. Inspections will occur in accordance with the following schedule: (a) on a daily basis in areas of active construction, (b) on a weekly basis in areas with no construction or equipment operation, or (c) within 24 hours of a storm with 0.5 inch or more of rain.

After pipeline installation, Transco will use permanent erosion controls such as trench breakers in wetland buffers to minimize long-term sedimentation into the wetlands. Wetland buffers disturbed by the Project will be revegetated using approved seed mixes and/or erosion control blankets or matting. The temporary vegetation will stabilize the area until indigenous riparian species are re-established. If inclement weather limits the effectiveness of reseeding efforts, temporary erosion-control measures will be implemented to minimize erosion until conditions are suitable for reseeding. The temporary erosion-control measures will be monitored and maintained until conditions are suitable for completion of restoration. Transco will also apply mulch on all slopes concurrently with or immediately after seeding where necessary to stabilize the soil surface and to reduce wind and water erosion. Transco will complete final grading, topsoil replacement, and installation of permanent erosion-control structures within 20 days of backfilling the trench. If

seasonal or other weather conditions prevent compliance with these timeframes, Transco will maintain temporary erosion-control devices until the cleanup is completed.

Operation of the Project is not anticipated to result in any soil erosion. Transco's operations personnel will monitor the effectiveness of revegetation and permanent erosion control measures during routine inspections and maintenance of the facilities and pipeline ROWs.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Wetlands Buffers Rule and demonstrates compliance with the New Jersey Freshwater Wetland Rules at N.J.A.C. 7:7A.

### 7:7-9.30 INTERMITTENT STREAM CORRIDORS

*Intermittent stream corridors are areas including and surrounding water drainage channels in which there is not a permanent flow of water, and which contain an area or areas with a seasonal high water table equal to or less than one foot. Intermittent stream corridors are the spring areas for coastal streams. They are susceptible to surface and subsurface disturbance. The water quality of coastal streams and estuaries depends in part on undisturbed spring areas. They are productive areas since water is at or near the surface and are important wildlife habitats. The intention of the rule is to preserve intermittent stream corridors. Where an intermittent stream corridor is also a wetland the wetland rule shall apply. Uses that promote undisturbed growth of native vegetation and wildlife habitat value are encouraged. The intermittent stream is a regulated area under the Flood Hazard Area Control Act Rules and the uses shall comply with the rule. Intermittent streams not subject to the ebb and flow of the tide shall also comply with the Freshwater Wetland Protection Act Rules.*

Seven intermittent watercourses were delineated within the Madison Loop. Six are associated with Tennent Brook and one is associated with Cheesequake Creek. None are located within the Coastal Zone. The Project does not cross intermittent streams corridors within the Coastal Zone.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Intermittent Stream Corridors Rule and demonstrates compliance with the New Jersey Freshwater Wetland Rules at N.J.A.C. 7:7A.

### 7:7-9.32 STEEP SLOPES

*Steep slopes are land areas with slopes greater than 15 percent, which are not adjacent to the shoreline and therefore not coastal bluffs (see N.J.A.C. 7:7-9.29). Steep slopes include natural swales and ravines, as well as man-made areas, such as those created through mining for sand, gravel, or fill, or road grading. Slopes of less than 15 percent are not considered to be steep slopes. Development on steep slopes is discouraged where wetlands, wetland buffers, intermittent stream corridors, threatened and endangered species habitats, riparian zones, or water areas are located adjacent to or at the base of the slope and on steep slopes which are forested as defined at N.J.A.C. 7:7-13.5(c).*

Within the New Jersey coastal zone, steep slopes—defined by the pipeline running perpendicular to a 15% to 30% slope—are present in the construction ROW at MP11.77 and MP11.88. Steep side slopes—defined as the pipeline running parallel to a 15% to 30% slope—are present in the construction ROW between MP11.84 and MP11.86. No areas of slopes greater than 30% occur in the Project area in the coastal zone. These steep slopes and steep side slopes are either crossed via HDD or lie at the edge of the Madison Loop workspace near the Lockwood Marina HDD exit point. The steep slope crossed by HDD would only be subject to foot traffic. The steep slope within the HDD workspace may be temporarily re-graded to accommodate equipment storage. Transco identified steep slopes (greater than 15%) based on the spacing of 2-foot contours that were created using Project-specific aerial survey data. Transco also reviewed the digitally compiled map of landslide incidence and susceptibility in the conterminous United States, which delineates areas where large numbers of landslides have occurred and areas that are susceptible to landslides (USGS 2001). The landslide incidence and susceptibility map indicates that all the pipeline facilities are in the low landslide incidence category. Transco has determined that geological hazards, including steep slopes, are not anticipated to adversely affect the constructability, operation, or integrity of the pipeline. Transco will prevent erosion and run-off from steep slopes into adjacent wetlands and waterbodies by implementing the Transco Plan. See the discussion under Rule 7:7-9.28, above, for a summary of stabilization, erosion-control, and restoration measures to be used on sloped areas during construction and operation of the Project.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Steep Slopes Rule.

### 7:7-9.34 HISTORIC AND ARCHAEOLOGICAL RESOURCES

*Historic and archaeological resources include objects, structures, neighborhoods, districts, man-made features on the landscape or seascape, or other features that are on or are eligible for inclusion on the New Jersey or National Register of Historic Places. Development that detracts from, encroaches upon, damages or destroys the value of historic and archaeological resources is discouraged.*

Transco conducted Phase I cultural resource surveys, which included background research and field investigations, to determine the known and potential presence of cultural and historical resources within the Project's areas of potential effect (APE). The direct APE includes land that will be disturbed by the construction and installation of the various Project facilities, while the indirect APE (viewshed) consists of areas adjacent to the Project facilities that may cause an historic property to incur irreversible visual impacts to its interpretive value or integrity. The following summary presents Transco's investigation and proposed impact-avoidance measures for potential resources in the New Jersey coastal zone.

#### AGENCY CONSULTATIONS

In compliance with Section 106 of the National Historic Preservation Act (NHPA), Transco consulted with the State Historic Preservation Offices (SHPO or HPO) in New Jersey and New York regarding the protection of cultural resources located within or adjacent to the Project's onshore and offshore APE. Additionally, Transco initiated informal consultation with federal agencies such as the USCG, National Park Service, and Advisory Council on Historic Preservation, as well as state- and federally recognized Native American tribes with a potential ancestral or cultural interest in the Project area. Transco further initiated informal consultation with 11 other stakeholder organizations in conjunction with the offshore cultural resources surveys. To ensure consistency and quality, Transco adhered to existing FERC, BOEM, New Jersey HPO, and U.S. Department of the Interior guidelines to conduct the onshore and offshore surveys. Transco also obtained concurrence of the offshore survey plan from the New York and New Jersey SHPOs in September 2016.

#### ONSHORE SURVEY METHODS

The Project's direct APE for onshore cultural resources includes a 300-foot-wide corridor that encompasses the construction footprint of the proposed pipeline and proposed aboveground facilities along the pipeline route. Proposed access roads, contractor yards, and additional temporary workspaces outside the 300-foot survey corridor were also surveyed per the Project's design. The indirect APE includes a 0.5-mile viewshed beyond the corridor width. Field survey protocols in New Jersey comprised pedestrian reconnaissance (surface collection), shovel testing, and geomorphological assessments to locate archaeological sites in the Project's direct APE. Visual surveys along the study corridor or windshield surveys from road ROWs were used to identify aboveground resources in both the direct and indirect APE. Data sources examined to locate alluvial landforms included topographic maps, NRCS soil series data, and the National Hydrography Dataset. The National Register of Historic Places (NRHP), state registries, historic maps, and aerial photographs were also analyzed to determine whether built resources, fifty years old or older, were present within the Project's APE.

#### ONSHORE SURVEY RESULTS

Three previously identified archaeological sites and six historic properties within 0.5 mile of the Madison Loop and onshore portion of the Raritan Bay Loop are eligible for listing in the NRHP. One of the three archaeological sites (28-MI-169 [Morgan 2]) lies within the direct APE adjacent to the Morgan, New Jersey shore. Transco confirmed the presence of this site during its field survey. The Madison Loop will also cross one historic district within the New Jersey coastal zone (the New York and Long Branch Railroad). However, because the railroad will be crossed by HDD up to 90 feet below the ground surface, no historic properties, as defined in 36 CFR 800.16 were found to be affected by the Project in New Jersey. Additionally, no further architectural investigations appear warranted or are recommended for

the Madison Loop or the onshore portion of the Raritan Bay Loop. The New Jersey HPO concurred with this assessment on March 3, 2017.

On May 1, 2017, in response to the New Jersey HPO request, Transco submitted additional information regarding the avoidance of Archaeological Site No. 28-MI-169 and the protection of the site from an inadvertent return of drilling fluids during HDD operations beneath the site. Due to strategically placed entry and exit points, and because the depth of the proposed cable below Site 28-MI-169 will range from 15 to 42 feet below the current ground surface, impacts upon the site's integrity will be avoided. On June 8, 2017, the HPO concurred with this assessment. Transco reviewed the NJDEP LUCY online database in May 2025 and confirmed that there were no new properties since 2020 that have been identified as eligible or potentially eligible for listing as historic properties under the NHRP. On July 2 2025, the HPO concurred with this assessment.

### OFFSHORE SURVEY METHODS

The Project's APE for offshore cultural resources includes the temporary construction ROW, which generally consists of a 5,000-foot-wide corridor centered along the Raritan Bay Loop route. Due to the distance from shore and size of the offshore workspace, this APE was used to consider both direct and indirect (viewshed) effects. Following comprehensive background research, a Phase I offshore geophysical survey was conducted using a multibeam echosounder, depth sounder, side-scan sonar, magnetometer with altimeter, and a "CHIRP" sub-bottom profiler to identify the presence of known and previously undocumented archaeological resources within the Project's direct APE. The geophysical survey was followed by geotechnical sampling (vibratory coring) along the pipeline route centerline to supplement and verify the geophysical data. Background research involved a review of 10 previous cultural resource investigations; historical maps; aerial photographs; and site file records at the New Jersey HPO, New York SHPO, and NRHP files. Transco also reviewed the Northern Maritime Research database; the Office of Coast Survey's Wrecks and Obstructions database, which is sourced from the NOAA Office of Coast Survey's Electronic Navigational Charts and the Automated Wreck and Obstruction Information System; the BOEM shipwreck database, the Office of Coast Survey's Historical Map and Chart Collection; and the National Center for Environmental Information database.

### OFFSHORE SURVEY RESULTS

The offshore Raritan Bay Loop route is in the vicinity of four NRHP-listed sites, all of which are in New Jersey. These include the Fort Hancock and Sandy Hook Proving Grounds Historic District, Old Orchard Shoal Light Station, Great Beds Light Station, and Romer Shoal Light Station.

During the initial geophysical surveys, Transco identified 13 potential submerged cultural targets within a 400-foot-wide corridor centered along the Raritan Bay Loop route, six of which are in New Jersey waters and include confirmed and possible shipwrecks, some of which are buried beneath the present seabed. An additional 19 potential cultural targets were identified within the larger offshore direct APE, five of which are in New Jersey waters. In addition to confirmed or potential shipwrecks, these targets included the foundations of two lighthouses (Romer Shoal and Old Orchard). No prehistoric remains were identified during the geotechnical survey. Transco has conducted a supplemental close-order geophysical survey to further assess the context and integrity of the 13 targets of archaeological interest within the 400-foot-wide corridor because these are subject to greater risk of disturbance from Project-related dredging/activity. Based on analysis of the geophysical survey data and comparative review of the existing historical records, Transco has determined that only three of the targets within the offshore APE in New Jersey waters likely represent submerged archaeological sites. These three targets are located within the temporary offshore workspace over 200 feet from the Raritan Bay Loop route centerline.

Based on geomorphological analyses, there is an apparent absence of intact prehistoric landforms (paleosols), so the Project is not expected to significantly affect prehistoric habitation sites in the offshore workspace; this absence is primarily due to the geomorphological transgressions and regressions that have occurred following the last Glacial Maximum. The offshore cultural resources assessment report for the Raritan Bay Loop in New Jersey waters was submitted to the HPO on May 4, 2017. This report contained the results of the geophysical survey, geotechnical

sampling, and geo-archaeological assessments within the Project area. The HPO concurred with these findings and recommendations on June 1, 2017 and July 2, 2025.

On May 31, 2017, Following the review of documents received from the USACE through the Freedom of Information Act regarding the presence of submarine cable routes in the Project area, Transco provided the New Jersey HPO with information regarding the possible presence of offshore historic telecommunication cables within the Project area. Transco's research indicated that the transatlantic cables identified within the Project area were unlikely to have extended into New Jersey waters due to more preferred landfalls on Long Island, New York. Of the cables identified, those that may be present would have been laid during World Wars I and II in response to the U.S. military's need to bolster communication between defensive positions located along the New York and New Jersey shorelines. In a letter issued on July 6, 2017, the New Jersey HPO indicated that they did not have any information on offshore historic cables in their database. Additionally, following a review of the offshore remote sensing survey results, Transco determined that no historic cables were identified within the APE for the Project. In a conference call on July 11, 2017, to discuss Transco's findings and the potential for offshore cables in the Project area, the New Jersey HPO concurred that it was unlikely for historic offshore cables to be located within the APE for the Project. Additionally, on May 9, 2018, Transco received concurrence from the New Jersey HPO that four submarine cables which FERC indicated consultation was not yet finalized in the Draft EIS were unlikely to still be intact within the offshore Project area and therefore no further consultation regarding these cables was warranted. Transco is providing the above-referenced New Jersey HPO letter of concurrence, included as **Appendix A** of the **Environmental Report**.

Transco notified the New Jersey HPO about the anticipated use of the facilities at Weeks Yard on November 20, 2017. Because Weeks Yard has previously allowed the use of their harbor facility as a staging area for operations associated with shoreline restoration efforts in the wake of Superstorm Sandy in 2014, and for construction associated with the RDL in 2015, no further consultation regarding the potential impact upon cultural resources was deemed necessary.

### AVOIDANCE AND MINIMIZATION MEASURES

Based on analysis of the results of the offshore cultural surveys described above, Transco has developed recommendations, in consultation with the New Jersey HPO, for suitable buffers around potentially significant cultural resources in New Jersey waters between MP26.60 and MP29.20, the recognition of these buffers are a significant part of the Project's Anchor-Handling Plan. Since the application of anchoring management protocols will greatly reduce the chance of damaging these targets, Transco recommends a determination of "No historic properties affected" (36 CFR 800.4). In cases where avoidance is not feasible, a site remediation plan will be designed in consultation with the New Jersey HPO. The Project Anchor-Handling Plan was submitted for agency for review and comment on June 16, 2017; The New Jersey HPO concurred with the contents and methods outlined in this document on July 27, 2017.

By crossing the shoreline using HDD, Transco will avoid impacting the New York and Long Branch Railroad Historic District and the archaeological site adjacent to the Morgan shore (No. 28-MI-169); HDD depths will be well below the ground surface when crossing the two areas. As long as the site is avoided by these means, New Jersey HPO concurred that no further archaeological investigation is warranted or recommended.

Transco developed Unanticipated Discovery Plans (UDPs) for Cultural Resources and Human Remains for the onshore and offshore portions of the Project. The UDPs establish a set of procedures that Project personnel and other Transco representatives will follow to address unanticipated discoveries of human remains and/or archaeological resources if such discoveries are made during Project construction.

On August 11, 2016, Transco forwarded copies of the onshore and offshore UDPs to the New Jersey HPO for review and comment. Each UDP for the Project was finalized in accordance with the comments received from each HPO and resubmitted for review on October 26, 2016. The New Jersey HPO concurred with the onshore and offshore UDPs on December 1, 2016. With New Jersey HPO concurrence, Transco will implement the UDPs to avoid or minimize impacts on any human remains and/or archaeological resources identified during construction of the Madison Loop and the Raritan Bay Loop.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with Section 106 of the NHPA, the Secretary of the Interior's Standards for Archaeology and Historic Preservation, the Abandoned Shipwrecks Act, and the Sunken Military Craft Act. Further, the Project also complies with the Historic and Archaeological Resources Rule.

### 7:7-9.35 SPECIMEN TREES

*Specimen trees are the largest known individual trees of each species in New Jersey. The Department's Division of Parks and Forestry maintains a list of these trees (see "New Jersey's Biggest Trees," published by the Department's Division of Parks and Forestry, Summer 1991 for a listing of specimen trees). In addition, large trees approaching the diameter of the known largest tree shall be considered specimen trees. Individual trees with a circumference equal to or greater than 85 percent of the circumference of the record tree, as measured 4.5 feet above the ground surface, for a particular species shall be considered a specimen tree. Development is prohibited that would significantly reduce the amount of light reaching the crown, alter drainage patterns within the site, adversely affect the quality of water reaching the site, cause erosion or deposition of material in or directly adjacent to the site, or otherwise injure the tree. The site of the tree extends to the outer limit of the buffer area necessary to avoid adverse impacts, or 50 feet from the tree, whichever is greater.*

Transco reviewed the NJDEP registry for specimen trees[11] and considered the approximate circumference of trees observed along the Madison Loop during field surveys to determine that the Project will not impact any specimen trees.

**Consistency Finding:** Considering the statement above, Transco concludes that the Project complies with the Specimen Trees Rule.

### 7:7-9.36 ENDANGERED OR THREATENED WILDLIFE OR PLANT SPECIES HABITAT

*Endangered or threatened species habitats are areas known to be inhabited on a seasonal or permanent basis by any species listed as endangered or threatened on the official State or Federal lists. Within this habitat is a sufficient buffer area to ensure continued survival of the population. Absence of a buffer does not preclude an area from being endangered or threatened wildlife or plant species habitat. The NJDEP NHP maintains a computer database of reported sightings of threatened, endangered, and special concern species in the State. Development of this habitat is prohibited unless it can be demonstrated, through an Endangered or Threatened Wildlife or Plant Species Impact Assessment that the project would not directly or through secondary impacts adversely affect the habitat or the surrounding area.*

Information regarding the historic or current presence of Federal and/or State-listed endangered, threatened, special concern, proposed, or candidate species, or habitat to support those species located in the vicinity of the Project area is summarized below; further detail is provided in the **Environmental Report Part III**, **Section 6.0**. A request for information regarding the threatened and endangered species within the vicinity of the project was submitted to the NJ NHP on May 6, 2025. NHP response letters were received in June 2025 (see **Appendix A** of the **Environmental Report**)

Transco consulted with the NJDEP Natural Heritage Program, the U.S. Fish and Wildlife Service (USFWS), and NOAA Fisheries to identify and document the presence of federally and state-listed species in the Project area through desktop studies and, where recommended, field studies using approved survey protocols (Cartica 2016; Crocker 2017; Carduner 2016; Markuson 2016; NJDEP 2016b; NOAA Fisheries n.d.[b]; USFWS 2016a). New Jersey Landscape Maps of Habitat for Endangered, Threatened and Other Priority Wildlife were considered as part of this review. Transco conducted informal consultations with the USFWS and NOAA Fisheries as the non-federal Project representative under the FERC process, per Section 7(a)(2) of the federal ESA.

By letter dated February 7, 2019, FERC requested that NOAA Fisheries consider the Final EIS as the Biological Assessment (BA) for the Project. On August 27, 2019, FERC issued a Supplemental BA for the Project in response to a request dated May 6, 2019, from NOAA Fisheries for additional information regarding the BA. On October 28, 2019, NOAA Fisheries indicated that the supplemental Biological Assessment contained sufficient information to initiate

[11] NJDEP Big and Heritage Tree of New Jersey. https://www.arcgis.com/apps/webappviewer/index.html?id=f09501b4fb93432884bab9b923e64f73. Accessed 5/8/2025.

formal consultation. On February 25, 2020, NOAA Fisheries concluded that the proposed action is not likely to adversely affect any species ESA-listed species that are managed by NOAA Fisheries (See **Appendix A** of the **Environmental Report**).

**Table 6** and the subsequent text below describe the state-listed species and associated habitat potentially affected by the Project in the New Jersey coastal zone.

### MADISON LOOP AND ONSHORE RARITAN BAY LOOP

The USFWS IPaC Database was reviewed to determine if any federally threatened or endangered species and their critical habitat are present within the project. According to the IPaC Report, one (1) endangered, one (1) proposed endangered, three (3) threatened, and one (1) proposed threatened species may occur within the project including: tricolored bat (PE), Rufa red knot (T), piping plover (T), roseate tern (E), monarch butterfly (PT), and swamp pink (T). No critical habitats for federal-listed threatened or endangered species are identified within the project.

The USFWS, in a letter dated January 27, 2026, concurred the proposed Project "may affect but is not likely to adversely affect" Indiana bat, Rufa red knot, and Roseate tern (letter included in **Appendix A** of the **Environmental Report**). In addition, the project will have no effect on swamp pink. Although, monarch butterfly, tricolored bat, and green floater may occur within the action area, the Project is not likely to jeopardize the continued existence of the monarch butterfly, tricolored bat, or green floater; therefore, ESA Section 7(a)(4) conference is not required.

The USFWS, in a letter dated April 17, 2017, indicated that the federally endangered Indiana bat could occur within the Compressor Station 206 Project area during the active season (April 1 through September 30). To avoid impacts to the Indiana bat and tricolored bat, Transco will not clear trees ≥5 inches diameter at breast height during the active season. The federally (threatened) northern long-eared bat could occur within both the Compressor Station 206 and Madison Loop Project areas. However, no documented northern long-eared bat maternity roosts or hibernacula occur near either of the Project areas. The time-of-year restriction for Indiana bats at Compressor Station 206 will also reduce potential impacts on the northern long-eared bat.

The USFWS indicated that there was a historical occurrence of the federally threatened swamp pink close to the Madison Loop. However, surveys of suitable habitat did not document any occurrences of swamp pink. The USFWS concurred with this finding. Therefore, the Project will not affect swamp pink.

According to the NJ NHP response letter, dated June 3, 3025, for the Madison and Raritan Bay (onshore) Loops, potential habitat for the following threated and endangered species is mapped within or immediately adjacent to the Project: Atlantic sturgeon (migration corridor – adult sighting), shortnose sturgeon (migration corridor – adult sighting), black-crowned nigh-heron (foraging), yellow-crowned night-heron (foraging – immediate vicinity), northern harrier (breeding sighting), saltmarsh sparrow (breeding sighting), leatherback sea turtle (occupied habitat), and loggerhead sea turtle (occupied habitat) (letters included in **Appendix A**).

The northern long-eared bat (NLEB) (*Myotis septentrionalis*) and tricolored bat (*Perimyotis subflavus*) are listed as threatened and proposed endangered, respectively, under the ESA. The USFWS New Jersey Field Office indicated that the Madison Loop is within the range of the NLEB; however, no known hibernacula are within 0.25 mile and no known summer colonies or maternity roost trees are within 150 feet of the Project (Markuson 2016).

Two species of plants listed as endangered in New Jersey under N.J.A.C. 7:5C-5.1 were identified as potentially occurring in the onshore Project area: swamp pink (*Helonias bullata*) and Torrey's rush (*Juncus torreyi*). Swamp pink is listed as threatened under the ESA, and the USFWS New Jersey Field Office indicated that the Madison Loop is within their known range (USFWS 2016a; Markuson 2016). The USFWS New Jersey Field Office recommended that Transco conduct surveys within suitable habitat for swamp pink. Habitat assessment surveys were conducted within the 300-foot survey corridor of the Madison Loop in suitable habitat. Transco assessed all wetlands within the Madison Loop survey corridor and determined that no suitable habitat for swamp pink was present, and the USFWS concurred with this finding.

## TABLE 6. FEDERALLY AND STATE-LISTED SPECIES POTENTIALLY OCCURRING IN OR NEAR THE PROJECT AREA IN THE NEW JERSEY COASTAL ZONE

| Species Group | Species Common Name | Scientific Name | Federal Status | New Jersey State Status | Project Components where Potentially Present | County/State of Potential Occurrence |
|---|---|---|---|---|---|---|
| Plants | Swamp pink | *Helonias bullata* | Threatened | Endangered | Madison Loop, Raritan Bay Loop | Middlesex, NJ |
| | Torrey's rush | *Juncus torreyi* | N/A | Endangered | Madison Loop | Middlesex, NJ |
| Fish | Atlantic sturgeon | *Acipenser oxyrinchus* | Endangered | Endangered | Raritan Bay Loop | NY and NJ |
| | Shortnose sturgeon | *Acipenser brevirostrum* | Endangered | Endangered | Raritan Bay Loop | NY and NJ |
| Mammals | Northern long-eared bat | *Myotis septentrionalis* | Endangered | Endangered | Madison Loop, Raritan Bay Loop, Compressor Station 206 | Somerset and Middlesex, NJ |
| | Indiana bat | *Myotis sodalist* | Endangered | Endangered | Madison Loop | Somerset, NJ |
| | Tri-colored bat | *Perimyotis subflavus* | Proposed Endangered | Endangered | Madison Loop, Raritan Bay Loop, Compressor Station 206 | Somerset and Middlesex, NJ |
| | North Atlantic right whale | *Eubalaena glacialis* | Endangered | Endangered | Raritan Bay Loop | NY and NJ |
| | Blue whale | *Balaenoptera musculus* | Endangered | Endangered | Raritan Bay Loop | NY and NJ |
| | Fin whale | *Balaenoptera physalus* | Endangered | Endangered | Raritan Bay Loop | NY and NJ |
| | Humpback whale | *Megaptera novaenliae* | Endangered | Endangered | Raritan Bay Loop | NY and NJ |
| | Sei whale | *Balaenoptera borealis* | Endangered | Endangered | Raritan Bay Loop | NY and NJ |
| | Sperm whale | *Physeter macrocephalus* (syn. *catodon)* | Endangered | Endangered | Raritan Bay Loop | NY and NJ |
| Reptiles and Amphibians | Pine Barrens tree frog | *Hyla andersonii* | N/A | Threatened | Madison Loop | Middlesex, NJ |
| | Kemp's ridley sea turtle | *Lepidochelys kempii* | Endangered | Endangered | Raritan Bay Loop | NY and NJ |
| | Leatherback sea turtle | *Dermochelys coriacea* | Endangered | Endangered | Raritan Bay Loop | NY and NJ |

| Species Group | Species Common Name | Scientific Name | Federal Status | New Jersey State Status | Project Components where Potentially Present | County/State of Potential Occurrence |
|---|---|---|---|---|---|---|
| | Loggerhead sea turtle | *Caretta caretta* | Threatened | Endangered | Raritan Bay Loop | NY and NJ |
| | Green sea turtle | *Chelonia mydas* | Threatened | Threatened | Raritan Bay Loop | NY and NJ |
| | Hawksbill sea turtle | *Eretmochelys imbricata* | Endangered | Endangered | Raritan Bay Loop | NY and NJ |
| Birds | Bald eagle | *Haliaeetus leucocephalus* | N/A | De-Listed January 2025 | Madison Loop, | Middlesex, NJ |
| | Osprey | *Pandion haliaetus* | N/A | De-Listed January 2025 | Madison Loop | Middlesex, NJ |
| | Black-crowned Night-heron | *Nycticorax nycticorax* | N/A | Threatened (breeding population only) | Madison Loop | Middlesex, NJ |
| | Yellow-crowned night-heron | *Nyctanassa violacea* | N/A | Threatened | Madison Loop | Middlesex, NJ |
| | Red knot | *Calidris canutus rufa* | Threatened | Endangered (non-breeding population) | Raritan Bay Loop | Middlesex, NJ |
| | Piping plover | *Charadrius melodus* | Threatened | Endangered | Raritan Bay Loop | Middlesex, NJ |
| | Black skimmer | *Rynchops niger* | N/A | Endangered | Raritan Bay Loop | Middlesex, NJ |
| | Least tern | *Sternula antillarum* | N/A | Endangered | Raritan Bay Loop | Middlesex, NJ; Queens, NY |
| | Roseate tern | *Sterna dougallii dougallii* | Endangered | Endangered | Raritan Bay Loop | Middlesex, NJ; Queens, NY |
| | Pied-billed grebe | *Podilymbus podiceps* | N/A | Endangered (breeding population) | Madison Loop, Raritan Bay Loop | Middlesex, NJ |
| | American bittern | *Botaurus lentiginosus* | N/A | Endangered (breeding population) | Madison Loop, Raritan Bay Loop | Middlesex, NJ |
| | Peregrine falcon | *Falco peregrinus* | N/A | Endangered (breeding population only) | Madison Loop, Raritan Bay Loop | Middlesex, NJ |
| | Black rail | *Laterallus jamaicensis* | N/A | Endangered (breeding population only) | Madison Loop, Raritan Bay Loop | Middlesex, NJ |
| | Upland sandpiper | *Bartramia longicauda* | N/A | Endangered | Madison Loop, Raritan Bay Loop | Middlesex, NJ |

| Species Group | Species Common Name | Scientific Name | Federal Status | New Jersey State Status | Project Components where Potentially Present | County/State of Potential Occurrence |
|---|---|---|---|---|---|---|
| | Short-eared owl | *Asio flammeus* | N/A | Endangered (breeding population only) | Madison Loop, Raritan Bay Loop | Middlesex, NJ |
| | Red-headed woodpecker | *Melanerpes erythrocephalus* | N/A | Threatened | Madison Loop, Raritan Bay Loop | Middlesex, NJ |
| | Loggerhead shrike | *Lanius ludovicianus* | N/A | Endangered (non-breeding population) | Madison Loop, Raritan Bay Loop | Middlesex, NJ |
| | Sedge wren | *Cistothorus platensis* | N/A | Endangered | Madison Loop, Raritan Bay Loop | Middlesex, NJ |
| | Golden-winged warbler | *Vermivora chrysoptera* | N/A | Endangered (breeding population only) | Madison Loop, Raritan Bay Loop | Middlesex, NJ |
| | Henslow's sparrow | *Ammodramus henslowii* | N/A | Endangered | Madison Loop, Raritan Bay Loop | Middlesex, NJ |
| Clam | Green floater | *Lasmigona subviridis* | Proposed Threatened | Endangered | Compressor Station | Somerset, NJ |
| Insect | Monarch Butterfly | *Danaus Plexippus* | Proposed Threatened | Special Concern | Madison Loop, Raritan Bay Loop, Compressor Station 206 | Somerset and Middlesex, NJ |

Sources: Carduner 2016; Cartica 2016; Crocker 2017; NJDEP 2016b; NOAA Fisheries n.d.[a]; USFWS 2016a

Key:

BGEPA= Bald and Golden Eagle Protection Act
N/A = Not applicable
NJ = New Jersey
NY = New York

Torrey's rush is generally found on wet, sandy shores; edges of sloughs; along slightly alkaline waterbodies; and occasionally on clay soils, calcareous wet meadows, and alkaline soils (Brooks and Clements 2000, as cited in Thompson and Paris 2004). They flower and fruit from early summer to fall (Thompson and Paris 2004). Transco documented the presence of Torrey's rush, a species state-listed as endangered, in wetland W-T07-001 during the habitat assessment for swamp pink (2016). The occupied wetland is adjacent to the Madison Loop's workspace. However, Transco has modified the Project workspace to avoid impact to this wetland (see discussion under Rule 7:7-9.27 for more information about this wetland). See discussion under Rule 7:7-9.28 for information about the sediment- and erosion-control measures that will be implemented at the edge of the Project's construction ROW. Based on these measures, Transco does not expect the Project to directly impact individual Torrey's rush plants.

The NJDEP Natural Heritage Program identified the Pine Barrens tree frog, a species state-listed as endangered, as potentially breeding within 1 mile of the Madison Loop (Cartica 2016). New Jersey's Landscape Project identifies Pine Barrens treefrog habitat approximately 0.75 mile south of the Madison Loop. Therefore, Transco does not expect the Project to affect the Pine Barrens tree frog.

Previous correspondence (dated July 8, 2019 and May 19, 201) with the NJDEP Natural Heritage Program identified four species of birds listed as threatened or endangered in New Jersey as potentially occurring in the Project area: bald eagle (*Haliaeetus leucocephalus*), osprey (*Pandion haliaetus*), black-crowned night heron (*Nycticorax nycticorax*), and yellow-crowned night heron (*Nyctanassa violacea*) (Cartica 2016). Additionally, the NJDEP Division of Fish and Wildlife (NJ DF&W) identified an additional 11 species that could potentially occur in the Project area: the pied-billed grebe (*Podilymbus podiceps*), American bittern (*Botaurus lentiginosus*), peregrine falcon (*Falco peregrinus*), black rail (*Laterallus jamaicensis*), upland sandpiper (*Bartramia longicauda*), short-eared owl (*Asio flammeus*), red-headed woodpecker (*Melanerpes erythrocephalus*), loggerhead shrike (*Lanius ludovicianus*), sedge wren (*Cistothorus platensis*), golden-winged warbler (*Vermivora chrysoptera*), and Henslow's sparrow (*Ammodramus henslowii*).

In January 2025, the bald eagle and osprey were removed from the state's list of endangered species. The bald eagle is reclassified as a species of concern; while the osprey is stable. Although the species are no longer listed as endangered and threatened, nests are still protected under the Bald and Golden Eagle Protection Act and/or the Federal Migratory Bird Treaty Act.

There was a documented bald eagle nest located along Cheesequake Creek; however, in an e-mail dated May 18, 2017, Mr. Kelly Davis, New Jersey Division of Fish and Wildlife, Office of Environmental Review, indicated that the project area does not extend into the 660 ft regulated nest buffer of the documented nest. A review of the New Jersey Bald Eagle Project, 2024 (NJDEP Fish & Wildlife) does not identify a bald eagle nest within the vicinity of Cheesequake Creek. Three active nests (nest #594, 603, 740) and one territorial nest (724) north of the Madison and Raritan Bay Loop near the Raritan River. In addition, one territorial nest (595) is located south of the project near Matawan Creek. Per guidance from Christina Albizati, NJDEP, dated April 8, 2019 (File # 0000-01-1001.3), the wetlands depicted on sheets 10, 11, 12, and 13 of Transco's Freshwater Wetland Permit Plans that are West of Gondeck Drive (~ MP11.42) are not considered exceptional resource value wetlands and do not contain suitable threatened and endangered species habitat. Impacts to wetlands and threatened and endangered species habitat will be avoided through the use of an HDD from MP11.49 to MP11.84. Construction activities along the remaining portions of the Madison Loop not crossed by HDD will impact areas of wetland that are identified as suitable foraging habitat for bald eagle, but it is anticipated that these impacts will be minor and/or temporary in nature and will not result in any significant, long-term, adverse impact to bald eagle or its foraging habitat.

According to the 2024 Osprey Project in New Jersey report[12] published by NJ Division of Fish and Wildlife, Endangered and Nongame Species Program, there are 45 documented osprey nests within the area known as "Raritan River & Bay". A crosscheck of the non-profit website, "Osprey Watch", indicates several nests are located within the vicinity of the Cheesequake State Park. Three nests (nest ID 072-A-014, 072-A-007, and Catenary L Pole) are located within 300

12 https://conservewildlifenj.org/wp-content/uploads/2025/03/2024-NJ-Osprey-Project-Report.pdf

meters of the Project area workspace. Nest 072-A-014 is near the Madison Loop centerline from MP11.57 to MP11.85 was active in 2017, but has no data available for 2018, 2019 and 2025. The second nest near the offshore portion of the Raritan Bay Loop centerline from MP12.37 to MP12.41 was active in 2018 but has no data available in 2025. Nest Catenary L Pole is located along the Raritan Bay Loop (onshore) near Route 35 NJ Transit bridge. Nest status is unknown for 2025 but was active in 2024.

Per guidance from Christina Albizati, NJDEP, dated April 8, 2019 (File # 0000-01-1001.3), wetlands depicted on sheets 10, 11, 12, and 13 of Transco's Freshwater Wetland Permit Plans are not considered exceptional resource value wetlands and do not contain suitable threatened and endangered species habitat. Impacts to wetlands and threatened and endangered species habitat will be avoided through the use of HDD from MP11.49 to MP11.84. Additionally, Transco will not conduct work inside the 300 meters buffer of an active osprey nest from April 1 through August 31. Impacts to osprey habitat will be minor and/or temporary in nature and will not result in any significant, long-term, adverse impact to osprey or its foraging habitat.

The New Jersey Landscape Project Mapping (v3.4) identifies black-crowned night-heron foraging habitat within the Madison Loop Project area from MP11.55 to MP11.58, MP11.65 to MP11.73, MP11.76, MP11.84, and at MP12.15. The Project will impact areas of wetland that are identified as foraging habitat for black-crowned night-heron, however, the Project will not result in impacts to any mapped suitable habitat for the listed breeding population. It is anticipated that impacts to suitable foraging habitat will be minor and temporary in nature and will not represent any significant, long-term, adverse impact to black-crowned night-heron or its habitat.

The New Jersey Landscape Project Mapping (v3.4) identifies saltmarsh sparrow breeding habitat within the Madison Loop Project area from MP11.45, MP11.55 to MP11.90, MP12, and at MP12.15. The Project will impact areas of wetland that are identified as breeding habitat for saltmarsh sparrow, however, it is anticipated that impacts to suitable habitat will be minor and temporary in nature and will not represent any significant, long-term, adverse impact to saltmarsh sparrow or its habitat.

In the Madison Loop Project area, yellow-crowned night herons have been reported near Cheesequake Creek and along the Raritan Bay shoreline, which are both in the vicinity of the Project area. New Jersey Landscape Project Mapping (v3.4) identifies yellow-crowned night-heron foraging habitat approximately 0.2 miles west of the Madison Loop's southern terminus. No known nesting or foraging habitat occurs within the Madison Loop Project area; therefore, the Project is not anticipated to cause any adverse impact to yellow-crowned night-heron or its habitat.

Pied-billed grebes nest in freshwater marshes associated with ponds, bogs, lakes, reservoirs, or slow-moving rivers. Breeding sites typically contain open water with depths of 0.8 feet to 6.6 feet interspersed with submerged or floating aquatic vegetation and dense emergent vegetation (NJ DF&W n.d.[a]). Portions of the Madison Loop may contain potentially suitable breeding habitat; however, the species is unlikely to occur during breeding season. Additionally, New Jersey Natural Heritage reports obtained for the Project did not include any records of pied-billed grebe (Cartica 2017a, 2017b).

Breeding habitat for American bitterns includes freshwater wetlands with tall, emergent vegetation (Lowther et al. 2009). The American bittern will also occasionally utilize sparsely vegetated wetlands and, rarely, tidal marshes. Cattail ponds, sedge marshes, and marshes created by beaver dams are especially favored. Uncommonly, the species nests in upland cover surrounding a wetland basin, provided that the cover has not been modified by agriculture. Nesting habitats typically contain shallow water, often at depths less than 10 cm (4 inches) and dense vegetation (NJ DF&W n.d.[b]). New Jersey Natural Heritage reports obtained for the Project did not include any records of American bittern (Cartica 2017a, 2017b). A review of eBird data suggests the species may occur in Middlesex County. Therefore, the American bittern could occur occasionally in appropriate habitat in the vicinity of the Madison Loop.

Peregrine falcons inhabit most terrestrial biomes in the Americas, with greater densities in tundras and coastal areas. In addition to natural habitats, many artificial habitats are now used (urban, human-built environments such as towers, buildings, etc.) (White et al. 2002). New Jersey Natural Heritage reports obtained for the Project did not include any

records of peregrine falcon (Cartica 2017a, 2017b). The species could potentially occur within both the Compressor Station 206 and Madison Loop Project areas; however, nesting within the Project area is unlikely because no suitable nesting substrate is present (e.g., cliffs, nest platforms, tall buildings, bridges).

The black rail inhabits tidal marshes and freshwater wetlands throughout the Americas. The species nests in high portions of salt marshes, shallow freshwater marshes, wet meadows, and flooded grassy vegetation, and uses sites with shallower water than other North American rails. Most breeding areas are vegetated by fine-stemmed emergent plants, rushes, grasses, or sedges (Eddleman et al. 1994). New Jersey Natural Heritage reports obtained for the Project did not include any records of black rails (Cartica 2017a, 2017b). Based on available data (NHP reports, eBird), the species appears unlikely to nest in the Project area.

Upland sandpipers inhabit grasslands, fallow fields, and meadows that are often associated with pastures, farms, or airports. Upland meadows and short-grass grasslands containing vegetation 8 to 40 cm (3 to 16 inches) tall, provide habitat for nesting upland sandpipers. Habitats that contain a mix of tall and short grasses and forbs provide both foraging and nesting habitat. Upland sandpipers are sensitive to vegetation height and may not use sites with vegetation exceeding 70 cm (28 inches) (NJ DF&W n.d.[c]). New Jersey Natural Heritage reports obtained for the Project did not include any records of upland sandpiper (Cartica 2017a, 2017b). This species is not likely to nest in the Project area due to lack of suitable nesting habitat.

Short-eared owls inhabit coastal tidal and brackish marshes, inland fields, pastures, and grasslands. Within coastal marshes, short-eared owls typically roost, forage, or nest in the drier portions of the marsh that do not experience regular tidal inundation (NJ DF&W n.d.[d]). Nests are usually located on dry sites with enough vegetation to conceal incubating female (Wiggins et al. 2006). The short-eared owl could occur during migration or over winter in vicinity of Compressor Station 206; however, there is no suitable habitat for the species as the site is mostly forested. The species is unlikely to occur in the vicinity of the Madison Loop during migration or winter. There is no evidence of short-eared owls nesting near any of the Project components based on New Jersey Natural Heritage reports (Cartica 2017a, 2017b).

Red-headed woodpeckers occur in a variety of wooded habitats, typically with a certain degree of openness and with dead limbs or snags used for nesting purposes. Commonly, this may include deciduous woodlands, especially with beech or oak; lowland and upland habitats, river bottoms, open woods, groves of dead and dying trees, orchards, parks, golf courses, open agricultural country, savanna-like grasslands with scattered trees, forest edges and along roadsides (Frei et al. 2017). New Jersey Natural Heritage reports obtained for the Project did not include any records of red-headed woodpecker (Cartica 2017a, 2017b). Species may potentially occur in the Project area; however, based on field surveys, the forested areas in the Project area appear to lack the openness found in preferred habitat for the species.

Loggerhead shrikes inhabit open countryside such as short-grass pastures, weedy fields, grasslands, agricultural areas, swampy thickets, orchards, and ROW corridors. Shrikes occupy sites containing hedgerows, scattered trees or shrubs, and utility wires or fence posts, which serve as perches. Nests are often situated in trees or shrubs bearing thorns. (NJ DF&W n.d.[e]). New Jersey Natural Heritage reports obtained for the Project did not include any records of loggerhead shrike (Cartica 2017a, 2017b), but they could occur rarely in the Project area during migration.

Sedge wrens inhabit wet meadows, freshwater marshes, bogs, and the drier portions of salt or brackish coastal marshes. Along the Delaware Bay shore, sedge wrens may be found in high marsh containing salt-meadow grass (Spartina patens), spike grass (Distichlis spicata), and marsh elder (Iva frutescens). Sedge wrens favor marshes containing sedges, grasses, rushes, scattered shrubs, and other emergent vegetation (NJ DF&W n.d.[f]). New Jersey Natural Heritage reports obtained for the Project did not include any records of sedge wren (Cartica 2017a, 2017b). The species appears to be very rare in New Jersey; however, suitable habitat is present at the eastern end of the Madison Loop.

Golden-winged warblers breed in scrub-shrub habitat in northwestern New Jersey. Unlike other shrub-dependent birds, however, golden-winged warblers do not breed in shrubby habitat adjacent to active farms or residential communities. They are forest birds and rely on patches of regenerating forest with a moderate amount of shrubs and herbaceous vegetation. They often use areas relatively close to forest edge (NJ DF&W n.d.[g]). New Jersey Natural Heritage reports

obtained for the Project did not include any records of golden-winged warbler (Cartica 2017a, 2017b). The species is not known to breed in Middlesex or Somerset Counties and is a very rare migrant.

Henslow's sparrows inhabit open fallow and grassy fields, sedge meadows, and pastures. They prefer lush habitats containing high, dense herbaceous vegetation and a thick layer of ground litter. Their preferred habitats are dominated by grasses, sedges, forbs, or clover and contain little or no woody vegetation and few scattered shrubs. Unmowed agricultural fields or ungrazed pastures are preferred for their thick cover. They are tolerant of a variety of moisture regimes and thus will occupy both wet and dry habitats. Large open areas are preferred; fields of 10 to 100 hectares (25 to 250 acres) may be needed to support breeding populations. (NJ DF&W n.d.[h]). New Jersey Natural Heritage reports obtained for the Project did not include any records of Henslow's sparrow (Cartica 2017a, 2017b). This species is unlikely to occur in the Project area due to lack of suitable habitat.

## OFFSHORE RARITAN BAY LOOP

**Sturgeon (Atlantic and shortnose):** The federally listed Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) and shortnose sturgeon (*Acipenser brevirostrum*) are state-listed as endangered in New Jersey and have the potential to be located offshore along the Raritan Bay Loop route (NJDEP 2016b). Federally, shortnose sturgeon are listed as endangered, whereas four of five distinct population segments of Atlantic sturgeon are listed as endangered and one as threatened (NOAA Fisheries 2016c).

The presence of the shortnose sturgeon in the Project area is rare because its range is typically limited to the Hudson River north of Manhattan; however, small numbers have consistently been collected since 2004 during annual winter trawl-sampling from November to March in the Upper New York Harbor (Shortnose Sturgeon Status Review Team 2010). The Atlantic sturgeon is thought to be found in the Project area year-round, with higher concentrations during the spring and fall migration periods, particularly in apparent aggregation areas seaward of the Rockaway Peninsula and the Sandy Hook Peninsula (Laney et al. 2007; Dunton 2014; Dunton et al. 2010, 2015). The aggregations here were found to occur at water depths of less than 50 feet (15 meters) (Dunton et al. 2010, 2015). Many of the sturgeon in these aggregation areas likely move to and from the Hudson River, where a large population of Atlantic sturgeon spawn (NOAA Fisheries n.d.[a]; Bain et al. 1998). A separate set of juveniles, sub-adults, and non-breeding adults continue their migration northeast along the Long Island coast and spend the summer in Long Island Sound (Dunton 2014; Dunton et al. 2012; O'leary et al. 2014). The peak Atlantic sturgeon concentrations typically occur in the aggregation areas from April through June (spring) and October through November (fall), though this varies annually and may begin as early as March (spring) and September (fall) (Laney et al. 2007; Dunton 2014; Dunton et al. 2010, 2015).

Transco has performed sound propagation modeling to determine the potential for sound associated with in-water construction activities (pile installation and removal) to injure or behaviorally disturb ESA-listed fish. Transco used criteria that the NOAA GARFO (2018, 2024) has developed to determine potential injury and behavioral impacts for ESA-listed fish. Copies of noise modeling memos are provided in **Appendix F**.

Based on Transco's acoustic modeling results, the jet trencher would produce sound levels potentially leading to behavioral disturbance of fish at 6 to 10 feet from the source at start-up. After the jet trencher "swords" penetrate the seafloor, the noise would be dampened and is expected to drop below this disturbance threshold. Additionally, the jet trencher would advance quickly along the centerline such that vessel noise from this activity potentially exceeding the behavioral disturbance threshold would affect a single location for less than a few hours.

Modeling was also conducted for clamshell dredging. The source level associated with clamshell dredging is below the injury thresholds for fish but above the behavioral disturbance threshold. Modeling for this activity did not result in a cumulative ensonified area for fish and area of potential behavioral disturbance of fish was 2.8 meters from the source.

Transco's acoustic modeling results indicate that the noise generated by pile driving would exceed both the injury and behavioral disturbance thresholds for fish. The area of potential behavioral disturbance for fish would be exceeded up to 207 feet from the source for vibratory pile driving, and up to 32,808 feet (6.2 miles) from the source for impact pile

driving. Pile driving would exceed the peak sound pressure injury threshold for fish within a limited area, approximately 61 feet from the source. Areas exceeding the injury threshold for fish for cumulative exposure to pile driving ranged from 5,192 to 7,068 feet (1.0 to 1.3 miles). An individual fish would need to remain within the cumulative exposure area during the entire duration of the pile driving event to potentially experience an injury. Additionally, these zones would be constricted by land, and some of the pile driving noise is likely to be masked by ambient noise from other non-Project-related anthropogenic sources (such as shipping noise) at distances shorter than those predicted by the noise modeling.

As discussed above under Rule 7:7-9.5, in an interagency conference call on April 9, 2018, with the NJDEP, NYSDEC, NOAA Fisheries, USFWS, and Transco, the agencies confirmed the following TOY restrictions and areas of concern for in-water work associated with the Atlantic sturgeon: March 1 through June 30 and October 1 through November 30 between MP12.0 and MP14.25 (Morgan Shore to New Jersey / New York Border—spring only), and between MP30.0 and MP35.5 (Ambrose Channel to Rockaway Transfer Point).

Transco has undergone an extensive schedule optimization exercise to reduce the overall duration of offshore construction while taking into consideration the anticipated TOY restrictions for sensitive marine species. As part of the informal sensitive marine species consultations with NOAA Fisheries, USFWS, NJDEP, and NYSDEC, Transco requested approval to conduct certain construction activities during the TOY restriction windows to further reduce impacts on sensitive marine species.

In a November 7, 2018 letter to FERC, the NJDEP BMF deferred to NOAA regarding sturgeon timing restrictions for pile installation, clamshell dredging, hand jet, submersible pump, HDD, spool and pipeline installation, jet trenching, hydrotest, and reinstatement activities. Transco formally requested approval from the NOAA Fisheries Protected Resources Division (PRD) on February 11, 2019, to conduct certain construction activities during limited portions of the TOY restriction periods (see **Appendix A** of **Environmental Report** for Transco's formal request).

These TOY restriction flexibility requests, along with justifications for the requests, are summarized above in **Table 5** included as Rule 9.5. Transco's understanding is that the flexibility requests presented in **Table 5** are acceptable based on consultations to date with NJDEP and NOAA Fisheries. On April 10, 2019, Transco received informal concurrence from NOAA Fisheries PRD regarding the TOY restriction flexibility requests for Atlantic sturgeon (**Appendix A** of the **Environmental Report** for copies of informal concurrence received).

Though the duration of construction activities would be limited and most fish species would be able to leave the area of disturbance, harassment or injury of individual fish due to pile driving noise is possible. Population-level impacts of construction noise are not expected. In conclusion, pile driving and other construction-related noise impacts on fish are expected to be temporary and moderate.

**Marine Mammals:** Three federally listed and/or New Jersey state-listed cetacean species potentially occur within the offshore Project area: the North Atlantic right whale (*Eubalaena glacialis*), fin whale (*Balaenoptera physalus*), and humpback whale (*Megaptera novaeangliae*). All are listed as endangered in New Jersey, and the right whale and fin whale are also federally listed as endangered. The distinct population segment of the humpback whale that occurs in this region is not federally listed (NJDEP 2016b).

The Project area is located within the migratory corridor of the North Atlantic right whale. This species is most commonly observed in the Project area from November through April; however, individuals potentially occur within the vicinity of the Project area during late spring and summer months. The distribution patterns of the fin whale show that this species is unlikely to be present in shallower waters along the Raritan Bay Loop route because it is typically found in deep, offshore waters (NOAA Fisheries 2015; Roberts et al. 2016). Although anecdotal reports have been made of humpbacks occasionally approaching near the Project area, the densities of humpback whales near the Project area are low (Roberts et al. 2016).

Per consultation with NOAA Fisheries, three whale species are included on both state and federal endangered species lists—the blue whale (*Balaenoptera musculus*), sei whale (*Balaeonoptera borealis*), and sperm whale (*Physeter macrocephalus*)—

but are not likely to occur within the nearshore Project area due to their preference for deeper offshore habitats (Carduner 2016; Crocker 2017).

In a letter dated July 18, 2018, the NJDEP Endangered and Non-game Species Program (ENSP) expressed concern with regards to Project impacts on the harbor seal. Transco notes that although the harbor seal is not a listed species in New Jersey, the proposed TOY restriction for the seal (identified by ENSP as November to April) coincides with the North Atlantic right whale TOY restriction that Transco anticipates would apply to pile driving, such that Transco would likely observe both restrictions.

Additionally, the noise impacts of Project activities on marine mammals are being evaluated by the NOAA Fisheries, which will issue an Incidental Harassment Authorization (IHA) that ensures marine mammals are adequately protected and any impacts are suitably mitigated. In support of the IHA application for the Project, Transco performed acoustical modeling and prepared a potential noise impact assessment in accordance with NOAA Fisheries guidelines. NOAA Fisheries issued a Draft IHA on September 3, 2019 (84 FR 45955). Transco consulted with NOAA Fisheries Office of Protected Resources (OPR) regarding the mitigation required under the IHA Authorization. These requirements include collision avoidance measures that NOAA Fisheries OPR deems sufficient and effective. The final IHA was issued March 5, 2020, but it subsequently expired. Transco submitted a new IHA application on May 30, 2025. The current IHA was issued on September 15, 2025. On September 18, 2026, OPR confirmed that the IHA is active through September 17, 2027. The NJDEP has indicated they will rely upon NOAA Fisheries' evaluation and findings.

**Marine Reptiles (Sea Turtles):** Five sea turtle species known to occur in the region are listed as threatened or endangered federally and by the state of New Jersey: Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), hawksbill (*Eretmochelys imbricata*), green (*Chelonia mydas*), and loggerhead (*Caretta caretta*) (NJDEP 2016b; NOAA Fisheries n.d.[b]).

Kemp's ridley, leatherback, and hawksbill sea turtles are federally listed and state-listed as endangered, while green and loggerhead sea turtles are federally listed as threatened. The green sea turtle and loggerhead sea turtle is also state-listed as endangered. The presence of any of these species in the Project area would be limited to the summer months, during which only occasional transient occurrences are expected (CeTAP 1982; Sadove and Cardinale 1993). However, the Project area is outside of the normal range for the hawksbill sea turtle (Crocker 2017). According to the National Marine Fisheries Service's Sea Turtle Stranding and Salvage Network Data Summary and Visualization Application, 13 leatherback, 48 Kemp's ridley, zero hawksbill, and 27 green sea turtle strandings were reported in the neighboring counties in New York (Queens, King, and Richmond) and New Jersey (Monmouth and Middlesex) from 2015 to 2024 (NMFS 2025).

Transco has performed sound propagation modeling to determine the potential for sound associated with in-water construction activities (pile installation and removal) to injure or behaviorally disturb ESA-listed sea turtles. Transco used criteria that the NOAA Fisheries GARFO has developed to determine potential injury and behavioral impacts for ESA-listed sea turtles. Copies of noise modeling memos are provided in **Appendix F**.

Modeling for clamshell dredging and jet trenching was not conducted for sea turtles as the source levels associated with these two construction techniques are below the injury thresholds for sea turtles.

Transco's acoustic modeling results indicate that the noise generated by pile driving would exceed both the injury and behavioral disturbance thresholds for sea turtles. The area of potential behavioral disturbance for sea turtles would be exceeded up to 4.5 feet from the source for vibratory pile driving, and up to 707 feet from the source for impact pile driving. The distance to peak sound pressure injury threshold for sea turtles extend up to 1 foot from the source during impact pile driving. Areas exceeding the injury threshold for sea turtles for cumulative exposure to pile driving ranged from 382 to 636 feet. An individual sea turtle would need to remain within the cumulative exposure area during the entire duration of the pile driving event to potentially experience an injury. Additionally, these zones would be constricted by land, and some of the pile driving noise is likely to be masked by ambient noise from other non-Project-related anthropogenic sources (such as shipping noise) at distances shorter than those predicted by the noise modeling.

Though the duration of construction activities would be limited and, if present, sea turtles would be able to leave the area of disturbance, harassment or injury of individual turtles due to pile driving noise is possible. Population-level impacts of construction noise are not expected. In conclusion, pile driving and other construction-related noise impacts on sea turtles are expected to be temporary and moderate.

**Birds:** Five species of birds listed as endangered in New Jersey may be found within the vicinity of the offshore Project area: roseate tern (*Sterna dougallii dougallii*), red knot (*Calidris canutus*), piping plover (*Charadrius melodus*), least tern (*Sterna antillarum*), and black skimmer (*Rynchops niger*). The red knot and piping plover are federally listed as threatened, and the roseate tern is federally listed as endangered. These species have the potential to be located offshore along the Raritan Bay Loop in New Jersey, but the occurrence of roseate and least terns are generally limited to migratory periods (eBird 2016a; USFWS 2010). The least tern may also breed on nearby beach, island, and wetland habitats and forage over open waters such as Raritan Bay (Erwin et al. 1981; Thompson et al. 1997). Black skimmers would primarily occur while they are foraging in the offshore area during the migrating and breeding seasons (eBird 2016a).

During informal consultation prior to 2020, the USFWS New Jersey Field Office identified the seabeach amaranth, red knot, and piping plover as potentially occurring on the northern point of the Gateway National Recreation Area (Sandy Hook Unit) (Schrading 2016). However, because construction activities are proposed approximately 1 mile from the northern point of the Sandy Hook Unit, the USFWS concurred with Transco's assessment that the seabeach amaranth, red knot, and piping plover are unlikely to experience disturbances from these activities (Schrading 2017). On January 7, 2026, the USFWS New Jersey Field Office confirmed its assessment that the Project is not likely to adversely affect red knot or piping plover and determined that the Project's potential adverse effects on the roseate tern are discountable (Crestol 2026)

### ONSHORE PIPELINE CONSTRUCTION EFFECTS

Construction-related impacts on onshore species are generally categorized as mortality/injury, sensory disturbance, habitat loss/modification, or increased predation. In general, the losses of important, native habitats (e.g., forests) are minimized because the pipeline loops will be constructed largely within existing ROWs and will traverse a number of previously disturbed areas covered by actively managed developed lands. Transco will further minimize Project effects on endangered and threatened species by implementing BMPs during construction and by restoring the workspaces according to the Transco Plan and the Transco Procedures. Examples of BMPs applicable to protecting onshore species and their habitats include restricting Project vehicle and equipment use to designated work areas and enforcing speed limits to minimize impacts from vehicle and equipment traffic; restricting activities to daylight hours to reduce the potential for disorientation caused by artificial lighting; and adhering to Transco's Noxious Weed and Invasive Plant Management Plan for controlling non-native plant species in areas disturbed by the Project. Clearing restrictions do not apply to Project facilities in New Jersey according to the USFWS final 4(d) rule because no known hibernacula occur within 0.25 miles and no known summer colonies or roost trees occur within 150 feet of the Madison Loop or Compressor Station 206 (Markuson 2016; USFWS 2016b). Transco will continue to consult with the USFWS and NJDEP for additional guidance.

### OFFSHORE PIPELINE CONSTRUCTION EFFECTS

Trenching and associated activities will potentially affect offshore wildlife in the vicinity of the construction. General construction includes trenching, anchor placement, pipelay, trench backfill, concrete mattress installation, pile installation and removal, and associated vessel/barge transits. Temporary effects on marine species and communities will result from disturbance of sediments, increased turbidity, increased noise and visual disturbances, and water withdrawal and discharge. Potential impacts include direct mortality or injury, sensory disturbance, habitat loss and/or modification, and changes in predator/prey relationships. Transco will minimize the Project's effects on coastal and marine wildlife by implementing BMPs during construction in consultation with the NJDEP and NOAA Fisheries. For example, Transco will implement the following BMPs to avoid or reduce impacts on listed species that may be present within the offshore Project area:

- Transco will train vessel operators and crews to recognize and avoid protected species when transiting to the offshore construction area. Avoidance measures include slowing down or maneuvering away from any observed animals.
- All vessel operators will conform to the federal regulation prohibiting the approach of sea turtles closer than 150 feet (50 yards).
- All vessels will conform to regulations prohibiting the approach of right whales closer than 1,500 feet (500 yards) (50 CFR 224.103(c)). This measure will also be applied for other whale species.
- Vessels 65 feet and longer will be operated at a speed of 10 knots or less from November 1 to April 30 if transiting in the right whale seasonal management area near the Rockaway Transfer Point to reduce the potential for collisions with right whales.
- Vibratory devices will be used for pile installation to the extent practicable, and vibratory devices will be used for pile removal.
- Project vessels will comply with all USCG requirements for the handling of marine debris and liquid wastes (e.g., MARPOL, Annex V, Pub. L. 100−220 [101 Stat. 1458]).
- Project vessels will comply with USCG requirements for the prevention and control of oil and fuel spills (MARPOL, Annex I, Pub. L. 96-478 [94 Stat. 2297]).
- Following pipeline installation, Transco will restore the offshore workspaces by backfilling excavated areas with suitable material in accordance with any applicable permit requirements.
- Adherence to TOY restrictions as agreed upon through consultation with NOAA Fisheries, USFWS, NJDEP, and NYSDEC.

Routine operation of the Project is not expected to affect endangered or threatened species within the onshore or offshore Project area.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Endangered and Threatened Wildlife or Plant Species Habitat Rule.

### 7:7-9.37 CRITICAL WILDLIFE HABITAT

*Critical wildlife habitats are specific areas known to serve an essential role in maintaining wildlife, particularly during wintering, breeding, and migrating. Rookeries for colonial nesting birds, stopovers for migratory birds and natural corridors for wildlife movement merit a special management approach through designation as a Special Area. Development that would directly or through secondary impacts adversely affect the critical habitat or surrounding area is discouraged unless there is no prudent or feasible alternative, minimal feasible interference with the habitat is demonstrated, and/or the project includes appropriate mitigation measures.*

No "Critical Habitat" designated by the USFWS is present in the state of New Jersey. Proposed critical habitat for the rufa red knot in Atlantic, Cape May and Cumberland County. Some areas within the proposed Project area in the New Jersey coastal zone are consistent with the definition of "critical wildlife habitat" in N.J.A.C. 7:7-9.37, particularly migratory bird stopovers, including wintering areas, and breeding areas for birds and other wildlife, especially those areas situated along the water's edge (NJDEP 2014c).

Transco identified one important bird area (IBA) crossed by the Project in the New Jersey coastal zone – the Raritan Bay and Southern Shore (National Audubon Society 2015). This IBA encompasses 34,869 acres of water habitat, including tidal mudflats, sandflats, and Raritan Bay's largest remaining salt marsh (New Jersey Audubon 2017). The IBA database (National Audubon Society 2015), shows that the Raritan Bay Loop crosses this IBA from MP12.16 to MP14.02 and MP26.55 to MP27.56. The IBA program is a global bird conservation initiative of BirdLife International and is implemented in the United States by the National Audubon Society and its local partners. Its purpose is to identify and conserve sites that provide essential habitats for breeding, wintering, and/or migrating birds. While all IBAs are recognized for their importance to birds, some are of greater significance than others. IBAs may be prioritized hierarchically as global, continental, or state, based on their significance (National Audubon Society 2010).

The Raritan Bay and Southern Shore IBA is ranked as a state-level priority and was designated as breeding-season foraging habitat for the black skimmer (*Rynchops niger*), least terns, yellow-crowned night-heron (*Nyctanassa violacea*), black-crowned night-heron (*Nycticorax nycticorax*), and osprey. In addition, the salt marsh habitat provides for breeding American black duck (*Anas rubripes*), clapper rail (*Rallus crepitans*), mallard (Anas platyrhynchos), marsh wren (*Cistothorus palustris*), willet (*Tringa semipalmata*), green heron (*Butorides virescens*), American oystercatcher (*Haematopus p*alliates), and Seaside sparrow (*Ammospiza maritima*) and Saltmarsh sparrow (*Ammospiza caudacuta*) (New Jersey Audubon 2025[13]). This IBA hosts horseshoe crabs[14], an important food source for migrating shorebirds. During the winter, the IBA hosts significant congregations of wintering waterfowl such as greater scaup (*Aythya marila*), brant (*Branta bernicla*), bufflehead (*Bucephala albeola*), northern pintail (*Anas acuta*), white-winged scoter (*Melanitta deglandi*), black scoter (*Melanitta Americana*), common goldeneye (*Bucephala clangula*), and red-breasted merganser (*Mergus serrator*) (New Jersey Audubon 2025).

The Raritan Bay Loop will cross the USFWS-designated Raritan Bay – Sandy Hook Bay significant habitat complex, which encompasses the nearshore areas and adjacent tidal wetlands from the southeastern section of the New York–New Jersey Harbor along the southern shore of Staten Island, New York and along the northern shoreline of Monmouth County, New Jersey. The area is considered regionally significant for shellfish and marine, estuarine, and anadromous fishes and for migratory and wintering waterfowl (USFWS 1997). The complex has also been identified as significant due to its geographic location. Many marine and estuarine species use Raritan Bay to migrate between the New York Bight and Hudson-Raritan Estuary, and many avian species and migratory insects also migrate in both directions across the habitat complex (USFWS 1997).

### PROJECT EFFECTS ON CRITICAL WILDLIFE HABITAT

Transco will use HDD to cross the shoreline and majority of tidally influenced wetlands along the Madison Loop and Raritan Bay Loop, thereby minimizing or avoiding impacts on critical wildlife habitat associated with the Raritan Bay and Southern Shore IBA as well the Raritan Bay – Sandy Hook Bay significant habitat complex. While some coastal tidal marshes crossed by the Project meet the definition of wintering wildlife areas, impacts on those marshes would be temporary and they would still be available to wintering wildlife following construction of the Project. Any impacts on wetlands, including coastal tidal marshes, will be restored or mitigated as discussed under Rule 7:7-9.27, above. During pipeline operation, Transco will not conduct any maintenance clearing activities from April 1 to August 31, which is the migratory bird nesting season (Schrading 2016).

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Critical Wildlife Habitat Rule.

## 7:7-9.38 PUBLIC OPEN SPACE

*Public open space constitutes land areas owned or maintained by State, Federal, county, and municipal agencies or private groups and is used for or dedicated to conservation of natural resources, public recreation, visual or physical public access, or wildlife protection or management. New or expanded public or private open space development is encouraged at locations compatible or supportive of adjacent and surrounding*

[13] Raritan Bay and Southern Shore

[14] With regards to horseshoe crab, in a November 7, 2018 letter to FERC, the NJDEP BMF deferred to NOAA Fisheries and New York State regarding horseshoe crab timing restrictions. NJDEP BMF does not have any timing restrictions regarding horseshoe crabs. The NYSDEC and NOAA Fisheries confirmed in a November 9, 2018 meeting that neither agency has a timing restriction for horseshoe crabs. Therefore, there is no identified TOY restrictions for horseshoe crabs for Project construction activities. However, Transco will avoid disturbance of the intertidal zone and nearshore area in New Jersey waters between MP 12.1 and MP 12.5 by using the horizontal direction drilling method (FEIS 4.5.2.8). Additionally, as described in this application, Transco's sediment modeling results for offshore construction activities indicate construction-related TSS concentrations will not exceed 50 mg/L above ambient more than 328 feet from the HDD pit at MP 12.5, and associated deposition will not exceed 0.3 cm (0.12 inch) more than 102 feet from the HDD pit at MP 12.5 (See Appendix F-3). Juvenile and adult horseshoe crab are relatively mobile and would likely temporarily vacate turbid areas that cause them discomfort or stress (FEIS 4.5.2.8).

*lands uses. Development within existing public open space is conditionally acceptable, provided the development is consistent with the character and purpose of public open space.*

The Project facilities will neither cross nor be located within 0.25 mile of federal lands, including national parks, national forests, national natural landmarks, nationally designated wild and scenic rivers, wildlife management areas, and registered national landmarks. No private recreational lands or uses are located within 0.25 mile of the Madison Loop or the onshore portion of the Raritan Bay Loop. Project facilities near New Jersey state parks or state forests, municipal and county lands, and land conservation programs are described below.

### NEW JERSEY STATE PARKS OR STATE FORESTS

At MP11.83, the Madison Loop will be located 0.21 mile northwest of Cheesequake State Park's boundary in Middlesex County, New Jersey. Cheesequake State Park is a 1,610-acre park with recreational facilities that include an interpretive center, trails for hiking and biking, and picnicking, swimming, boating, fishing, hunting, and winter sports areas (NJDEP 2016c). None of the built facilities supporting these recreational activities are within 0.25 mile of the Madison Loop. The area of the park closest to the Madison Loop comprises wetlands and creeks. Boat access to the tidal creeks is prohibited. The recreational feature that is nearest to the Project is a covered picnic area located 0.69 mile southeast of MP10.67. The park is open year-round; however, the camping areas are closed during the winter.

The family camping area is located 1.54 miles southeast of MP11.46, and Hooks Creek Lake day use area is located 0.92 mile southeast of MP10.49. No temporary or permanent impacts from construction or operation of the facilities are likely to occur given the distance of the park and its recreational features from the Project and the vegetative cover that creates a visual buffer and will diminish any potential noise impacts. The HDD entry point, at MP11.97, is the portion of the Madison Loop near Cheesequake State Park that is likely to generate the most noise during construction. Farry Point Picnic Area, the nearest Cheesequake State Park recreation feature, is located 1.25 mile southwest of MP11.97.

New Jersey deer hunting seasons for deer management zone 50, in which Cheesequake State Park is located, vary each year but generally extend from mid-September through mid-February. Deer hunting is permitted (by special hunting permit only) within the Special Deer Hunt Area of Cheesequake State Park (NJDEP n.d.). Construction activities associated with the Madison Loop will likely overlap with hunting seasons in zone 50. No impacts from construction on hunting within the park will occur. Transco will notify the NJDEP Division of Parks and Forestry about construction before beginning construction activities.

### MUNICIPAL AND COUNTY LANDS

**Raritan Bay Waterfront Park:** The outer edge of the Raritan Bay Loop offshore temporary workspace is located approximately 0.04 mile southeast of Raritan Bay Waterfront Park, Sayreville Township, New Jersey. However, the closest area where offshore excavation will occur is approximately 0.20 mile away from the park and is associated with the installation of the Raritan Bay Loop CP system within the offshore temporary workspace. The park, a New Jersey Green Acres Program encumbered parcel managed by Middlesex County, New Jersey, encompasses 136 acres, 86 of which are considered wetlands that provide an area for park visitors interested in exploring its unique flora and fauna (Middlesex County n.d.[a]). This portion of the park is designated as a New Jersey environmentally sensitive area; however, it is not crossed by the Project workspace and therefore neither construction nor operation of the Project facilities will impact these designations.

The portion of the park containing wetlands is closest to the Project. The park also includes athletic fields, walking and biking paths, a Raritan Bay Overlook and performance gazebo, and a memorial for victims of terrorism. The walking and biking trail, which is 0.37 mile northwest of the Raritan Bay Loop offshore temporary workspace, is the closest recreational feature to the Project.

Construction activities in the vicinity of the Raritan Bay Waterfront Park are expected to occur between the third and fourth quarters of 2021. Except for installation of the anode sled, construction activity associated with installation of the offshore portion of the Raritan Bay Loop will be at least 0.30 mile away from the park, seaward of the HDD exit

point. Construction and operation of the Project is unlikely to affect the park or its visitors. To reduce impacts on the park and its visitors, Transco will notify Middlesex County of construction before beginning construction.

**Old Bridge Waterfront Park:** The temporary workspace of the offshore Raritan Bay Loop near MP12.33 is located approximately 0.14 mile northeast of Old Bridge Waterfront Park. The Old Bridge Waterfront Park, which is maintained by Middlesex County and located on Old Bridge Township property, is a 67-acre waterfront property containing a boardwalk, a beach, an environmental education trail, and a fishing pier (Middlesex County n.d.[b]). The northwestern portion of the park is designated as a New Jersey environmentally sensitive area. This property is also Green Acres encumbered; however, it is not crossed by the Project workspace and therefore neither construction nor operation of the Project facilities will impact either of these designations. Construction and operation of the Project is unlikely to affect the park or its visitors; any impacts will be temporary and negligible. Transco will notify Middlesex County about construction activities before construction begins.

**Veterans Memorial Waterfront Park:** Transco proposes using a contractor yard (the C&ME facility) for construction of the Raritan Bay Loop that is located 0.21 mile southwest of Veterans Memorial Waterfront Park in the city of Elizabeth, Union County, New Jersey. This contractor yard will be used for construction-related activities throughout construction activities. The park's boardwalk recreation area contains a fishing pier, tables for chess, bike racks, and benches (City of Elizabeth n.d.). The park also includes a city-run marina that has dry-docking facilities for more than 60 privately owned leisure and fishing boats. The marina is 0.38 mile northeast of the contractor yard. Every year the park hosts a Memorial Day Weekend Waterfront Festival, which attracts people from the region. The festival includes rides, games, food, and concerts (City of Elizabeth n.d.).

Veterans Memorial Waterfront Park is a Green Acres encumbered property. However, it is not crossed by the Project workspace; therefore, neither construction nor operation of the Project facilities will impact its designation. Because the park is also located within an active waterfront district, boat traffic and dockside use of the C&ME facility will be consistent with current land uses and activities. Construction activities at the contractor yard may cause temporary traffic- and noise-related impacts on Veterans Memorial Waterfront Park and its visitors as equipment and materials are transported to and from the site. Transco will notify Elizabeth County of construction activities before construction begins.

### GREEN ACRES

In its May 14, 2018 comments on FERC's Draft EIS, NJDEP indicated that there may be potential impacts to a Green Acres-restricted parcel owned by the Borough of Sayreville (Block 454, Lot 1) located within the Madison Loop workspaces. However, based on August 2, 2016 correspondence with the attorney for the Borough of Sayreville, Transco was informed that this property is not Green Acres encumbered. Transco will be constructing the pipeline within its permanent ROW which predates the Green Acres restriction on a parcel owned by the Borough of Sayreville (Block 451, Lot 1.09). However, Transco requires temporary workspace outside of its existing ROW for which it obtained a Temporary Use Agreement from the Borough of Sayreville that was approved by NJDEP Green Acres Program. Accordingly, Transco's Project will have minor and temporary impacts to a Green Acres-encumbered property.

NJDEP also indicated that there may be potential impacts to conservation easement on the Golden Age property (Block 451, Lot 1.10). However, Transco has modified its workspace so that there are no permanent or temporary impacts to the Conservation Easement on the Golden Age Property.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Public Open Space Rule.

### 7:7-9.39 SPECIAL HAZARD AREA

*Special hazard areas include areas with a known actual or potential hazard to public health, safety, and welfare, or to public or private property, such as the navigable air space around airports and seaplane landing areas, potential evacuation zones, and areas where hazardous substances as defined at N.J.S.A. 58:10-23.11b are used or disposed, including adjacent areas and areas of hazardous material contamination. Coastal development, especially residential and labor-intensive economic development, within special hazard areas is discouraged. All development within special hazard areas must include appropriate mitigating measures to protect the public health and safety. Approvals from the Department's Solid and Hazardous Waste Program shall be obtained prior to the commencement of any hazardous substance investigations or cleanup activities at contaminated sites.*

Special hazard areas are areas with a known actual or potential hazard to public health, safety, and welfare, or to public or private property, such as the navigable air space around airports and seaplane landing areas, potential evacuation zones, and areas where hazardous substances as defined at New Jersey Statutes Annotated 58:10-23.11b are used or disposed of, including adjacent areas and areas of hazardous material contamination.

Project construction has the potential to disturb soils that were previously contaminated. Transco obtained federal and state search reports from Environmental Data Resources, Inc., (EDR) to determine the presence and location of potential soil contamination near all proposed onshore pipeline facilities in New Jersey. Two sites identified within a 0.25-mile radius of the Madison Loop and onshore portion of the Raritan Bay Loop within the New Jersey coastal zone were confirmed to have soil and/or groundwater contamination that have the potential to impact the soil in the vicinity of the Project facilities. These include the 1788 Route 35 and the Morgan Fire House sites, both located near MP12.00 (EDR 2016a, 2016b). In addition to these two sites, the New Jersey Open Public Records Act database identified the Raritan Bay Slag site located along the southern shore and in Raritan Bay in Old Bridge Township and Sayreville, New Jersey (NJDEP 2016d). As discussed below, contamination from these sites is not expected to adversely affect the soils and sediments disturbed as part of the Project. However, if material with unexpectedly high levels of contamination is unearthed, Transco will adhere to its Unanticipated Discovery of Contamination Plan to appropriately manage and dispose of the sediment. General procedures and site-specific requirements for addressing and minimizing worker exposure and handling of encountered excavation materials and backfill during planned construction activities are provided in the attached draft Madison Loop and Raritan Bay Loop Materials Management Plans (**Appendix G**).

**1788 Route 35 in Sayreville, New Jersey:** The New Jersey Open Public Records Act database indicates that the property located at 1788 Route 35 North in South Amboy, New Jersey, is located less than 0.1 mile northeast of MP12.0 of the Madison Loop and less than 0.1 mile north of MP12.0 of the Raritan Bay Loop (NJDEP 2016d). This property is a gas station that is listed on the underground storage tank active remediation list (NJDEP 2016d). This site contains an active NJDEP Classification Exception Area and Well Restriction Area in effect from October 2015 to October 2026, which extends within 200 feet northeast of Madison Loop and 165 feet north of the Raritan Bay Loop (NJDEP 2016e). Since neither the Madison Loop nor the Raritan Bay Loop are included in the Classification Exception Area and Well Restriction Area, it is unlikely that any contamination associated with this site would be present in the soil that will be disturbed by the Project.

**Morgan Fire House:** The New Jersey Open Public Records Act database indicates that the Morgan Fire House property is located at Route 35 and Old Spye Road in Sayreville, New Jersey, which is less than 0.1 mile south of MP12.0 of the Madison Loop and approximately 0.1 mile southwest of MP12.0 of the Raritan Bay Loop (NJDEP 2016d). The site is listed on both the NJDEP Active Sites with Confirmed Contamination list and the NJDEP Closed Sites with Remediated Contamination list (NJDEP 2016d). The site is included on the Known Contaminated Site list but is classified as no further action (restricted use) with an active deed notice and engineering controls in the NJDEP post-remediation group. Contamination at this site was due to a leaking 550-gallon underground storage tank that contained medium diesel fuel (#2-D). The site is approximately 150 feet south of the Project facilities, and the specifics of the active deed notice and engineering controls are not known. However, since no further action is required for the site, it is unlikely that significant contamination associated with this site would be present in the soil that will be disturbed by the Project.

**Raritan Bay Slag Site:** The Raritan Bay Slag site (NJDEP Program Interest Number 514709) is located along the southern shore and in the Raritan Bay in Old Bridge Township and Sayreville, New Jersey (NJDEP 2016d). The site is included on the NJDEP Known Contaminated Site list (NJDEP 2016a) and is on the EPA National Priorities List site list (EPA ID NJN000206276) (EPA 2016). The site is approximately 1.5 miles long and consists of waterfront areas between Margaret's Creek and the areas just beyond the western jetty at the Cheesequake Creek Inlet. The site is located approximately 0.5 mile south of the Raritan Bay Loop, which is outside the EDR search radius. In the late 1960s and early 1970s, the Laurence Harbor seawall, which makes up a portion of the site, was reported to have metal slag from blast furnace bottoms deposited along the beachfront. The primary sources of contamination are slag from a lead reclamation process and battery casings. The prevailing currents in the vicinity of the western jetty promote sediment deposition on the western side of the jetty and transport sediment into Raritan Bay (EPA 2016).

Although the physical address of the site is located outside the EDR search radius, Study Areas 7 and 11 (Jetty Sector) of the National Priorities List site are located within the Project facility temporary workspace in Raritan Bay. However, areas associated with Project disturbance are outside the areas currently planned for remediation by the EPA. Transco conducted additional sampling in the area of the Morgan Shore Approach HDD exit pit to further investigate the extent of contamination near Area 7 and determined that sediments that will be disturbed during construction of the Raritan Bay Loop have concentrations of lead lower than in the identified remediation areas (CDM 2011) (see **Appendix J** of the **Environmental Report** for these sampling results). All excavated material from construction of the Raritan Bay Loop within Study Areas 7 and 11 will be disposed of at appropriately permitted upland facilities in accordance with Transco's draft Raritan Bay Loop Materials Management Plan (**Appendix G**). All Raritan Bay Loop excavations in the Study Areas will be backfilled with clean, suitable material from approved sources as required by Project permits, thereby reducing overall sediment contamination in Raritan Bay in the long term.

**Ambrose Channel:** While not a designated contamination site, the Ambrose Channel may be considered a special hazard area in New Jersey crossed by the Raritan Bay Loop due to the frequent vessel traffic, including large commercial ships, which could pose a significant risk to the construction and operation of infrastructure within the channel. Transco will avoid this special hazard area by using HDD to install the Raritan Bay Loop more than 70 feet below the current channel bottom.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Special Hazard Area Rule.

### 7:7-9.45 Geodetic Control Reference Marks

*Geodetic control reference marks are traverse stations or benchmarks (monuments, points, rivets, and marks) established or used by the New Jersey Geodetic Control Survey. Where disturbance of such marks is unavoidable, the New Jersey Geodetic Control Survey must be contacted at least 60 days prior to the disturbance and arrangements will be made to protect the position.*

A recent search of the National Geodetic Survey database (www.ngs.noaa.gov) was conducted to identify geodetic control reference marks within the Project area. According to the database, no geodetic control reference marks are located within the Project area. A licensed engineer or surveyor will supervise the discovery of any unanticipated markers.

**Consistency Finding:** Considering the statement above, Transco concludes that the Project complies with the Geodetic Control Reference Marks Rule.

### 7:7-9.48 Lands and Waters Subject to Public Trust Rights

*Tidal waterways and their shores, including both lands now or formerly below the mean high-water line, and shores above the mean high-water line are subject to public trust rights. Tidal waterways and their shores are subject to the Public Trust Doctrine and are held in trust by the State for the benefit of all people, allowing the public to fully enjoy these lands and waters for a variety of public uses. Public access to lands and waters subject to public trust rights shall be provided in accordance with the public trust rights rule (NJAC 7:7E-8.11).*

Public access to lands and waters subject to public trust rights will be provided in accordance with the public access rule, N.J.A.C. 7:7-16.9. While physical access to these areas may be temporarily restricted during construction to protect public safety and welfare, no access restrictions are proposed following construction. Refer to discussion under Rule 7:7-16.9, below, for further details regarding public access to the waterfront.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Public Trust Rights Rule.

### 7:7-9.49 DREDGED MATERIAL MANAGEMENT AREAS

*A dredged material management area is an area documented through historical data, including, but not limited to, aerial photography, historic surveys, and/or previously issued permits, as having been previously used for the placement of sediment associated with the dredging of State and/or Federal navigation channels and marinas. Development that changes the land use of a dredged material management area owned by a State or Federal agency is discouraged. Development that changes the land use of a dredged material management area owned by a person, entity, or local governmental entity is conditionally acceptable provided the Department determines that:*

1. *The previous use of the area was for the one-time placement of dredged material or the dredged material management area is not located within hydraulic pumping distance of a State or Federal navigation channel; and*
2. *The purchase of the property by the State for use as a dredged material management area is not feasible.*

*The beneficial use of dredged material from the dredged material management area in a lawfully permitted manner is encouraged, provided environmental impacts associated with the removal of the dredged material are minimized to the maximum extent practicable.*

Transco intends to dispose of all dredged material in accordance with its approved dredged material management plan. Transco intends to take dredged material excavated during construction of the Raritan Bay Loop to the Historic Area Remediation Site (HARS). If the HARS cannot accept all dredged material, Transco proposes to take the remaining dredged material to an upland disposal facility. Transco conducted the sampling campaign for the characterization of dredge material for an upland disposal facility in October and November 2018. Upon completion, results of this effort were provided to local upland disposal facilities for review. In October 2025 Donjon Marine Co. Inc., Bayshore Recycling Corp, Bethlehem Landfill, Pioneer Crossing Landfill, and White Pines Landfill Corporation provided a letter of acceptance for the expected dredged materials from the construction of the Raritan Bay Loop as part of the NESE Project (see **Appendix K**). Transco intends to contact these disposal facilities to confirm their availability for receiving any dredged material. These facility approvals were conditional upon final evaluation of the material after it has been dredged. See **Appendix H** for the Sediment Sampling and Analysis Plan (SSAP) specific to this sampling campaign, **Appendix J** for results of the sampling and analysis effort, and **Appendix K** for copies of correspondence with these facilities. See N.J.A.C. 7:7-12.9 for further discussion of dredge material disposal. Transco has been in communication with the USACE regarding offshore disposal sites.

The HARS is a 15.7-square-nautical-mile area located in federal waters approximately 4 miles seaward of the Sandy Hook Peninsula (Highlands, New Jersey) (USACE and EPA 2010). Since its designation in 1997, an average of over 3.5 million cubic yards of dredged material has been deposited in the HARS annually (USACE 2014a). Placement of suitable material in the HARS is a beneficial use of dredged material because it is used to "cap" existing material that historically has higher levels of contaminants and associated biotoxicity. Disposal of this material in the HARS would not affect the land use of the HARS. Sediments from sections of the offshore route that would potentially be excavated by clamshell dredge were evaluated to determine suitability for in-water placement according to federal and state guidelines based on grain size characteristics and bulk sediment chemistry results from Transco's late 2016 sediment survey. Transco compared these results to corresponding characteristics of material from nearby federal maintenance dredging projects that were tested for suitability at the HARS since 2000. Transco considers material from specific "dredge prisms" suitable for in-water placement and intends to submit a request to the USACE for approval to dispose of this material at the HARS. On December 10, 2025, the USACE issued a combined permit (Permit No. NAN-2016-00908) that included Section 103 authorization for the disposition of approximately 800,000 cubic yards (CY) of dredged material for offshore placement in a federally designated ocean placement site. The material will be transported by

ocean-going barges for placement at the HARS in the Atlantic Ocean for the purpose of remediation. Transco plans to dispose of this material at a suitable facility in accordance with any applicable permit requirements. See further discussion of Project-related dredged material disposal under Rule 7:7-12.7.

If material is needed for backfill, Transco may use authorized dredged materials from the Ambrose Channel (seaward of LNYBL) in New Jersey, to be be acquired from one or more existing commercial vendors that currently operate under active permits to dredge Ambrose Channel. The material will be obtained from within the same dimensions of the channel(s) as a previous dredging activity. As necessary, Transco will coordinate with the NJDEP to obtain an "acceptable use" determination for the beneficial use of dredged material as backfill, in accordance with Appendix G of N.J.A.C. 7:7, The Management and Regulation of Dredging Activities and Dredged Material in New Jersey's Tidal Waters. Transco will control turbidity during the maintenance dredging activities in a manner that meets applicable New Jersey Surface Water Quality Standards at N.J.A.C. 7:9B. Transco may also use clean, predominantly sandy material from a licensed upland quarry as supplemental backfill.

The volume of material needed for supplemental backfill will depend on final decisions regarding factors such as the dredge method(s) and required pipeline burial depth.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Dredged Material Management Areas Rule.

## 5.0 SUBCHAPTER 12 – GENERAL WATER AREAS

### 7:7-12.7 NEW DREDGING

*New dredging is the removal of sediment that does not meet the definition of maintenance dredging at N.J.A.C. 7:7-12.6 or the definition of environmental dredging at N.J.A.C. 7:7-12.8. The temporary or permanent displacement or removal of sediment for the purpose of installing submerged pipelines and cables is considered new dredging. New dredging and the management of the dredged material shall be conducted in accordance with Appendix G of the Coastal Zone Management Rules. New dredging is conditionally acceptable in all general water areas for boat moorings, navigation channels, anchorages, or submerged cable or pipelines provided:*

1. *There is a demonstrated need that cannot be satisfied by existing facilities;*
2. *The facilities served by the new dredging satisfy the location requirements for special water's edge areas;*
3. *The adjacent water areas are currently used for recreational boating, commercial fishing or marine commerce;*
4. *The dredge area causes no significant disturbance to special water or water's edge areas;*
5. *The adverse environmental impacts are minimized to the maximum extent feasible;*
6. *The dredge area is reduced to the minimum practical;*
7. *The maximum depth of the newly dredged area shall not exceed that of the connecting access or navigation channel necessary for vessel passage to the bay or ocean;*
8. *The new dredging will have no adverse impacts on groundwater resources;*
9. *No dredging shall occur within 10 feet of any wetlands. The proposed slope from this 10 foot buffer to the nearest edge of the dredged area shall not exceed three vertical to one horizontal; and*
10. *The new dredging shall be accomplished consistent with all of the conditions outlined in 7:7-12.7, as appropriate.*

*Propwash dredging, which is the movement of sediment by resuspending accumulated material by scouring the bottom with boat propellers or specially designed equipment with propellers, is prohibited. New dredging or excavation to create new lagoons for residential development is prohibited in wetlands, N.J.A.C. 7:7-9.27, wetlands buffers, N.J.A.C. 7:7-9.28, and endangered or threatened wildlife or plant species habitats, N.J.A.C. 7:7-9.36, and discouraged elsewhere. New dredging is conditionally acceptable to control siltation in lakes, ponds and reservoirs, provided that an acceptable sedimentation control plan is developed to address re-sedimentation of these water bodies.*

The temporary and/or permanent displacement or removal of sediment for the purpose of installing the Raritan Bay Loop is considered new dredging. Transco will use offshore pipeline construction techniques (described in the **Environmental Report, Part III, Sections 3.0 and 5.0**) that ensure safe and reliable transmission facilities, consistent with FERC, USDOT, USCG, and USACE specifications and applicable safety standards and regulations in place at the

time of construction. Pursuant to N.J.A.C. 7:7-9.2(e), new dredging is prohibited within shellfish habitat. However, as described above in response to N.J.A.C. 7:7-9.2, the Project does not meet the definition of shellfish habitat.

### PROJECT NEED AND JUSTIFICATION

As described in the **Environmental Report, Part III, Section 6.0**, Transco is proposing to expand its existing interstate natural gas pipeline system in Pennsylvania and New Jersey and its existing offshore natural gas pipeline system in New Jersey and New York waters. The purpose of the Project remains consistent with the 2020 applications – to provide 400,000 dekatherms per day of incremental firm transportation capacity from Transco's Station 195 in York County, Pennsylvania, to the existing Rockaway Delivery Point (located approximately three miles offshore of the Rockaway Peninsula in Queens Borough, New York) to serve the Brooklyn Union Gas Company, d/b/a National Grid NY, and KeySpan Gas East Corporation, d/b/a National Grid (collectively, National Grid or Project Shippers).

By way of background, Transco previously executed binding precedent agreements with the Project Shippers for 100% of the firm transportation service to be provided under the Project. The Federal Energy Regulatory Commission (FERC) ultimately issued a certificate of public convenience and necessity on May 3, 2019, which was amended by an Order Amending Certificate, dated July 16, 2020 (collectively, "Certificate Order"). However, given the permit denials in 2020 by the New York State Department of Environmental Conservation (NYSDEC) and New Jersey Department of Environmental Protection (NJDEP), and the eventual lapse in the Certificate Order, the precedent agreements were terminated in accordance with their terms.

Despite the lapse in the Certificate Order, the need for the Project, including the more affordable and reliable energy it can make available to New York, has only increased over the last five years. Reliability concerns continue to plague downstate New York and the urgent need exists for additional natural gas supply to serve families and businesses in the region. Projects that were anticipated to obviate the need for the Project have not come to fruition while demand continues to grow in New York.

As recently highlighted in the Northeast Power Coordinating Council's (NPCC) *Northeast Gas/Electric System Study*, existing gas infrastructure in New York is unable to meet the demand for most electric generators during a cold snap. The same is true for extreme heat waves. While many generators in downstate New York—where the Project is intended to serve—are dual-fuel capable, very few electric generators have firm transportation entitlements, exposing electric generation to risk in the event of an extreme weather event or a pipeline outage. The addition of new firm transportation capacity would immediately improve the resiliency and reliability of gas service to residential and commercial loads—and help to reduce gas prices—in New York City, including during peak demand days. It would also reduce the need for electric generators to rely on oil as a backup.

This fact is reinforced by the President's Executive Order, *Unleashing Energy* and *Declaring a National Energy Emergency*, issued on January 20, 2025. The urgent need for energy transportation infrastructure must be met, as detailed in the Executive Order, with actions to facilitate and support infrastructure development, including the permitting and construction of interstate pipelines—particularly in regions lacking such development in recent years—i.e., the northeastern United States. This is why the Administration is looking to New York, as well as New Jersey and Pennsylvania, to permit the Proposed Project without delay.

For these reasons, Transco and the Project Shippers reinstated the precedent agreements in their entirety in 2025. Just as before, these precedent agreements represent 100% of the firm transportation capacity created by the Project, which show strong market need for the Project. Accordingly, FERC reissued the Certificate Order on August 28, 2025, authorizing Transco to construct and operate the Project.

- The New Jersey facilities will provide enhanced system flexibility during planned and unplanned maintenance activities on Transco's natural gas infrastructure within the State.
  - The Project is designed to provide 400,000 Dth/d under peak conditions, however, shippers (especially local distribution company type shippers) do not typically require their full contractual volume except

during an abbreviated time period during extreme weather conditions. Under normal conditions, the facilities constructed as part of the Project will enable Transco to manage maintenance outages and repairs; thus, minimizing impacts or interruption to all shippers on the system, especially those in New Jersey.

- In the event that the permits for the Project are denied and the Project is not constructed, the anticipated increase in the average system utilization off of the Transco system could result in material degradation of delivery pressures at existing delivery points and increased challenges associated with delivering existing firm shipper entitlements in New Jersey.
  - Without the Project, utility providers would continue signing up customers to their service territory because they are obligated by the New York State Public Service Commission to provide safe, reliable energy service upon request.
  - This could, in turn, result in an increase in the normal load from the interstate pipeline transmission grid, resulting in an overall increase in average deliveries off the Transco pipeline system in New Jersey.
  - An increase in the average system utilization would lead to increased operational challenges related to the scheduling of maintenance activities and a greater chance of impacts to all shippers in the northeast region, including those in New Jersey.
  - As noted in Transco's Alternatives Analysis for the Project (see **Appendix C** of the **Environmental Report**), the purpose of the new CS 206 is to offset the pressure drop associated with transporting the additional volume of natural gas flowing through the pipeline.

As noted in Transco's Alternatives Analysis for the Project (see **Part III, Sections 8.0 and 9.0** and **Appendix C** of the **Environmental Report**), the purpose of the new Compressor Station 206 is to offset the pressure drop associated with transporting the additional volume of natural gas flowing through the pipeline. As detailed in Transco's Alternatives Analysis, there is a demonstrated need for the Project that cannot be satisfied by existing facilities.

### SEDIMENT SAMPLING

Transco will conduct the new dredging activities in accordance with Appendix G of N.J.A.C. 7:7, The Management and Regulation of Dredging Activities and Dredged Material in New Jersey's Tidal Waters. During the planning stage, Transco followed the Appendix G guidance in working with the NJDEP to develop an offshore sediment sampling plan for the Project. More specifically, Transco conducted sediment sampling in late 2016 to evaluate sediments for geotechnical, (bulk) chemistry, and benthic community characteristics at 69 sites along the proposed Raritan Bay Loop route, 15 of which were in New Jersey. The sampling was conducted in accordance with the Project's Offshore Sampling and Analysis/Quality Assurance Project Plan, which was revised to incorporate input from the NJDEP Office of Dredging and Sediment Technology (Thein 2016). The list of chemical analyses performed was based on guidance documents from NYSDEC (NYSDEC 2004), the NJDEP (NJDEP 1997), USACE and EPA (2016), and input from the NJDEP and NYSDEC staff. Upon completion of the analyses, detected analytes were compared with sediment guidance values provided in the NYSDEC guidance document, as supplemented by NYSDEC's Screening and Assessment of Contaminated Sediment (2014), and ecological screening criteria provided in 2009 by the NJDEP's Site Remediation Program (NJDEP 2009). The contaminant levels were generally higher in the upper 3 feet of the seabed, except for a few notable sites where several contaminants were observed to be comparatively higher below the 3-foot depth, including VC16 and VC17 (at Raritan Bay Channel), VC42 (near Chapel Hill Channel), and VC54 (near Ambrose Channel). The complete sediment chemistry results from the 2016 sampling survey are available in the Project's Offshore Environmental Sampling Report, included as **Appendix J** of the **Environmental Report**. The 2016 sampling survey data have been used to develop a hydrodynamic sediment model to numerically predict the suspended sediment plumes that may be generated by the Project's offshore construction activities, described above.

### EFFECTS, MINIMIZATION, AND MITIGATION

Transco and NJDEP are aware of the presence of existing sediment contamination that exceeds ER-M values, indicating the potential for adverse effect on benthic communities, within the Project area. Additionally, Transco and NJDEP considered that there is an increased risk of SWQS exceedances for certain contaminants when dredging sediments with corresponding contaminant concentrations that exceed the ER-M thresholds ("ER-M sediments"), compared to non-ER-M sediments, assuming the dredging methods and ambient water conditions are the same. As a result, Transco proposed to implement several BMP when dredging ER-M sediments, such that no exceedance of SWQSs are anticipated, consistent with previous NJDEP-approved dredging projects in the vicinity such as the Bayonne Energy Center Project (NJDEP File No. 0901-08-0001.1 WFD 080002) and the U.S. Navy Earle Channel Dredging Project. These BMPs include the following:

- Use of HDD for the Morgan Shore crossing, which reduces disturbance of contaminated nearshore sediments.
- Use of an environmental bucket for all clamshell dredging in New Jersey waters .
- No side-casting of dredged material.
- No scow barge overflow (i.e., spillage); scow dewatering will occur only after an NJDEP-approved minimum holding period.
- Adjustment of dredging rate as necessary to provide reasonable assurance that SWQSs are being met.
- Development of a water quality monitoring plan, to be reviewed and approved by NJDEP prior to commencement of offshore construction (see Transco's Draft Water Quality Monitoring Plan for New Jersey Waters included as **Appendix M** of the **Environmental Report**).

Transco has conducted modeling of the contaminated parameters identified in NJDEP's Notice of Denial (dated June 5, 2019) to provide additional assurance that these BMPs will be sufficient to prevent exceedances of the SWQSs for chemical contaminants. Based on a June 6, 2019, conference call with NJDEP staff, Transco has evaluated the concentrations of these contaminants at a distance of 500 feet from the dredging activity in comparison to SWQSs in N.J.A.C. 7:9B. The results of this modeling effort (provided as **Appendix L** of the **Environmental Report** and discussed in further detail in **Section 9.0, Part IV** of the **Environmental Report**), coupled with the BMPs Transco has committed to implement, including a monitoring program during construction, support a conclusion that there will be no adverse impacts to water quality due to resuspension of contaminants. In addition, any contaminant concentrations that are introduced into the water column will be localized, temporary, and of short duration.

In response to challenges to the November 7, 2025 WQC, the U.S. Court of Appeals for the Third Circuit held that NJDEP's decision documents failed to explain (1) whether the CZM Rules permit temporary exceedances despite the requirement that water quality parameters 'shall meet' the applicable standards; (2) why 500 feet was the relevant boundary for contaminant review; and (3) how the Project would meet the human health criterion for 4,4'-DDE (**Appendix N**).

The Coastal Zone Management (CZM) Rules provide a state-law basis for short-term exceedances. Pursuant to the CZM Rules, NJDEP regulates and ensures avoidance and minimization of adverse impacts on water quality from "new dredging" by requiring permittees to implement best management practices (BMPs) and, where appropriate, water quality monitoring. The rules provide that new dredging for the installation of submerged pipelines "is conditionally acceptable provided the dredging complies with the conditions of [N.J.A.C. 7:7-12.7], the general water area rule specific to the project and the energy facility use rule, where applicable." N.J.A.C. 7:7-12.7(h). New dredging "shall" be conducted in accordance with Appendix G to the CZM Rules, which sets forth NJDEP's policies and procedures used to review permit applications for dredging activities in tidal waters. N.J.A.C. 7:7-12.7(b). Specifically, Appendix G describes various BMPs that may be required "to minimize the potential for, and magnitude of, adverse environmental impacts that could result from dredging operations." Appendix G at 11. These BMPs include, but are not limited to, the use of a closed clamshell with environmental bucket and dredging procedures such as maximizing the size of the "bite" of the clamshell and reducing the speed with which the clamshell is withdrawn from the water column. Id. In

areas of contaminated sediments, NJDEP requires that there be no barge overflow, which limits the dispersal of contaminated sediments from the dredging site. Id.

In addition to complying with Appendix G, new dredging must show that "[t]urbidity concentrations (that is, suspended sediments) and other water quality parameters at, downstream, and upstream of the dredging site…shall meet applicable Surface Water Quality Standards at N.J.A.C. 7:9B." N.J.A.C. 7:7-12.7(c)10iii. NJDEP "may require permittee to conduct biological, physical, and chemical water quality monitoring before, during, and after dredging and disposal operations to ensure that water quality standards are not exceeded." Id. However, the CZM Rules provide that "[i]f predicted water quality parameters are likely to exceed Surface Water Quality Standards at N.J.A.C. 7:9B…., or if pre-dredging chemical analysis of dredged material, including surface water and ground water quality predictive analyses, reveals significant contamination, then the Department will work cooperatively with the applicant to fashion acceptable control measures and will impose seasonal restrictions…" N.J.A.C. 7:7-12.7(c)10(iv).

Importantly, "the [Clean Water Act] does not require that all criteria be met at the exact point where pollutants are discharged into receiving water prior to the mixing of such pollutants with the receiving water."[15] And the plain text of the CZM Rules clearly contemplates that temporary exceedances during dredging operations within contaminated areas may be permitted, and that NJDEP will work with the applicant to develop acceptable control measures. N.J.A.C. 7:7-12.7(c)10(iv). This same language is used for the regulation of maintenance dredging[16] and environmental dredging[17]. Compare N.J.A.C. 7:7-12.7(c)10(iii) and (iv) with N.J.A.C. 7:7-12.6(c)3 and 4, and N.J.A.C. 7:7-12.8(b)2(i). This is important, because if these rules did not permit temporary exceedances in contaminated areas, it would be impossible to perform dredging that is necessary for projects such as maintaining federally authorized navigation channels in areas with elevated contaminants (e.g., the Raritan River and Seguine Point Bend) and remediating contaminated sites (e.g., the Raritan Bay Slag Superfund Site); such projects often apply the same type of clamshell dredging with an environmental bucket as is planned for the Transco's Project.

NJDEP's regulations acknowledge that temporary exceedances during dredging operations within contaminated areas may be permitted. However, as discussed below, Transco worked with NJDEP to develop control measures, i.e., BMPs, that ensure any potential exceedances are minor, short in duration, and limited to a relatively small, clearly defined area. The 500-foot contaminant modeling boundary represents the minimum distance necessary to allow for completion of dredging across all Project segments while achieving regulatory compliance, minimizing impacts to critical aquatic resources, and ensuring protection of the designated uses of the waterbody. The proposed 500-foot compliance distance for contaminants is tied to Total Suspended Solids (TSS) modeling and anticipated turbidity levels, as well as a reasonable (uniform) approach based on construction methodology. For example, the clamshell dredging activities are predicted to generate TSS concentrations 50 mg/L above ambient conditions up to 443 feet from dredging locations. (See **Table 15, Select Summary Of Sediment Transport Simulation Results And Compliance Monitoring Considerations**). Moreover, 500 feet provides a safe operating distance between the dredging vessel and monitoring vessel.

Based on Transco's Project-specific contaminant modeling performed in 2019, dredging activities in areas of elevated contaminants are predicted to meet SWQSs at the proposed 500-foot compliance monitoring station, except for the human health criterion for 4,4'-DDE at two sites in Raritan Bay. In 2019, this parameter was modeled at a dredge rate of dredge of 7.500 cf/hr. More recently, Transco modeled 4,4'-DDE concentrations at a slower dredge rate of 4,800 cf/hr with a 1-hour "slack-tide pause" at each tidal phase peak/trough. The results for this slower scenario predicts

[15] US. Environmental Protection Agency (EPA). "Chapter 5: General Policies" in *Water Quality Standards Handbook*. EPA 820-B-14-004. EPA Office of Water, Office of Science and Technology, Washington, DC September 2014.
[16] "Maintenance dredging" is defined as "the periodic removal of accumulated sediment from previously legally dredged navigation and access channels, marinas, lagoons, canals, or boat moorings for the purpose of safe navigation." N.J.A.C. 7:7-12.6(a).
[17] "Environmental dredging" is defined as "new dredging performed in a special hazard area designated as such pursuant to N.J.A.C. 7:7-9.39 specifically to remove contaminated sediments for the purpose of remediating to an environmental standard as specified in the Department's Technical Requirements for Site Remediation, N.J.A.C. 7:26E." N.J.A.C. 7:7-12.8(a).

maximum concentrations of 4,4'-DDE at the two sites will still exceed the human health criterion for 4,4'-DDE (i.e., 0.0009 and 0.0013 ug/L)..

However, given the temporary nature of the dredging activity in the areas with elevated levels of 4,4'-DDE, the impaired nature of these waters, the NJDEP-approved control measures, and the fact that primary contact activities will not be taking place within the active construction zone, any Project-related elevation of contaminant concentrations in the water column during this brief period are not expected to result in impacts to human health.

The human health criteria are established to ensure that toxic substances in the State's waters do not reach levels that are harmful to humans and have been established in saline water due to fish consumption. See N.J.A.C. 7:9B-1.5(a)5. The criteria also aim to protect human and aquatic life by ensuring that toxic substances do not bioaccumulate to levels that would render them unfit for human consumption. See N.J.A.C. 7:9B-1.5(a)4. The human health criteria are not implicated by Transco's work in these areas since Raritan Bay is on the Section 303(d) list of impaired waters and is classified as prohibited for shellfish harvesting. See compliance statement to N.J.A.C. 7:7-9.2 Shellfish Habitat above. Furthermore, primary contact activities such as wading, swimming, diving, surfing, and water skiing will not occur in or near the offshore work areas during active construction given the distance of work areas at least 1,000 feet from shore and the measures Transco will take to direct marine users away from the active work areas. Lastly, dredging in the area with the highest concentrations of contaminants such as PCB and 4,4-DDE (i.e., between MP 12.5 and MP 12.75) would take only approximately 6.5 days to complete and suspended sediments are anticipated to return to ambient conditions in this area within 24 minutes after dredging ceases. See Tabe 16 of the Environmental Report. Therefore, given the NJDEP-approved control measures, any Project-related elevation of contaminant concentrations in the water column during this brief period are not expected to result in impacts to human health, including significant bioaccumulation of contaminants in the tissue of fish that may pass through the area during the dredging activity.

Accordingly, consistent with the CZM Rules, the Project is compliant with applicable water quality standards notwithstanding minor and short-term exceedances of the human health criterion given the substantial control measures, i.e., implementation of best management practices, required by the Department.

In addition to BMPs used to minimize the release of sediment contaminants during dredging, Transco will apply the following BMPs to reduce turbidity:

- Backfill material will be clean, sandy material, with a limited amount of fine-grained material (i.e., silt and clay).
- During backfilling, the clamshell bucket will be lowered below the water line before releasing any material.
- Where appropriate, a jet trencher will be used, reducing the area of sediment disturbance compared to clamshell dredging and minimizing or avoiding backfill activities along these segments.

By letter, dated November 27, 2019, NJDEP outlined certain regulatory deficiencies associated with Transco's June 12, 2019, applications for a Freshwater Wetlands Individual Permit, Flood Hazard Area Individual Permit and Verification, and Waterfront Development Individual Permit. In the letter NJDEP requests information regarding Transco's proposed plans for water quality monitoring and what adaptive management procedures Transco would implement in the event of an SWQS exceedance.

Based on NJDEP feedback during a January 6, 2020 conference call as well as guidance provided during 2025/2026, Transco is providing its Draft Water Quality Monitoring Plan for New Jersey Waters (**Appendix M** of the **Environmental Report**) describing Transco's proposed monitoring methods to ensure that all appropriate BMPs and operational procedures are implemented such that construction of the Raritan Bay Loop complies with NJDEP's SWQSs. During the January 6, 2020, conference call, NJDEP staff informed Transco that chemical contaminant monitoring is not typically required, and that turbidity monitoring would be sufficient to evaluate whether there were any potential exceedances in SWQSs described in N.J.A.C. 7:9B. While turbidity monitoring may serve as a proxy for contaminant monitoring, Transco is also submitting a revised integrated Water Quality Monitoring Plan and Adaptive Management Plan, which proposes monitoring for certain contaminants in the water column during dredging in Raritan Bay.

Transco commits to implementing adaptive management methods such as adjusting dredging and/or jet trenching rates as necessary to ensure the Project adheres to the water quality compliance thresholds proposed in the Draft Water Quality Monitoring Plan for New Jersey Waters (**Appendix M** to the **Environmental Report**). Transco may also employ a "slack-tide pause" as an adaptive management method, whereby dredging is paused for 1 hour during each slack-tide period (i.e., during peak high tide and low tide intervals), particularly for activities where modeling indicated a slack-tide pause would be more practicable for controlling sediment plumes compared to further reductions in dredging rates. These potential measures will be identified in the construction plans. Transco will consider what other adaptive management procedures may be practicable and effective, such as adjusting the type and/or intensity of monitoring depending on the turbidity monitoring results. Transco will consult with the NJDEP on appropriate adaptive management solutions, as warranted, if in-field monitoring indicates that construction activities may be causing an exceedance of a compliance threshold identified in the pending WFD permit and water quality certificate.

As discussed under Special Water Area policies 7:7-9.2 through 7:7-9.15, above, the Project will minimize or avoid impacts on special water areas to the maximum extent practicable. The seabed will be backfilled to match existing contours following completion of pipeline installation, so impacts will be temporary (hours to days for suspended sediment plumes) or short term (one to three years for complete benthic community recovery). Transco expects the Project to have insignificant effects on overall fish and benthic community populations, given the area of sediment disturbance (approximately 68 acres, of which approximately 17 acres are in New Jersey), which is a small fraction of the available habitat in the adjacent waterbodies. Further, Transco will mitigate unavoidable impacts on shellfisheries resources as discussed under Rule 7:7-9.3.

As discussed under Special Water's Edge Area Rules 7:7-9.16 through 7:7-9.30, above, the Project will minimize or avoid impacts on special water's edge areas to the maximum extent practicable, primarily by using HDD crossing methods, as well as by implementing the Transco Plan and Transco Procedures. Any disturbance of these resources will be temporary and/or insignificant. While onshore excavation/trenching will occur within or adjacent to some wetlands in the New Jersey coastal zone, dredging will not occur within 10 feet of any wetlands.

Based in part on the discussion under Rule 7:7-9.39, above, Transco does not expect the Project to affect groundwater quality. Transco performed hydrodynamic sediment modeling to confirm the ability of the Project to adhere to New Jersey SWQSs (N.J.A.C. 7:9B). See Rule 7:7-16.3, below, for further discussion of potential Project effects on surface water quality and potential BMPs to minimize Project-related offshore turbidity. Also see the discussion under Rule 7:7-16.2 regarding potential species-related construction timing restrictions.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the New Dredging Rule.

### 7:7-12.9 DREDGE MATERIAL DISPOSAL

*Dredged material disposal is the discharge of sediments removed during dredging operations in water areas. Dredged material disposal does not include the beneficial use of dredged material for the purposes of habitat creation, restoration, or enhancement, artificial reef construction, or the establishment of living shorelines.*

Transco intends to dispose of all dredged material in accordance with its approved dredged material management plan.

Transco will use supplemental backfill material from a compatible offshore source, acquired from a vendor to restore the seabed to surrounding (ambient) contours. As described in **Section 5.2, Part III** of the **Environmental Report**, selected material will be predominantly sandy and have only a limited amount of silt and clay, which will help ensure stability and minimize deposition outside of the target backfill area. Transco has been advised that enough suitable material can be commercially obtained from Ambrose Channel seaward of the Raritan Bay Loop to fulfill all Project needs for offshore supplemental backfill. Transco expects the material from the Ambrose Channel to be HARS-suitable and requests the NJDEP's concurrence that no further testing for contaminants is necessary.

Transco conducted the sampling campaign for the characterization of dredge material for an upland disposal facility in October and November 2018. Upon completion, results of this effort were provided to local upland disposal facilities for review. In October 2025 Donjon Marine Co. Inc., Bayshore Recycling Corp, Bethlehem Landfill, Pioneer Crossing Landfill, and White Pines Landfill Corporation provided a letter of acceptance for the expected dredged materials from the construction of the Raritan Bay Loop as part of the NESE Project (see **Environmental Report Appendix K**). Transco intends to contact these disposal facilities to confirm their availability for receiving any dredged material. These facility approvals were conditional upon final evaluation of the material after it has been dredged. See **Environmental Report Appendix H** for the Sediment Sampling and Analysis Plan (SSAP) specific to this sampling campaign, **Appendix I** for results of the 2018 sampling and analysis effort, and **Environmental Report Appendix K** for copies of correspondence with these facilities.

Sediments from sections of the offshore route that would potentially be excavated by clamshell dredge were evaluated to determine suitability for in-water placement according to federal and state guidelines based on grain size characteristics and bulk sediment chemistry results from Transco's late 2016 sediment survey. See **Environmental Report Appendix J** for the results of the 2016 survey results. Transco compared these results to corresponding characteristics of material from nearby federal maintenance dredging projects that were tested for suitability at the HARS since 2000. Transco considers material from specific "dredge prisms" suitable for in-water placement and submitted a request to the USACE for approval to dispose of this material at the HARS. On December 10, 2025, the USACE issued a combined permit (Permit No. NAN-2016-00908) that included Section 103 authorization for the disposition of approximately 800,000 cubic yards (CY) of dredged material for offshore placement in a federally designated ocean placement site . The material will be transported by ocean-going barges for placement at the HARS in the Atlantic Ocean for the purpose of remediation.

The HARS request will also identify proposed clamshell-dredging areas with material that is not expected to meet criteria for in-water placement. Transco plans to dispose of this material at a suitable facility in accordance with any applicable permit requirements. Transco will consult with the NJDEP, NYSDEC and the USACE to determine if beneficial use options exist for clamshell-dredge sediment not meeting in-water placement criteria.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Dredged Material Disposal Rule.

### 7:7-12.12 MOORING

*A boat mooring is a temporary or permanently fixed or floating anchored facility in a water body for the purpose of attaching a boat. Temporary or permanent boat mooring areas are conditionally acceptable provided:*

1. *There is a demonstrated need that cannot be satisfied by existing facilities;*
2. *Adverse environmental impacts are minimized to the maximum extent practicable; and*
3. *The mooring area is adequately marked and is located so as not to hinder navigation. A hazard to navigation will apply to all potential impediments to navigation, including access to adjacent moorings, water areas, docks and piers.*

Transco will install temporary mooring piles (i.e., dolphin/fender piles) adjacent to the Ambrose Channel Crossing (MP29.40 and MP30.48) and adjacent to the offshore Morgan Shore HDD exit pit (MP12.59) to facilitate safe positioning of support vessels and barges during the HDD activities. The temporary piles will be installed using a vibratory hammer and/or impact hammer and removed using a vibratory device, as described in the discussion under Rule 7:7-9.5, above. The piles will be marked in accordance with USCG guidelines and will not hinder navigation.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Mooring Rule.

### 7:7-12.15 SUBMERGED PIPELINES

*Submerged pipelines (pipelines) are underwater pipelines which transmit liquids or gas, including crude oil, natural gas, water petroleum products or sewerage. Submerged pipelines are conditionally acceptable provided:*

1. *The pipelines are not sited within special areas, as defined at N.J.A.C. 7:7-9, unless no prudent and feasible alternate route exists;*
2. *Directional drilling is used unless it is demonstrated that the use of directional drilling is not feasible;*
3. *The pipeline is buried to a sufficient depth to avoid exposure or hazard;*
4. *All trenches are backfilled to preconstruction depth with naturally occurring sediment; and*
5. *The proposed development has been designed to minimize impacts to the water area.*

A portion of the Madison Loop and the majority of the Raritan Bay Loop within the New Jersey coastal zone will be submerged pipeline. The pipeline loops in the coastal zone will consist of three HDD crossings of waterbodies, including the Lockwood Marina (MP11.49 to MP11.84), the Morgan Shore Approach (MP12.00 to MP12.50), and Ambrose Channel (MP29.52 to MP30.40). The remaining sections of the pipeline will be installed by conventional methods because it is not feasible to use HDD to install the entire 23.33-mile offshore pipeline. Offshore, the pipeline will be externally coated with concrete-weight coating and generally buried to a minimum depth of 4 feet below the seafloor, consistent with USDOT requirements and in accordance with any USACE permit conditions. If Transco cannot achieve the required burial depth, e.g., at the Neptune Cable crossing near offshore MP13.88, then equivalent protection will be provided by covering the pipeline with concrete mattresses (or similar layering). Following construction, all areas will be backfilled to match existing (ambient) contours.

Some of the conventionally installed offshore pipeline will cross special areas, defined at N.J.A.C. 7:7-9, as discussed under Subchapter 9, above. However, no prudent or feasible alternative route exists. More specifically, the Madison Loop is 100% co-located with an existing pipeline ROW. Furthermore, Transco considered various route alternatives for the offshore pipeline facilities, outlined in Resource Report 10 of Transco's application for a FERC Certificate Public Convenience and Necessity, the 404(b)(1) analysis in Transco's application for a USACE permit, and in the Alternatives Analysis included as **Appendix C** of the **Environmental Report**.

Transco evaluated alternatives to determine whether the Project's purpose and need could be met while avoiding or minimizing potential adverse environmental impacts to the greatest extent practicable. Transco identified eight routing alternatives, including seven offshore and one predominantly onshore alternative. Each alternative was developed to either take advantage of existing infrastructure, avoid specific environmental resources or engineering constraints either identified by Transco or resource agencies, or optimize crossings of existing navigation channels. These considerations were also used to evaluate the alternatives and determine the route that minimizes logistical and engineering constraints, environmental constraints, and conflicts with other marine uses/users. These considerations included the location of anchorage areas, submarine cables and other utility infrastructure, navigation channels, ocean conditions, geological hazards and mapped obstructions, shellfish beds, and marine users. The current Project route was also developed in consultation with agencies such as the USCG Harbor Safety Navigation and Operations Committee Energy Subcommittee, USACE, USCG, NYSDEC, and NJDEP. Any impacts on special areas, including strategies to minimize those impacts, are discussed under specific rules of Subchapter 9, above.

Transco has selected a suite of offshore construction methods for the Raritan Bay Loop to complement the site-specific conditions located along the pipeline route, with particular focus on installation efficiency, minimization of sediment disturbance in conjunction with site-specific burial depth requirements, and future success of facility operations. As discussed in Section 3.0, Part III of the Environmental Report, the approach of expanding the areas for HDD installation was determined to be infeasible early in the evaluation of installation methodologies, not only from a construction feasibility standpoint, but also (and more importantly) due to the marked increase in duration of in-water construction and additional ecosystem impacts. Therefore, Transco chose installation methods that reflect the least amount of environmental impacts and the shortest duration of time for in-water construction overall.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Submerged Pipelines Rule.

# 6.0 SUBCHAPTER 14 – GENERAL LOCATIONS RULES

## 7:7-14.1 RULE ON LOCATION OF LINEAR DEVELOPMENT

*A linear development shall comply with the specific location rules to determine the most acceptable route, to the maximum extent practicable. If part of the proposed alignment of a linear development is found to be unacceptable under the specific location rules, that alignment (perhaps not the least possible distance) may nonetheless be acceptable, provided the following conditions are met:*

1. *There is no prudent or feasible alternative alignment which would have less impact on sensitive areas and marine fish or fisheries as defined at N.J.A.C. 7:7-16.2;*
2. *There will be no permanent or long-term loss of unique or irreplaceable areas;*
3. *Appropriate measures will be used to mitigate adverse environmental impacts to the maximum extent feasible, such as restoration of disturbed vegetation, habitats, and land and water features; and*
4. *The alignment is located on or in existing transportation corridors and alignments, to the maximum extent practicable.*

As discussed under Rule 7:7-12.15, above, Transco has selected the most acceptable route through the New Jersey coastal zone; there is no prudent or feasible alternative alignment that would have less impact on sensitive areas and marine fish or fisheries. Furthermore, there will be no permanent or long-term loss of unique or irreplaceable areas as a result of the project. Impacts on special areas and strategies to minimize these impacts, such as the use of HDD for certain crossings, are described under rules in Subchapter 9, above. Impacts on coastal resources and strategies to minimize those impacts are described under Subchapter 7:7-16. Mitigation is discussed under Subchapter 7:7-17.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Location of Linear Development Rule.

## 7:7-14.2 BASIC LOCATION RULE

*A location may be acceptable for development under N.J.A.C. 7:7-9, 12, 13 and 14, but the NJDEP may reject or conditionally approve the proposed development as reasonably necessary to promote the public health, safety and welfare; protect public and private property, wildlife and marine fisheries; and preserve, protect and enhance the natural environment.*

The overriding consideration in siting the Madison Loop and Raritan Bay Loop was ensuring protection of public health, safety, and welfare, as well as the environment. Other considerations included regulatory compliance, environmental constraints, engineering design feasibility, and construction feasibility. Accounting for these factors, Transco identified a route for the Madison Loop that avoids or minimizes impacts on resources of environmental concern (e.g., streams, wetlands, and sensitive species habitats) to the maximum extent practicable, particularly by co-locating with existing pipeline ROW. Transco also sited onshore construction workspaces within previously disturbed areas (e.g., existing pipeline ROWs and/or other previously cleared areas), to the extent practicable, to avoid or minimize impacts on sensitive resources. Further, Transco considered input from agencies such as the USCG and the USACE in selecting an offshore route that largely avoids currently designated offshore anchorage areas, which would have required greater burial depth (and therefore greater sediment disturbance). Other specifics regarding how the components of the proposed Project within the New Jersey coastal zone would (a) promote health and safety, (b) protect property, and (c) protect and preserve fish, wildlife, and the natural environment are discussed under other policies throughout this Coastal Zone Consistency Assessment.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Basic Location Rule.

## 7:7-14.3 SECONDARY IMPACTS

*Secondary impacts are the effects of additional development likely to be constructed as a result of the approval of a particular proposal. Secondary impacts can also include traffic increases, increased recreational demand, and any other offsite impacts generated by onsite activities that affect the site and surrounding region. Coastal development that induces further development shall demonstrate, to the maximum extent practicable, that the secondary impacts of the development will satisfy the Coastal Zone Management rules. The Department may restrict*

*coastal development from connecting to an approved infrastructure in order to prevent adverse impacts to special areas and to protect and preserve coastal resources.*

Because the Project's incremental gas supply is expected to be fully subscribed by National Grid for its New York market, this Project is not expected to have any long-term secondary impacts such as increased development, traffic increases, or increased recreational demand in New Jersey. The Project serves the region, including New Jersey, by assisting New York City in the phase-out of fuel oil, which will reduce nitrogen oxides, sulfur dioxide, and carbon emissions. By ensuring the availability and reliability of natural gas for the New York Market, the Project will provide the flexibility and affordability needed to bridge the gap as the growing renewable energy market in the region develops.

As noted above, the Project will indirectly benefit the State by adding facilities which increase the overall reliability of existing energy infrastructure and have economic benefits to the State and local communities. Transco will retire NOx Emission Reduction Credits which, following completion of temporary construction activities, will perpetually offset by more than 25 times the ongoing operational NOx potential to emit each year at Compressor Station 206.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Secondary Impacts Rule.

## 7.0 SUBCHAPTER 15 – USE

Use rules are rules and conditions applicable to particular kinds of development within the coastal zone which affect the coastal resources. Use rules do not preempt location rules which restrict development, unless specifically stated.

### 7:7-15.4 ENERGY FACILITY

*Energy facilities include facilities, plants or operations for the production, conversion, exploration, development, distribution, extraction, processing or stage of energy or fossil fuels. Energy facilities also include onshore support bases and marine terminals. The Rule provides standards relevant to siting of new energy facilities, including all associated development. The Rule provides standards relevant to Outer Continental Shelf oil and gas exploration, onshore support bases, platform fabrication yards and module construction, repair and maintenance facilities, pipe coating yards, pipelines, gas separation and dehydration facilities, etc.*

The Energy Facility Use Rule, Subsection 15 of the Coastal Zone Management Rules N.J.A.C. 7:7, (i) describes standards relevant to pipelines and associated facilities. While the Project is not directly associated with bringing natural gas ashore from offshore wells, Transco acknowledges that the proposed Project pipeline may be considered an energy facility under Rule 7:7-15.4. The proposed pipeline route will cross several special areas defined in Subchapter 9 of N.J.A.C. 7:7 and marine fish and fisheries areas defined at Rule 7:7-16.2. Transco has sited the route to minimize impacts on these resource areas to the maximum extent practicable. Considering construction methods, amount of sediment disturbance, and anticipated construction timelines, the Project will not result in adverse impacts on the identified resource areas, as addressed under Transco's previous rule discussions for Subchapter 9 and Rule 7:7-16.2. This includes consideration for mitigation where appropriate, e.g., for shellfish habitat (Rule 7:7-9.2), such that significant unavoidable impacts will be appropriately compensated.

The Project is not located in the Coastal Area Facility Review Act Zone, nor is it located in the Western Ocean, Southern, Mullica Southern Ocean, Great Egg Harbor River, or Delaware Estuary regions, as defined at N.J.A.C. 7:7-13.6(d). Public access is addressed in accordance with the lands and waters subject to public trust rights rule and the public access rule, as addressed under Rules 7:7-9.48, above, and 7:7-16.9, below. The scenic and visual qualities of coastal areas will be maintained as important public resources in the siting and construction of the Project, as addressed Rule 7:7-16.10, below.

The Project construction and operation is not expected to result in a net loss of employment in New Jersey since it will not obstruct or interfere with residential or business access in the coastal zone, except for temporary detours and increases in traffic congestion around active construction sites that will affect some onshore commuters or offshore vessel users, as addressed under Rule 7:7-16.12, below. The Project-related activities in New Jersey to install both the

Madison Loop and Raritan Bay Loop, which cross the New Jersey coastal zone, will create 2,400 union jobs and generate $240 million in additional economic activity. The Project would generate additional employment in New Jersey for construction of facilities outside the coastal zone.

The proposed pipeline is conditionally acceptable under this rule because it adds a single new corridor that is necessary to satisfy the Project's purpose and need, and the pipeline corridor has been co-located with existing pipeline ROWs to the maximum extent practicable. The pipeline does not originate from or terminate at the outer continental shelf.

The proposed pipeline route has been sited through coastal waters to avoid the following features to the maximum extent feasible: offshore munitions, chemical and waste disposal areas (see discussion under 7:7-9.39), heavily used waterways (see discussion under 7:7-9.7), geological faults (see discussion under 7:7-9.32), wetlands (see discussion under 7:7-9.27), and significant fish or shellfish habitats (see discussion under 7:7-9.2, 7:7-9.5, 7:7-9.36, and 7:7-16.2). The pipeline will be buried to depths prescribed by the USACE, which will be sufficient to minimize exposure by scouring, ship groundings, anchors, fishing and clamming, and other potential obstacles on the sea floor. Transco will conduct trenching operations in accordance with applicable federal regulations, consistent with all pending permits and authorizations from federal regulatory agencies, including FERC and the USACE.

During construction, Transco will use visual, sound, and vegetative buffers to appropriately minimize disturbances to adjacent communities. See the discussion under Rule 7:7-9.38 for a summary of how the Project may temporarily affect aesthetics of the surrounding public areas. Onshore, the majority of the pipeline facilities in the coastal zone will be buried beneath the ground and the area will be revegetated as appropriate, and all offshore facilities will be buried beneath the seafloor, such that no significant noise or visual impacts will occur during Project operation.

Consistency Finding: Considering the statements above, Transco concludes that the Project complies with the Energy Facility Use Rule.

## 8.0 SUBCHAPTER 16 – RESOURCE RULES

Resource rules set the standards the NJDEP uses to analyze the proposed development in terms of its effect on various resources within coastal zones.

### 7:7-16.2 MARINE FISH AND FISHERIES

*Marine fish are marine and estuarine animals other than marine mammals and birds. Any activity that would adversely impact marine fish, including reproductive, spawning and migratory patterns, or species abundance or diversity is discouraged. The construction of submerged cables and pipelines and mining of sand and gravel to obtain material for beach nourishment are conditionally acceptable.*

Construction of submerged portions of the Madison Loop and Raritan Bay Loop is conditionally acceptable with this rule because the Project complies with the appropriate general water area rules, discussed under Subchapter 12, above.

Fishery resources crossed by the Project include finfish and benthic invertebrates (including shellfish). Finfish are harvested both commercially and recreationally in the Project area. Descriptions of the marine fish and fisheries in the Project area, anticipated impacts, and measures to minimize or avoid those impacts are discussed under Special Area Rules 7:7-9.2 through 7:7-9.5 and 7:7-9.36, above.

Following pipeline installation, Transco will restore offshore construction workspaces to match existing (ambient) contours. Transco anticipates that permanent loss of soft-bottom habitat may occur at locations where concrete mattresses are installed over the pipeline; however, these locations will be limited to cable crossings. Additionally, the toe ends of the concrete mattresses will be buried to a minimum depth of 3 feet below the seafloor, such that bottom-tending gear (e.g., clam dredges) is expected to slide over the mattresses. All other offshore Project facilities will be buried a minimum of 4 feet below the seafloor and are not expected to directly interfere with fishing gear. While the pipeline will be backfilled with a minimum 4 feet of cover, uneven seafloor conditions may persist through one or more fishing seasons. The pipeline route will be added to NOAA nautical charts, so dredge/trawl fishing vessels that might be affected by rough seafloor conditions will be aware of the route and can avoid it at their discretion. The route was

sited to avoid highly dynamic areas of erosion, e.g., near the Sandy Hook Peninsula, so Transco does not expect the offshore pipeline to be exposed in a manner that would adversely affect fishing equipment. In New Jersey waters, however, the NJDEP indicates that certain shellfish harvesting activities may be avoided within a buffer around the installed pipeline as a safety precaution (Normant 2017). Any effective loss of fishing grounds due to the presence of the buried pipeline facilities will be mitigated appropriately in coordination with the NJDEP. Reduction of trawling/harvesting along the pipeline corridor could also help promote and sustain recovery of the benthic community in the affected area.

Transco has committed to no dredging in waters shallower than 20 feet or within a 500-foot buffer of the 20-foot MLLW contour (winter flounder avoidance areas) during the winter flounder TOY restriction (December 15 through May 31) to protect winter flounder spawning, eggs and larvae. However, in a November 9, 2018 meeting, the NOAA Fisheries and NYSDEC indicated to Transco they would be willing to allow backfilling activities in the winter flounder avoidance areas to continue from December 15 to January 1. During a December 13, 2018 conference call, NYSDEC staff further indicated that if Transco is unable to complete backfilling activities by January 1, they were agreeable to leaving portions of the trench partially backfilled during the remainder of the winter flounder TOY restriction. In a March 11, 2019 submission to FERC and Transco, the NJDEP ENSP concurred with the winter flounder TOY restriction flexibility granted by NOAA Fisheries and NYSDEC. Therefore, Transco plans to backfill as necessary in the winter flounder avoidance areas until January 1, but no backfilling will take place in these areas from January 1 through May 31. Best management practices to limit turbidity during backfilling between December 15 and January 1 will include releasing the backfill material below the sea surface, approximately 5 feet above the seafloor.

At this time, Transco commits to adhering to the TOY restriction in New Jersey waters for blue crab (December 15 through May 31), with the flexibility to perform backfilling and reinstatement activities through December 10 at the Ambrose HDD east and west pits (MP30.4 and MP29.5), approved by NJDEP in correspondence dated February 7, 2019. Allowance of this activity during the blue crab timing restriction would minimize the overall duration of construction and cap the HDD pits with sand to restore the habitat prior to the subsequent blue crab and winter flounder TOY restriction periods (through May 31). At the recommendation of the NJDEP Bureau of Marine Fisheries (BMF), Transco also commits to notifying crab fishermen at least 30 days in advance of construction activities during the blue crab timing restriction. A similar notice will be provided to harvest permit holders. This will allow the commercial harvesters sufficient time to harvest the affected areas in advance of construction if they choose.

Recognizing that noise impacts to sensitive species is an ongoing concern with regulatory agencies, Transco has conducted additional underwater acoustic noise modeling for impacts associated with pile driving and use of a vibratory hammer. See N.J.A.C. 7:7-9.36 above for further discussion of acoustic noise modeling impacts and **Appendix F** for the noise modeling memos.

The results of Transco's Project-specific sediment modeling results for TSS and deposition indicate that the Project will not adversely affect marine fish and fisheries (see Rules 7:7-9.2, 7:7-9.3, 7:7-9.5, and 7:7-9.36, above, for further discussion of potential Project effects on marine fish and fisheries).

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Marine Fish and Fisheries Rule.

### 7:7-16.3 WATER QUALITY

*Coastal development which would violate the Federal Clean Water Act, or State laws, rules and regulations enacted or promulgated thereto is prohibited. In accordance with N.J.A.C. 7:15 regarding Water Quality Management Planning and Implementation process, coastal development that is inconsistent with an approved Water Quality Management (208) Plan under the New Jersey Water Quality Planning Act (N.J.S.A. 58:11A-1 et seq) is prohibited.*

Project construction will affect water quality, as described below. However, Transco will minimize the generation of turbidity and the resuspension of contaminants to the maximum extent practicable and in a manner that meets applicable

Surface Water Quality Standards specified in N.J.A.C. 7:9B, accounting for any NJDEP-approved compliance monitoring criteria. As a requirement for the Project, Transco will obtain and adhere to a Water Quality Certificate from the NJDEP pursuant to Section 401 of the federal Clean Water Act. As such, the proposed Project will not violate the Clean Water Act, or New Jersey laws, rules, and regulations enacted or promulgated pursuant to the act.

## PROJECT EFFECTS ON WATER QUALITY

**Turbidity:** Trenching and other substrate-disturbing activities have the potential to adversely impact water quality from re-suspension and deposition of sediments resulting in increased turbidities. General, localized effects of turbidity on water quality could include reduced light penetration (and corresponding primary production of aquatic plants, algae, and phytoplankton), increased biological and chemical concentrations in the dredge area, and lower dissolved oxygen concentrations (resulting in a temporary displacement of motile organisms or stress and reduction in numbers to sessile benthic organisms within the affected area).

The extent and longevity of turbidity is partly dependent on sediment type and size. Coarse sediment (i.e., sand and gravel) will fall out and re-settle quickly. Finer sediments could remain suspended for longer periods of time, although large concentrations of silt and clay present in dredge-related plumes tend to flocculate in marine waters and settle at faster rates than dispersed particles (Smith and Friedrichs 2011). Publicly available databases indicate that the majority of the offshore route crosses substrate in the Atlantic Ocean and Lower New York Bay that is primarily fine to coarse sand, including a mixed sand/gravel seabed northeast of Ambrose Channel (Mecray et al. 2003; USGS 2005). The remainder of the route in Raritan Bay crosses a mixture of sand, silt, and clay. Transco conducted sediment sampling in late 2016 to determine sediment types along the proposed Raritan Bay Loop route. Sediment grab samples confirm that the Raritan Bay Loop route crosses primarily sandy surficial sediments in Lower New York Bay and the Atlantic Ocean, with a higher proportion of fine sediments (i.e., silt and clay) in Raritan Bay.

Turbidity also depends on ambient currents and the longevity (and rate) of sediment disturbance activities. Circulation within Raritan Bay and the New York–New Jersey Harbor estuary is driven by tides with predominant semi-diurnal variability but is also affected by the Hudson and Raritan Rivers' freshwater outflow and surface winds (Gopalakrishnan and Blumberg 2011). In 2009, Transco measured ocean current speeds near the Rockaway Transfer Point that were up to approximately 2 knots (3.3 feet per second using an Acoustic Doppler Current Profiler. In comparison, a depth-averaged maximum velocity of 1.6 feet per second was modeled for a one-year return interval storm at a site along the Raritan Bay Loop route in Raritan Bay south of Raritan Channel and Staten Island (approximate MP16.60) (HDR 2016).

Sediment disturbance activities will occur during construction of the offshore pipeline, which is expected to last up to nine months. Within that timeframe, construction activities may take place 24 hours a day, seven days a week, weather and sea conditions permitting. However, excavation at any given location along the route will generally be limited to periods as short as a few hours and as long as a few weeks. Considering sediment type, the strength of the currents in the offshore Project area, and the duration and rate of sediment-disturbing activities, ambient turbidity conditions are expected to return shortly following completion of each proposed offshore excavation activity. This assessment is based in part on monitoring of several dredging events associated with recent deepening of the New York–New Jersey Harbor. In particular, turbidity plumes generated during the harbor-dredging activities dissipated to ambient conditions within 656 feet in the upper water column and within 2,625 feet in the lower water column, even when dredging sediments were predominantly silt and clay (50% to 95%) (USACE 2015b). Moreover, numerical modeling for the RDL project predicted that sediment plumes generated seaward of the Rockaway Peninsula would disperse within 5 hours of excavation, which may generally reflect conditions that can be expected during Project construction at the Rockaway Transfer Point. However, water quality monitoring during RDL construction in 2014 and 2015 indicated that the modeling results were generally conservative (i.e., overestimated). Therefore, only localized and temporary impacts on water quality are expected.

As described above, Transco used hydrodynamic sediment modeling to evaluate the potential effect of using advanced technology (i.e., jet trenching) and potential BMPs (i.e., an environmental bucket, reduction or restriction of scow

overflow, and reduced rate of backfill) in lieu of previously modeled scenarios for clamshell dredging with a conventional bucket, higher estimates for scow overflow, and faster backfill rates. As expected, the additional controls in the Addendum 2 scenarios led to reduced Project-related sediment plumes and associated sediment deposition compared to previously submitted clamshell dredging scenarios for the respective construction activities. For instance, in Addendum 1 Transco assumed a near-maximum historically documented sediment release to the water column for a clamshell dredge with a conventional (open) bucket and barge overflow (i.e., 10% loss). In Addendum 2 of the sediment modeling report, Transco reanalyzed dredging of HDD pits using a clamshell dredge with an environmental bucket (0.5% to 2.5% loss). These specific examples and additional numerical result comparisons for the corresponding scenarios are presented in **Table 7,** below.

Based in part on these results, Transco commits to using an environmental bucket for all Project-related offshore clamshell dredging activities. The restriction of all scow overflow will also reduce the amount of TSS and associated sedimentation. However, Transco will employ scow dewatering during clamshell dredging (i.e., discharge of decant water following a suitable holding period) to increase dredging efficiency and potentially shorten the duration of dredging. Such dewatering will be conducted in a manner that adheres to all NJDEP requirements for water quality, accounting for any permitted compliance monitoring criteria.

In the event turbidity measurements at compliance monitoring stations for scows discharging decant water are in exceedance of the thresholds outlined in the anticipated WFD permit and water quality certificate, Transco will consider increasing scow hold times or restricting all scow dewatering at a given work site as an adaptive management measure to bring construction activities back into compliance.

In Addendum 2 and 3, Transco reanalyzed two representative backfilling scenarios (i.e., those with the largest TSS plumes) using a reduced rate of backfill than previously modeled backfilling scenarios. For the original scenarios (Scenarios A-5 and A-9), Transco assumed a backfilling ("production") rate of 11,520 cubic feet per hour. In Addendum 2, Transco reanalyzed these two backfill scenarios using reduced backfilling rates that were based on contractor feedback as of January 2018 (i.e., 7,500 cubic feet per hour). In Addendum 3, Transco reanalyzed Scenario A-5 using a further reduced backfilling rate to evaluate whether implementing reasonably slower backfilling rates in the respective areas could effectively reduce resultant suspended sediment plumes to meet proposed compliance monitoring criteria.

For base-case modeled with a conventional clamshell bucket and scow overflow, adjusting construction methods to an environmental clamshell bucket with scow overflow reduced the distance of TSS plumes with concentrations exceeding the ambient conditions by 100 mg/L between 410 and 5,332 feet. Adjusting construction methods for these activities reduced the time for TSS concentrations to return to ambient conditions by 0.4 hour for Scenario A-2 (from Addendum 1). For base-case scenarios modeled with a conventional clamshell bucket and scow overflow, adjusting construction methods to an environmental clamshell bucket with no scow overflow eliminated TSS plumes with concentrations exceeding the ambient conditions by 100 mg/L. Adjusting construction methods for these activities reduced the time for TSS concentrations to return to ambient conditions by between 0.3 and 1.0 hour.

For backfill scenarios modeled with production rate of 11,250 $ft^3$/hr (i.e. Scenario A-5), adjusting production rates to 4,800 $ft^3$/hr (Scenario C-11) reduced the extent of TSS plumes with concentrations exceeding the ambient conditions by 100 mg/L by 1,853 feet. Adjusting construction methods for these activities reduced the time for TSS concentrations to return to ambient conditions by between 0.4 hours. The exception where reducing the production rate resulted in a larger maximum plume extent is the modeled scenario for backfilling of the Ambrose HDD pit (east). This is likely because the longer model duration (i.e., longer period of backfilling resulting from reduced backfilling rates) expose the modeled activity to a greater range of metocean conditions in an area subject to high current velocities. However, statistical analysis indicates that 99% of the time concentrations of 50 mg/L are not expected to extend more than 1,300 feet from the Ambrose HDD pit (east) during backfilling at 4,800 ft3/hr. This statistical analysis is provided in Table 3 of **Appendix L-4** of the **Environmental Report**. For a summary of sediment modeling scenarios most relevant to the currently proposed Project methodology, see **Table 15** in Part VI of this **Compliance Statement**.

## TABLE 7. COMPARISON OF TOTAL SUSPENDED SOLIDS AND SEDIMENTATION IMPACTS FROM BASE-CASE, ADDENDUM 1, ADDENDUM 2, AND ADDENDUM 3 MODELING SCENARIOS

| Location | Modeling Report, Modeled Scenario[a] | Construction Activity[b] | Equipment Type | Time for TSS to return to ambient (hrs) | Maximum distance of TSS Plume exceeding ambient by 100 mg/L (ft) | Maximum distance of deposition exceeding 3.0 cm [1.2 in] (ft) | Area of deposition exceeding 3.0 cm [1.2 in] (ac)[c] |
|---|---|---|---|---|---|---|---|
| MP12.50 – MP16.60 | Base Case, Scenario 2 | Pre-lay trenching between the Morgan HDD exit and the Midline tie-in (10% loss) | Conventional clamshell | 9.87 | 4,331 | 62 | 5.3 |
| | Addendum 2, Scenario B-1 | Pre-lay trenching between the Morgan HDD pit and the Midline tie-in (2.5% loss) | Environmental clamshell | 1.7 | 591 | 0 | 0.0 |
| | Addendum 2, Scenario B-2 | Pre-lay trenching between the Morgan HDD pit and the Midline tie-in (0.5% loss; no scow overflow) | Environmental clamshell | 0.4 | 0 | 0 | 0.0 |
| | Addendum 2, Scenario B-3 | Post-lay trenching between the Morgan HDD pit and the Midline tie-in (2 passes; 5% loss) | Jet trencher | 0.2 | 1,476 | 0 | 0.0 |
| (i) MP12.50 (ii) ~1,200 ft north of MP12.30 | Base Case, Scenario 1 | Excavation activities at Morgan Shore (10% loss) | Conventional clamshell | 3.33 | 1,099 | 154 | 0.9 |
| | Addendum 2, Scenario B-4 | Excavation activities at Morgan Shore (0.5% loss) | Environmental clamshell | 0.4 | 148 | 0 | 0.0 |
| MP29.52 | Base Case, Scenario 10 | Excavation of the Ambrose Channel HDD pit (West) (10% loss) | Conventional clamshell | 12.45 | 2,756 | 289 | 1.6 |
| | Addendum 2, Scenario B-7 | Excavation of the Ambrose Channel HDD pit (West) (2.5% loss) | Environmental clamshell | 1.1 | 0 | 0 | 0.0 |
| | Addendum 2, Scenario B-8 | Excavation of the Ambrose Channel HDD pit (West) (0.5% loss) | Environmental clamshell | 0.0 | 0 | 0 | 0.0 |
| MP30.40 | Base Case, Scenario 11 | Excavation of the Ambrose Channel HDD pit (East) and tie-in (10% loss) | Conventional clamshell | 1.97 | 0 | 256 | 2.9 |
| | Addendum 2, Scenario B-9 | Excavation at the Ambrose HDD pit (East) and Ambrose Channel tie-in (2.5% loss) | Environmental clamshell | 0.0 | 0 | 187 | 1.4 |
| MP12.50 – MP16.60 | Addendum 1, Scenario A-5 | Backfilling of trench between Morgan HDD exit and the Midline tie-in (11,250 $ft^3$/hr) | Clamshell [d] | 1.5 | 2,444 | 381 | 158.7 |
| | Addendum 2, Scenario B-21 | Backfilling of trench between Morgan HDD exit and the Midline tie-in (7,500 $ft^3$/hr) | Clamshell [d] | 1.2 | 1,329 | 282 | 161.5 |
| | Addendum 3, Scenario C-11 | Backfilling of trench between Morgan HDD exit and the Midline tie-in (4,800 $ft^3$/hr) | Clamshell [d] | 1.1 | 591 | 266 | 183.2 |
| MP29.52 | Addendum 1, Scenario A-9 | Backfilling of Ambrose Channel HDD exit pit (West) (11,250 $ft^3$/hr) | Clamshell [d] | 3.3 | 1,952 | 525 | 5.1 |
| | Addendum 2, Scenario B-22 | Backfilling of Ambrose Channel HDD exit pit (West) (7,500 $ft^3$/hr) | Clamshell [d] | 1.3 | 1,526 | 499 | 5.1 |
| MP30.40 | Addendum 1, Scenario A-10 | Backfilling of Ambrose Channel HDD entry pit (East) and tie-in (11,250 $ft^3$/hr) | Clamshell [d] | 3.0 | 2,231 | 453 | 7.0 |
| | Addendum 3 Scenario C-13 | Backfilling of Ambrose HDD pit (East) and tie-in (4,800 $ft^3$/hr) | Clamshell [d] | 0.4 | 5,151 | 456 | 9.5 |

Notes:

[a] The modeling reports included in this table are the *Hydrodynamic and Sediment Transport Modeling Results: Base Case Simulations* ("Base Case"); *Hydrodynamic and Sediment Transport Modeling Results: Addendum 1* (Addendum 1); *Hydrodynamic and Sediment Transport Modeling Results: Addendum 2* (Addendum 2); and *Hydrodynamic and Sediment Transport Modeling Results: Addendum 3* (Addendum 3).

[b] All clamshell dredge pre-lay trenching and excavation rates assumed to be 11,250 cubic feet per hour.

[c] Potential areas of impact for these scenarios do not include areas of deposition within the bounds of navigational channels, as these areas are considered to be regularly disturbed.

[d] The type of clamshell dredge bucket was not specified in the model scenarios for backfilling because all material will be released regardless of bucket type.

Transco acknowledges that NJDEP can require a permittee to conduct water quality monitoring under N.J.A.C. 7:7-12.7. At this time, Transco commits to monitoring turbidity levels in site waters downcurrent of active offshore construction during the Project. Based on consultations with NJDEP in a January 6, 2020 meeting, Transco anticipates that the NJDEP WFD permit and water quality certificate will require that turbidity measurements at compliance monitoring locations are not more than 50% higher than the ambient turbidity measured at corresponding background monitoring locations. However, compliance measurements less than 3 NTUs above the background measurements will not be considered reportable exceedances to account for natural turbidity variability.

Transco has committed to implementing adaptive management methods such as adjusting dredging and/or jet trenching rates as necessary to ensure the Project adheres to water quality monitoring requirements outlined in the anticipated NJDEP WFD permit and water quality certificate. Transco may also employ a "slack-tide pause" as an adaptive management method, whereby dredging is paused for 1 hour during each slack-tide period (i.e., during peak high tide and low tide intervals), particularly for activities where modeling indicated a slack-tide pause would be more practicable for controlling sediment plumes compared to further reductions in dredging rates. These potential measures will be identified in the construction plans. Transco will consider what other adaptive management procedures may be practicable and effective, such as adjusting the type and/or intensity of monitoring depending on the presence of contaminated material. Transco will consult with the NJDEP on appropriate adaptive management solutions, as warranted, if in-field monitoring indicates that construction activities may be causing an exceedance of a threshold identified in the WFD permit and water quality certificate.

For any backfill activities, material will be selected to be generally compatible with existing sediment but with a limited amount of fine-grained material (i.e., silt and clay) to help ensure stability and avoid excessive turbidity generation. As described above and in **Section 3.2, Part III** of the **Environmental Report**, authorized dredged materials from the Ambrose Channel (seaward of LNYBL) in New Jersey may be used for backfill. This material will be acquired from one or more existing commercial vendors that currently operate under active permits to dredge Ambrose Channel. Transco may also use clean, predominantly sandy material from a licensed upland quarry as supplemental backfill. Where excavation is completed using an environmental bucket, an additional measure to minimize turbidity will be taken during backfill activities by lowering the clamshell bucket below the water line before releasing any material. Transco evaluated whether a "tremie" tube would be an effective backfill tool to help reduce turbidity. Based on contractor feedback the effects of using tremie technology for backfilling activities would be like or greater than using a clamshell dredge. For instance, the use of the tremie tube is expected to generate a larger suspended sediment plume than the use of a clamshell dredge for similar backfilling rates. This is mainly because a tremie tube would likely be fixed to a barge in a manner that releases material at a height of more than 5 feet above the seafloor to prevent the tube from impacting the seafloor given highly variable wave and tide conditions in the offshore environment. In comparison, a clamshell dredge can release sediment at a height of 5 feet or less above the seafloor as a best management practice. Backfilling "production" rates would likely be slower using a tremie tube, i.e., roughly half the rate of using a clamshell dredge due to anticipated inefficiencies in the tremie conveyer system. A slower rate would likely reduce the extent of a suspended sediment plume, but a clamshell dredge backfilling rate can also be reduced, as warranted, to limit the concentrations of suspended sediments. Other measures such as silt curtains may be considered, but such measures may be ineffective and problematic to maintain in the open coastal waters along the Raritan Bay Loop route.

**Resuspended Contaminants:** Sediments within marine ecosystems can absorb and contain metals and other contaminants and function as final storage, making them potentially hazardous to the surrounding water (Burton 2002; Salomons and Brils 2004). If contaminants are undisturbed, they generally remain bound to the sediments; however, as contaminants become integrated within the sediments, biogeochemical transformations occur due to diagenetic reactions (Nguyen 2008). If contaminated sediments are resuspended in the water column, contaminated particles can be mobilized, which may result in shifts in pH, redoximorphic conditions, bacterial activities, and natural/artificial re-suspension (Nguyen 2008). The ability of sediments to absorb and retain contaminants, and the contaminants themselves, determines the type and extent of water quality impacts.

Substrate-disrupting construction activities such as those described above will cause sediments to become suspended, transported, and re-deposited downstream of prevailing currents, increasing nearby siltation and potentially re-suspending contaminated sediments. Dredging activities have the potential to release a high amount of hydrophobic organic contaminants and metals as the sediments are disturbed (Latimer et al. 1999; Olsen et al. 1982). As discussed above, most of the offshore route crosses substrate in the Atlantic Ocean and Lower New York Bay that consists primarily of fine to coarse sand. These sandy sediments are less likely to contain contaminants and will likely be re-deposited quickly near the excavated areas. A higher percentage of silt and clay found in substrate along the route in Raritan Bay is more likely to carry contaminants a greater distance from the dredging activity. However, as noted above, plumes can be expected to dissipate to ambient levels within approximately 656 feet (200 meters) and 2,625 feet (800 meters) in the upper and lower portions of the water column, respectively, even in areas with high levels (more than 50%) of silt and clay (USACE 2015b). These literature values are generally supported by Transco's Project-specific hydrodynamic sediment modeling. Thus, most material and undissolved contaminants will likely re-settle within this distance.

As discussed above, Transco conducted sediment sampling in late 2016 to obtain site-specific data regarding sediment composition, including contaminant levels. A full compilation of all sediment chemistry analyses, including original laboratory data sheets, is presented in the Project's Offshore Environmental Sampling Report (**Appendix J** of the **Environmental Report**). This information will be used to further develop the assessment of potential Project impacts and dredged material handling activities. Additionally, a more complete analysis of the anticipated fate of Project-related re-suspended contaminants, including the potential for ecological impacts from exposure of biological receptors to contaminants released during dredging/jetting activities associated with the offshore Raritan Bay Loop is provided in **Appendix L**.

Transco and NJDEP are aware of the presence of existing sediment contamination that exceeds ER-M values, indicating the potential for adverse effect on benthic communities. Additionally, Transco and NJDEP considered that there is an increased risk of SWQS exceedances for certain contaminants when dredging sediments with corresponding contaminant concentrations that exceed the ER-M thresholds ("ER-M sediments"), compared to non-ER-M sediments, assuming the dredging methods and ambient water conditions are the same. As a result, Transco proposed to implement several BMP when dredging ER-M sediments, such that no exceedance of SWQSs are anticipated, consistent with previous NJDEP-approved dredging projects in the vicinity such as the Bayonne Energy Center Project (NJDEP File No. 0901-08-0001.1 WFD 080002) and the U.S. Navy Earle Channel Dredging Project. These BMPs include the following:

- Use of HDD for the Morgan Shore crossing, which reduces disturbance of contaminated nearshore sediments.
- Use of an environmental bucket for all clamshell dredging in New Jersey waters .
- No side-casting of dredged material.
- No scow barge overflow (i.e., spillage); scow dewatering will occur only after an NJDEP-approved minimum holding period.
- Adjustment of dredging rate as necessary to provide reasonable assurance that SWQSs are being met.
- Implementation of a water quality monitoring plan, to be reviewed and approved by NJDEP prior to commencement of offshore construction (see Transco's Draft Water Quality Monitoring Plan for New Jersey Waters included as **Appendix M** of the **Environmental Report**).

Transco has conducted modeling of the contaminated parameters identified in NJDEP's Notice of Denial (dated June 5, 2019) to provide additional assurance that these BMPs will be sufficient to prevent exceedances of the SWQSs for chemical contaminants. Based on a June 6, 2019, conference call with NJDEP staff, Transco has evaluated the concentrations of these contaminants at a distance of 500 feet from the dredging activity in comparison to SWQSs in N.J.A.C. 7:9B. The results of this modeling effort (provided as **Appendix L** of the **Environmental Report** and discussed in further detail in **Section 10, Part IV** of the **Environmental Report**), coupled with the BMPs Transco has committed to implement and the implementation of a monitoring program during construction, support a conclusion

that there will be no adverse impacts to water quality due to resuspension of contaminants. In addition, any contaminant concentrations that are introduced into the water column will be localized, temporary and of short duration.

In response to challenges to the November 7, 2025 WQC, the U.S. Court of Appeals for the Third Circuit held that NJDEP's decision documents failed to explain (1) whether the CZM Rules permit temporary exceedances despite the requirement that water quality parameters 'shall meet' the applicable standards; (2) why 500 feet was the relevant boundary for contaminant review; and (3) how the Project would meet the human health criterion for 4,4'-DDE.

The Coastal Zone Management (CZM) Rules provide a state-law basis for short-term exceedances. Pursuant to the CZM Rules, NJDEP regulates and ensures avoidance and minimization of adverse impacts on water quality from "new dredging" by requiring permittees to implement best management practices (BMPs) and, where appropriate, water quality monitoring. The rules provide that new dredging for the installation of submerged pipelines "is conditionally acceptable provided the dredging complies with the conditions of [N.J.A.C. 7:7-12.7], the general water area rule specific to the project and the energy facility use rule, where applicable." N.J.A.C. 7:7-12.7(h). New dredging "shall" be conducted in accordance with Appendix G to the CZM Rules, which sets forth NJDEP's policies and procedures used to review permit applications for dredging activities in tidal waters. N.J.A.C. 7:7-12.7(b). Specifically, Appendix G describes various BMPs that may be required "to minimize the potential for, and magnitude of, adverse environmental impacts that could result from dredging operations." Appendix G at 11. These BMPs include, but are not limited to, the use of a closed clamshell with environmental bucket and dredging procedures such as maximizing the size of the "bite" of the clamshell and reducing the speed with which the clamshell is withdrawn from the water column. Id. In areas of contaminated sediments, NJDEP requires that there be no barge overflow, which limits the dispersal of contaminated sediments from the dredging site. Id.

In addition to complying with Appendix G, new dredging must show that "[t]urbidity concentrations (that is, suspended sediments) and other water quality parameters at, downstream, and upstream of the dredging site…shall meet applicable Surface Water Quality Standards at N.J.A.C. 7:9B." N.J.A.C. 7:7-12.7(c)10iii. NJDEP "may require permittee to conduct biological, physical, and chemical water quality monitoring before, during, and after dredging and disposal operations to ensure that water quality standards are not exceeded." Id. However, the CZM Rules provide that "[i]f predicted water quality parameters are likely to exceed Surface Water Quality Standards at N.J.A.C. 7:9B…., or if pre-dredging chemical analysis of dredged material, including surface water and ground water quality predictive analyses, reveals significant contamination, then the Department will work cooperatively with the applicant to fashion acceptable control measures and will impose seasonal restrictions…" N.J.A.C. 7:7-12.7(c)10(iv).

Importantly, "the [Clean Water Act] does not require that all criteria be met at the exact point where pollutants are discharged into receiving water prior to the mixing of such pollutants with the receiving water." And the plain text of the CZM Rules clearly contemplates that temporary exceedances during dredging operations within contaminated areas may be permitted, and that NJDEP will work with the applicant to develop acceptable control measures. N.J.A.C. 7:7-12.7(c)10(iv). This same language is used for the regulation of maintenance dredging and environmental dredging. Compare N.J.A.C. 7:7-12.7(c)10(iii) and (iv) with N.J.A.C. 7:7-12.6(c)3 and 4, and N.J.A.C. 7:7-12.8(b)2(i). This is important, because if these rules did not permit temporary exceedances in contaminated areas, it would be impossible to perform dredging that is necessary for projects such as maintaining federally authorized navigation channels in areas with elevated contaminants (e.g., the Raritan River and Seguine Point Bend) and remediating contaminated sites (e.g., the Raritan Bay Slag Superfund Site); such projects often apply the same type of clamshell dredging with an environmental bucket as is planned for the Transco's Project.

NJDEP's regulations acknowledge that temporary exceedances during dredging operations within contaminated areas may be permitted. However, as discussed below, Transco worked with NJDEP to develop control measures, i.e., BMPs, that ensure any potential exceedances are minor, short in duration, and limited to a relatively small, clearly defined area. The 500-foot modeling boundary represents the minimum distance necessary to allow for completion of dredging across all Project segments while achieving regulatory compliance, minimizing impacts to critical aquatic resources, and ensuring protection of the designated uses of the waterbody.

The proposed 500-foot compliance distance for contaminants is tied to Total Suspended Solids (TSS) modeling and anticipated turbidity levels, as well as a reasonable (uniform) approach based on construction methodology. For example, the clamshell dredging activities are predicted to generate TSS concentrations 50 mg/L above ambient conditions up to 443 feet from dredging locations. (See **Table 15, Select Summary Of Sediment Transport Simulation Results And Compliance Monitoring Considerations**). Moreover, 500 feet provides a safe operating distance between the dredging vessel and monitoring vessel.

Based on Transco's Project-specific contaminant modeling performed in 2019, dredging activities in areas of elevated contaminants are predicted to meet SWQSs at the proposed 500-foot compliance monitoring station, except for the human health criterion for 4,4'-DDE at two sites in Raritan Bay. In 2019, this parameter was modeled at a dredge rate of dredge of 7.500 cf/hr. More recently, Transco modeled 4,4'-DDE concentrations at a slower dredge rate of 4,800 cf/hr with a 1-hour "slack-tide pause" at each tidal phase peak/trough. The results for this slower scenario predicts maximum concentrations of 4,4'-DDE at the two sites will still exceed the human health criterion for 4,4'-DDE (i.e., 0.0009 and 0.0013 ug/L).

However, given the temporary nature of the dredging activity in the areas with elevated levels of 4,4'-DDE, the impaired nature of these waters, the NJDEP-approved control measures, and the fact that primary contact activities will not be taking place within the active construction zone, any Project-related elevation of contaminant concentrations in the water column during this brief period are not expected to result in impacts to human health.

The human health criteria are established to ensure that toxic substances in the State's waters do not reach levels that are harmful to humans and have been established in saline water due to fish consumption. See N.J.A.C. 7:9B-1.5(a)5. The criteria also aim to protect human and aquatic life by ensuring that toxic substances do not bioaccumulate to levels that would render them unfit for human consumption. See N.J.A.C. 7:9B-1.5(a)4. The human health criteria are not implicated by Transco's work in these areas since Raritan Bay is on the Section 303(d) list of impaired waters and is classified as prohibited for shellfish harvesting. See compliance statement for N.J.A.C. 7:7-9.2 Shellfish Habitat above. Furthermore, primary contact activities such as wading, swimming, diving, surfing, and water skiing will not occur in or near the offshore work areas during active construction given the distance of work areas at least 1,000 feet from shore and the measures Transco will take to direct marine users away from the active work areas. Lastly, dredging in the area with the highest concentrations of contaminants such as PCB and 4,4-DDE (i.e., between MP 12.5 and MP 12.75) would take only approximately 6.5 days to complete and, as set forth in Transco's application, suspended sediments are anticipated to return to ambient conditions in this area within 24 minutes after dredging ceases. See Transco's Env. Report, p. 93. Therefore, given the NJDEP-approved control measures, any Project-related elevation of contaminant concentrations in the water column during this brief period are not expected to result in impacts to human health, including significant bioaccumulation of contaminants in the tissue of fish that may pass through the area during the dredging activity.

Accordingly, consistent with the CZM Rules, the Project is compliant with applicable water quality standards notwithstanding minor and short-term exceedances of the human health criterion given the substantial control measures, i.e., implementation of best management practices, required by the Department.

As discussed under N.J.A.C. 7:7-12.7, above, Transco has prepared a Draft Water Quality Monitoring Plan for New Jersey Waters (**Appendix M** of the **Environmental Report**). This includes a provision for monitoring contaminants through collection and analysis of whole-water samples at sites with elevated sediment contaminant levels.

Transco has committed to implementing adaptive management methods such as adjusting dredging and/or jet trenching rates as necessary to ensure the Project adheres to water quality monitoring requirements outlined in the anticipated NJDEP WFD permit and water quality certificate. Transco may also employ a "slack-tide pause" as an adaptive management method, whereby dredging is paused for 1 hour during each slack-tide period (i.e., during peak high tide and low tide intervals), particularly for activities where modeling indicated a slack-tide pause would be more practicable for controlling sediment plumes compared to further reductions in dredging rates. These potential measures will be

identified in the construction plans. Transco will consider what other adaptive management procedures may be practicable and effective, such as adjusting the type and/or intensity of monitoring depending on the presence of contaminated material.

**HDD Fluid:** As previously discussed, (e.g., under Rule 7:7-9.15, above), Transco plans to use HDD methods during onshore construction. This crossing method will help avoid or minimize impacts on water quality within the waterbodies that are crossed. For the Lockwood Marina HDD crossing, the clay-based drilling fluid will be captured at the entry and exit pits and disposed of at an appropriate upland facility.

At the Morgan Shore Approach, much of the fluid will be captured at the onshore HDD entry pit, but approximately 9,931 cubic yards of HDD fluid and cuttings will be released into the offshore exit pit, which includes a 30% contingency volume to ensure that all materials can be contained within the HDD pit. At the Ambrose Channel Crossing, the eastern HDD pit will be able to accommodate approximately 32,450 cubic yards of material, and the western pit will be able to accommodate approximately 14,050 cubic yards of material, both of which include a 25% contingency volume. Theoretically, discharged drilling fluid could become entrained in the water column and spread down current, with a potential for ecological impacts on aquatic life occurring within this environment. While there is a potential for release of drilling fluid from the offshore HDD entry and exit pits, the likelihood of this occurring is low, as the density of seawater (64.2 pounds per cubic foot) is less than the density of the drilling fluid (generally ranging in density between 65 and 89 pounds per cubic foot). The drilling fluid would also thicken as it is mixed with cuttings from the borehole. Additionally, Transco expects that the bentonite materials will settle out at the bottom of the offshore excavation site because the basic (i.e., pH near 9) freshwater properties that would be used to maintain fluidity of the clay-based drilling fluid in the bore hole would change when it reaches the HDD exit pit and enters the saltwater environment (i.e., salinity greater than 3 parts per trillion), causing the clay to flocculate. Following completion of the HDD activities, the entry and exit pits will be mechanically backfilled (capped) with native or other compatible material.

For both onshore and offshore HDD methods, Transco will use water-based drilling fluids and will not use petroleum-based drilling fluid additives. Drilling fluid additives will be certified for use in drinking water (NSF 60/61)[18], unless otherwise approved by NJDEP. Transco will provide information on all HDD fluid additives to NJDEP for review and approval prior to use.

While HDD typically reduces impacts on a waterway compared with open-cut or dry crossing techniques, an inadvertent release of drilling fluid may substantially increase the turbidity of the waterway for a short time because of the high clay content of the water-based drilling fluids. In the event of an inadvertent release of drilling fluids, Transco would implement its Onshore HDD Contingency Plan or Offshore HDD Contingency Plan (**Appendix G** of the **Environmental Report**), as appropriate, to limit potential impacts of the release. Such measures include daily monitoring along the drill path and cleanup procedures to be used in the event of an inadvertent release.

**Operation:** Impacts on water quality from operation of the pipeline are not anticipated because the pipeline will be a closed system, and it will be buried with a minimum of 4 feet of cover (or equivalent concrete mats at cable and pipeline crossings) to isolate the pipeline from contact with the open water. Routine maintenance activities do not require sediment disturbance and, therefore, are not expected to impact water quality.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Water Quality Rule.

### 7:7-16.4 SURFACE WATER USE

*Surface water is water in lakes, ponds, streams, rivers, bogs, wetlands, bays, and ocean that is visible on land. Coastal development shall demonstrate that the anticipated surface water demand of the facility will not exceed the capacity, including phased planned increases, of the*

[18] NSF 60 and NSF 61 are public health standards designed to ensure that drinking water treatment chemicals and water system components do not introduce harmful contaminants into potable water.

*local potable water supply system or reserve capacity, and that construction of the facility will not cause unacceptable surface water disturbances, such as drawdown, bottom scour, or alteration of flow patterns.*

1. *Coastal development shall conform with all applicable Department and, in the Delaware River Area, Delaware River Basin Commission requirements for surface water diversions.*

The Project will primarily use surface water for HDD crossings and hydrostatic testing of the pipeline, as described below. Proposed surface water sources within the New Jersey coastal zone include municipal lines (e.g., hydrants) that may draw from surface reservoirs, Cheesequake Creek, and offshore waters (i.e., Raritan Bay, Lower New York Bay, and/or the Atlantic Ocean).

Within the coastal zone along the Madison Loop, freshwater will be used for the Lockwood Marina HDD. Following completion of the HDD, Transco will haul all HDD water off site and dispose of it in accordance with applicable regulations. When possible, freshwater for HDD crossings will be drawn from onshore municipal sources in accordance with any state or local withdrawal permits. If a direct connection (e.g., a hydrant) is not available onshore for the Lockwood Marina HDD or Morgan Shore Approach HDD, then water may be trucked to the site. A barge will likely be used to bring fresh water to the Ambrose Channel HDD site. See Rule 7:7-16.3, above, for a discussion of the drilling fluid that would be created using these water sources.

Transco will hydrostatically test the onshore pipeline segments in New Jersey in accordance with USDOT regulations, 49 CFR Part 192. The pipeline will be filled with water and maintained at a test pressure for 8 hours in compliance with Transco's engineering standards and applicable federal regulations. Transco proposes to use 462,000 gallons of water to hydrostatically test the Madison Loop in accordance with applicable permits. Transco will hydrostatically test the Madison Loop in its entirety in one segment. After the completion of a satisfactory test of the Madison Loop, Transco will discharge the water through a dewatering structure back to the withdrawal location in accordance with applicable permit conditions. The discharge rate of the test water will be regulated using valves and energy-dissipation devices to reduce the potential for erosion.

To prevent potential transfer of non-native aquatic species between the test water source and surface waters at or adjacent to discharge sites during hydrostatic testing, Transco will treat discharge water, where necessary, to eradicate or neutralize nuisance non-native aquatic species. Water sources requiring treatment will be determined in consultation with the applicable regulatory agencies. Most non-native aquatic species can be prevented from entering the test water by using 0.25-inch mesh screens at intake locations; however, mesh screens will not adequately prevent contamination of test water by organisms smaller than 0.25 inch, including vegetation and pathogens, and water treatment may be required before discharge. Where test water treatment is necessary, an appropriate treatment method will be determined in consultation with the appropriate regulatory agencies.

Following testing, Transco will depressurize each test section and, if needed, direct water into a filter bag or other erosion control barrier. Treated water will be discharged into well-vegetated upland infiltration sites at discharge rates low enough to not affect waterbodies. If hydrostatic test water is discharged to upland areas, Transco will conduct activities in accordance with applicable regulatory requirements, including monitoring receiving waters for contaminants both before and after discharge. If discharging directly to receiving waters, Transco will use diffusers (energy diverters) to minimize the potential for stream scour.

Hydrostatic testing of the Raritan Bay Loop will involve flooding the pipeline with filtered seawater. A total of approximately 3,450,000 gallons of seawater will be used for all offshore hydrostatic testing and associated pipeline dewatering. A non-toxic fluorescent dye (Hydro Tag Clear), or equivalent, will be added to allow easier detection of any underwater pipe leaks during the test(s). If water is to remain in the pipeline for an extended period, Transco will evaluate the need to control internal corrosion by chemical treatment. In the event it is needed, Transco has selected CORRTREAT 15316 to use as the corrosion inhibitor based on the results of an analysis of the three options that indicated CORRTREAT 15316 to be both biodegradable and a better corrosion inhibitor than the other alternatives evaluated. The selected additives will be used at concentrations that do not cause adverse effects on the receiving

waterbody at the time of test water discharge, accounting for any permit-approved comp. Treatment and discharge of the hydrostatic test water will meet applicable NJDEP regulatory requirements. Transco has submitted an application to the NJDEP for a National Pollution Discharge Elimination System permit for offshore construction activities. No other additives are planned to be used during hydrostatic testing of the Raritan Bay Loop.

During testing, the seawater will be drawn from below the water line at a maximum depth of 10 feet (or approximately mid-depth in waters shallower than 20 feet), to minimize the entrainment of items floating near the surface and avoid disturbance of the seafloor.

Before pipeline commissioning, Transco will discharge the withdrawn water back into the ocean in accordance with any applicable permit requirements. The rate of discharge back into the ocean will be approximately 2,350 gallons per minute, and the rate will be regulated using valves and energy-dissipation devices. The exact location of discharge is to be determined by Transco in consultation with the contractor and according to any applicable permit requirements. A dewatering pig would be used to discharge the water from the pipe after the hydrostatic test. Swabbing chemicals/drying agents may be used during the dewatering process and, if used, would be disposed of in accordance with applicable regulatory requirements. Clean filtered, oil-free air also would be used for the displacement of dewatering pigs.

During discharge, the salinity of the test water would be similar to that of the receiving water, and the total volume of water required for the hydrostatic testing is a minor fraction of the total water available in the Raritan Bay, Lower New York Bay, and surrounding Atlantic Ocean. Therefore, the hydrostatic test water discharge is expected to have a negligible impact on offshore water quantity and quality.

Transco does not anticipate any significant water quality effects resulting from discharge of hydrostatic test water. New pipeline facilities will consist of new steel pipe, coated internally, that will be free of chemicals and lubricant, and Transco does not propose to use any chemical additives for drying or other purposes. Transco will consult with the NJDEP regarding hydrostatic test water withdrawal and discharge permits within the New Jersey coastal zone.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Surface Water Use Rule.

### 7:7-16.5 GROUNDWATER USE

*Groundwater is all water within the soil and subsurface strata that is not at the surface of the land. It includes water that is within the earth that supplies wells and springs. Coastal development shall demonstrate, to the maximum extent practicable, that the anticipated groundwater withdrawal demand of the development, alone and in conjunction with other groundwater diversions proposed or existing in the region, will not cause salinity intrusions into the groundwaters of the zone, will not degrade groundwater quality, will not significantly lower the water table or piezometric surface, or significantly decrease the base flow of adjacent water sources. Groundwater withdrawals shall not exceed the aquifer's safe yield.*

*Coastal development shall conform with all applicable Department and, in the Delaware River Basin, Delaware River Basin Commission requirements for groundwater withdrawal and water diversion rights.*

### PROJECT'S GROUNDWATER USE

Constructing the Project would require the use of water for hydrostatic testing, dust control, and the horizontal directional drilling (HDD) construction method. Approximately 462,000 gallons of water from Cheesequake Creek are anticipated to be required for hydrostatic testing activities associated with the Madison Loop.

Construction activities for the Madison Loop will require excavation dewatering along areas of the pipeline trench below the water table. As part of the permitting process, New Jersey Department of Environmental Protection (NJDEP) Water Allocation Permit applications (dewatering) have been submitted for activities within Old Bridge Township and Borough of Sayreville. Within the Borough of Sayreville, requested allocation is 17.5 million gallons per month at a maximum rate of 400 gallons per minute; and within Old Bridge Township requested allocation is 6 million gallons per month at a maximum rate of 150 gallons per minute. Transco provided information about the potential impacts of

dewatering activities on the groundwater in Construction Dewatering Assessment Technical Reports of Transco's NJDEP Water Allocation Permit Applications for the Madison Loop (dated June 2025).

Water requirements at existing or modified aboveground facilities would be minimal as none of the facility operations would require significant water use during normal operations.

### LOCAL AND STATEWIDE AQUIFERS

The Madison Loop and the onshore portion of the Raritan Bay Loop lie within the Cretaceous Potomac-Raritan-Magothy (PRM) aquifer system of the Northern New Jersey Coastal Plain (Herman et al. 1998). The PRM is divided into three individual aquifers, an upper, middle, and lower aquifer. Each aquifer in the PRM aquifer system is separated by a confining unit composed of silt and clay. In the vicinity of the Project area, however, the middle PRM aquifer directly overlies bedrock, and the lower PRM aquifer is not present (Zapecza 1989). **Table 8** identifies the major groundwater aquifers crossed by the Madison and Raritan Bay Loops.

**TABLE 8. MAJOR AQUIFERS CROSSED BY THE MADISON LOOP AND THE RARITAN BAY LOOP**

| FACILITY | AQUIFER TYPE | BEGIN MILEPOST | END MILEPOST | WATER DEPTH (FEET BGS) | TOTAL WELL DEPTH (FEET BGS) | WELL YIELD (GPM) |
|---|---|---|---|---|---|---|
| Madison Loop | Unconfined Potomac-Raritan-Magothy[a] | 8.57 | 12.00 | 17 - 109 | 21 -1,800 | 500 - 1,000 |
| Raritan Bay Loop (Onshore) | Unconfined Potomac-Raritan-Magothy[a] | 12.00 | 12.16 | 17 – 109 | 21 - 1,800 | 500 – 1,000 |
| Raritan Bay Loop (Offshore) | Unconfined Potomac-Raritan-Magothy[a, b] | 12.16 | 35.5 | 200 – 1,000 | N/A | N/A |

Sources: USGS 2003, 2013a, 2013b, 2013c; Fleeger et al. 2004; Ervin et al. 1994; Mulhall and Demicco 2004; Somerset County 2015; Source Group, Inc. 2016

[a] The upper portion of the Potomac-Raritan-Magothy (PRM) aquifer system is unconfined in the Project area where it outcrops, but becomes confined to the southeast, in the direction of dip (Ervin et al. 1994).

[b] Offshore extensions of geological formations associated with aquifers are not definitively mapped. The middle PRM aquifer may contain freshwater at the indicated levels beneath the offshore sediment surface.

Key: bgs = Below ground surface gpm = Gallons per minute

In the vicinity of the Project area, the upper aquifer is known as the Old Bridge aquifer, and the middle aquifer is known as the Farrington aquifer (EPA 2010; Masterson et al. 2015). The upper PRM aquifer (i.e., the Old Bridge aquifer) is associated with the Magothy Formation, which predominantly consists of fine- to coarse-grained quartz sand with organically rich clay throughout. The upper PRM aquifer is the most extensive unit of the PRM aquifer system and is more than 200 feet thick in the Raritan embayment, a tectonic feature centered in the Raritan Bay area (Pucci et al. 1994). Estimated withdrawals from the upper aquifer in the northern Coastal Plain were approximately 42 million gallons per day (mgd) in 1986 (Pucci et al. 1994) while estimated withdrawals from the middle aquifer in the northern Coastal Plain were approximately 22 mgd in 1986 (Pucci et al. 1994).

Groundwater withdrawals from the PRM aquifer system have resulted in water-level declines of 1.5 to 2.5 feet per year from 1966 to 1976. The reduction in water levels has caused a reversal in the direction of groundwater flow in the Old Bridge aquifer. Prior to development, freshwater in the aquifer flowed into Raritan Bay; however, saltwater is now flowing inland from the submerged outcrop of the upper PRM aquifer (i.e., the unconfined portion of the aquifer) beneath the Raritan Bay. As a result, the submerged portion of the upper PRM formation beneath Raritan Bay is saline with no freshwater inputs from terrestrial sources (EPA 2010) and is unsuitable for consumption. Recharge to the aquifers is restricted due to confining layers between each of the aquifer units. Principal water-flow through the aquifers

is lateral, from outcrop areas to lowland discharge points. Water also moves vertically from overlying and underlying aquifers by leakage across confining units. Other than water flowing in from outcrop areas in the northwest, the aquifer system does not receive direct recharge by precipitation, nor does it discharge water by evapotranspiration (Trapp and Horn 1997).

The PRM aquifer system is the major source of groundwater supply in the northern Coastal Plain of New Jersey (Pucci et al. 1994). The majority of the water withdrawn from the aquifer system near the Madison Loop and onshore portion of the Raritan Bay Loop is for public supply use and originates from the middle PRM (Farrington) aquifer. Fresh groundwater withdrawal in the area of the Madison Loop and onshore portion of the Raritan Bay Loop ranges from 5 to 20 mgd. The hydrochemistry of the groundwater near the Madison Bay Loop and onshore portion of the Raritan Bay Loop is variable in composition; however, the concentration of dissolved solids in the regional aquifer generally decreases to the north (Trapp and Horn 1997).

Approximately 4.38 miles of Sole Source Aquifers (SSAs) will be crossed by the Project in New Jersey. Potential impacts on SSAs may occur as a result of the construction of the New Jersey Project facilities. At stream and wetland crossings and areas with shallow groundwater within the New Jersey Coastal Plain Aquifer System and the New Jersey Fifteen Basin Aquifers, excavation activities could intersect an SSA stream flow source zone or recharge zone. Potential impacts on SSAs include increased turbidity, particularly resulting from HDD activities, and contamination in the event of equipment fuel spills during the construction and post-construction restoration phases of the Project. However, implementation of the Transco Procedures will minimize the potential for turbidity and contamination and associated impacts on SSAs. As such, it is expected that the Project will have negligible impacts on SSAs.

### PUBLIC AND PRIVATE WATER SUPPLY WELLS AND SPRINGS

Groundwater and surface water resources are used for public and private water supplies throughout the Project area (Pennsylvania, New York and New Jersey) although groundwater is the primary source of drinking water across the Project as a whole. Transco obtained information on public wells and springs located within 150 feet of construction right-of-way (ROW). Information sources included correspondence with the Pennsylvania Department of Environmental Protection (PADEP) and the NJDEP.

Public water systems are those with 15 or more service connections or that serve at least 25 people. These water systems, which may be publicly or privately owned, are subdivided into community and non-community systems. Community systems serve a residential population while non-community systems serve a transient population. A transient non-community water system is one that serves people year-round for at least 60 days of the year but does not serve the same individuals during that one-year period. Examples include rest stop areas, restaurants, and motels. A non-community non-transient system serves at least 25 of the same people over a period of six months during the year. Examples include schools, factories, and office buildings (N.J.A.C. [New Jersey Administrative Code] 2011a and PADEP 2001a).

Transco has determined that no public or private wells or springs exist within 150 feet of Project workspaces on the Madison Loop and Raritan Bay Loop. Within the Old Bridge Township portion of the Madison Loop, the well search results indicated eight (8) potential supply wells (two industrial wells and six domestic wells) within ¼-mile of the Project. Within the Borough of Sayreville portion of the Madison Loop, the well search results indicated six (6) potential supply wells (two community water supply wells and four domestic wells) within ¼-mile of the Project. The locations of three additional community water supply wells were reported beyond the ¼-mile buffer of the Project. It should be noted that five (5) water supply wells that were identified have been inactive since 2005, based on a review of public water allocation reports.

The Construction Dewatering Analysis, provided as part of the NJDEP Water Allocation Permit Application, suggests that the pumping radius of influence may extend between approximately 50 to 200-ft from specific excavation segments. In general, however, due to the short-term nature of dewatering, the actual radius of influence will be less. Based on Transco's current construction schedule, groundwater dewatering will be performed for not more than 2 days at any

given 100-ft construction segment, with longer dewatering likely at some of the indicated stream and road crossings. Dewatering of the excavation segments will be completed to a depth of generally not more than 6-ft below the anticipated groundwater surface. The groundwater that will be affected by the proposed dewatering will be either localized, perched water-bearing zones in the vicinity of streams or wetlands, or water stored in low-lying estuarine or laterally extensive alluvial units, or the regionally saturated aquifer soils of the various Cretaceous unconsolidated units when the land surface is near the regional groundwater table.

### WELLHEAD AND AQUIFER PROTECTION AREAS

Wellhead protection areas (WHPAs) are mapped areas around a public water supply (PWS) well, established to prevent contamination of groundwater resources. Under a 1986 amendment to the Safe Drinking Water Act (SDWA), each state is required to develop and implement a wellhead protection program to identify the land and recharge areas contributing to public supply wells and prevent the contamination of drinking water supplies (EPA 2002a). In 1996, a SDWA amendment required the development of a broader-based Source Water Assessment Program, which includes an assessment of potential contamination of both groundwater and surface water through a watershed approach (EPA 2002b). States assess and delineate groundwater protection areas under a combination of these mandates. The SDWA requires each state to inform the EPA on how it will protect public water systems.

WHPAs in New Jersey are categorized based on the time of travel for a particle of groundwater to reach a well that is pumping at a steady rate. Tier 1 defines the area bounded by a line equivalent to a two-year time of travel. Tier 2 defines the area beyond Tier 1, bounded by a line equivalent to a 5-year time of travel, while Tier 3 defines an area beyond Tier 2, bounded by a line equivalent to a 12-year time of travel (Spayd and Johnson 2003).

A total of approximately 5,563 linear feet of WHPAs are crossed by the Project in New Jersey. **Table 9** summarizes total WHPAs occupied by the Project. Where WHPAs overlap, default is given to the WHPA with the higher priority (i.e., the shorter time of travel). Approximately 14.24 acres of construction ROW and 0.53 acre of operational ROW are located within WHPAs in New Jersey. The Raritan Bay Loop does not cross New York- or New Jersey-designated WHPAs and therefore it is not discussed in further detail.

The potential for contaminants to enter recharge zones of the WHPAs will be avoided and minimized to the extent practicable by implementing BMPs, including maintaining setback distances between construction and surface waters and wetlands as described in the Transco Procedures. Transco will prohibit refueling or storing fuel or other hazardous liquids within 200 feet of private drinking-water wells and within 400 feet of PWS wells and WHPAs. If any modifications to these setbacks are required, they will be requested as part of the FERC Implementation Plan for the Project. If necessary, Transco will coordinate with the applicable regulatory agencies to develop a mitigation plan to minimize the potential for impacts on WHPAs as a result of the Project.

**TABLE 9. WELLHEAD PROTECTION AREAS WITHIN 0.25 MILE OF THE MADISON LOOP**

| WHPA TIER | MILEPOST | CROSSING LENGTH | CONSTRUCTION | OPERATION (AC) |
|---|---|---|---|---|
| Tier 1 | 11.3-11.67 | 1,938 ft | 14.24 acres | 0.53 acres |
| Tier 2 | 11.09-11.3<br>11.67-11.83 | 1,966 ft | | |
| Tier 3 | 10.84-11.09<br>11.83-11.89 | 1,659 ft | | |

As described in the Construction Dewatering Assessment Technical Reports, the estimated radius of influence on groundwater resources from dewatering is less than 200 feet, which limits the potential impact of dewatering and associated changes in the groundwater flow paths within the WHPAs. Furthermore, the well search completed for the due diligence phase of the Project did not identify private or public water supply wells that are located within 50- to 200-ft estimated radius of influence for the Project. There is potential for groundwater recharge within the WHPAs to be affected, however, any effect would be short-term given the short duration of dewatering at any given time.

Through adherence to applicable plans and implementation of the BMPs as described above, impacts on WHPAs will be temporary or negligible.

### GROUNDWATER QUALITY AND HAZARDS

Transco obtained federal and state search reports from Environmental Data Resources, Inc., (EDR) to determine the presence and location of potential groundwater contamination near all proposed onshore pipeline facilities and new aboveground facilities in Pennsylvania and New Jersey. The search area for the EDR reports was based on a 2-mile radius extending from the centerline of the pipeline routes and from the compressor station property boundaries. Additional records were identified using the New Jersey Open Public Records Act database (NJDEP 2016a). **Table 10** provides a summary of the active sites with confirmed contamination identified within the 0.25-mile search radius of the Madison Loop and Raritan Bay Loop.

Groundwater quality in the aquifers of the New Jersey Coastal Plain is variable but has historically had no significant quantities of heavy metals, pesticides, organics, or coliform bacteria. Some localized areas have lower quality groundwater due to contamination incidents and naturally occurring low pH, which causes elevated concentrations of iron and magnesium that must be treated to be palatable. The groundwater quality is most variable in the shallower outcrop area of the New Jersey Coastal Plain aquifers since it is largely determined by local conditions at the land surface (EPA 2010).

An EDR Datamap™ Corridor Study for the Madison Loop (EDR 2016c) identified five active sites with confirmed contamination within 0.25-mile of the Madison Loop. These sites have contamination that have the potential to impact the groundwater in the vicinity of the Project facilities. In addition to the five sites identified by EDR, the New Jersey Open Public Records Act database identified the E.I. Dupont Denemours and Company property, located at 250 Cheesequake Road in Sayreville, New Jersey as a potential site for further investigation (NJDEP Site Remediation Program ID Number 008222) (NJDEP 2016a).

To prevent unexpected effects on groundwater resources, any excess groundwater generated during site development activities would be tested, handled, and disposed of in accordance with all applicable regulations and guidance and the Transco Materials Management Plan. If any contamination is discovered during construction, Transco would implement its Unanticipated Discovery of Contamination Plan, which describes general procedures that will be followed if malodorous soils with visible staining and/or groundwater with sheen are encountered at Project workspaces.

**TABLE 10. ACTIVE SITES WITH CONFIRMED CONTAMINATION WITHIN 0.25 MILES OF PROJECT WORKSPACES**

| Site Name | Nearest Milepost/ Site Address | Database(s) | Distance from Centerline (miles) | Direction from Workspace to Site | Workspace Upgradient or Downgradient of Site[A] | Site Identification Number |
|---|---|---|---|---|---|---|
| **Madison Loop** | | | | | | |
| Road Department Garage Area 3-1 | 9.50 | NJ Release, NJ Brownfields | <0.1 | North | Downgradient | NJDEP Site Remediation Program PI ID #012743 |
| Global Sanitary Landfill Superfund Site | 10.13 to 10.38 | NPL | <0.1 | South | Upgradient | EPA ID #NJD063160667 |
| Morgan Ordnance Depot | 11.10 | FUDS | 0.3 | North | Downgradient | FUDS #C02NJ0007 |
| 1788 Route 35 in Sayreville, NJ | 12.00 | SHWS/HIST HWS, New Jersey Release, New Jersey Spill | <0.1 | Northeast | Downgradient | NJDEP Site Remediation Program PI ID #026234 |
| Morgan Fire House* | 12.00 | SHWS/HIST HWS, New Jersey Release | <0.1 | South | Upgradient | NJDEP Site Remediation Program PI ID #003720 |
| **Raritan Bay Loop (Onshore)** | | | | | | |
| 1788 Route 35 in Sayreville, NJ | 12.00 | SHWS/HIST HWS, New Jersey Release, New Jersey Spill | <0.1 | North | Downgradient | NJDEP Site Remediation Program PI ID #026234 |
| Morgan Fire House* | 12.00 | SHWS/HIST HWS, New Jersey Release | 0.1 | Southwest | Upgradient | NJDEP Site Remediation Program PI ID #003720 |

Source: EDR 2016a, 2016b, 2016c; EcolSciences, Inc. 2016a, 2016b.

FUDS – Formerly Used Defense Sites.

New Jersey Brownfields – Brownfields sites are identified as former or current commercial or industrial use sites that are presently vacant or underutilized on which there is suspected to have been a discharge of contamination to the soil or groundwater at concentrations greater than the applicable cleanup criteria.

New Jersey Release – New Jersey Hazardous Material Release database is a record of the initial notification information reported to the NJDEP's Action Line.

New Jersey Spill – All HazMat known or unknown spills to the ground reported to the NJ DEP's Action Line.

NPL – National Priority List database, also known as EPA Superfund, is a subset of Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) and identifies over 1,200 sites for priority cleanup under the Superfund program.

SHWS/HIST HWS - State Hazardous Waste Sites/Historic Hazardous Waste Sites – Known Contaminated Sites in New Jersey database is a municipal listing of sites where contamination of soil and/or groundwater is confirmed at levels greater than the applicable cleanup criteria or standards.

[a] Transco evaluated contour lines from topographic maps to determine the difference in elevation from the workspace to the site to determine the likely flow path of groundwater (USGS 2017b).

* The Morgan Fire House is listed on both the NJDEP Active Sites with Confirmed Contamination list and the NJDEP Closed Sites with Remediated Contamination list. The site is included on the Known Contaminated Site list but is classified as no further action (restricted use) with an active deed notice in the NJDEP post-remediation group.

Key: N/A = Not applicable PI = Preferred Identification

As discussed in the Construction Dewatering Assessments, there is no potential for salt water intrusion into previously non-impacted groundwater resources during dewatering activities. In the Borough of Sayreville portion of the Project, the recent alluvial and Holocene estuarine deposits that occur adjacent to or along Cheesequake Creek or the Cheesequake Flats are already considered to be brackish in nature, as they are connected to the tidal system of the Raritan River estuary. However, the local recharge of brackish dewatering fluids (if any) must not occur onto lands or adjacent surface water bodies resources that would be adversely affected by the salinity of the recharged water. In the Old Bridge Township portion of the Project, the closest principal unit that shows signs of saltwater intrusion is the Raritan Farrington sand (Krf), which occurs underneath the Old Bridge sand (Kmo) and is separated from the Kmo by the thick confining unit of the Woodbridge Clay (Krw).

### SUMMARY OF GROUNDWATER EFFECTS AND MITIGATION

The proposed construction and dewatering activities could have a minor impact on groundwater resources. However, much of the potential impacts will be avoided or minimized by utilizing both standard and specialized construction techniques. Since there is an expectation that limited amounts of groundwater will be encountered during trenching, Transco will adhere to the requirements and conditions of the NJDEP Temporary Dewatering and Water Allocation permit, in addition to the Federal Energy Regulatory Commission (FERC) Upland Erosion Control, Revegetation, and Maintenance Plan and the Wetland and Waterbody Construction and Mitigation Procedures guidelines for all dewatering activities:

- The upper water-bearing unit could sustain minor effects from temporary changes in overland water flow or recharge caused by clearing and grading of the proposed Project areas. In addition, near surface soil compaction that may be caused by heavy construction vehicles has the potential to reduce the ability of soils to absorb water. These minor impacts will be localized, temporary and will not adversely affect groundwater resources in the Project vicinity.
- It is anticipated that construction dewatering will be necessary along a portion of the trenches, either as a result of controlling perched water table conditions or because the excavation base will be near or below the regional water table. The effects of the proposed temporary water withdrawal to manage water infiltration into the excavations are expected to be minor, as the construction activities will be typically completed over period of no more than a few days and the localized lowering of the water table will be temporary.
- In order to locally recharge the water-bearing units, Transco proposes to discharge the dewatering fluids (after removal of fines by a combination of installed filter fabric in the construction sumps and/or subsequent filtration via portable, skid-mounted cartridge filters) into well-vegetated upland areas, or into hay bale/dissipation structures in those areas where dense vegetation is absent. Any discharges would be in compliance with issued NJPDES Discharge Permits (which will be applied for and will be issued separately from the temporary dewatering permit).
- Several supply wells that have the potential to be sources of potable water are located within ¼-mile of the Project area and therefore have the potential to be affected by the construction activities. Transco's standard mitigation measure is to ensure that no construction equipment, vehicles, hazardous materials, chemicals, fuels, lubricating oils, or petroleum products will be parked, stored, or serviced within a 200-foot radius of any private wells, within a 400-foot radius of any municipal or community wells, or within 100-feet of any waterbody or wetlands, which is consistent with FERC guidelines.
- The construction activities and final land use of the Project are not anticipated to generate long-term degradation of the volume and quality of groundwater resources, as they do not involve conversion to a long-term land use that would threaten the quality of groundwater. Any inadvertent release of hazardous or non-permitted materials during the construction activities will be immediately contained and cleaned-up, in accordance with Transco's Construction Spill Plan.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Groundwater Use Rule.

### 7:7-16.6 STORMWATER MANAGEMENT

*If a project or activity meets the definition of "major development" at N.J.A.C. 7:8-1.2, then the project or activity shall comply with the Stormwater Management rules at N.J.A.C. 7:8.*

The Project meets the definition of "major development" at N.J.A.C. 7:8-1.2, and Transco has developed a corresponding storm water management plan for Compressor Station 206, which is located outside of the coastal zone. However, the portion of the Project within the New Jersey coastal zone is a linear development consisting of an underground utility line and, in accordance with N.J.A.C. 7:8-5.2(d)1, is exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements at N.J.A.C. 7:8-5.4 and 5.5.

Nonetheless, Transco will implement storm water management measures along the onshore portions of the Project within the New Jersey coastal zone during construction, as described below.

Following establishment and clearing of workspace boundaries, Transco will install temporary soil erosion- and sediment-control measures along the proposed construction ROWs, ATWS areas, access roads, and other work areas, as applicable, in accordance with the Transco Plan and Transco Procedures, which are included with Transco's application for a USACE permit. The BMPs presented in the Transco Plan and Transco Procedures, as well as those presented in Transco's applications for NJDEP permits, will minimize erosion of disturbed soils and prevent the transportation of sediment outside the construction ROWs, thus protecting adjacent environmentally sensitive areas such as wetlands and waterbodies. Temporary erosion- and sediment-control measures may include the use of temporary slope breakers, temporary trench plugs, sediment barriers, mulch, erosion-control matting, and/or temporary seeding.

Temporary erosion controls will be properly maintained throughout construction and reinstalled as necessary until they are replaced with permanent erosion controls or until restoration is complete. To ensure that appropriate erosion- and sediment-control measures are maintained until the construction workspace is fully stabilized, an environmental inspector will inspect all disturbed areas of the construction spreads (e.g., construction ROW and temporary contractor yards) that have not been permanently stabilized. Inspections will occur in accordance with the following schedule: (a) on a daily basis in areas of active construction, (b) on a weekly basis in areas with no construction or equipment operation, or (c) within 24 hours of a storm with 0.5 inches or more of rain.

After backfilling, Transco will grade disturbed areas to match surrounding contours. As appropriate, Transco will implement permanent erosion-control measures within the construction workspaces, including site-specific contouring, slope breakers, mulching, and reseeding to establish soil-holding vegetation. Transco will complete final grading, topsoil replacement, and installation of permanent erosion-control structures within 20 days of backfilling the trench and within 10 days in residential areas. If seasonal or other weather conditions prevent compliance with these timeframes, Transco will maintain temporary erosion control devices until the cleanup is completed.

Operation of the pipelines is not anticipated to result in any soil erosion. Transco's operations personnel will monitor the effectiveness of revegetation and permanent erosion control measures during routine inspections and maintenance of the facilities and pipeline ROWs. Transco will operate and maintain the proposed facilities and pipelines in compliance with USDOT regulations provided in 49 CFR Part 192, FERC guidance in 18 CFR 380.15, and the maintenance provisions of the Transco Plan and Procedures.

Consistency Finding: Considering the statements above, Transco concludes that the Project complies with the Stormwater Management Rule.

### 7:7-16.7 VEGETATION

*Vegetation is the plant life or total plant cover that is found at a specific area, whether indigenous or introduced by humans. Coastal development must preserve, to the maximum extent practicable, existing vegetation on a development site. Appropriate native coastal species should be planted whenever possible.*

Vegetation communities for the onshore portions of the Project, located in New Jersey, can be grouped into the broad categories of upland forest, open land, wetland, and developed lands. Offshore, the Raritan Bay Loop is not located in the vicinity of any currently documented SAV beds, as discussed under Rule 7:7-9.6, above. Transco will install the nearshore portion of the Raritan Bay Loop via HDD, thus avoiding areas where SAV could potentially be present.

### VEGETATION EFFECTS AND MITIGATION

Impacts on vegetation have been minimized as the onshore portion of the Project within the New Jersey coastal zone consists of looping, which will be co-located with Transco's existing pipeline facilities. Effects on vegetation from pipeline construction will be temporary disturbances from clearing the construction ROW. Per the Transco Plan, herbaceous areas will be restored by seeding the areas in accordance with written recommendations from the local soil conservation agency and/or landowner agreements, as applicable. Other than limiting tree growth within the permanent ROW, disturbed areas not maintained as permanent ROW will be allowed to return to pre-construction conditions.

During operation, Transco will maintain a permanent ROW for the Madison Loop, co-located with the existing Transco LNYBL pipeline. In accordance with the Transco Plan, maintenance within uplands and wetlands along the permanent ROW will include seasonal mowing of the ROW, following the timing restrictions outlined in the Transco Plan. Vegetation in upland areas of the permanent ROWs will be maintained as an herbaceous cover; maintenance in uplands will occur at a frequency of approximately one to three years. In wetlands, Transco will limit maintenance to a 10-foot-wide swath along the permanent ROW to facilitate route patrols and emergency access; maintenance in wetlands will occur approximately every year. Additionally, to maintain pipeline integrity, selective cutting and removal of trees may be required within the permanent ROW. Transco will apply herbicides, if needed, in accordance with manufacturer specifications and any applicable regulations to reduce spills or overspray.

The temporary construction ROW outside the permanent ROW will be allowed to revert to preconstruction land use/land cover, with no further vegetation maintenance by Transco.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Vegetation Rule.

## 7:7-16.8 AIR QUALITY

*The protection of air resources refers to the protection from air contaminants that injure human health, welfare or property, and the attainment and maintenance of State and Federal air quality goals and the prevention of degradation of current levels of air quality. Coastal development shall conform to all applicable State and Federal regulations, standards and guidelines and be consistent with the strategies of New Jersey's State Implementation Plan (SIP). See N.J.A.C. 7:27 and New Jersey SIP for ozone, particulate matter, sulfur dioxide, nitrogen dioxide, carbon monoxide, lead, and visibility. Coastal development shall be located and designed to take full advantage of existing or planned mass transportation infrastructures and shall be managed to promote mass transportational services, in accordance with the traffic rule, N.J.A.C. 7:7-16.12.*

Project construction will generate emissions of fugitive dust. Fugitive dust could result from land clearing, grading, excavation, and vehicle traffic on paved and unpaved roads. Transco will also develop and implement a Fugitive Dust Control Plan to control fugitive dust-generation based on a site-by-site and time-specific basis during periods when wind erosion and dust generation will occur or are probable. Fugitive dust emissions will be controlled primarily by limiting the area of earth to be disturbed and will be mitigated by spraying water to dampen the surfaces of dry work areas and/or by applying other approved dust suppressants as needed.

The use of construction vehicles and equipment will also generate air emissions during the construction period because construction vehicles and equipment will burn diesel fuel or gasoline. Offshore construction operations will involve using marine vessels of various types for pipe delivery, trenching, work crew transport, etc. These vessels will burn marine diesel fuel, resulting in emissions. Equipment and supplies will be delivered during this period, and some emissions will be attributable to on-road construction vehicles (e.g., light diesel and gasoline passenger trucks) used at the site and to vehicles driven by construction workers commuting to and from the Project work site. The air quality

effects of emissions from fugitive dust, construction vehicles, and equipment will be temporary because these emissions will occur only during construction.

The construction of the onshore portion of the Project may result in temporary effects on local ambient air quality. To minimize these effects, Transco and its contractors will employ the following practices, as necessary:

- Require contractors to meet all federal, state, and local air quality regulations and emission standards applicable to their equipment;
- Use low sulfur fuel in non-road construction equipment;
- Post idling limit signs at construction sites and limit idling of on-road and non-road construction equipment to three minutes or less;
- Where feasible and locally available, use construction equipment with engines meeting EPA Tier 4 non-road emission standards or best available emission control technology;
- Apply water or dust suppressants to disturbed areas, as necessary, to reduce vehicle traffic dust, as specified in the Fugitive Dust Control Plan;
- Assess designated truck routes that are designed to minimize effects on residential areas and sensitive receptors; use paved roads for construction vehicle traffic, wherever practical;
- Limit vehicle speeds as required to reduce dust generation;
- Respond promptly to any significant particulate emission concerns that occur during construction by evaluating the source of emissions; and
- Upon completion of construction activity, stabilize disturbed areas.

In addition to the general mitigation measures described above, pipeline construction for the Madison Loop, and the onshore portion of the Raritan Bay Loop are subject to General Conformity for emissions of nitrogen oxide. Mitigation would be required for the construction year in which nitrogen oxide emissions exceed General Conformity thresholds. Transco is in discussion with the NJDEP regarding these mitigation requirements for the onshore portion of the Project in New Jersey.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Air Quality Rule.

### 7:7-16.9 PUBLIC ACCESS

*Public access to the waterfront is the ability of the public to pass physically and visually to, from, and along tidal waterways and their shores and to use such shores, waterfronts and waters for activities such as navigation, fishing, and recreational activities including, but not limited to, swimming, sunbathing, surfing, sport diving, bird watching, walking, and boating. Public accessways and public access areas include streets, paths, trails, walkways, easements, paper streets, dune walkovers/walkways, piers and other rights-of way. No authorization or approval under this chapter shall be deemed to relinquish public rights of access to and use of lands and waters subject to public trust rights in accordance with N.J.A.C. 7:7-9.48. Further, no authorization or approval under this chapter shall be considered a Tidelands approval or shall exempt an applicant from the obligation to obtain a Tidelands approval, if needed.*

Under N.J.A.C. 7:7-16.9, the proposed activities are characterized as "new industrial or public development" because the Project includes development of areas not within the parcel containing the existing development. During Project construction, Transco will maintain all existing public access routes that cross Project workspace to and along tidal waterways and their shores, except when physical access to these areas will be restricted to protect public safety and welfare. No access restrictions are proposed following construction.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Public Access Rule.

### 7:7-16.10 SCENIC RESOURCES AND DESIGN

*Scenic resources include the views of the natural and/or built landscape. Large-scale elements of building and site design are defined as the elements that compose the developed landscape such as size, geometry, massing, height and bulk structures. New coastal development that is visually compatible with its surroundings in terms of building and site design, and enhances scenic resources is encouraged. New coastal development that is not visually compatible with existing scenic resources in terms of large-scale elements of building and site design is discouraged. In all areas, except the Northern Waterfront Region, the Delaware River Region and Atlantic City, new coastal development adjacent to a bay or ocean or bayfront or oceanfront, beach, dune or boardwalk and higher than 15 feet in height measured from the existing grade of the site or boardwalk shall comply requirement set forth under 7:7-16.10(d). Coastal development that modifies a historic structure on or eligible for inclusion on the New Jersey or National Register of Historic Places, is adjacent to a bay, ocean, bayfront or oceanfront, beach, dune, or boardwalk, and is higher than 15 feet in height measured from the existing grade of the site or boardwalk need not comply with :7-16.10(d). Federal, State, county, or municipal development projects which are located adjacent to a bay or ocean or bayfront or oceanfront, beach, dune, or boardwalk, and are greater than 15 feet in height measured from the existing grade of the site or boardwalk need not comply with the setback requirements provided that the development contains design elements that enhance physical or visual public access to the waterfront beyond that which would be afforded by strict compliance with (d)2 above and the development, as proposed, would remain in compliance with N.J.A.C. 7:7-9.48.*

Visual effects associated with onshore construction activities will result from the removal of vegetation during construction of the pipeline and aboveground facilities. Such clearing is most frequently seen where the pipeline parallels or crosses roads and where vegetation is removed between the ROWs and residences. Potential mitigation measures may be implemented along roadways and in residential areas in coordination with regulatory agencies and landowner agreements, as necessary.

Visual impacts are also often associated with recreation areas and waterways that are valued for their scenic quality. However, as the onshore pipeline facilities consist of looping, visual impacts will be minimized. During construction, temporary visual impacts from construction equipment and disturbed soil will occur. Additionally, some visual impacts are expected where the pipeline will be constructed via HDD. In areas where the HDD rigs are set up, the HDD entry and exit areas will be fenced and screened to reduce potential visual impacts. Other than the maintained ROW, the proposed pipelines associated with the Project will be located underground. The pipeline ROW will be maintained as it is currently, so in these areas, the proposed pipeline ROW will be consistent with existing conditions and have negligible additional visual impacts.

Visual impacts associated with the offshore portion of the Project will occur only during the offshore construction period. The barges and support vessels used in excavation and pipe-laying operations will be visible for a majority of the construction period but will typically be more than 0.25 miles away from the New Jersey shore, and no vessels will remain at any offshore location for more than approximately three months. Visual impacts associated with the temporary fixed platform will occur while the platform is in place for the HDD activities between June 2021 and August 2021. The platform will be 14 feet above MLLW. Visual impacts on residents and users of the Old Bridge Waterfront Park will be temporary, occurring only during the time that the offshore platform is present (approximately 50 days). As the platform will be stationary, it and its associated construction equipment will be notable to residents and visitors to the area, especially the crane. Due to the close distance to the New Jersey shoreline and wide variety of construction equipment, the offshore platform will have a moderate, but temporary visual impact on residents and visitors. All offshore facilities will be buried below the seafloor and will therefore not be visible during operation. Vessels will not be required during routine maintenance activities.

Therefore, no adverse, long-term impacts on visual resources are anticipated due to construction or operation of the Project.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Scenic Resources and Design Rule.

### 7:7-16.11 BUFFERS AND COMPATIBILITY OF USES

*Buffers are natural or man-made areas, structures, or objects that serve to separate distinct uses or areas. Compatibility of uses is the ability for uses to exist together without aesthetic or functional conflicts. Development shall be compatible with adjacent land uses to the maximum extent practicable.*

The Madison Loop is compatible with adjacent land use since it is 100% co-located with the existing Transco ROW. Following the completion of construction, all pipeline segments within the coastal zone, except for a small mainline valve, will be buried underground, and therefore will not impact the compatibility of other uses, onshore or within Raritan Bay. Specifically, the establishment of suitable buffers to avoid aesthetic or functional conflicts and facilitate compatibility with Special Areas (e.g., wetlands, endangered/threatened species and habitats, shellfish habitat, prime fishing areas, and navigation channels) are discussed under the rules of Subchapter 9, above, and are further supported by details provided throughout this Coastal Zone Consistency Assessment (i.e., compliance statement). This includes consideration of burial depth as a type of buffer.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Buffers and Compatibility of Uses Rule.

### 7:7-16.12 TRAFFIC

*Traffic is the movement of vehicles, pedestrians or ships along a route. Coastal development shall be designed, located and operated in a manner to cause the least possible disturbance to traffic systems.*

#### ONSHORE TRAFFIC

Construction of the Project may result in temporary effects on traffic in or near the onshore Project area. Construction activities associated with road crossings, ROW access points, and additional traffic generated by commuting construction workers and offshore transport and construction vessels could all affect local traffic flow and volume. Transco is developing a Traffic and Transportation Management Plan that prescribes procedures for avoiding or mitigating these impacts.

Major road crossings and most high-volume state and local road crossings may be constructed using conventional boring techniques. Roads and drives that are smaller and less frequently traveled, both paved and unpaved, typically will be crossed using an open trenching method. If an open cut crossing requires extensive construction, provisions will be made for detours and/or other traffic control measures to facilitate traffic flow during construction, including methods to maintain emergency vehicle access and school bus access to inhabited houses. Transco will apply for road crossing permits from appropriate state or local jurisdictions.

Throughout the construction phase of the Project, Transco will access the ROW primarily at public road crossings. In addition, Transco will construct permanent and temporary access roads to afford access to construction workspaces, taking into account safety and traffic congestion issues. Transco will contact local government authorities before specific traffic control measures or potential road closures are implemented.

A temporary increase in traffic may occur as construction workers commute to the Project sites and as equipment and materials are transported to the ROW. To minimize disruptions of traffic on local roads, large multi-lane highways will be used as much as practicable to transport heavy construction equipment and large deliveries of materials to the Project sites. Commuting construction workers will generate increased traffic volume in the Project area. However, most construction workers will commute during off-peak hours. If necessary, Transco will provide shuttle bus service from various off-site locations. When shuttle bus transportation is not practicable, workers will be encouraged to carpool to further reduce any potential effects on traffic flow or volume.

Once construction is complete, Transco's construction contractors will repair any damage to the roads that occurred as a direct result of pipeline construction, and roadways will be returned to their preconstruction condition. Negligible effects on traffic volume, traffic flow, rail service, or rail transport are expected to occur during operation of the Project.

### OFFSHORE TRAFFIC

Offshore pipeline construction may impact non-Project vessel traffic either by increasing the general level of traffic in the Project area waters or by discouraging transits through the portions of the offshore workspace where construction is underway. Installation of the Raritan Bay Loop will necessitate the use of several types of vessels, which can be characterized as either construction vessels (e.g., pipelay barges) or support vessels (e.g., tugs). During the construction period, there will be an average of approximately 20 active vessels, and the maximum number of vessels will remain below 40.

The presence of construction and support vessels will temporarily increase vessel traffic in Raritan Bay, Lower New York Bay, and the adjacent area of the Atlantic Ocean coincident with active construction areas in the workspace. In addition, traffic will increase temporarily in Arthur Kill and Kill Van Kull and the Upper New York Bay, as construction and support vessels navigate from the C&ME facility in Elizabeth, New Jersey, to destinations within the workspace. Approximately 40% of these vessels will use Arthur Kill and 60% will use Kill Van Kull. However, the construction and support vessels will constitute a negligible and temporary increase in the number of vessels currently operating in the busy New York–New Jersey Harbor waterbodies and adjacent bays.

Consistent with Transco's Offshore Safety Measures, transits through specific portions of the offshore temporary workspace where construction is underway will be discouraged at various times during the construction period, and non-Project vessels will be directed to alternate routes and through-crossings. However, only portions of the temporary workspace will be undergoing construction at any given time during the construction period. Thus, Transco proposes to employ 24-hour picket boats and tug boats, as necessary, along those active workspaces only, to discourage non-Project vessels from entering and to encourage them to use alternate routes. At night, the lighted perimeter buoys will clearly delineate the Project safety zone to alert any non-Project vessels that may be in the area.

The temporary fixed platform will be lighted appropriately to maintain safe navigation around it. As a potential obstruction to vessel traffic, the fixed platform will be roughly analogous to the lift boat, which was previously proposed to support Morgan Shore HDD construction. Picket boats will be present during construction to direct traffic away from active construction zones and associated structures, including the platform. Given the impermanence of the fixed platform, and mitigation measures requiring other vessels to be alerted of the presence of the fixed platform, the offshore platform impact on vessel traffic will be negligible. As stated, several mitigation measures will be utilized to minimize disruptions to navigation, including regularly updated local Notice to Mariners, marking and lighting of active construction zones, and picket boats directing non-Project-related vessel traffic. Given these measures and the brief duration of construction, impacts on vessel traffic from the surface tow will not be significant.

Traffic through Ambrose Channel, a high-use transit route into the Port of New York and New Jersey, will remain uninterrupted because Transco will use the HDD method to install the pipeline beneath the channel. Transco will closely coordinate with the USCG Waterways Management Coordinator to schedule construction across this channel and will publish construction times and locations in the local Notice to Mariners in advance of and throughout construction.

Leading up to and throughout the construction period, Transco will maintain regular communication with the USCG Waterways Management Coordinator and circulate information about work schedules and locations through the local Notice to Mariners, local newspapers, and posted notices in local marinas in and near the Project area. These measures will manage potential interference to transit times and routes during the temporary construction period so that construction impacts on vessel transits in the affected waterways will be negligible. Through consultation with the New Jersey Department of Transportation Office of Maritime Resources, Transco has identified stakeholders to include in outreach efforts relating to construction at the Morgan Shore Approach.

During operation, no effects on commercial shipping are anticipated. No transit restrictions will be enacted over the operational ROW associated with the pipeline, nor will Project-related vessels be required during routine maintenance inspections.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Traffic Rule.

### 7:7-16.14 Solid and Hazardous Waste

*Solid waste means any garbage, refuse, sludge or other waste material, including solid, liquid, semi-solid or contained gaseous material. A material is a solid waste if it is "disposed of" by being discharged, deposited, injected, dumped, spilled, leaked or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into ground or surface waters. Solid waste becomes a hazardous waste when it exhibits any of the characteristics which are specified in the Federal Regulations on Identification and Listing of Hazardous Waste (40 C.F.R. 261). The general characteristics of hazardous waste include, but are not limited to, characteristics of ignitibility, characteristics of corrosivity, characteristics of reactivity and characteristics of toxicity. Coastal development shall conform with all applicable State and Federal regulations, standards and guidelines for the handling and disposal of solid and hazardous wastes, including the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., the Solid Waste Management rules, N.J.A.C. 7:26, the Recycling rules, N.J.A.C. 7:26A, and the Hazardous Waste rules, N.J.A.C. 7:26G.*

Transco will manage any onshore solid or hazardous waste according to the Transco Plan. Additionally, Transco has developed a Spill Plan that describes measures that will be implemented by Transco personnel and contractors to prevent and, if necessary, control any inadvertent spill of hazardous materials that could affect the aquatic environment. The Transco Spill Plan is included with Transco's application for a USACE permit and will be updated with site-specific information before construction activities begin. After backfilling, Transco will properly dispose of any trash and debris remaining in the onshore workspaces. An incident report will be prepared for hazardous waste releases and submitted as soon as possible to applicable agencies, including the NJDEP.

Operational waste such as bilge and ballast waters, trash and debris, and sanitary and domestic waste will be generated by vessels associated with the Project. Project vessels will comply with all USCG requirements for the handling of marine debris and liquid wastes (e.g., MARPOL, Annex V, Pub. L. 100−220 (101 Stat. 1458)). No untreated sewage will be discharged from the Project's offshore work vessels. General trash will not be released into Project workspaces or overboard from work vessels. Large vessels (longer than 79 feet) would adhere to the provisions of the EPA Vessel General Permit for Discharges Incidental to the Normal Operation of Vessels, which specifies vessel effluent limits. All vessels associated with the Project will also comply with USCG requirements for the prevention and control of oil and fuel spills (MARPOL, Annex I, Pub. L. 96-478 (94 Stat. 2297)). Precautions such as continual monitoring of fuel transfer and use of spill kits will be employed. Disposal of any potential hazardous materials will also be conducted in accordance with the Transco Spill Plan.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project complies with the Solid and Hazardous Waste Rule.

## 9.0 SUBCHAPTER 17 – MITIGATION

### 7:7-17.2 General Mitigation requirements

*Mitigation shall be similar in type and location to the resource(s) lost or impacted and shall fully compensate for any ecological loss. The Department will consider proposals for out-of-kind mitigation provided the mitigation meets the goals and objective of this subchapter and would result in ecological functions and values equal to the ecological functions and values of the resource(s) prior to loss or impact. The Department shall not consider a mitigation proposal in determining whether to approve any application under this chapter. Mitigation is not required for certain types of development in intertidal or subtidal shallows, as provided at N.J.A.C. 7:7-9.15(i). Mitigation is not required for certain types of filling, as provided at N.J.A.C. 7:7-12.11(f). Mitigation under this subchapter is not required in cases where the Department determines that environmental impacts to the coastal resource(s) are de minimis and where the applicant demonstrates avoidance and minimization of impacts. Mitigation shall not be required as part of a permit for the construction of catwalks, piers, docks, landings, footbridges, and observation decks, provided that the applicant shows, to the satisfaction of the Department, that vehicles and equipment will not be placed on the wetlands in order to construct the structure(s) and that the structure(s) will comply with the requirements for recreational docks and piers at N.J.A.C. 7:7-12.5.*

As described above under N.J.A.C 7:7 16.3, Transco has selected construction techniques and incorporated BMPs to reduce turbidity resulting from offshore construction in New Jersey waters. Transco recognizes that the installation of the pipeline in Raritan Bay and Atlantic Ocean will result in temporary impacts to shellfish species within the bay, and to surf clam habitat areas near the mouth of the bay and in the Atlantic Ocean proper, where bait clam harvest is allowed under special permit to harvest in Prohibited waters. However, some Project impacts may result in mitigation for lost and impacted resources, and compensation may be required. Appropriate mitigation will be provided for unavoidable adverse impacts, such as impacts to shellfish beds or wetlands, pending further consultation with the NJDEP.

**Consistency Finding:** Considering the statements above, Transco concludes that the Project will comply with the rules pertaining to mitigation.

## 10.0 ADDITIONAL REQUIREMENTS SPECIFIC TO AN APPLICATION FOR AN INDIVIDUAL PERMIT (7:7-23.6)

*In addition to meeting the requirements at N.J.A.C. 7:7-23.2 and 23.4, an application for an individual permit shall include the following material, in the number and format specified in the appropriate application checklist:*

1. *A completed Property Owner Certification form.*

The signed Property Owner Certification form is included in ***Appendix A***.

2. *Documentation that public notice of the application has been provided in accordance with N.J.A.C. 7:7A-17.*

Proof of public notice documentation is provided in ***Appendix B***. Appendix B includes the Public Notice form, sample notification letter, newspaper notification, list of municipal and county officials to be notified, certified list of property owners and white certified mail receipts.

3. *The appropriate fee, set forth at N.J.A.C. 7:7-25.1.*

Fee calculations for all NJDEP permits required for this Project is outlined below. The appropriate fee has also been provided.

| PERMIT | FEE | ACREAGE OF IMPACT | ESTIMATE TOTAL FEE |
|---|---|---|---|
| Freshwater wetland or open water fill individual permit for any other activity | $5,000 plus $2,500 per acre of disturbed regulated area (or fraction thereof) | 3.315 (4) AC | $15,000 |
| Coastal wetlands individual permit for any other development | $3,000 per acre of wetlands to be disturbed (or fraction thereof) | 1.968 (2) AC | $6,000 |
| Waterfront development individual permit for any other development located waterward of the mean high water line | $3,000 per acre of water area impacted by the development (or fraction thereof) (fee cap $30,000) | 19.54 (20) AC | $30,000 |
| Waterfront development individual permit for a commercial, industrial, or public development located landward of the mean high water line | $3,000 per acre of the site (or fraction thereof) | 1 AC | $3,000 |
| Flood Hazard Individual Permit | $3,000 base fee + $1,000 per crossing of a regulated water | 9 crossings | $12,000 |
| Verification | $1,000 | | $1,000 |
| Stormwater Management Review | $3,000 base fee + $250 per acre per review of groundwater calculations, | 20.4 AC | $18,750 |

| | | | |
|---|---|---|---|
| | runoff quantity calculations and water quality calculations | | |
| **Total NJDEP Application Fees** | | **$85,750** | |

*4. Site plans, certified in accordance with N.J.A.C. 7:7-23.4(a), which include the existing features, existing and proposed topography and all proposed regulated activities.*

Proposed and existing conditions as well as all regulated activities are shown on the NJDEP Freshwater Wetland Permit Plans and Waterfront Development Plans.

*5. Color photographs depicting the existing site conditions and the location of the proposed disturbance.*

Site photographs are provided in ***Appendix D*** of the Environmental Report.

*6. An Environmental Impact Statement prepared in accordance with N.J.A.C. 7:7-23.6(b) including:*

*i. A narrative that describes the Project activities, existing site conditions, location of proposed regulated activities and anticipated impacts;*

An Environmental Report including the a detailed description of the Project, existing conditions, proposed regulated activities and proposed impacts is submitted under separate cover.

*ii. Discusses the applicability of the Coastal Zone Management rules to the proposed development, including a detailed statement of compliance with each rule applicable to the type of development proposed.*

The Project's compliance with the Coastal Zone Management Rules is provided in **Part III** of this report (Compliance Statement)

*7. Color copies of the tax map for the property, county road map and USGS quad map.*

The following figures are included Environmental Report: Tax Map (Appendix B), County Road Map (Figure 4) and USGS Quad Map (Figure 3).

*8. Calculations and analyses to demonstrate compliance with the requirement of the Stormwater Management Rules (N.J.A.C. 7:8).*

Information regarding the Project's compliance with the Stormwater Management Rules is included **in Part V** of this report (Compliance Statement). Pursuant to the New Jersey Stormwater Management Rules (N.J.A.C. 7:8-5.2(d)) construction of an underground utility line, provided that the disturbed areas are revegetated upon completion, are exempt from the regulations set by N.J.A.C. 7:8 for groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements.

Measures to address stormwater management for Compressor Station 206 have also been developed and are outlined in the Stormwater Management Report prepared by AECOM, dated November 2025 and included with this application submission (**Appendix E**). There should be no significant impacts to water quality during construction or following completion of the Project. Calculations and analyses to demonstrate compliance with the Stormwater Management Rules are included in the Stormwater Management Report. .

*9. Natural Heritage Program Letter including a Landscape Map report.*

A request for information regarding the threatened and endangered species within the vicinity of the project was submitted to the NJ NHP on May 6, 2025. Response letter for the Madison Loop and Raritan Bay (Onshore) Loop, dated June 3, 2025, Raritan Bay (Offshore) Loop, dated June 3, 2025, and Compressor Station 206, dated June 6, 2025, **Appendix A** of the **Environmental Report**. A copy of the previously obtained NJDEP, Office of Natural Lands Management Natural Heritage Database responses (dated July 8, 2019, and May 19, 2017) are provided in the **Environmental Report, Appendix A**. The Landscape Map is provided as **Figure 9** of the **Environmental Report**.

*10. For an activity that requires mitigation in accordance with N.J.A.C. 7:7, the applicant may submit a mitigation proposal as part of the application for the individual permit.*

The proposed Project is considered a smaller disturbance (i.e., <1.5 acres) as defined at NJAC 7:7A-11.9. The Project spans the two major drainage basins in WMA09 and WMA12 on the Madison Loop. Since 87% of the wetland impacts on the Madison Loop are located within WMA9, Transco understands that there is a compelling need to provide compensatory mitigation within WMA9. The compensatory mitigation hierarchy defined at NJAC 7:7A-11.10 provides some flexibility for applicants to consider credit purchase from mitigation banks, onsite mitigation, or mitigation projects within the watershed / drainage basin with Department consideration of size, habitat value, location and interaction with nearby resources. Transco will purchase wetland mitigation credits to satisfy the compensatory mitigation required for the project from existing NJDEP approved banks within WMA9 and in WMA12 as needed for the Madison Loop and in WMA 10 for the Compressor Station 206 portion of the project.

Through consultation with NJDEP (see Agency Correspondence, **Appendix A** of the **Environmental Report**) Transco has initially determined the number of FWW mitigation credits that must be purchased to satisfy the compensatory mitigation requirements for the project as it is currently proposed. Transco has already identified NJDEP approved mitigation banks with enough available FWW credits for purchase and has provided an initial deposit to the Cranbury Mitigation Bank which services both WMA 9 and WMA 10 to secure these required credits based on the initial set of impact calculations that have been submitted to the NJDEP to date. Although the Cranbury bank does not service WMA12, 87% of the total wetland impacts on the Madison Loop are located within WMA9 and 96% of the total project impacts are located in WMA9 and WMA10. The Cranbury Bank is also approved by NJDEP for the sale of Riparian Zone credits for the project.

No coastal wetland credits currently exist for purchase within WMA 9 or WMA 12 as compensatory mitigation for the proposed Madison Loop tidal wetland impacts associated with the project. Transco will request that the NJDEP allow the purchase of coastal wetland credits from an adjoining WMA if they are available and once the mitigation and restoration plans are approved by NJDEP and the final credit requirements are calculated for the project. As an alternative mitigation approach to coastal wetland impacts, Transco may request that a monetary contribution be made in lieu of a credit purchase if they are not available in another WMA that is acceptable to the NJDEP.

# PART IV. COMPLIANCE WITH FLOOD HAZARD AREA REQUIREMENTS

The purpose of the Flood Hazard Area Control Act (FHACA) (N.J.A.C. 7:13) Rules is to prevent/minimize damage to life and property from flooding caused by development within fluvial and tidal flood hazard areas, to preserve the quality of surface waters, and to protect the wildlife and vegetation that exist within and depend upon such areas for sustenance and habitat. Any action undertaken within a regulated area requires an approval in the form of a permit from the NJDEP if the activity includes or results in one or more of the following effects:

- The alteration of topography through excavation, grading and/or placement of fill;
- The clearing, cutting and/or removal of vegetation in a riparian zone;
- The creation of impervious surface;
- The storage of unsecured material;
- The construction, reconstruction, repair, alteration, enlargement, elevation, or removal of a structure; and
- The conversion of a building into a single-family home or duplex, multi-residence building, or critical building.

The purpose of this report is to detail and document that the Project will be compliant with the applicable rules of N.J.A.C. 7:13. In accordance with N.J.A.C. 7:13, a Flood Hazard Area (FHA) Individual Permit with verification are herein sought for the proposed project.

This Flood Hazard Area Permit application is being submitted specifically for the construction of the onshore facilities known as Madison Loop and Raritan Bay Loop in Old Bridge Township and Sayreville Borough, Middlesex County and the new Compressor Station 206 in Franklin Township, Somerset County, New Jersey.

- **Madison Loop:** Impacts to areas regulated under the New Jersey FHACA Rules will result along the Madison Loop portion of the Project for the installation of the 26-inch-diameter loop pipe and ancillary activities, including construction of access roads, staging areas, and other temporary workspace areas.
- **Raritan Bay Loop (onshore):** Currently, there are **no** impacts to areas regulated under the FHACA Rules for the Raritan Bay Loop located in Sayreville Borough, Middlesex County.
- **Compressor Station 206:** There are **no** impacts to areas regulated under the FHACA Rules by Compressor Station 206, however, because of the presence of Carters Brook adjacent to the Compressor Station 206 limits of disturbance, Transco is requesting **Flood Hazard Area verification** for the compressor station lot.

Portions of the proposed Madison Loop and Raritan Bay Loop, which are subject to the NJ Coastal Zone Management Rules at N.J.A.C. 7:7 (pursuant to NJ Waterfront Development Law), do not require authorization of a Flood Hazard Area Permit; however, are required to demonstrate compliance with the FHACA to obtain a Waterfront Development Permit to authorize regulated activities. A Waterfront Development Permit is being applied for concurrently with this application, and therefore, FHACA compliance of project elements within the NJ Waterfront Development Area are discussed herein. Engineering Report for Supplemental Stream Crossings associated with the Madison Loop, prepared by Paulus, Sokolowski and Sartor, LLC and dated June 2018, is included in **Appendix H**.

The proposed Compressor Station 206 will not result in the placement of any aboveground structure in or above the floodway, the placement of fill in a floodway, raising the ground elevation in a floodway, or the obstruction of the passage of floodwaters in a floodway. Please refer to the NJDEP Flood Hazard Area Verification Engineer's Report, prepared by Paulus, Sokolowski and Sartor, LLC (PS&S) and dated June 2025 (**Appendix I**). Measures to address stormwater management for Compressor Station 206 have been developed and are outlined in the Stormwater Management Report prepared by AECOM, dated November 2026 and included with this application as **Appendix E**. The Stormwater Management Report also reflects all changes and requests for additional information from NJDEP. See the attached Stormwater Management Report.

Twenty-one (21) waterways traversing or containing regulated features within the project are regulated by the New Jersey Flood Hazard Area Control Act Rules (the Rules) at N.J.A.C. 7:13 (**Table 11**). These regulated waters include Carters Brook (Compressor Station 206), Tennent Brook, Cheesequake Creek, Crossway Creek and Raritan Bay. FEMA Flood Insurance Rate Maps exist for most of the regulated waterways within the Project (**Appendix J**). NJDEP Delineation of Floodway and Flood Hazard Area Maps are included in **Appendix K**.

## 1.0 PROJECT VERTICAL DATUM

The vertical datum for this Project's survey is the North American Vertical Datum of 1988 (NAVD88). To convert from NAVD88 to the National Geodetic Vertical Datum of 1929 (NGVD29) within the Project, the following conversion can be used:

NGVD29 elevation (in feet) = NAVD88 elevation (in feet) + (+1.04) feet

This conversion factor was determined using the NGS Coordinate Conversion and Transformation Tool (NCAT) from the National Geodetic Survey.

## 2.0 PROPOSED FLOOD HAZARD AREA IMPACTS

All impacts to Flood Hazard Area are located within the Madison Loop. Impacts to Flood Hazard Area are not associated with the construction of Compressor Station 206. The proposed Project will result in temporary and permanent impacts to regulated and non-regulated (actively disturbed) riparian zone. All impacts to riparian zones are associated with the Madison Loop. The Project will result in approximately 1.6825 acres of permanent impacts including 0.7153 acres for construction of new pipeline and 0.9672 acre for construction access. Additionally, 1.8431 acres of actively disturbed areas will be temporary impacted by the Project..

**Table 12** provides a snapshot of the Project's compliance with applicable engineering-related FHA permit requirements, which are described in the subsequent sections. The Project has been designed to meet the applicable requirements of the Flood Hazard Area Control Act Rules.

## TABLE 11. REGULATED WATERWAYS WITHIN THE PROJECT ROW

| Watercourse ID | Watercourse Name | Milepost | Stream Type | Within Limit of Disturbance | Crossing Type | Surface Water Classification | Riparian Width | FEMA Delineated Study Area | NJDEP State Adopted Study Available | Regulated by F.H.A.C |
|---|---|---|---|---|---|---|---|---|---|---|
| **Compressor Station 206** | | | | | | | | | | |
| WW-T09-001 | UNT to Carters Brook | CS206 | Ephemeral | No | N/A | FW2-NT | 50 | No | No | Yes |
| WW-T09-002 | UNT to Carters Brook | CS206 | Perennial | No | N/A | FW2-NT | 50 | No | No | Yes |
| WW-T13-001 | UNT to Delaware and Raritan Canal | CS206 | Intermittent | No | N/A | FW2-NT | 50 | No | No | Yes |
| WW-T13-002 | UNT to Delaware and Raritan Canal | CS206 | Ephemeral | No | N/A | FW2-NT | 50 | No | No | Yes |
| WW-T13-003 | UNT to Delaware and Raritan Canal | CS206 | Perennial | No | N/A | FW2-NT | 50 | No | No | Yes |
| **Madison Loop** | | | | | | | | | | |
| WW-T01-001 | UNT to Tennent Brook | 8.61 | Intermittent | Yes | Dry Open Cut | FW2-NT | 50 | No | No | Yes |
| WW-T01-001A | UNT to Tennent Brook | 8.62 | Ephemeral | No | N/A (riparian only) | FW2-NT | 50 | No | No | Yes |
| WW-T01-002B | UNT to Tennent Brook | 8.76 | Ephemeral | Yes | HDD Temp. Workspace | FW2-NT | 50 | No | No | Yes |
| WW-T01-002A | UNT to Tennent Brook | 8.76A | Ephemeral | Yes | Bridge Equip. Crossing | FW2-NT | 50 | No | No | Yes |
| WW-T01-002 /WW-T15-001 | UNT to Tennent Brook | 8.76 | Intermittent | Yes | Bridge Equip. Crossing | FW2-NT | 50 | No | No | Yes |
| WW-T15-002 | UNT to Tennent Brook | 9.08 | Intermittent | Yes | HDD | FW2-NT | 50 | No | No | Yes |
| WW-T15-002A | UNT to Tennent Brook | 9.08 | Intermittent | Yes | HDD | FW2-NT | 50 | No | No | Yes |
| WW-T15-003 | UNT to Tennent Brook | 9.02 | Intermittent | Yes | HDD | FW2-NT | 50 | No | No | Yes |
| WW-T15-004 / WW-T15-004A | UNT to Tennent Brook | 9.21 | Intermittent | Yes | HDD | FW2-NT | 50 | No | No | Yes |
| WW-T15-004B | UNT to Tennent Brook | 9.26 | Intermittent | Yes | Bridge Equip. Crossing | FW2-NT | 50 | No | No | Yes |
| WW-T15-005 | UNT to Tennent Brook | 9.26 | Ephemeral | Yes | Bridge Equip. Crossing | FW2-NT | 50 | No | No | Yes |
| WW-T01-004 | UNT to Cheesequake Creek | 10.05 | Intermittent | Yes | Bridge Equip. Crossing | FW2-NT | 50 | Yes | No | Yes |
| WW-T01-003 | UNT to Cheesequake Creek | 10.72 | Intermittent | No | N/A | FW2-NT | 0 | Yes | Yes | Yes |
| WW-T07-001 | UNT to Cheesequake Creek | 11.36 | Perennial | No | N/A (riparian only | SE1 | 150 | Yes | Yes | Yes |
| WW-RS-005 | UNT to Cheesequake Creek | 11.55 | Perennial | Yes | HDD | SE1 | 150 | Yes | Yes | Yes |
| WB-T01-001 | Marina (Tidal Reach of Cheesequake Creek) | 11.72 | Perennial/ Estuary | Yes | HDD | SE1 | 150 | Yes | Yes | Yes |

## TABLE 12. APPLICABLE FLOOD HAZARD AREA CONTROL ACT RULES

| PERMIT REQUIREMENT RULES | APPLY TO PROJECT (Y/N) |
|---|---|
| Requirements for Regulated Activities in a Channel (N.J.A.C. 7:13-11.1) | **Y** |
| Requirements for Regulated Activities in a Riparian Zone (N.J.A.C. 7:13-11.2) | **Y** |
| Requirements for Regulated Activities in a Floodway (N.J.A.C. 7:13-11.3) | **Y** |
| Requirements for Regulated Activities in a Flood Fringe (N.J.A.C. 7:13-11.4) | **Y** |
| Requirements for Regulated Activities in or Along a Regulated Water with Fishery Resources (N.J.A.C. 7:13-11.6) | **Y** |
| Requirements for Regulated Activities in or Affecting a Present or Documented Habitat for Threatened or Endangered Species (N.J.A.C. 7:13-11.7) | **Y** |
| Requirements that Apply to all Regulated Activities (N.J.A.C. 7:13-12.1) | **Y** |
| Requirements for Stormwater Management (N.J.A.C. 7:13-12.2) | **Y** |
| Requirements for Excavation, Fill and Grading Activities (N.J.A.C. 7:13-12.3) | **Y** |
| Requirements for a Structure (N.J.A.C. 7:13-12.4) | N |
| Requirements for a Building (N.J.A.C. 7:13-12.5) | N |
| Requirements for a Railroad, Roadway or Parking Area (N.J.A.C. 7:13-12.6) | N |
| Requirements for a Bridge or Culvert (N.J.A.C. 7:13-12.7) | N |
| Requirements for a Utility Line (N.J.A.C. 7:13-12.8) | **Y** |
| Requirements for a Stormwater Outfall Structure (N.J.A.C. 7:13-12.9) | N |
| Requirements for a Low Dam (N.J.A.C. 7:13-12.10) | N |
| Requirements for a Dam (N.J.A.C. 7:13-12.11) | N |
| Requirements for a Flood Control Project (N.J.A.C. 7:13-12.12) | N |
| Requirements for a Retaining Wall or Bulkhead (N.J.A.C. 7:13-12.13) | N |
| Requirements for Bank Stabilization and Channel Restoration (N.J.A.C. 7:13-12.14) | N |
| Requirements for Sediment and Debris Removal from a Water (N.J.A.C. 7:13-12.15) | N |
| Requirements for the Storage of Unsecured Material (N.J.A.C. 7:13-12.16) | N |
| Requirements for the Investigation, Cleanup, or Removal of Hazardous Substances (N.J.A.C. 7:13-12.17) | N |
| Requirements for the Placement, Storage, or Processing of Hazardous Substances (N.J.A.C. 7:13-12.18) | N |
| Requirements for Solid Waste Landfill Closure (N.J.A.C. 7:13-12.19) | N |
| Requirements for the Placement, Storage or Processing of Solid Waste or Recyclable Materials (N.J.A.C. 7:13-12.20) | N |
| Requirements for the Removal of Existing Fill or an Existing Structure (N.J.A.C. 7:13-12.21) | N |

## 3.0 REQUIREMENTS FOR REGULATED ACTIVITIES IN A CHANNEL (N.J.A.C. 7:13-11.1)

N.J.A.C. 7:13-11.1 sets forth the specific design and construction standards that apply to any regulated activity proposed in a channel. The NJDEP shall issue an individual permit for a regulated activity in a channel only if the following requirements are satisfied:

1. *The Applicant describes in detail the regulated activities proposed within the channel and demonstrates that the basic purpose of the project cannot be accomplished without the disturbance to the channel.*

Proposed activities are described in Part III, Sections 2.0, 3.0 and 5.0 of the Environmental Report. In general, the size, scope and configuration of the proposed Project have been designed in such a way that it meets the needs of the Project. Through Transco's evaluation of the Project and its alternatives (see Part III, Section 8.0 and 9.0 of the Environmental Report), it has been determined that there are no suitable alternative configurations for the Project or related elements that would result in less impact to regulated areas and still allow for successful Project implementation. Reductions to the size and/or configuration of current Project components would be such that the basic purpose of the Project could not be reasonably accomplished.

The construction of the proposed Madison Loop gas pipeline will traverse four (4) unnamed tributaries to Tennent Brook (MPs 8.61-8.62, 8.76, and 9.26) and one (1) unnamed tributary to Cheesequake Creek (MP 10.05); see Madison Loop Riparian Zone Permit Plans, Sheets 3 and 8, respectively. The construction of horizontal directional drill (HDD) temporary workspaces at MP 9.02, 9.08, 9.21, 11.55, and 11.72 will also impact unnamed tributaries to Tennent Brook, Crossway Creek, and an unnamed tributary to Cheesequake Creek, see Madison Loop Riparian Zone Permit Plan, Sheets 3, 5, 14, and 15. The construction of a temporary access road at MP 8.76A will temporarily impact an unnamed tributary to Tennent Brook; see Madison Loop Riparian Zone Permit Plan, Sheet 3. Please refer to Section 3 and Section 5 for an Analysis of Alternatives and for details on Avoidance, Minimization, and Justification.

All soil erosion and sediment control (SESC) measures will be in place prior to any ground disturbance, including but not limited to the installation of silt fence. Depending on stream flow, turbidity curtains or sediment barrier baffle systems will be installed downstream of crossings at the edge of work corridor. Additionally, temporary stream crossings will be installed to allow for the movement of equipment and materials. See Sheets 17 through 20, Construction Details, of the Madison Loop Plan Set.

2. *Disturbance to the channel is eliminated where possible; where not possible to eliminate, disturbance is minimized through methods including relocating the project and/or reducing the size or scope of the project.*

The size, scope and configuration of the proposed Project have been designed in such a way that it meets the needs of the Project. Through Transco's evaluation of the Project and its alternatives, it has been determined that there are no suitable alternative configurations for the Project or related elements that would result in less impact to regulated areas and still allow for successful Project implementation. Further reductions to the size and/or configuration of currently Project components would be such that the basic purpose of the Project could not be reasonably accomplished. Measures to avoid, reduce and/or minimize impacts to regulated areas have been employed to the degree practicable while still allowing for successful Project implementation. Please refer to Part III, Section 8.0 and 9.0 for details on Avoidance, Minimization, and Justification.

3. *All roadway, railroad, pedestrian, utility and other crossings are constructed as nearly perpendicular to the channel as possible.*

The proposed temporary access road at MP 8.76A will be nearly perpendicular to the unnamed tributary to Tennent Brook; see Sheet 3, Riparian Zone Permit Plan, of the Madison Loop Plan Set. The proposed temporary access road is necessary to provide entry to the western portion of the Project area and deliver Project materials. The construction of the proposed Madison Loop gas pipeline will traverse four (4) unnamed tributaries to Tennent Brook (MPs 8.61-8.62, and 8.76, and 9.26) and one (1) unnamed tributary to Cheesequake Creek (MP 10.05); see Madison Loop Riparian Zone Permit Plans, Sheets 3 and 8, respectively. The pipeline will be constructed nearly perpendicular to the channels. The construction of a horizontal directional drill (HDD) temporary workspaces at MP 8.76B, 9.02, 9.08, 9.21, 11.55, and

11.72 will also impact unnamed tributaries to Tennent Brook, Crossway Creek, and an unnamed tributary to Cheesequake Creek, see Madison Loop Riparian Zone Permit Plan, Sheets 3, and 5, 14, and 15. These HDD temporary workspaces will be nearly perpendicular to these ephemeral stream channels. Lastly, temporary stream crossings will be installed to provide access and allow movement of equipment and materials across channels, all of which will be nearly perpendicular to the channel.

4. *All disturbed sections of the channel are properly stabilized, with special attention given to changes in slope, channel width and hydraulic capacity.*

All disturbed sections of the channels will be properly stabilized in accordance with the Soil Erosion and Sediment Control Plan. Following construction, the banks will be stabilized via seeding and/or by installing erosion control matting. Trenched sections of the stream will be restored to pre-construction grade. The slope of the channel will be restored to match pre-construction conditions but shall not exceed 2:1 slope. Typical backfill cover requirements will be met. The channel bottom will be restored to pre-construction elevations following channel protection installation. Refer to the included Permit Plan Set (Section 8) for additional information.

5. *If stabilization measures such as rip-rap or scour holes are proposed in the channel, the applicant demonstrates that such measures are necessary to stabilize the channel and/or to withstand scour along a bridge or culvert, and cannot be avoided through alternative designs, such as construction of deeper abutment footings or a larger bridge opening. Any rip-rap shall be embedded in the channel bed in such a way as to provide low-flow aquatic passage and withstand velocities associated with bank-full flows.*

Not applicable. No rip-rap or scour holes are proposed in any of the stream channels within the Madison Loop Project area. No scouring is anticipated based on the installation of the existing Transco pipelines. Typical backfill cover requirements will be met, contours will be restored within the waterbody, and the banks will be stabilized via seeding and/or by installing erosion-control matting.

6. *No mining of the channel is proposed. This does not preclude the incidental use or sale of material removed as a result of lake dredging, channel cleaning or other regulated activities authorized by the Department and performed for purposes other than mining.*

There are no mining activities associated with the proposed Project.

7. *All temporarily disturbed sections of the channel are restored to pre-construction conditions. Characteristics that shall be replicated include channel shape, width and meandering, ratio of shallow areas to deep areas, anticipated flow rate and velocity and substrate type.*

All temporarily disturbed sections of the channels will be restored to pre-construction conditions.

8. *Aquatic habitat is preserved where possible.*

This Project has been designed to avoid or minimize impacts to aquatic habitat wherever possible. In-water work and impacts to stream channels, riparian zones, and freshwater wetlands will be avoided to the maximum extent practicable. As currently designed, portions of the proposed pipeline will be installed via HDD, which will reduce or eliminate impacts to certain stream channels and waterbodies in the Project area. Where HDD is not proposed, the use of dam and pump crossings, flume crossings, sediment barrier baffle systems, and other sediment control devices, such as trench plugs and sandbags, will be used to minimize contact with flowing water and reduce impacts to aquatic habitat (see N.J.A.C. 7:13-11.1(d)3 below for further details). The conventional open-cut pipeline installation method will only be used for the Project if there is no perceptible flow in the waterbody at the time of crossing (dry open-cut crossing). The pipeline trench will be excavated immediately prior to pipe installation to limit the duration of construction within the waterbody to 24 hours for crossings less than 10 feet and 48 hours for crossings between 10 and 100 feet. Temporary erosion-control devices will be used to prevent the sediment from reentering the waterbody.

Temporary stream crossings, such as bridge equipment crossings (BECs) and culvert equipment crossings (CECs), will be provided to allow for the movement of equipment and materials across a channel. Equipment operating in a waterbody will be limited to that necessary to perform construction.

Additionally, SESC measures (such as silt fence, turbidity curtains, intake hose filters and filter bags, etc.) will be in place prior to construction to protect the onsite streams from the incidental introduction of silt and sediment associated with construction activities. All temporarily impacted aquatic habitats will be returned to pre-construction conditions.

9. *Aquatic habitat is enhanced where preservation is not possible, such as through the placement of habitat enhancement devices, replacement of vegetation removed during construction, creation of tree canopy along the channel where no canopy exists and/or enhancement of existing tree canopy along the channel.*

Existing aquatic habitat will be preserved to the extent practicable.

10. *The project does not expose unset or raw cement to flowing water within any channel or regulated*

Construction of the proposed project will not expose unset/raw cement to flowing water within any channel or regulated water.

*The Department shall issue an individual permit for a channel modification only if the applicant demonstrates that the channel modification meets at least one of the following requirements:*

1. *The channel modification is necessary to improve the ecological health of the regulated water and its riparian zone, or to control existing flooding or erosion which poses an immediate threat to life, property or a lawfully existing structure.*
2. *The channel modification is necessary for the construction of a bridge or culvert.*

Impacts to the channel will be temporary in nature and the channel will be returned to pre-construction grade, slope, and condition following the installation of the pipeline.

*The Department shall issue an individual permit for a channel modification only if the applicant demonstrates that the channel modification meets at least one of the following requirements:*

1. *There is no feasible alternative that will result in less environmental damage.*

Please refer to **Part III, Section 8.0 and 9.0** and **Appendix C** of the **Environmental Report** for information regarding the alternative analysis conducted for the project.

2. *The bed is firm, the approaches are stable and the proposed construction activities will not cause or exacerbate bank erosion.*

The proposed construction activities will not cause or exacerbate bank erosion. The Project does not propose any significant modification to any of the stream channels within the Project area. Further, the banks will be stabilized via seeding and/or by installing erosion control matting following construction. The slope of the channel will be restored to match pre-construction conditions but shall not exceed 2:1 slope. The channel bottom will be restored to pre-construction elevations following channel protection installation. Typical backfill cover requirements will be met. A minimum cover of four (4) feet will be provided below the channel invert.

3. *Contact with flowing water is minimized where possible through the use of temporary bridges, culverts, coffer dams and/or sediment control devices, which are removed after completion of the project.*

As designed, a portion of the proposed Madison Loop and Raritan Bay Loop pipelines will be installed via HDD, which will reduce or eliminate impacts to certain stream channels and waterbodies. Where HDD is not proposed, the use of temporary stream crossings, dam and pump crossings, flume crossings, sediment barrier baffle systems, and other sediment control devices, such as trench plugs and sandbags, will be used to minimize contact with flowing water. Temporary stream crossings, such as BECs and CECs, will be provided to allow for the movement of equipment and materials across a channel. Equipment operating in a waterbody will be limited to that necessary to perform construction.

For dam and pump crossing systems, sandbags or plastic sheeting will be installed upstream and downstream of the proposed waterbody crossing. Following dam installation, pumps will be used to dewater and transport the stream flow around the construction work area and trench. Intake screens will be installed at the pump inlets to prevent entrainment

of aquatic life, and energy-dissipating devices will be installed at the pump discharge point to minimize erosion and streambed scour. Trench excavation and pipeline installation through the dewatered portion of the waterbody channel then begin. Following completion of pipeline installation, backfilling of the trench and restoration of stream banks, the temporary dams are removed and flow through the construction work area is restored.

The conventional open-cut pipeline installation method will only be used for the Project if there is no perceptible flow in the waterbody at the time of crossing (dry open-cut crossing). The pipeline trench will be excavated immediately prior to pipe installation to limit the duration of construction within the waterbody to 24 hours for crossings less than 10 feet and 48 hours for crossings between 10 and 100 feet. Temporary erosion-control devices will be used to prevent the sediment from reentering the waterbody.

4. *Fording the channel is avoided to the maximum extent practicable.*

Fording onsite channels will be avoided to the maximum extent practicable. As discussed above, temporary stream crossings, such as BECs and CECs, will be provided to allow for the movement of equipment and materials across a channel. Equipment operating in a waterbody will be limited to that necessary to perform construction; however, contact with flowing water and disturbances to the channels will be minimized through the use of dam and pump crossings, flume crossings, sediment barrier baffle systems, and other sediment control devices.

5. *Where unavoidable, fording is made as nearly perpendicular to the channel as possible.*

Where fording the channel is required, it will be performed nearly perpendicular to the channel.

6. *Adequate precautions are taken to prevent sediment, petroleum products and other pollutants from entering the channel.*

Best management practices, along with SESC measures, will be utilized to minimize the potential introduction of sediment, petroleum products, and other pollutants into the adjacent environmentally sensitive areas, including regulated waters and wetlands. All equipment will be properly maintained and staged outside of regulated areas. Additionally, Transco will develop a site-specific Spill Plan prior to construction, which will describe measures that will be implemented by Transco personnel and its contractors to prevent and, if necessary, control any inadvertent spill of hazardous materials that could affect water quality. Hazardous materials, lubricating oils, and fuels used during construction will be stored in upland areas at least 100 feet from waterbodies and refueling of construction equipment will take place at least 100 feet from waterbodies. Additional precautions include continual monitoring of fuel transfer and use of spill kits. Disposal of hazardous materials will also be conducted in accordance with applicable regulations.

*A person shall not drive or operate a vehicle across a channel except in the following cases:*

1. *It is necessary to operate construction equipment in or across a channel as part of a temporary construction activity.*

Equipment will not be operated in or driven across the stream channel unless otherwise necessary to install the pipeline. As discussed above, temporary stream crossings, such as BECs and CECs, will be provided to allow for the movement of equipment and materials across a channel.

2. *An emergency vehicle must access a site that has no other feasible means of entry.*

Only if required during Project construction.

3. *The vehicle is driven across a lawfully existing and stable ford that was either constructed prior to October 2, 2006, or which is constructed on agricultural lands under GP #2 at N.J.A.C. 7:13-8.4(c)5.*

Not applicable.

### 3.1 Analysis of Potential Adverse Impacts and Minimization of Impacts to Channels

The proposed Madison Loop pipeline will require activities within and in areas immediately adjacent to several unnamed tributaries to Tennent Brook and Cheesequake Creek. Minor, temporary impacts will result from the installation of the pipeline, as well as the construction of a temporary access road (MP 8.76A) and HDD temporary workspaces (MP

8.76B and 9.26). Channel bottoms will be restored to pre-construction elevations immediately following construction. The proposed design represents the least disturbance as is practical, outside of the no build option. The aforementioned impacts are necessary in order to meet the Project objective of expanding the existing Transco pipeline infrastructure to provide additional natural gas supply during periods of increased peak demand.

The use of temporary stream crossings, dam and pump crossings, and implementation of SESC measures are anticipated to minimize and/or eliminate the potential for adverse impacts to the stream channels within that could result for the performance of near and in-water construction activities. Adherence to timing restrictions is also anticipated to minimize and/or eliminate the potential for adverse impacts to the stream channel and any fisheries resources that may utilize the brook.

Transco has also completed several minor workspace adjustments to avoid or minimize channel impacts. Transco has revised the limit of disturbance around stream WW-T07-001, which has avoided impact to this feature. Transco has reduced the workspace parallel to stream WW-T01-002B to maintain offset from the stream channel and reduce riparian zone impact.

## 4.0 REQUIREMENTS FOR REGULATED ACTIVITIES IN A RIPARIAN ZONE (N.J.A.C. 7:13-11.2)

N.J.A.C. 7:13-11.2 sets forth the disturbance requirements for various regulated activities in a riparian zone. The Project will be regulated under the section of N.J.A.C. 7:13-11.2(k) new utility lines and access to the project (pre crossing). Riparian zone width for regulated streams within the Project Area was determined pursuant to N.J.A.C. 7:13-4.1.

None of the waterways within the project are designated as or located upstream of Category 1 (C1) waters, trout production waters, and/or trout maintenance waters. Crosswick Creek and Cheesequake Creek are both identified as potential habitat for threatened or endangered species that are critically dependent on water for survival. Therefore, the riparian zone associated with Tennent Brook, Carters Brook, and their tributaries are 50 feet from the top-of-bank; while riparian zone associated with Cheesequake Creek, Crossway Creek, and their tributaries are 150 feet from the top-of-bank. Riparian widths for regulated streams within the Project Area are included in **Table 15** of the **Environmental Report**.

The project's compliance with N.J.A.C. 7:13-11.2(k) is provided below.

*The Department shall issue an individual permit to construct a new aboveground or underground utility line, which results in clearing, cutting, and/or removal of riparian zone vegetation, only if:*

1. *The total area of riparian zone vegetation to be cleared, cut and/or removed does not exceed the limits set forth in Table 11.2 above, unless the applicant demonstrates that there is a compelling public need to construct the utility line that cannot feasibly be accomplished without exceeding these limits. In such a case, the applicant shall provide mitigation, in accordance with N.J.A.C. 7:13-13, for the area of vegetation that is cleared, cut and/or removed in excess of the limits set forth in Table 11.2;*

The Madison Loop is traversed by unnamed tributaries to Tennent Brook, unnamed tributaries to Cheesequake Creek, and Crossway Creek. The unnamed tributaries to Tennent Brook drains to Tennent Brook and ultimately to South River. The unnamed tributaries to Cheesequake Creek, and Crossway Creek drain to Cheesequake Creek and ultimately to Raritan Bay. Raritan Bay is located east of the terminus of Madison Loop (MP 12.0). Cheesequake Creek, Crossway Creek, Tennent Brook, and their tributaries have been classified by the *NJ Surface Water Quality Standards (N.J.A.C. 7:9B-1.1 et seq.)* as Freshwater 2, Non-Trout (FW2-NT)/Saline Estuarine 1 (SE1) and Category 2. None of the waterways within the project are designated as or located upstream of Category 1 (C1) waters, trout production waters, and/or trout maintenance waters. Crosswick Creek and Cheesequake Creek are both identified as potential habitat for threatened or endangered species that are critically dependent on water for survival. Therefore, the riparian zone associated with Tennent Brook, Carters Brook, and their tributaries are 50 feet from the top-of-bank; while riparian zone associated with Cheesequake Creek, Crossway Creek, and their tributaries are 150 feet from the top-of-bank.

The overall Project will result in both temporary and permanent impacts to the riparian zone. A large majority of the proposed impacts are temporary and/or will occur in actively disturbed areas. Temporary impacts will be revegetated to match its preconstruction condition or better in the same location as the disturbance. Temporary impacts will be a result of construction access, including roads and workspace areas located outside the permanent easement, and HDD operations. Permanent impacts will be associated with the widening and ongoing maintenance of the pipeline easement. Additionally, approximately 1.16 miles of the proposed Madison Loop pipeline will be installed via HDD, which will reduce or eliminate impacts to stream channels, riparian zones, and wetlands. The proposed Project will result in temporary and permanent impacts to regulated and non-regulated (actively disturbed) riparian zone. All impacts to riparian zones are associated with the Madison Loop. Temporary clearing, cutting, and/or removal of riparian zone vegetation within an actively disturbed area [N.J.A.C. 7:13-11.2(f)3] are not subject to the limits set forth in Table 11.2. Proposed impacts by crossing are summarized on **Table 22** of the **Environmental Report.**

A large majority of proposed impacts are temporary and/or will occur in actively disturbed areas. Temporary impacts will be revegetated to preconstruction conditions or better in the same location as the disturbance. Temporary impacts will be a result of construction access, including roads and workspace areas located outside the permanent easement, and HDD operations. Permanent impacts will be associated with the widening and ongoing maintenance of the pipeline easement.

The Project will result in approximately 1.6825 acres of permanent impacts including 0.7153 acres for construction of new pipeline and 0.9672 acre for construction access. Additionally, approximately 1.8431 acres of actively disturbed areas will be temporary impacted by the Project.

The Project, as designed, exceeds the disturbance limitation set forth in Table 11.2 for access to the Project. Additionally, Transco provides the following with respect to the compelling public need for the Project:

A. The FERC's Reissuance of a Certificate of Public Convenience and Necessity Conclusively Established a Compelling Public Need for the Project

The NJDEP has historically relied on FERC's issuance of a Certificate of Public Convenience and Necessity (Certificate) in determining whether there is a compelling public need for the regulated activity. For instance, on Transco's Leidy Southeast Expansion Project, the NJDEP specifically relied on the FERC Certificate, stating:

> FERC has issued an Order dated December 18, 2014 which determined that 'the project is required by the public convenience and necessity,' therefore, there is need for the project. The NJDEP concurs that there is a compelling public need for the project that cannot be met with similar projects in the region. [April 6, 2015 Staff Summary Report, DLUR File No. 0000-13-0012.1.]

This determination was challenged at the U.S. Court of Appeals for the Third Circuit and was ultimately upheld. See Del. Riverkeeper Network v. Sec'y Pa. Dept. of Envtl. Prot., 833 F.3d 360, 380 (3d Cir 2016)(holding that NJDEP appropriately determined that the compelling public need for the project outweighed the impact on exceptional resource value wetlands). The NJDEP's historic reliance on the FERC Certificate is not limited to the review of applications for Land Resource Protection permits. The NJDEP has also relied on FERC's issuance of a Certificate in the context of Green Acres diversions for interstate natural gas pipeline projects. Like the FWPA and FHACA Rules, the Green Acres Rules require that a project for which a disposal or diversion of parkland is proposed fulfill a compelling public need. N.J.A.C. 7:36-26.1(d). For over the past 10 years, the NJDEP has pointed to FERC's issuance of a Certificate as satisfying this requirement. See e.g. December 29, 2014 State House Commission Summary of Montgomery Township's diversion request in connection with Transco's Leidy Southeast Expansion Project (conditioning approval of the diversion on FERC's issuance of a Certificate to Transco); May 14, 2012 State House Commission Summary of Ringwood Borough's diversion request in connection with Tennessee Gas Pipeline Company, L.L.C.'s Northeast Upgrade Project (same).

On May 3, 2019, FERC issued a Certificate to Transco finding that "the public convenience and necessity requires approval of the project." Certificate at ¶18. Accordingly, FERC's determination should be all that is required to establish that there is a compelling public need for the Project since it is consistent with the NJDEP's longstanding interpretation of its regulations and reliance on the FERC Certificate in satisfaction of the applicable regulations.

However, the NJDEP is now arbitrarily requiring that New York concur with FERC's finding of need to ensure that the Project is not constructed in New Jersey without an endpoint for the proposed additional capacity. We believe this requirement is contrary to the law and a break from precedent.

Every issued permit includes a standard condition that the permitee must obtain all applicable federal, state and local permits. N.J.A.C. 7:13-22.2(c)3. This condition would address the NJDEP's concerns regarding construction occurring in New Jersey before New York acted on Transco's request for federal authorizations. The NJDEP also require, through a pre-construction permit condition, that Transco not begin construction in New Jersey without having received the necessary federal authorizations from New York.

To the extent the NJDEP is requiring New York's concurrence for the NJDEP to issue a permit, such a requirement is outside the bounds of well-established law. FERC has exclusive authority to determine whether an interstate natural gas pipeline project is at the public convenience and necessity, and FERC has spoken. See Schneidewind v. ANR Pipeline Co., 485 U.S. 293, 300-301 (1988) (holding that where state regulation affects the ability of the FERC to regulate interstate natural gas, the state regulation will be preempted); See also Islander East Pipeline v. Conn. Dept. of Envtl. Prot., 467 F.3d 295, 305 (2d Cir.2006) ("Congress wholly preempted and completely federalized the area of natural gas regulation by enacting the NGA"); and National Fuel Gas Supply Corp. v. Public Service Com'n of State of N.Y., 894 F.2d 571, 579 (1990)(holding that issues sought to be regulated by the New York Public Service Commission, including the basis for the need for the proposed facilities, were "directly considered by the FERC [and] [u]nder Schneidewind, such direct consideration is more than enough to preempt state regulation").

In fact, "FERC may reasonably rely on the pipeline company's binding contracts as evidence of market need and proof that the Project is self-supporting." Twp. of Bordentown v. FERC, 903 F.3d 234, 262-63 (3rd. Cir. 2018). As numerous courts have held, FERC need not "look beyond the market need reflected by the applicant's existing contracts with shippers." Id. at 263 (citation and quotations omitted). Here, FERC relied on the binding agreements between Transco and National Grid in finding a public need for the gas. FERC's word on this issue is conclusive.

The NJDEP's requirement that New York concur with the need for the gas transported by the Project is also a collateral attack on the Certificate. It is well established that disputes over the validity of the FERC's issuance of a Certificate, as well as the procedures used for its issuance, must be brought to the FERC via an application for rehearing. Tennessee Gas Pipeline v. 104 Acres in Prov. Cty., 749 F.Supp. 427, 430 (D.R.I. 1990) citing 15 U.S.C. §717r(a).

For these reasons, FERC's issuance of the Certificate to Transco established that there is a compelling public need for the Project, consistent with the NJDEP's longstanding interpretation of its regulations.

B. The Flood Hazard Area Control Act (FHACA) Rules are Preempted

In addition, the FHACA Rules requiring a showing of compelling public need are preempted to the extent they conflict with the FERC Certificate.

In passing the Energy Policy Act of 2005 (EPAct), Pub. L. No. 109-58, 119 Stat. 594 (2005), Congress amended the Natural Gas Act to, among other things, grant federal Courts of Appeals jurisdiction to review permitting decisions over actions taken by State administrative agencies acting pursuant to federal law to issue, condition or deny a permit or other approval required under federal law for interstate natural gas pipeline projects. Furthermore, as amended by the EPAct, the Natural Gas Act designates FERC as "the lead agency for purposes of coordinating all applicable Federal authorizations and for the purposes of complying with the National Environmental Policy Act of 1969." 15 U.S.C. § 717n(b)(1). However, Congress made clear that, except as specifically provided for in the Natural Gas Act, the law would not affect "the rights of States" under the Coastal Zone Management Act, Clean Air Act or the Clean Water Act.

15 U.S.C. §717b(d). This "savings clause" effectively exempts States from the preemptive effect of the Natural Gas Act if they are acting pursuant to their authority under these federal laws. See Del. Riverkeeper Network v. Sec'y Pa. Dept. of Envtl. Prot., 833 F.3d 360, 368 (3d. Cir. 2016) citing 15 U.S.C. §717b(d).

The FHACA Rules are not promulgated pursuant to the NJDEP's delegated or assumed authority under the Clean Water Act, the Clean Air Act or the Coastal Zone Management Act. While a state's environmental review under these three federal laws are "carved out" from the preemptive effect of the Natural Gas Act, state laws and regulations not within the ambit of these statutes are preempted. See Dominion Transmission, Inc. v. Town of Myersville Town Council, 982 F.Supp.2d 570, 579 (D.M.D. 2013)(holding portions of town's code directly affecting the siting, construction, or operation of pipeline company's compressor station were null and void as applied "except for those laws or regulations enacted pursuant to the State's rights under the Coastal Zone Management Act of 1972 (16 U.S.C. § 1451 et seq.), the Clean Air Act (42 U.S.C. § 7401 et seq.), or the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.)").

As noted above, the FERC issued a Certificate to Transco, finding that "the public convenience and necessity requires approval of the project." Certificate at ¶18. Accordingly, any requirement or standard under the Flood Hazard Area Control Act that conflicts FERC's finding of need would be preempted.

C. The Project As A Whole Serves A Compelling Public Need

Transco is proposing to expand its existing interstate natural gas pipeline system in Pennsylvania and New Jersey and its existing offshore natural gas pipeline system in New Jersey and New York waters. The purpose of the Project remains consistent with the 2020 applications – to provide 400,000 dekatherms per day of incremental firm transportation capacity from Transco's Station 195 in York County, Pennsylvania, to the existing Rockaway Delivery Point (located approximately three miles offshore of the Rockaway Peninsula in Queens Borough, New York) to serve the Brooklyn Union Gas Company, d/b/a National Grid NY, and KeySpan Gas East Corporation, d/b/a National Grid (collectively, National Grid or Project Shippers).

By way of background, Transco previously executed binding precedent agreements with the Project Shippers for 100% of the firm transportation service to be provided under the Project. The Federal Energy Regulatory Commission (FERC) ultimately issued a certificate of public convenience and necessity on May 3, 2019, which was amended by an Order Amending Certificate, dated July 16, 2020 (collectively, "Certificate Order"). However, given the permit denials in 2020 by the New York State Department of Environmental Conservation (NYSDEC) and New Jersey Department of Environmental Protection (NJDEP), and the eventual lapse in the Certificate Order, the precedent agreements were terminated in accordance with their terms.

Despite the lapse in the Certificate Order, the need for the Project, including the more affordable and reliable energy it can make available to New York, has only increased over the last five years. Reliability concerns continue to plague downstate New York and the urgent need exists for additional natural gas supply to serve families and businesses in the region. Projects that were anticipated to obviate the need for the Project have not come to fruition while demand continues to grow in New York.

As recently highlighted in the Northeast Power Coordinating Council's (NPCC) *Northeast Gas/Electric System Study*, existing gas infrastructure in New York is unable to meet the demand for most electric generators during a cold snap. The same is true for extreme heat waves. While many generators in downstate New York—where the Project is intended to serve—are dual-fuel capable, very few electric generators have firm transportation entitlements, exposing electric generation to risk in the event of an extreme weather event or a pipeline outage. The addition of new firm transportation capacity would immediately improve the resiliency and reliability of gas service to residential and commercial loads—and help to reduce gas prices—in New York City, including during peak demand days. It would also reduce the need for electric generators to rely on oil as a backup.

This fact is reinforced by the President's Executive Order, *Unleashing Energy* and *Declaring a National Energy Emergency*, issued on January 20, 2025. The urgent need for energy transportation infrastructure must be met, as detailed in the Executive Order, with actions to facilitate and support infrastructure development, including the permitting and construction of interstate pipelines—particularly in regions lacking such development in recent years—i.e., the northeastern United States. This is why the Administration is looking to New York, as well as New Jersey and Pennsylvania, to permit the Proposed Project without delay.

Transco and the Project Shippers are in discussions to reinstate the precedent agreements in their entirety. Just as before, these precedent agreements would represent 100% of the firm transportation capacity created by the Project, which show strong market need for the Project. Transco plans to file a Petition with FERC requesting the reissuance of the Certificate Order authorizing Transco to construct and operate the Project. The Project will enhance the reliability of the local, state, and regional natural gas supply system and is designed to improve public health and enhance the environment by improving existing air quality, replacing less environmentally friendly fuels such as heating oil, and integrating an impact avoidance and minimization premise into all Project component siting and design while mitigating any remaining impacts to the surrounding environment. The existing Transco system delivers one half of the natural gas consumed in the Garden State and the Project improves the reliability/resiliency of the system in New Jersey and therefore benefits local residents and businesses. The system has reliably served New Jersey since 1951 providing fuel to heat and cool homes, cook food, and address other basic public needs.

- The New Jersey facilities will provide enhanced system flexibility during planned and unplanned maintenance activities on Transco's natural gas infrastructure within the State.
    - The Project is designed to provide 400,000 Dth/d under peak conditions, however, shippers (especially local distribution company type shippers) do not typically require their full contractual volume except during an abbreviated time period during extreme weather conditions. Under normal conditions, the facilities constructed as part of the Project will enable Transco to manage maintenance outages and repairs; thus, minimizing impacts or interruption to all shippers on the system, especially those in New Jersey.
- In the event that the permits for the Project are denied and the Project is not constructed, the anticipated increase in the average system utilization off of the Transco system could result in material degradation of delivery pressures at existing delivery points and increased challenges associated with delivering existing firm shipper entitlements in New Jersey.
    - Without the Project, utility providers would continue signing up customers to their service territory because they are obligated by the New York State Public Service Commission to provide safe, reliable energy service upon request.
    - This could, in turn, result in an increase in the normal load from the interstate pipeline transmission grid, resulting in an overall increase in average deliveries off the Transco pipeline system in New Jersey.
    - An increase in the average system utilization would lead to increased operational challenges related to the scheduling of maintenance activities and a greater chance of impacts to all shippers in the northeast region, including those in New Jersey.
    - As noted in Transco's Alternatives Analysis for the Project (see **Appendix C** of the **Environmental Report**), the purpose of the new CS 206 is to offset the pressure drop associated with transporting the additional volume of natural gas flowing through the pipeline.

The Project would also have economic benefits to the State and local communities. Transco's formal economic impact study concludes that the Project would, in 2020 dollar equivalents:

- Generate approximately $240 million in additional economic activity (GDP) in New Jersey,
- Support more than 2,400 local New Jersey jobs and 3,186 regional jobs during the project construction period. Generating approximately $172 million in potential income for New Jersey workers,

- Add $418,300 in local tax revenues in Somerset County and $16 million total in new local and state tax revenue,
- Have minimal impact on surrounding neighbors and the environment. In its proposed location the facilities will be largely out of sight, with virtually zero impact on noise or air quality.

FERC analyzed these economic impacts of the Project and concluded in the Final Environmental Impact Statement (FEIS) that the Project would have beneficial economic effects on state and local economies. FERC specifically found that the Project will create "a short-term stimulus to the affected areas through payroll expenditures, local purchases of consumables and project-specific materials, and sales tax" and that "operation of the Project would result in long-term property tax and submerged land easement fee benefits in the counties and localities in New Jersey and New York in the Project area." Final EIS, p. 4-278.

In addition, the Project will result in more than double the permanent offset of temporary construction emissions and the ongoing operational emissions at Compressor Station 206, a significant health and safety benefit to the surrounding area in New Jersey:

- In fact, these voluntary long-term emissions reduction projects, coupled with Transco's retiring of Emission Reduction Credits, would result in more than double the permanent offset of temporary construction emissions and the ongoing operational emissions at Compressor Station 206.

For these reasons, the Project will serve a compelling public need.

Transco will provide mitigation, in accordance with N.J.A.C. 7:13-13, for the area of vegetation that is permanently cleared, cut, and/or removed in excess of the limits set forth in Table 11.2 [N.J.A.C. 7:13-11.2(k)]. Transco is coordinating with the NJDEP Mitigation Unit regarding Transco's plans for mitigation. Transco will submit its mitigation plan based on consultations with NJDEP under separate cover. Temporarily cleared, cut, and/or removed riparian zone vegetation will be re-planted in-place and consist of vegetation of equal or greater ecological function and value as the vegetation that was cleared, cut, or removed in accordance with N.J.A.C. 7:13-11.2(a) and (z). In accordance with N.J.A.C. 7:13-11.2(f)3, temporary clearing, cutting, and/or removal of riparian zone vegetation within an actively disturbed area is not subject to the limits set forth in Table 11.2.

2. *The applicant demonstrates, pursuant to N.J.A.C. 7:13-12.8(c)1 through 4, that clearing, cutting and/or removal of riparian zone vegetation is unavoidable;*

Please refer to Part III, Section 8.0 and 9.0 of the Environmental Report.

3. *The area of riparian zone vegetation that is cleared, cut, and/or removed is the minimum necessary to meet the applicable requirements of the New Jersey Board of Public Utilities and all other State and Federal requirements governing the construction of the utility line;*

The proposed area of riparian zone vegetation that will be cleared, cut, and/or removed is the minimum necessary to meet the applicable requirements of the New Jersey Board of Public Utilities and all other State and Federal requirements governing the construction of the proposed pipeline.

4. *Staging, storing, and stockpiling materials and equipment shall, to the maximum extent practicable, be accomplished outside the riparian zone. Where it is necessary to conduct these activities in the riparian zone, these activities as well as access to the utility line during construction, shall, to the maximum extent practicable, be undertaken in actively disturbed areas;*

Transco proposes to stage, store, and stockpile all materials and equipment, to the maximum extent practicable, outside riparian zones. Where it is necessary to conduct these activities in the riparian zone, these activities, as well as access to the utility line during construction, will, to the maximum extent practicable, be undertaken in actively disturbed areas. Staging areas for waterbody crossings, when required, will be located at least 50-feet from the water's edge and will be the minimum size needed. Chemicals, fuels, and lubricating oils will not be stored and equipment will not be refueled within 100-feet of a waterbody. All spoil from minor (less than 10-feet wide) and intermediate (10 to 100-feet wide)

waterbodies, and upland spoil from major (greater than 100-feed wide) waterbodies, will be placed in the construction ROW at least 10-feet from the top-of-bank or in additional work areas. Spoil piles will be placed in actively disturbed areas wherever possible. Sediment barriers will be installed to prevent the flow of spoil or silt-laden water into any waterbody. Additionally, silt fences will be installed along the downgradient sides of work areas such that no heavily silt laden water enters adjacent waterbodies or leaves the construction ROW. Refer to Sheets 17 through 20, Construction Details, of the Madison Loop Plan Set for further details.

5. *To the maximum extent practicable, forested areas are not disturbed; and*

During the development of the Project, Transco implemented several measures related to Project routing, workspace design, and construction methods to avoid and minimize impacts to regulated features, as well as forested areas. Transco minimized impacts by co-locating the pipeline facilities with Transco's existing ROWs to the maximum extent practicable. The proposed Madison Loop, in its entirety, will be co-located where the Madison Loop is adjacent and partially overlapping the existing Transco ROW; however, the existing ROW will be widened where necessary. In general, Transco maintains a 25-foot offset between co-located pipelines. This offset allows for safe construction adjacent to the existing pipeline and allows for rights-of-way to overlap, reducing the overall impact. Additionally, several segments of the pipeline will be installed via HDD. Doing so will also avoid and minimize impacts to forested areas. Impacts to forested areas have been minimized to the greatest extent practicable.

6. *No trees within 25 feet of any top of bank are cleared, cut, or removed, unless the applicant demonstrates that such disturbance cannot feasibly be avoided to conduct the project.*

In accordance with N.J.A.C. 7:13-11.2(c)4i, clearing, cutting, and/or removal of riparian zone vegetation is permitted within 25 feet of a top of bank (TOB) to construct a structure, such as a roadway or new utility line, that crosses a regulated water. Clearing, cutting, and/or removal of vegetation, including trees, will only occur within 25-feet of TOB for the construction of the pipeline, necessary access roads, and associated HDD workspaces.

## 4.1 Analysis of Potential Adverse Impacts and Minimization of Impacts to Riparian Zones

The Madison Loop is traversed by unnamed tributaries to Tennent Brook, unnamed tributaries to Cheesequake Creek, and Crossway Creek. The riparian zone associated with the above referenced waterbodies is anticipated to be 50 feet from the TOB.

Table 11.2 (Maximum Allowable Disturbance to Riparian Zone Vegetation) of the FHACA Rules indicates allowable disturbances to riparian zone vegetation by regulated activity as based upon the width of the applicable riparian zone. In accordance with Table 11.2, 30 SF of riparian zone vegetation disturbance is permitted per linear foot of utility line in a 50-foot riparian zone for a "New Utility Line" [N.J.A.C. 7:13-11.2(k)]. Additionally, up to 1,000 SF of riparian zone vegetation disturbance is permitted per crossing in a 50-foot riparian zone for access to the project [N.J.A.C. 7:13-11.2(k)]. In accordance with N.J.A.C. 7:13-11.2(f)3, any temporary clearing, cutting, and/or removal of riparian zone vegetation within an actively disturbed area is not subject to the limits set forth in Table 11.2 given these areas are stabilized and replanted with similar vegetation. Please refer to **Table 10** for a detailed summary of proposed riparian zone impacts by crossing. See Madison Loop Riparian Zone Permit Plans, Sheets 3 through 16, for locations of proposed riparian zone impacts.

The Project, as designed, exceeds the disturbance limitation set forth in Table 11.2 for access to the Project at six (6) waterbody crossing locations along the Madison Loop. The Project does not exceed the disturbance limitations set forth in Table 11.2 at any waterbody crossing for the construction of the new pipeline. The overall Project will result in both temporary and permanent impacts to the riparian zone. A large majority of the proposed impacts are temporary and/or will occur in actively disturbed areas. Temporary impacts will be revegetated to match its preconstruction condition or better in the same location as the disturbance. Temporary impacts will be a result of construction access,

including roads and workspace areas located outside the permanent easement, and HDD operations. Permanent impacts will be associated with the widening and ongoing maintenance of the pipeline easement.

Transco will provide mitigation, in accordance with N.J.A.C. 7:13-13, for the area of vegetation that is permanently cleared, cut, and/or removed in excess of the limits set forth in Table 11.2 [N.J.A.C. 7:13-11.2(k)]. A mitigation plan will be prepared and provided at a later date under separate cover.

## 5.0 REQUIREMENTS FOR A REGULATED ACTIVITY IN A FLOODWAY (N.J.A.C. 7:13-11.3)

*This section sets forth specific design and construction standards that apply to any regulated activity proposed in a floodway.*

The proposed Project will not result in the placement of any aboveground structure in or above the floodway, the placement of fill in a floodway, raising the ground elevation in a floodway, or the obstruction of the passage of floodwaters in a floodway.

## 6.0 REQUIREMENTS FOR A REGULATED ACTIVITY IN A FLOOD FRINGE (N.J.A.C. 7:13-11.4)

*This section sets forth specific design and construction standards that apply to any regulated activity proposed in a flood fringe.*

The proposed Project is not subject to the flood storage volume displacement limit of this section.

## 7.0 REQUIREMENTS FOR A REGULATED ACTIVITY IN OR ALONG A REGULATED WATER WITH FISHERY RESOURCES (N.J.A.C. 7:13-11.5)

This section sets forth specific design and construction standards that apply to any regulated activity proposed in the channel and/or riparian zone of a regulated water containing fishery resources. Further standards for the construction of a bridge or culvert in or along waters with fishery resources are described at N.J.A.C. 7:13-12.7.

*The Department shall issue an individual permit for a regulated activity in the channel and/or riparian zone of a regulated water containing fishery resources only if the following requirements are satisfied:*

1. *The activity will meet the timing restrictions of N.J.A.C. 7:13-11.5(d);*

The Madison Loop is traversed by unnamed tributaries to Tennent Brook, unnamed tributaries to Cheesequake Creek, and Crossway Creek. The unnamed tributaries to Tennent Brook drains to Tennent Brook and ultimately to South River. The unnamed tributaries to Cheesequake Creek, and Crossway Creek drain to Cheesequake Creek and ultimately to Raritan Bay. Raritan Bay is located east of the terminus of Madison Loop (MP 12.0). Cheesequake Creek, Crossway Creek, Tennent Brook, and their tributaries have been classified by the *NJ Surface Water Quality Standards (N.J.A.C. 7:9B-1.1 et seq.)* as Freshwater 2, Non-Trout (FW2-NT)/Saline Estuarine 1 (SE1) and Category 2.

Cheesequake Creek, Crossway Creek, and Tennent Brook are not identified as a trout stocked water in the "List of Waters Stocked with Trout by the New Jersey Division of Fish and Wildlife" (January 2006). According to the NJDEP's "Locations of Anadromous American Shad and River Herring during Their Spawning Period in New Jersey's Freshwaters Including Known Migratory Impediments and Fish Ladders," dated March 2005, Cheesequake Creek has confirmed records of river herring up to the Hooks Creek Dam in Old Bridge. Additionally, South River has confirmed records of shad and river herring up to the Duhernal Lake Dam in Old Bridge, which is downstream of the Project area.

The proposed Madison Loop pipeline will require activities within and in areas immediately adjacent to several unnamed tributaries to Tennent Brook, Cheesequake Creek, and Crossway Creek. The construction of the proposed Madison Loop gas pipeline will traverse four (4) unnamed tributaries to Tennent Brook (MPs 8.61-8.62, 8.76, and 9.26) and one (1) unnamed tributary to Cheesequake Creek (MP 10.05); see Madison Loop Riparian Zone Permit Plans, Sheets 3 and 8, respectively. The construction of horizontal directional drill (HDD) temporary workspaces at MP 9.02, 9.08, 9.21, 11.55, and 11.72 will also impact unnamed tributaries to Tennent Brook, Crossway Creek, and an unnamed tributary to

Cheesequake Creek, see Madison Loop Riparian Zone Permit Plan, Sheets 3, 5, 14, and 15. The construction of a temporary access road at MP 8.76A will temporarily impact an unnamed tributary to Tennent Brook; see Madison Loop Riparian Zone Permit Plan, Sheet 3. Channel bottoms will be restored to pre-construction elevations immediately following construction.

The use of temporary stream crossings, dam and pump crossings, and implementation of SESC measures are anticipated to minimize and/or eliminate the potential for adverse impacts to the stream channels within that could result for the performance of near and in-water construction activities. Adherence to timing restrictions is also anticipated to minimize and/or eliminate the potential for adverse impacts to the stream channel and any fisheries resources that the onsite waterbodies. Temporary stream crossings, such as BECs and CECs, will be provided to allow for the movement of equipment and materials across a channel. Equipment operating in a waterbody will be limited to that necessary to perform construction.

To protect the water quality of the stream, as well as potential fish and other aquatic species that may occur within or downstream of the Project area, soil erosion and sediment controls, including but not limited to silt fence and turbidity curtains, will be in place prior to the commencement of construction activities. Where deemed necessary, a dam and pump system will be used to maintain continuous flow. Tennent Brook, Cheesequake Creek, Crossway Creek, and their tributaries may support warm water fisheries; therefore, activities will be restricted from May 1 through July 31. In addition, activities will be restricted in the areas of Crossway Creek and Cheesequake Creek and its tributaries from April 1 to June 30 due to the presence of anadromous fish migratory pathways.

2. *No logs or boulders that provide fish habitat are removed from the channel, unless the Department determines that such removal is necessary to accomplish the project;*

No logs, boulders, or other structure that may provide fish habitat will be removed from any stream channel within the Project area.

3. *Low-flow aquatic passage is maintained in the channel throughout the entire area of disturbance during and after the performance of the regulated activity.*

Low-flow aquatic passage will be maintained in all channels within the Project area.

## 7.1 Analysis of Potential Adverse Impacts and Minimization of Impacts to Fishery Resources

As indicated above, the Madison Loop Project area contains ephemeral, intermittent, and perennial tributaries to Cheesequake Creek, Crossway Creek, and Tennent Brook, some of which may support general game fish, particularly downstream of the Project area. In addition, Cheesequake Creek may support river herring, an anadromous fish species. Therefore, if and where determined necessary by NJDEP, in-water construction activities will be restricted from May 1 through July 31 in Tennent Brook, Cheesequake Creek, Crossway Creek, and their tributaries. In addition, and if required by NJDEP, in-water construction activities will be restricted in the areas of Crossway Creek and Cheesequake Creek and its tributaries from April 1 to June 30 due to the presence of anadromous fish migratory pathways. Under these restrictions, construction, excavation, filling, and grading in the stream channels is prohibited during the above referenced timing restriction periods. In addition, any construction, excavation, filling, and grading in the riparian zone is prohibited unless the applicant demonstrates that appropriate soil erosion and sediment control measures are in place to prevent sediment from reaching the stream channel

Additionally, in order to protect the water quality of the stream, as well as potential fish and other aquatic species that may occur within or downstream of the project area, soil erosion and sediment controls, including silt fence and turbidity curtains, will be in place prior to the commencement of construction or demolition activities. Where necessary, dam and pump systems will also be used to maintain continuous flow.

All construction activities will be performed in a manner that will minimize impacts to adjacent and nearby environmentally sensitive areas using best management practices and soil erosion/sediment control measures. Temporarily disturbed areas will be restored to pre-construction conditions to the extent practicable. No work that may potentially introduce sediment into any onsite stream channels will occur during the above referenced restricted time period; therefore, the proposed project is not anticipated to cause any adverse impacts to fishery resources either on or downstream, of the project area.

## 8.0 REQUIREMENTS FOR REGULATED ACTIVITIES IN OR AFFECTING A PRESENT OR DOCUMENTED HABITAT FOR THREATENED OR ENDANGERED SPECIES (N.J.A.C. 7:13-11.6)

N.J.A.C. 7.13-11.6 sets forth specific design and construction standards that apply to any regulated activity proposed in or affecting a present or documented habitat for a threatened or endangered species. Information regarding the historic or current presence of Federal and/or State-listed endangered, threatened, special concern, proposed, or candidate species, or habitat to support those species located in the vicinity of the Project area is summarized in **Part IV, Section 6.0** of the **Environmental Report**.

*The Department shall issue an individual permit for a regulated activity only if the activity will not destroy, jeopardize, or adversely modify a present or documented habitat for threatened and endangered species, and shall not jeopardize the continued existence of any local population of a threatened or endangered species.*

A request for information regarding the threatened and endangered species within the vicinity of the project was submitted to the NJ NHP on May 6, 2025. According to the NJ NHP response letter, dated June 3, 3025, for the Madison and Raritan Bay (onshore) Loops, potential habitat for the following threated and endangered species is mapped within or immediately adjacent to the Project: Atlantic sturgeon (migration corridor – adult sighting), shortnose sturgeon (migration corridor – adult sighting), black-crowned nigh-heron (foraging), yellow-crowned night-heron (foraging – immediate vicinity), northern harrier (breeding sighting), saltmarsh sparrow (breeding sighting), leatherback sea turtle (occupied habitat), and loggerhead sea turtle (occupied habitat) (letters included in **Appendix A**). An additional NJ NHP request for information was submitted on November 13, 2026.

Previous NJ NHP database letters for the Madison Loop, dated July 8, 2019, and May 19, 2017, indicate the presence of suitable habitat for the bald eagle (foraging and nesting habitat), the State-threatened black-crowned night-heron (foraging habitat), and the osprey (foraging and nesting habitat) within areas located to the east of Route 9 and generally in association with Cheesequake Creek and its adjacent wetlands. In January 2025, the bald eagle and osprey were removed from the state's list of endangered species. The bald eagle is reclassified as a species of concern; while the osprey is stable. Although the species are no longer listed as endangered and threatened, nests are still protected under the Bald and Golden Eagle Protection Act and/or the Federal Migratory Bird Treaty Act.

There is a documented bald eagle nest located along Cheesequake Creek; however, in an e-mail dated May 18, 2017, Mr. Kelly Davis, New Jersey Division of Fish and Wildlife, Office of Environmental Review, indicated that the project area does not extend into the 660 ft regulated nest buffer of the documented nest. A review of the New Jersey Bald Eagle Project, 2024 (NJDEP Fish & Wildlife) does not identify a bald eagle nest within the vicinity of Cheesequake Creek. Three active nests (nest #594, 603, 740) and one territorial nest (#724) north of the Madison and Raritan Bay Loop near the Raritan River. In addition, one territorial nest (#595) is located south of the project near Matawan Creek. Per guidance from Christina Albizati, NJDEP, dated April 8, 2019 (File # 0000-01-1001.3), the wetlands depicted on sheets 10, 11, 12, and 13 of Transco's Freshwater Wetland Permit Plans that are West of Gondeck Drive (~ MP11.42) are not considered exceptional resource value wetlands and do not contain suitable threatened and endangered species habitat. Impacts to wetlands and threatened and endangered species habitat will be avoided using an HDD from MP11.49 to MP11.84. Construction activities along the remaining portions of the Madison Loop not crossed by HDD will impact areas of wetland that are identified as suitable foraging habitat for bald eagle, but it is anticipated that these impacts will

be minor and/or temporary in nature and will not result in any significant, long-term, adverse impact to bald eagle or its foraging habitat.

According to the 2024 Osprey Project in New Jersey report[19] published by NJ Division of Fish and Wildlife, Endangered and Nongame Species Program, there are 45 documented osprey nests within the area known as "Raritan Bay & Bay". A crosscheck of the non-profit website, "Osprey Watch", indicates several nests are located within the vicinity of the Cheesequake State Park. Three nests (nest ID 072-A-014, 072-A-007, and Catenary L Pole) are located within 300 meters of the Project area workspace. Nest 072-A-014 is near the Madison Loop centerline from MP11.57 to MP11.85 was active in 2017, but has no data available for 2018, 2019 and 2025. The second nest near the offshore portion of the Raritan Bay Loop centerline from MP12.37 to MP12.41 was active in 2018 but has no data available in 2025. Nest Catenary L Pole is located along the Raritan Bay Loop (onshore) near Route 35 NJ Transit bridge. Nest status is unknown for 2025 but was active in 2024.

Per guidance from Christina Albizati, NJDEP, dated April 8, 2019 (File # 0000-01-1001.3), wetlands depicted on sheets 10, 11, 12, and 13 of Transco's Freshwater Wetland Permit Plans are not considered exceptional resource value wetlands and do not contain suitable threatened and endangered habitats. Impacts to wetlands and threatened and endangered species habitat will be avoided using HDD from MP11.49 to MP11.84. Additionally, Transco will not conduct work inside the 300 meters buffer of an active osprey nest from April 1 through August 31. Impacts to osprey habitat will be minor and/or temporary in nature and will not result in any significant, long-term, adverse impact to osprey or its foraging habitat.

The New Jersey Landscape Project Mapping (v3.4) identifies black-crowned night-heron foraging habitat within the Madison Loop Project area from MP11.55 to MP11.58, MP11.65 to MP11.73, MP11.76, MP11.84, and at MP12.15. The Project will impact areas of wetland that are identified as foraging habitat for black-crowned night-heron, however, the Project will not result in impacts to any mapped suitable habitat for the listed breeding population. It is anticipated that impacts to suitable foraging habitat will be minor and temporary in nature and will not represent any significant, long-term, adverse impact to black-crowned night-heron or its habitat.

The New Jersey Landscape Project Mapping (v3.4) identifies saltmarsh sparrow breeding habitat within the Madison Loop Project area from MP11.45, MP11.55 to MP11.90, MP12, and at MP12.15. The Project will impact areas of wetland that are identified as breeding habitat for saltmarsh sparrow, however, it is anticipated that impacts to suitable habitat will be minor and temporary in nature and will not represent any significant, long-term, adverse impact to saltmarsh sparrow or its habitat.

In the Madison Loop Project area, yellow-crowned night herons have been reported near Cheesequake Creek and along the Raritan Bay shoreline, which are both in the vicinity of the Project area. New Jersey Landscape Project Mapping (v3.3) identifies yellow-crowned night-heron foraging habitat approximately 0.2 mile west of the Madison Loop's southern terminus. No known nesting or foraging habitat occurs within the Madison Loop Project area; therefore, the Project is not anticipated to cause any adverse impact to yellow-crowned night-heron or its habitat.

*The Department shall require a survey and/or a habitat assessment for threatened or endangered species as part of an environmental report, as described at N.J.A.C. 7:13-18.6(b), for an individual permit for any regulated activity which is likely to do either of the following:*

1. *Disturb an area known to contain a threatened or endangered species; or*
2. *Disturb any habitat that could support a threatened or endangered species.*

As discussed above under N.J.A.C. 7:13-11.6, portions of the Project are mapped as containing habitat for State-listed endangered and threatened bird species. Suitable habitat is also present for the federally listed northern long-eared bat (threatened) and tricolored bat (threatened). It is not anticipated that proposed Project activities will result in any

19 https://conservewildlifenj.org/wp-content/uploads/2025/03/2024-NJ-Osprey-Project-Report.pdf

significant, adverse impacts to State threatened or endangered bird species, or the federally threatened northern long-eared bat.

*The Department shall restrict a regulated activity during times of the year when a threatened or endangered species is especially sensitive to disturbance, such as mating or migratory periods.*

Transco will not clear trees and shrubs from April 1 through August 31 along the Madison Loop and Raritan Bay Loop to prevent potential impacts on migratory and threatened and endangered birds. This measure will also help to protect northern long-eared bats and tricolored bats that may occur along the loops.

### 8.1 Analysis of Potential Adverse Impacts and Minimization of Impacts to Threatened or Endangered Species

As indicated, State and federal-listed threatened and endangered species habitat has been identified within the limits of disturbance for the Project. However, it is not anticipated that the Project will result in any adverse impacts to threatened or endangered species or their habitat. It is anticipated that the tree and shrub clearing timing restrictions described above will be observed to avoid potential impacts to northern long-eared bat and migratory and threatened and endangered bird species. No adverse impacts to threatened or endangered species or their habitat are anticipated from Project implementation.

## 9.0 REQUIREMENTS THAT APPLY TO ALL REGULATED ACTIVITIES (N.J.A.C. 7:13-12.1)

N.J.A.C. 7:13-12.1 sets forth design and construction standards that apply to any regulated activity proposed in any regulated area.

The Department shall issue an individual permit for a regulated activity only if it determines that the regulated activity is not likely to cause significant and adverse effects on the following:

1. *Water quality;*

Best management practices, along with SESC measures, will be utilized to minimize the potential introduction of sediment, petroleum products, and other pollutants into the adjacent environmentally sensitive areas, including regulated waters and wetlands. All equipment will be properly maintained and staged outside of regulated areas.

2. *Aquatic biota;*

Aquatic biota will not be adversely affected during the implementation of this Project. Proper soil erosion and sediment control measures, such as silt fence, turbidity curtains, and other soil erosion/sediment control techniques will prevent sediment from being transported to onsite and nearby regulated waters. Additionally, a dam and pump system will be used to provide a dry work area and to ensure a continuous flow of stream water. Please refer to N.J.A.C. 7:13-11.1(b)8 (Channels) and N.J.A.C. 7:13-11.5 (Fishery Resources) above for additional details and information.

3. *Water supply;*

Community Well Head Protection Areas have been identified by NJ GeoWeb mapping in the eastern portion of the Madison Loop from milepost 10.84 to 11.89, as presented in **Table 13**. It is anticipated that implementation of BMPs and proper measures for installation of the proposed Madison Loop pipeline will eliminate the potential for any impacts to Community Well Head Protection Areas as a result of Project construction.

**TABLE 13. WELLHEAD PROTECTION AREAS CROSSED BY PROJECT**

| ZONE / TIER | MP BEGIN | MP END | MP BEGIN | MP END | LINEAR FEET[A] | AREA IMPACTED (ACRES) | | |
|---|---|---|---|---|---|---|---|---|
| | | | | | | TEMPORARY | PERMANENT | TOTAL AREA |
| **Madison Loop** | | | | | | | | |
| 1 | 11.30 | 11.67 | N/A | N/A | 1,938 | 14.24 | 0.53 | 14.77 |
| 2 | 11.09 | 11.30 | 11.67 | 11.83 | 1,966 | | | |
| 3 | 10.84 | 11.09 | 11.83 | 11.89 | 1,659 | | | |

[a] Length of centerline crossing wellhead protection areas
Key:
MP = Milepost
N/A = Not available

Based on publicly available New Jersey Surface Water Supply spatial data files, there are three public water supply surface water intakes with source water protection areas that are within the vicinity of the Project (**Table 14**). Surface water intakes that are downstream of the Project may be susceptible to increased turbidity and contamination in the event of equipment fuel spills during the construction and post-construction restoration phases of the Project. However, implementation of best management practices and soil erosion and sediment control measures will minimize the potential for turbidity and other contaminants to impact these surface water intakes.

**TABLE 14. SOURCE WATER PROTECTION AREAS WITHIN 0.25 MILE OF THE PROJECT**

| SURFACE WATER INTAKE PWSID | OPERATOR | COUNTY | SURFACE WATER SOURCE(S) | SOURCE WATER PROTECTION AREA DISTANCE FROM PROJECT |
|---|---|---|---|---|
| 1216001 | Middlesex Water Company | Middlesex | Middle Potomac Raritan-Magothy aquifer, Upper Potomac-Raritan-Magothy aquifer | 0 feet (overlaps with Project) |
| 1219001 | Sayreville Water Department | Middlesex | Middle Potomac-Raritan-Magothy aquifer, Sayreville Lagoon, South River, Upper Potomac-Raritan-Magothy aquifer | < 0.25 miles |
| 2004002 | New Jersey American Water Company | Somerset | Millstone River, Upper Potomac-Raritan-Magothy aquifer, Raritan River, Middle Potomac-Raritan-Magothy aquifer, igneous and metamorphic rocks, glacial sand and gravel, Delaware & Raritan Canal, Brunswick aquifer, Stockton Formation | < 150 feet (overlaps with Project) |

Key:
PWSID = Public water system identification number

4. *Flooding;*

The proposed Project will not cause or exacerbate flooding within or in the immediate vicinity of the Project area. As stated in **Part III, Section 2.0** of the **Environmental Report**, construction of the Madison Loop will require the construction of one new and one modified aboveground mainline valve facility. Transco has sited these facilities outside of any regulated flood hazard areas, and these facilities will not introduce new impervious cover.

*5. Drainage*

The proposed Madison Loop pipeline, additional temporary workspace areas, and temporary access roads will not cause significant or adverse effects on drainage patterns. All disturbed areas, including channels, will be properly stabilized in accordance with the Soil Erosion and Sediment Control Plan. Following construction, all disturbed areas will be stabilized via seeding and/or by installing erosion control matting. Trenched sections of the stream channels will be restored to pre-construction grade. The slope of all channels will be restored to match pre-construction conditions but shall not exceed 2:1 slope. The channel bottom will be restored to pre-construction elevations following channel protection installation.

*6. Channel Stability*

As stated above, all disturbed sections of the channels will be properly stabilized in accordance with the Soil Erosion and Sediment Control Plan. Following construction, the banks will be stabilized via seeding and/or by installing erosion control matting. Trenched sections of the stream will be restored to pre-construction grade. The slope of the channel will be restored to match pre-construction conditions but shall not exceed 2:1 slope. Typical backfill cover requirements will be met. The channel bottom will be restored to pre-construction elevations following channel protection installation. A minimum cover of four (4) feet is to be provided below the channel invert. Please refer to Sheets 17 through 20, Construction Details, of the Madison Loop Plan Set for further details.

*7. Threatened and endangered species or their current or documented historic habitats;*

The proposed Project is not anticipated to result in any adverse impacts to threatened or endangered species or their habitat. If required, a tree clearing timing restriction of April 1 through September 30 will be observed to avoid potential impacts to Northern long-eared bat species as well as migratory, threatened, and endangered bird species. Lastly, bog turtle and swamp pink are not expected to occur in or immediately adjacent to the Project area; however, if required, further coordination with USFWS will be performed. No adverse impacts to threatened or endangered species are anticipated. Please refer to Requirements for a Regulated Activity in or Affecting a Present or Documented Habitat for Threatened or Endangered Species [N.J.A.C. 7:13-11.6] for further details.

*8. Navigation;*

Not applicable. The proposed Project will not cause an adverse effect on navigation.

*9. Energy Production; and*

Not applicable. The proposed Project will not cause an adverse effect on energy production.

*10. Fishery Resources.*

Refer to N.J.A.C. 7:13-11.5 (Fishery Resources) above for details.

*A permittee shall obtain all necessary approvals from the local Soil Conservation District or its designee prior to commencing any activity approved in an individual permit issued under this chapter.*

The applicant will obtain all necessary approvals from the Middlesex and Somerset County Soil Conservation Districts.

*A permittee shall obtain all necessary approvals from the USDA Natural Resource Conservation Service or its designee prior to commencing any activity designed or overseen by the NRCS, which is approved in an individual permit issued under this chapter.*

The proposed activities do not require approval from the USDA NRCS.

*If neither the Soil Conservation District nor the USDA Natural Resource Conservation Service has jurisdiction over an activity approved in an individual permit issued under this chapter, the permittee shall commence the activity only if the following soil erosion and sediment control standards, as specified in the Standards for Soil Erosion and Sediment Control in New Jersey at N.J.A.C. 2:90, are implemented:*

1. *Sediment control measures shall be installed around the proposed construction sufficient to prevent sediment from entering any riparian zone or channel outside the construction area;*
2. *If construction is proposed in a channel, sediment control measures, such as coffer dams, shall be installed around the activity sufficient to prevent flowing water from coming in contact with construction for the duration of the project where feasible;*
3. *All slopes shall be graded and stabilized to prevent post-construction erosion; and*
4. *Permanent, indigenous, non-invasive vegetation shall be established on all exposed soils immediately following construction. The applicant shall monitor and maintain all such vegetation for at least three growing seasons to ensure proper establishment and survival.*

As mentioned above, the proposed Project will obtain Soil Erosion and Sediment Control Plan Certification from the Middlesex and Somerset County Soil Conservation Districts. Soil erosion/sediment control measures and best management practices will be implemented and installed prior to any ground disturbance. Please refer to Permit Plans and Soil Erosion & Sediment Control Plans included with this application package for additional details.

*The Department shall issue an individual permit for a regulated activity that adversely impacts a property not owned by an applicant as set forth in (g) below, only if the applicant demonstrates that one or more of the following requirements are satisfied for each adversely impacted property…*

1. *The applicant is a public entity that intends to appropriate the adversely impacted property through its power of eminent domain;*
2. *The applicant has entered into a contract to purchase the adversely impacted property;*
3. *The applicant has obtained an easement that encompasses the entire area that will be adversely impacted by the proposed activity, which specifically allows the applicant to undertake the proposed activity; or*
4. *The applicant has obtained written permission from the owners of the adversely impacted property. Written permission shall include the following:*
    i. *An explanation of the nature and purpose of the project;*
    ii. *An estimate of the length of time regulated activities will occur;*
    iii. *An estimate of the extent to which the adversely impacted property will be affected by flooding or stormwater discharges and the frequency at which these impacts are expected to occur; and*
    iv. *The notarized signature of all owners of the adversely impacted property.*

The proposed Project is situated primarily within the Transco right-of-way; however, permanent easements and/or temporary construction easements will be obtained, as necessary, for the construction of the Madison Loop pipeline. Additionally, a permanent easement will be obtained for the construction of the access roadway and utility lines for the Compressor Station 206. A spreadsheet detailing the status of all affected landowner rights and agreements is provided in **Appendix A**

*The Department shall consider a regulated activity to adversely impact a property not owned an applicant if the activity meets one or more of the following (g1 through g5).*

As stated above, the proposed Project is situated primarily within the Transco right-of-way; however, permanent easements and/or temporary construction easements will be obtained, as necessary, for the construction of the Madison Loop pipeline. Additionally, a permanent easement will be obtained for the construction of the access roadway and utility lines for the Compressor Station 206.

*If a project results in a significant change in the cross-sectional area and/or hydraulic capacity of a channel or floodway, the Department shall presume that the project has the potential to adversely impact a property not owned by the applicant, as described at (g) above. In such a case, the Department shall require the applicant to provide hydrologic and/or hydraulic calculations that identify the properties that would be*

*adversely impacted, or which demonstrate that such impacts will not in fact occur. Examples of projects that may require such an analysis include a channel modification, flood control project, the construction or removal of a water control structure and the placement of a significant volume of fill in a floodway.*

The proposed Project will not result in a significant change in the cross-sectional area and/or hydraulic capacity of any channels or floodways of waterbodies within the Madison Loop portion of the Project. No fill or aboveground structures are proposed within flood hazard areas. Channel bottoms will be restored to pre-construction elevations following channel protection installation and the slope of the channel will be restored to match pre-construction conditions, but shall not exceed 2:1 slope.

*Where this chapter requires consideration of potential offsite flooding impacts, the following flood events shall be analyzed:*

1. *The flood hazard area design flood;*
2. *The 100-year flood;*
3. *The 50-year flood;*
4. *The 25-year flood;*
5. *The 10-year flood; and*
6. *The two-year flood.*

The Madison Loop portion of the Project will not result in any changes to the flood hazard area design flood and floodways, both onsite and offsite. No fill or aboveground structures are proposed as part of the Madison Loop pipeline Project.

## 10.0 REQUIREMENTS FOR STORMWATER MANAGEMENT (N.J.A.C. 7:13-12.2)

*The Department shall issue an individual permit for a regulated activity associated with a major development only if the requirements of the Stormwater Management rules at N.J.A.C. 7:8 are satisfied.*

The Madison Loop is classified as "major development" under the Stormwater Management Rules. Activities related to construction of the Madison Loop will not result in the introduction of new impervious surfaces. Linear development projects, including construction of an underground utility line provided disturbed areas are revegetated upon completion are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements pursuant to N.J.A.C. 7:8-5.2(d).

As proposed, all areas impacted for construction of the proposed pipeline will be returned to existing grade and will be stabilized and/or restored in accordance with soil erosion and sediment control measures and/or a restoration plan prepared for the project. Other than implementation of soil erosion and sediment control measures, no additional stormwater management are proposed for installation of the Madison Loop. The proposed Project is in compliance with the Stormwater Management Rules.

*The Department shall issue an individual permit for a stormwater management basin located within or discharging within a flood hazard area only if the following requirements are satisfied.*

No stormwater basins are proposed as part of the Madison Loop portion of the Project. An infiltration basin is proposed on the eastern portion of the Compressor Station 206 site. This basin is not located within, nor will it discharge to any regulated flood hazard area.

## 11.0 REQUIREMENTS FOR EXCAVATION, FILL AND GRADING ACTIVITIES (N.J.A.C. 7:13-12.3)

This section sets forth specific design and construction standards that apply to any excavation, fill and/or grading proposed in any regulated area.

*The Department shall issue an individual permit for excavation, fill and/or grading only if the following requirements are satisfied:*

1. *The overland flow of stormwater is not impeded and floodwaters can freely enter and exit the disturbed area, unless the area is graded to impound water for a stormwater management structure that meets the requirements of the Stormwater Management rules at N.J.A.C. 7:8;*

The proposed Madison Loop pipeline Project will not impede the overland flow of stormwater or floodwaters. Activities for the Madison Loop do not propose the discharge of any fill or dredge materials and all activity areas will be returned to pre-construction grade and stabilized and restored after installation of the loop pipelines.

2. *Any slope of greater than 50 percent (a ratio of two horizontal to one vertical) is stabilized using soil bioengineering, retaining walls, rip-rap or other appropriate slope protection;*

All slopes will be less than 50 percent (2:1). All disturbed areas, including slopes, will be properly stabilized following construction.

3. *The excavation, fill and/or grading does not endanger the integrity of any existing structure; and*

Any excavation and grading proposed as part of this Project will not endanger the integrity of any existing structure.

4. *All excavated material is disposed of lawfully.*

Excavated material will be both reused and disposed of offsite. Any and all excess or undesirable material will be disposed of by the contractor in accordance with applicable State and Federal regulations.

## 12.0 REQUIREMENTS FOR A UTILITY LINE (N.J.A.C. 7:13-12.8)

N.J.A.C. 7:13-12.8 sets forth specific design and construction standards that apply to any utility line proposed in any regulated area. In particular, N.J.A.C. 7:13-12.8 (b) states:

*The Department shall issue an individual permit to construct or reconstruct a utility line in a regulated area only if the following requirements are satisfied:*

1. *All disturbed areas in the flood hazard area are restored to pre-construction topography;*

Portions of the proposed Madison Loop pipeline Project is situated within regulated flood hazard areas. The proposed pipeline Project will not impede the flow of floodwaters and all areas will be returned to pre-construction grade, stabilized and restored following construction.

2. *The applicant provides an engineering certification confirming that any utility line that conveys a gas or liquid is sealed to ensure that there will be no leakage or discharge in a regulated area; and*

The proposed Madison Loop pipeline will convey natural gas and will be designed and constructed in accordance with USDOT safety standards.

3. *Except in the immediate vicinity of a crossing of a regulated water, the utility line shall not be constructed within 10 feet of any top of bank, unless the project lies adjacent to a lawfully-existing bulkhead, retaining wall, or revetment along a tidal water.*

With the exception to stream crossings, the proposed pipeline will be constructed at least 10 feet from top of bank. Where crossing of a regulated water is required, the pipeline will be buried to a depth of at least four (4) feet below the channel invert and will remain horizontal until 10-feet beyond top of bank or twice the height of the stream, whichever is greater. Please refer to Sheets 17 through 20, Construction Details, of the Madison Loop Plan Set for further details.

*The Department shall issue an individual permit to construct or reconstruct a utility line across or under a channel or water only if the following requirements are satisfied, as applicable:*

1. *The applicant demonstrates that it is not feasible to directionally drill or "jack" the proposed utility line under the channel or water under permit-by-rule 36 at N.J.A.C. 7:13-7.36;*

2. *The applicant demonstrates that it is not feasible to construct the utility line within a roadway that already crosses the channel or water under permit-by-rule 37 at N.J.A.C. 7:13-7.37;*

3. *The applicant demonstrates that it is not feasible to attach the utility line to a bridge that already crosses the channel or water under permit-by-rule 38 at N.J.A.C. 7:13-7.38;*

4. *The excavation of an open trench across a channel or water resulting in contact with flowing water is avoided. If the excavation of an open trench is unavoidable, the following requirements shall be met;*

   i. *Any trench in a channel, water, or riparian zone, is no more than 20 feet wide, unless the applicant demonstrates that such a width is not feasible and a wider trench is necessary for safe construction;*

   ii. *The trench is backfilled to the pre-excavation ground elevation using native substrate upon completion of the crossing;*

Transco will cross three channels (WW-T01-001, WW-T01-002, and WW-T01-004) via open-cut installation methods. Any trench in a channel, water, or riparian zone will be no more than 20-feet wide and all trenches will be backfilled to pre-construction ground elevations using native substrates upon completion of the crossing. Transco will cross waterbodies with flowing water present at the time of construction using dry-ditch methods. In a "dry-ditch crossing" a steel plate or sandbag dam is installed upstream and downstream of the area to be excavated and water accumulated on the upstream side of the isolation barrier is pumped to the downstream side of the isolation barrier, thus creating a bypass of the stream flow while excavation operations are taking place.

As a result of NJDEP's review of Transco's initial permit application for the Project, Transco evaluated a conventional boring installation across stream WW-T01-001 and stream WW-T01-002/wetland W-T01-003C-1 and found that utilizing conventional boring installation methods would extend the duration of impact and also increase the overall impacts at stream WW-T01-001 and stream WW-T01-002/wetland W-T01-003C-1. NJDEP requested that Transco also evaluate the jack and bore or HDD crossing method at WW-T01-004. An open-cut installation of stream WW-T01-004 is necessary in order to remove a segment of existing Transco pipeline that has been temporarily abandoned as part of Transco's Lower New York Bay Expansion Project. Because a segment of existing Transco pipeline is proposed to be removed at this location, Transco did not assess a conventional bore for stream WW-T01-004 and proposes to utilize the "dry-crossing" methodology described above.

See **Part III, Section 8.1**, response to comments D and H, of the **Environmental Report** for Transco's full response to NJDEP's request that Transco evaluate the boring method at these locations.

Additionally, given the impact reduction associated with the co-location of the Madison Loop with Transco's existing pipeline facilities, it is not feasible locate the pipeline within a road or attach it to a bridge.

5. *A utility line that conveys a gas or liquid is protected in one of the following ways:*

   i. *It is covered by at least four feet of stable material consisting of native substrate in the channel or water;*

   ii. *It is encased in six inches of concrete and covered by at least three feet of stable material consisting of native substrate in the channel or water;*

   iii. *It is encased within a steel sleeve, or protected above by a 0.25-inch thick stainless steel plate, and covered by at least three feet of stable material consisting of native substrate in the channel or water;*

   iv. *If the applicant demonstrates that it is not feasible to provide at least three feet of coverage beneath the channel or water, and that there is no feasible alternative location for crossing the channel or water where at least three feet of coverage is provided, the utility line is either:*

      1. *Covered by as much stable material consisting of native substrate in the channel or water as feasible, and encased within a steel sleeve; or*

2. *Covered by as much stable material consisting of native substrate in the channel or water as feasible, protected above by a 0.25-inch thick stainless steel plate, and encased with six inches of concrete around the sides and bottom;*

The proposed pipeline loops will convey natural gas. Where the proposed pipeline crosses a channel, it will be covered by at least four (4) feet of stable material consisting of native substrate in the channel.

6. *A utility line that does not convey a gas or liquid is covered by at least three feet of stable material consisting of native substrate in the channel or water, where is feasible; and*

The proposed Madison Loop pipeline will convey natural gas. Where crossing of a regulated water is required, the pipeline will be buried to a depth of at least four (4) feet below the channel invert and will remain horizontal until 10-feet beyond top of bank or twice the height of the stream, whichever is greater. Please refer to Sheets 17 through 20, Construction Details, of the Madison Loop Plan Set for further details.

7. *The following requirements are satisfied for each utility line that crosses a channel or water, unless the applicant demonstrates that one or more of these requirements is not feasible or that another configuration would pose less risk to life, property and the environment;*

   i. *Each utility line is placed nominally horizontal under the entire channel or water, and remains so beyond each bank for a distance equal to twice the height of the bank, or 10 feet, whichever is greater. If there is no discernible bank, the utility line shall remain nominally horizontal for at least 10 feet beyond the normal edge of water;*

   ii. *The inclined portion of each utility line approaching the channel or water has a slope no greater than 50 percent (a ratio of two horizontal to one vertical); and*

   iii. *Encasement extends under the entire channel or water and 10 feet beyond each top of bank. If there is no discernible bank, the utility line shall be encased for at least 10 feet beyond the normal edge of water.*

Please refer to the Flood Hazard Area Permit Plans for details regarding compliance with these standards.

## 13.0 CONTACT INFORMATION FOR ENGINEER OF RECORD

### FLOOD HAZARD AREA VERIFICATION (COMPRESSOR STATION) AND STREAM CROSSING (MADISON LOOP)

| | |
|---|---|
| **Engineer of Contact:** | Jason Schooling, P.E. |
| **Firm:** | Paulus, Sokolowski and Sartor, LLC<br>Consulting Engineers and Environmental Planners |
| **Address:** | 1450 Route 34<br>Wall, NJ 07727 |
| **Telephone Number:** | 732-562-9700 |

### STORMWATER MANAGEMENT REPORT (COMPRESSOR STATION)

| | |
|---|---|
| **Engineer of Contact:** | Kevin McKeon, P.E. |
| **Firm:** | AECOM |
| **Address:** | 625 West Ridge Pike<br>Conshohocken, PA 19428 |
| **Telephone Number:** | 610.832.8832 |

# Part V. Compliance with the Stormwater Management Rules

Both the Madison Loop and Compressor Station 206 portions of the project are classified as "major development" under the Stormwater Management Rules. Activities related to construction of the Madison Loop will not result in any physical improvements or the introduction of new impervious surfaces. Linear development projects, including construction of an underground utility line provided disturbed areas are revegetated upon completion are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements pursuant to N.J.A.C. 7:8-5.2(d). As proposed, all areas impacted for construction of the proposed pipeline will be returned to existing grade and will be stabilized and or restored in accordance with soil erosion and sediment control measures and/or a restoration plan prepared for the project. Other than implementation of soil erosion and sediment control measures, no additional stormwater management are proposed for installation of the Madison Loop.

Measures to address stormwater management for Compressor Station 206 have been developed and are outlined in the Stormwater Management Report prepared by AECOM, dated November 2026 and included with this application submission (**Appendix E).** The proposed Project is in compliance with the Stormwater Management Rules.

# Part VI. Compliance with Water Quality Requirements

The NJDEP DLRP is responsible for implementing the Section 401 Water Quality Certification (WQC) program under the federal Clean Water Act. Projects requiring a federal permit or license for the discharge of dredged or fill material into SOWs and/or wetlands require a WQC from the state. The purpose of the WQC is to ensure that all federal permit activities are consistent with the New Jersey Surface Water Quality Standards (N.J.A.C. 7:9B-1.1 et seq.) and NJDEP rules related to water quality management, including the NJDEP Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A et seq.).

This Project requires a Federal Clean Water Act permit and therefore, will require issuance of a NJDEP DLRP WQC. The application includes a request for a WQC.

To facilitate NJDEP review of the Project's consistency with New Jersey Surface Water Quality Standards and Coastal Zone Management Rules, the table below presents a summary of the most relevant sediment transport modeling scenarios for offshore Project areas in New Jersey, organized by construction method and milepost(s) (**Table 15, Select Summary of Sediment Transport Simulation Results and Compliance Monitoring Considerations**). The table presents input parameters for each scenario and maximum distances at which a TSS concentration of 50 mg/L (above ambient) was predicted. Considering this information, the table summarizes the rationale for Transco's proposed compliance station locations (i.e., distance from work activity) and compliance thresholds for turbidity.

## TABLE 15. SELECT SUMMARY OF SEDIMENT TRANSPORT SIMULATION RESULTS AND COMPLIANCE MONITORING CONSIDERATIONS

| Location (MP and State)[a] | Modeling Report | Scenario | Construction Activity | Phase | Equipment Type | Production Rate ($ft^3$/hr) | Duration of Modeled Activity (hrs) | Equipment Sediment Loss (%)[b] | Total Volume Released ($yd^3$) | Time For TSS to Return to Ambient (hrs) | Max Distance of TSS Exceeding Ambient by 50 mg/L (ft) | Average Rate (ft/hour) | Duration per 500-ft segment (hrs) | Proposed New Jersey Compliance Distance and Turbidity Threshold[c] | Rationale |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Excavation/Dredging/Trenching Activities** | | | | | | | | | | | | | | | |
| (i) MP12.50 (ii)~1,200 ft north of MP12.32 NJ | Addendum 2 | Scenario B-4 | Excavation activities at Morgan Shore (0.5% loss) | -- | Clamshell (Environmental Bucket w/ no scow overflow) | 11,250 | 24.9 | 0.5 | 52 | 0.4 | 328 | N/A (Stationary) | N/A (Stationary) | 500 ft / 30 NTU (Class SE) | 500 ft is a typical minimum safe operating distance for monitoring near a clamshell dredge. Observing a uniform compliance distance of 500 ft for all clamshell dredging will limit effects to a small area around the dredge, and the cumulative duration of this scenario activity is short (~1 day). Modeling results indicate TSS concentrations of 50 mg/L would not extend more than 500 ft from the dredge location. Based on the range of TSS-turbidity correlation ratios presented in literature, 50 mg/L is expected to be roughly equivalent to 30 NTUs in this area considering sediment type (i.e., higher percentage of silt/clay sediments). |
| MP12.50 - MP16.60 NJ/NY | Addendum 2 | Scenario B-2 | Pre-lay trenching between Morgan HDD pit and the Midline tie-in (0.5% loss) | -- | Clamshell (Environmental Bucket w/ no scow overflow) | 11,250 | 422.3 | 0.5 | 878 | 0.4 | 262 | 51.3 | 9.8 | 500 ft / 30 NTU (Class SE) | 500 ft is a typical minimum safe operating distance for monitoring near a clamshell dredge. Observing a uniform compliance distance of 500 ft for all clamshell dredging will limit effects to a small area around the dredge, and the average duration of dredging within each 500-ft section of this modeled segment is short (~10 hrs). Modeling results indicate TSS concentrations of 50 mg/L would not extend more than 500 ft from the dredge location. Based on the range of TSS-turbidity correlation ratios presented in literature, 50 mg/L is expected to be roughly equivalent to 30 NTUs in this area considering sediment type (i.e., higher percentage of silt/clay sediments). |
| MP 13.88 NJ | Base Case | Scenario 3 | Jetting at the Neptune Cable crossing point in Raritan Bay | -- | Hand Jet | 360 | 149.2 | 100 | 1,989 | 3.35 | 2,592 | N/A (Stationary) | N/A (Stationary) | 2,500 ft / 30 NTU (Class SE) | Modeled TSS concentrations of 50 mg/L extend up to 2,592 ft from the hand-jetting location, such that a compliance distance of 2,500 is warranted. However, the modeling assumptions are somewhat conservative, e.g., hand-jetting activity will not occur continuously for the full duration noted in the scenario. Therefore Transco does not expect any turbidity exceedances at the proposed compliance distance. The cumulative duration of hand-jetting is relatively short (less than 1 week). Based on the range of TSS-turbidity correlation ratios presented in literature, 50 mg/L is expected to be roughly equivalent to 30 NTUs in this area considering sediment type (i.e., higher percentage of silt/clay sediments). |

| Location (MP and State)[a] | Modeling Report | Scenario | Construction Activity | Phase | Equipment Type | Production Rate ($ft^3$/hr) | Duration of Modeled Activity (hrs) | Equipment Sediment Loss (%)[b] | Total Volume Released ($yd^3$) | Time For TSS to Return to Ambient (hrs) | Max Distance of TSS Exceeding Ambient by 50 mg/L (ft) | Average Rate (ft/hour) | Duration per 500-ft segment (hrs) | Proposed New Jersey Compliance Distance and Turbidity Threshold[c] | Rationale |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| MP25.20 - MP29.52<br>NY/NJ | Base Case | Scenario 6 | Post-lay trenching between Curve 4 and Ambrose Channel (two passes) | Pass 1 (W to E) | Jet Trencher | 29,135 | 34.8 | 5 | 1,879 | 1.35 | 410 | 655.4 | 0.8 | 2,500 ft / 10 NTU (Class SC) | Modeled TSS concentrations of 50 mg/L extend up to 410 ft from the jet trencher location within this segment. Based on the range of TSS-turbidity correlation ratios presented in literature, 50 mg/L is expected to be roughly equivalent to 10 NTUs in this area considering sediment type (i.e., lower percentage of silt/clay sediments), but the actual turbidity value may be higher, such that a compliance distance of 2,500 ft is proposed, in part to be consistent with the proposed compliance distance for jet trenching from MP30.40 to MP35.19. However, the average duration of trenching within each 500-ft section of this modeled segment is very short (less than1 hour), limiting potential impacts at any given location near the work area. |
| | | | | Pass 2 (E to W) | Jet Trencher | 29,135 | 34.8 | 5 | 1,879 | | | 655.4 | 0.8 | | |
| MP29.52<br>NJ | Addendum 2 | Scenario B-7 | Excavation of Ambrose Channel HDD pit (West) (2.5% loss) | -- | Clamshell (Environmental Bucket w/ scow overflow) | 11,250 | 33.7 | 2.5 | 351 | 1.1 | 443 | N/A (Stationary) | N/A (Stationary) | 500 ft / 10 NTU (Class SC) | 500 ft is a typical minimum safe operating distance for monitoring near a clamshell dredge. Observing a uniform compliance distance of 500 ft for all clamshell dredging will limit effects to a small area around the dredge, and the cumulative duration of this scenario activity is short (less than 2 days). Modeling results indicate TSS concentrations of 50 mg/L would not extend more than 500 ft from the dredge location. Based on the range of TSS-turbidity correlation ratios presented in literature, 50 mg/L is expected to be roughly equivalent to 10 NTUs in this area considering sediment type (i.e., lower percentage of silt/clay sediments), but the actual turbidity value may be higher. This scenario contemplates "scow overflow", but no overflow (i.e., spillage) is currently proposed; rather, Transco will dewater scows after a minimum NJDEP-approved holding period. |
| MP30.40<br>NJ | Addendum 2 | Scenario B-9 | Excavation at the Ambrose HDD pit (East) and Ambrose Channel tie-in (2.5% loss) | -- | Clamshell (Environmental Bucket w/ scow overflow) | 11,250 | 83.5 | 2.5 | 869 | 0 | 0 | N/A (Stationary) | N/A (Stationary) | 500 ft / 10 NTU (Class SC) | 500 ft is a typical minimum safe operating distance for monitoring near a clamshell dredge. Observing a uniform compliance distance of 500 ft for all clamshell dredging will limit effects to a small area around the dredge, and the cumulative duration of this scenario activity is short (~1 week). Modeling results indicate TSS concentrations of 50 mg/L would not extend more than 500 ft from the dredge location. Based on the range of TSS-turbidity correlation ratios presented in literature, 50 mg/L is expected to be roughly equivalent to 10 NTUs in this area considering sediment type (i.e., lower percentage of silt/clay sediments), but the actual turbidity value may be higher. This scenario contemplates "scow overflow", but no overflow (i.e., spillage) is currently proposed; rather, Transco will dewater scows after a minimum NJDEP-approved holding period. |

| Location (MP and State)[a] | Modeling Report | Scenario | Construction Activity | Phase | Equipment Type | Production Rate ($ft^3$/hr) | Duration of Modeled Activity (hrs) | Equipment Sediment Loss (%)[b] | Total Volume Released ($yd^3$) | Time For TSS to Return to Ambient (hrs) | Max Distance of TSS Exceeding Ambient by 50 mg/L (ft) | Average Rate (ft/hour) | Duration per 500-ft segment (hrs) | Proposed New Jersey Compliance Distance and Turbidity Threshold[c] | Rationale |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| MP30.40 - MP35.19<br>NY/NJ | Base Case | Scenario 7 | Post-lay trenching between Ambrose Channel and Neptune Crossing 35 (two passes) | Pass 1 (W to E) | Jet Trencher | 29,135 | 38.5 | 5 | 2,075 | 5.71 | 2,346 | 656.9 | 0.8 | 2,500 / 10 NTU (Class SC) | Modeled TSS concentrations of 50 mg/L extend up to 2,346 ft from the jet trencher location within this segment. Based on the range of TSS-turbidity correlation ratios presented in literature, 50 mg/L is expected to be roughly equivalent to 10 NTUs in this area considering sediment type (i.e., lower percentage of silt/clay sediments), but may be slightly higher, such that a compliance distance of 2,500 ft is warranted. However, the average duration of trenching within each 500-ft section of this modeled segment is very short (less than1 hour), limiting potential impacts at any given location near the work area. |
| | | | | Pass 2 (E to W) | Jet Trencher | 29,135 | 38.5 | 5 | 2,075 | | | 656.9 | 0.8 | | |
| **Backfilling Activities** | | | | | | | | | | | | | | | |
| (i) MP12.50 (ii)~1,200 ft north of MP12.30<br>NJ | Addendum 1 | Scenario A-4 | Backfilling of (i) Morgan Shore HDD pit and (ii) anode sled burial area | -- | Clamshell | 11,250 | 31.7 | 100 | 13,205 | 2 | 1,362 | N/A (Stationary) | N/A (Stationary) | 2,500 / 30 NTU (Class SE) | Modeled TSS concentrations of 50 mg/L extend up to 1,362 ft from the backfilling location within this segment. Based on the range of TSS-turbidity correlation ratios presented in literature, 50 mg/L is expected to be between 10 NTUs and 30 NTUs for the proposed clean, sandy backfill material. A compliance distance of 2,500 ft is proposed, in part to be consistent with the proposed compliance distance for other backfilling sites and considering the short duration of backfilling at this location (less than 2 days), which will limit potential impacts near the work area. |
| MP12.50 to MP16.60<br>NJ/NY | Addendum 3 | Scenario C-11 | Backfill of trench between Morgan HDD exit and the Midline tie-in @ 4,800 $ft^3$/hr | -- | Clamshell | 4,800 | 1,235 | 100 | 219,591 | 1.1 | 1,460 | 17.5 | 28.5 | 2,500 / 30 NTU (Class SE) | Modeled TSS concentrations of 50 mg/L extend up to 1,460 ft from the backfilling location within this segment. Based on the range of TSS-turbidity correlation ratios presented in literature, 50 mg/L is expected to be between 10 NTUs and 30 NTUs for the proposed clean, sandy backfill material. A compliance distance of 2,500 ft is proposed, in part to be consistent with the proposed compliance distance for other backfilling sites and considering the average duration of trenching within each 500-ft section of this modeled segment is short (less than1 day), limiting potential impacts at any given location near the work area. |
| MP13.88<br>NJ | Addendum 1 | Scenario A-6 | Backfilling of the Neptune Cable crossing point in Raritan Bay | -- | Clamshell | 11,250 | 5 | 100 | 2,095 | 3.5 | 1,903 | N/A (Stationary) | N/A (Stationary) | 2,500 / 30 NTU (Class SE) | Modeled TSS concentrations of 50 mg/L extend up to 1,903 ft from the backfilling location within this segment. Based on the range of TSS-turbidity correlation ratios presented in literature, 50 mg/L is expected to be between 10 NTUs and 30 NTUs for the proposed clean, sandy backfill material. A compliance distance of 2,500 ft is proposed, in part to be consistent with the proposed compliance distance for other backfilling sites and considering the very short duration of backfilling at this location (~5 hours), which will limit potential impacts near the work area.. |

| Location (MP and State)[a] | Modeling Report | Scenario | Construction Activity | Phase | Equipment Type | Production Rate ($ft^3$/hr) | Duration of Modeled Activity (hrs) | Equipment Sediment Loss (%)[b] | Total Volume Released ($yd^3$) | Time For TSS to Return to Ambient (hrs) | Max Distance of TSS Exceeding Ambient by 50 mg/L (ft) | Average Rate (ft/hour) | Duration per 500-ft segment (hrs) | Proposed New Jersey Compliance Distance and Turbidity Threshold[c] | Rationale |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| MP29.52 NJ | Addendum 2 | Scenario B-22 | Backfilling of Ambrose Channel HDD Pit (West) | -- | Clamshell | 7,500 | 63.2 | 100 | 17,563 | 1.3 | 1,788 | N/A (Stationary) | N/A (Stationary) | 2,500 / 10 NTU (Class SC) | Modeled TSS concentrations of 50 mg/L extend up to 1,788 ft from the backfilling location within this segment. Based on the range of TSS-turbidity correlation ratios presented in literature, 50 mg/L is expected to be between 10 NTUs and 30 NTUs for the proposed clean, sandy backfill material. A compliance distance of 2,500 ft is proposed, in part to be consistent with the proposed compliance distance for other backfilling sites and considering the short duration of backfilling at this location (less than 3 days), which will limit potential impacts near the work area.. |
| MP30.40 NJ | Addendum 3 | Scenario C-13 | Backfill of Ambrose HDD Pit (East) and tie-in @ 4,800 $ft^3$/hr | -- | Clamshell | 4,800 | 228.2 | 100 | 40,563 | 0.4 | 5,299 | N/A (Stationary) | N/A (Stationary) | 2,500 / 10 NTU (Class SC) | Modeled TSS concentrations of 50 mg/L extend up to 5,299 ft from the backfilling location within this segment; however, modeling indicates that the maximum distance would be 2,247 feet or less for approximately 99.9% of the time. Based on the range of TSS-turbidity correlation ratios presented in literature, 50 mg/L is expected to be between 10 NTUs and 30 NTUs for the proposed clean, sandy backfill material. Therefore, a compliance distance of 2,500 ft is warranted. |

**NOTES:**

[a] The mileposts presented are associated with the range for the given modeling scenario; certain scenarios extend across both New Jersey and New York waters.

[b] A 100% equipment loss value corresponds to the assumption that all the material is released into the water column.

[c] The compliance threshold is proposed to be the greater of (a) the stated turbidity standard or (b) 50% above the turbidity levels measured at the background station.

Key:
cm = centimeters
ft = feet
$ft^3$/hr = cubic feet per hour
$ft^3$ = cubic feet
HDD = horizontal directional drill
hr = hours
in = inches
mg/L = milligrams per liter
MP = milepost
NJ = New Jersey
NY = New York
RDL = Rockaway Delivery Lateral
TBD = To be determined
$yd^3$ = cubic yards